

MARCH 19, 1980

OLYMPIA, WASHINGTON

ISSUE 80-03



IN THIS ISSUE

Agriculture, Department of
Apprenticeship and Training Council
Bellevue Community College
Blind, Commission for the
Centralia Community College
Columbia Basin Community College
Dental Examiners, Board of
Ecological Commission
Ecology, Department of
Employment and Training Council
Equipment, Commission on
Evergreen State College, The
Financial Management, Office of
Fisheries, Department of
Forest Practices Board
Gambling Commission
Game, Department of
Governor, Office of
Grays Harbor Community College
Health, Board of
Horse Racing Commission
Hospital Commission
Insurance Commissioner
Jail Commission

Labor and Industries, Department of
Landscape Architects, Board of Registration for
Liquor Control Board
Natural Resources, Department of
Noxious Weed Control Board
Olympia Technical Community College
Personnel, Department of
Pharmacy, Board of
Pilotage Commissioners, Board of
Planning and Community Affairs Agency
Public Disclosure Commission
Public Instruction, Superintendent of
Revenue, Department of
Secretary of State
Skagit Valley College
Social and Health Services, Department of
State Employees Insurance Board
Transportation, Department of
University of Washington
Veterinary Board of Governors
Washington State University
Wenatchee Valley College
Yakima Valley College

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than March 5, 1980

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

A copy of each document filed with the Code Reviser pursuant to chapter 28B.19 RCW or 34.04 RCW is available for public inspection during normal office hours. The Code Reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(USPS 421-530) is published monthly by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$50 per year, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

Changes of address notices, subscription orders, and undelivered copies should be sent to:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

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

Robert L. Charette,
Chairman, Statute Law Committee

Dennis W. Cooper,
Code Reviser

Gary Reid,
*Assistant Code Reviser
For WAC and WSR*

GayLynne Marelius
Editor

Dave Asselstine,
Subscriptions

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.

1980
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
80-01	Jan 16	Feb 5	Jan 2, 1980	Dec 19, 1979	Dec 5, 1979
80-02	Feb 20	Mar 11	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
80-07	Jul 16	Aug 5	Jul 2	Jun 18	Jun 4
80-08	Aug 20	Sep 9	Aug 6	Jul 23	Jul 9
80-09	Sep 17	Oct 7	Sep 3	Aug 20	Aug 6
80-10	Oct 15	Nov 4	Oct 1	Sep 17	Sep 3
80-11	Nov 19	Dec 9	Nov 5	Oct 22	Oct 8
80-12	Dec 17	Jan 6, 1981	Dec 3	Nov 19	Nov 5

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

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

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

WSR 80-03-001
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)
 [Filed February 7, 1980]

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 sale of second class shorelands;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, March 4, 1980, in the Office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-11-151 filed with the code reviser's office on November 7, 1979.

Dated: February 7, 1980

By: Bert L. Cole

Commissioner of Public Lands

Secretary, Board of Natural Resources

WSR 80-03-002
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)
 [Filed February 8, 1980]

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;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, March 4, 1980, 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.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-10-071, 79-11-137 and 80-02-015 filed with the code reviser's office on September 19, 1979, November 7, 1979 and January 8, 1980.

Dated: February 7, 1980

By: Bert L. Cole

Commissioner of Public Lands

Secretary, Board of Natural Resources

WSR 80-03-003
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed February 8, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning inheritance tax, adopting new chapter 458-57 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, February 21, 1980, in the Director's office, 415 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 82.01.060 and 83.36.005.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-01-116 filed with the code reviser's office on January 2, 1980.

Dated: February 8, 1980

By: Donald R. Burrows

Deputy Director

WSR 80-03-004
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Apprenticeship and Training Council)
 [Order 80-2—Filed February 8, 1980]

Be it resolved by the Washington State Apprenticeship and Training Council acting at Spokane, Washington, that it does promulgate and adopt the annexed rules relating to WAC 296-04-005, Apprenticeship and training agreements—Proposed standards, amending the reference to the appeal procedure. WAC 296-04-015, Definitions, to clarify the definition of a plant program. WAC 296-04-050, Plant program defined, lowering the minimum term of apprenticeship to 2,000 hours. WAC 296-04-270, Apprenticeship agreements—Types—Standards—Registration, review, cancellation, re-registration—Certificate of completion, to delete an ambiguous reference to apprenticeship agreements and to incorporate a statement regarding wage progression schedules when no collective bargaining agreement exists. WAC 296-04-295, Complaint review procedure, incorporating a 30-day time limitation on reconsideration hearings and repealing WAC 296-04-490.

This action is taken pursuant to Notice No. WSR 79-12-093 filed with the code reviser on 12/4/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.04.010 which directs that the Washington State Apprenticeship and Training Council has authority to implement the provisions of Washington State Apprenticeship Act, chapter 49.04 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 January 17, 1980.

By Lloyd Wilson
Chairman

AMENDATORY SECTION (Amending Order No. 71-3, filed March 25, 1971)

WAC 296-04-005 APPRENTICESHIP AND TRAINING AGREEMENTS—PROPOSED STANDARDS. The Washington State Apprenticeship and Training Council is the body responsible for matters concerning apprenticeship and training in the State of Washington. The principal function of the Council is to approve and register apprenticeship and training agreements. Persons or organizations desiring to institute an apprenticeship or training program must first prepare proposed standards which conform to these rules and to RCW 49.04.050. The standards must also include the composition of and general rules for the committee which will administer the program. The supervisor, or Washington State apprenticeship coordinators, are available to give assistance in this task.

These standards, which will be either a plant program or committee program as defined herein, must then be presented to the supervisor at least 30 days before the ~~((business))~~ regular meeting at which the Council will be requested to consider such proposed standards. The standards proposed will then be discussed by the Council and approved, disapproved, or approved subject to enumerated changes. Minor changes may be made at the Council meeting if authorized representatives of all concerned are present and authorized to accept changes.

The committee thus set up then begins functioning. Its duties are to run the day to day operations of the apprenticeship and training program. It is charged with operating the program in accordance with the standards as approved by the Council. It is charged with accepting or rejecting applicants for apprenticeship or training, registering accepted applicants as apprentices or trainees with the Supervisor of Apprenticeship and Training, removing apprentices or trainees from the program in accordance with the standards and informing the supervisor of any matters which affect the standing of individuals as apprentices or trainees. Persons not registered with the supervisor ~~((or))~~ as apprentices or trainees cannot be recognized as apprentices or trainees by the Council.

The supervisor and his staff may be consulted on any matters concerning apprenticeship and training, and they will provide any information concerning apprenticeship training which is available to them. ~~((The))~~ They are also required to investigate any discrepancies between the actual and required operation of any program and conduct systematic reviews of the operation of all programs. The supervisor may recommend cancellation of any program which is not operated in accordance with its approved standards after notice of violation is

given in accordance with the provisions of WAC 296-04-270(3).

~~((Any person, firm, committee, agency, or other body, aggrieved by a decision of the supervisor or of any committee may appeal that decision to the Council in accordance with the provisions of WAC 296-04-290.))~~ The supervisor and the Council will act to assist in the resolution of any complaints against local committees, or other organizations administering apprenticeship agreements, by any apprentices who have completed their probationary period, as provided in WAC 296-04-295.

AMENDATORY SECTION (Amending Order No. 76-4, filed February 20, 1976)

WAC 296-04-015 DEFINITIONS. Whenever in these rules and regulations, the following words shall have these meanings:

(1) "Council" shall mean the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.

(2) The words "apprenticeship committee" shall mean a state or local Joint Apprenticeship Committee established pursuant to RCW 49.04.040 and/or a committee administering a plant program.

(3) The words "~~((business))~~ regular meeting" shall mean a public meeting of the Council as described in WAC 296-04-040(1).

(4) The term "special meeting" shall mean a public meeting of the Council as described in WAC 296-04-040(2).

(5) The word "supervisor" shall mean the Supervisor of Apprenticeship and Training appointed pursuant to RCW 49.04.030.

(6) The term "agreement" shall mean an apprenticeship agreement and/or training agreement.

(7) The term "plant program" ~~((shall mean an apprenticeship agreement))~~ is defined in ((WAC 296-04-270(1)(b))) WAC 296-04-050.

(8) The term "individual agreement" shall mean a written agreement between an apprentice and/or trainee and either his employer or an apprenticeship committee acting as agent for the employer.

(9) The term "committee program" shall mean an apprenticeship agreement described in WAC 296-04-270(1)(a).

(10) The term "on-the-job training program" shall mean a program described in WAC 296-04-280.

(11) The term "trainee" shall mean a person registered with the supervisor pursuant to an on-the-job training program pursuant to WAC 296-04-280.

(12) The term "apprentice" shall mean a person registered with the supervisor pursuant to an apprenticeship training program pursuant to WAC 296-04-270 for purposes of chapter 49.04 RCW and these rules.

(13) The term "standards" shall mean a written agreement setting forth a plan containing all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices, as further defined in RCW 49.04.050.

AMENDATORY SECTION (Amending Order No. 72-18, filed November 8, 1972)

WAC 296-04-050 PLANT PROGRAM DEFINED. For the purpose of these rules a "plant program", over which the Council will assume jurisdiction and serve as a joint apprenticeship and training committee, pursuant to the authority of RCW 49.04.040, means: An apprenticeship agreement or agreements with an employer which conforms in form and substance with the applicable provisions of these rules and chapter 49.04 RCW in an apprenticeable trade, craft or occupation in which a major portion of the work to be performed by the apprentice for such employer(;) is within a geographical area not served by an approved local ((or)) joint apprenticeship and training committee. The apprenticeship agreement must specify the number of required hours for completion of apprenticeship, which must equal or exceed the average number of hours for such trade, craft or occupation within this state, which in any event shall not be less than ((4,000)) 2,000 hours of reasonably continuous employment.

AMENDATORY SECTION (Amending Order No. 76-4, filed February 20, 1976)

WAC 296-04-270 APPRENTICESHIP AGREEMENTS—TYPES—STANDARDS—REGISTRATION, REVIEW, CANCELLATION, RE-REGISTRATION—CERTIFICATE OF COMPLETION. (1) The following apprenticeship agreements shall be recognized pursuant to RCW 49.04.060:

(a) A written agreement between an association of employers and an organization of employees describing the conditions of training for apprentices.

~~((b) A written statement of an employer or a written agreement between an employer and an employee organization describing the conditions of training for apprentices:))~~

~~((c))~~ (b) A written statement of an employer or a written agreement between an employer and an employee organization describing the conditions of training apprentices. The former agreement shall be recognized only if there is no bona fide employee organization in the plant affected by the agreement.

~~((d))~~ (c) A written agreement between an employer and an individual apprentice describing the conditions of apprenticeship.

(2) Apprenticeship agreements shall conform to the following standards:

(a) Committee programs, plant programs, and on-the-job training programs must contain the provisions required by RCW 49.04.050 and, in addition, shall contain:

(i) Provision for nondiscrimination in the selection of apprentices in substantially the following form:

Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge: "The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in

apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."

(ii) Provision that there shall be no discrimination on the basis of race, color, creed, sex, or national origin after selection during all phases of employment during apprenticeship.

(iii) Provision that adequate records of the selection process must be kept for a period of at least five years and will be made available to the Council or its designated representative on request. Such records must include a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.

(iv) Provision for local committee rules and regulations consistent with these rules and the applicable apprenticeship agreement.

(b) Any proposed standards for apprenticeship must be substantially similar to any standards for apprenticeship already approved by the Council for the industry, craft or trade in question to the end that there is general statewide uniformity of such standards in each industry, trade or craft.

~~((A sample apprenticeship agreement which the Council approves is available on request from the supervisor.))~~ The statement of the progressively increasing scale of wages (RCW 49.04.050(5)) shall provide that the entry level wage for all apprentices shall be at least a percentage of the journeymen scale set by the applicable collective bargaining agreement or at least a percentage of the prevailing wage for the craft for the area set by the United States Department of Labor pursuant to the Davis-Bacon Act (40 USC Sec. 276) where no collective bargaining agreement is in effect. In the event an apprenticeship program is proposed for an area already served by an apprenticeship program, the new program's wage scale shall be identical to or greater than that of an existing program. In the event an apprenticeship program is proposed for a craft or area in which there is no collective bargaining agreement, no Davis-Bacon Act prevailing wage, and no existing apprenticeship program, the applicant shall request the statistician of the Department of Labor and Industries set a prevailing wage for the specific area and craft to be incorporated into the proposed agreement.

(d) A sample apprenticeship agreement which the Council approves is available on request from the supervisor.

(3) Registration, Review, Cancellation, Re-registration.

(a) All individual agreements shall be registered with the supervisor and subject to his approval.

(b) The supervisor and his staff, in the performance of their field work, shall conduct a systematic review of all plant and committee programs and shall take appropriate action, including recommendation of cancellation, when they find that any program is not being operated according to these rules and regulations or according to its applicable standards.

(c) When any program is found to be operating in a manner inconsistent with or contrary to these rules and regulations or its established plant or committee program, the supervisor shall notify the offending committee, person, firm or agency of the violation. If the supervisor does not receive notice, within 60 days, of action taken to correct such violations, the supervisor may take whatever action he deems necessary, including recommendation of cancellation of the apprenticeship or training program and agreement to the Council.

(d) If the supervisor deems it necessary to recommend cancellation of an apprenticeship or training program, he shall do so in writing to each Council member, stating in detail the reasons for his recommendation. A copy of said recommendation shall be mailed to the last known address of each member of the committee administering said program, or to those persons responsible for said program, together with notice that the Council shall consider the recommendation at its next regularly scheduled meeting more than 30 days subsequent to the date of the recommendation and that all interested persons may present evidence or testimony regarding said recommendation. The Council shall decide the question before it upon majority vote of the members present and voting and shall notify all interested parties of its decision, together with the reasons for it, in writing.

(e) The cancellation of any program or agreement shall automatically effect a cancellation of any agreement registered thereunder, provided that any organization or firm not responsible for the violations causing the cancellation may petition the Council for approval of such cancelled agreement or program as a new program.

(f) Certificates of completion shall be issued at the request of the appropriate committee. An affidavit of the secretary of the committee concerned shall accompany the request, which affidavit shall state that the apprentice has successfully completed the apprenticeship program of that committee, and that he has been an active, registered participant of that committee's program for at least six months.

AMENDATORY SECTION (Amending Order No. 79-13, filed August 2, 1979)

WAC 296-04-295 COMPLAINT REVIEW PROCEDURE. (1) Any controversy or difference that cannot be resolved to the satisfaction of the parties by the local committee or other organization administering the agreement may be submitted by any apprentice who has completed his or her probationary period to the Apprenticeship Division for resolution.

(a) The apprentice shall request the local committee or other organization to reconsider any action that is the basis for the complaint within 30 days of the action. The local committee or other organization shall, within 30 days, provide a written notification of its decision on the request for reconsideration to the apprentice and this notification shall be considered the final action of the committee. The apprentice shall submit a written complaint describing the controversy to the supervisor of the Apprenticeship Division within 30 days of the final action taken on the matter by the local committee or other organization.

(b) The written complaint shall set out the specific matter(s) complained of and the facts and circumstances relevant to the complaint. Any documents or correspondence relevant to the complaint shall be attached to the complaint. The apprentice shall send a copy of the complaint to the interested local committee or other organization.

(c) Any controversy that involves matters covered by a collective bargaining agreement are not subject to the complaint review procedure established by this rule.

(2) Upon receipt of a complaint from an apprentice, the supervisor of the Apprenticeship Division shall investigate the controversy.

(a) The supervisor shall have 30 working days within which to complete the investigation. During the investigation, the supervisor shall attempt to effect a settlement of the controversy between the parties. If the controversy is not settled during the investigation, the supervisor, at the conclusion of the investigation shall issue a written decision resolving the controversy.

(b) The apprentice and the local committee or other organization shall fully cooperate with the supervisor during the investigation by providing any information or documents requested by the supervisor.

(c) The supervisor may, in his or her discretion, delegate the investigation of a complaint by an apprentice to any employee of the Apprenticeship Division.

(3) If the apprentice, local committee or other organization is dissatisfied with the decision of the supervisor, the dissatisfied party may request the Apprenticeship Council to review the decision.

(a) The request shall be made to the Council in writing within 30 days of the issuance of the supervisor's decision and shall specify the reasons that the review is requested. The party requesting review shall provide a copy of the request to the other parties to the controversy.

(b) The Council shall conduct an informal hearing to consider the request for review of the supervisor's decision. The hearing shall be held in conjunction with the Council's regular quarterly meeting unless special circumstances require a hearing at a different time.

(i) At the informal hearing, the Council shall review the decision issued by the supervisor and all records of the investigation. The Council may also accept testimony or documents from any person, including the supervisor and his or her staff, who has knowledge relating to the controversy.

(ii) Parties at the informal hearing may be represented by counsel and may, at the Council's discretion, present argument concerning the controversy. The Council shall not apply formal rules of evidence.

(iii) After the informal hearing, the Council shall issue a written decision resolving the controversy within 30 days. The decision of the Council may be to affirm the decision of the supervisor and in that case the decision of the supervisor becomes the decision of the Council. All parties to the informal hearing shall be sent a copy of the Council's decision. The chairman may sign the decision for the Council.

(4) The investigation or review of any controversy under this rule by the supervisor or the Council shall not

suspend any action taken or decision made by the local committee or other organization pending the issuance of a decision resolving the matter.

~~((5) This rule is not applicable to any complaints concerning discrimination or equal opportunity matters that are to be resolved under the procedures outlined in WAC 296-04-300, et. seq.))~~

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-04-490 APPEAL.

WSR 80-03-005
ADOPTED RULES
UNIVERSITY OF WASHINGTON
[Order 79-5—Filed February 8, 1980]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to regulations for the residence halls, apartments and family housing, amending WAC 478-156-016 and 478-156-017.

This action is taken pursuant to Notice No. WSR 79-11-084 filed with the code reviser on 10/24/79. 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 November 16, 1979.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-6, filed 11/6/72)

WAC 478-156-016 APARTMENTS AND FAMILY HOUSING—ELIGIBILITY. Residents must be registered as full-time students at the University of Washington ((except during the Summer Quarter)) three of the four quarters of an academic year. In addition, financial eligibility must be verified annually for those students in priority groups (1) through (3). The

office of student financial aid will annually update financial need figures for family housing eligibility and will annually evaluate the resources of each new applicant and each current resident of family housing to determine if their requirement for financial assistance exceeds the established need figures. Separate financial need figures are established for each unit size. The applicable dollar amounts and deadlines for submission of the financial aid form are published by and available at the housing and food services office in January of each year. Eligibility will be for the period July 1 through June 30. Any expenses related to the processing of the financial aid form will be borne by the applicant or the current resident. This rule shall apply to all students except that for the 1980-81 academic year the rule will not affect current residents of family housing as of the effective date of this rule, and those assigned prior to April 1, 1980. Residents not meeting the eligibility requirements who feel they have mitigating circumstances may appeal to the eviction review committee.

AMENDATORY SECTION (Amending Order 72-6, filed 11/6/72)

WAC 478-156-017 ASSIGNMENT PRIORITY. Applicants for university-owned apartments and family housing who are judged eligible for assignment pursuant to WAC 478-156-016 are assigned in the following order of priority:

(1) Students who have special housing problems, such as the physically handicapped*, students in the university's educational opportunity program, and others with extreme financial or personal hardship.

~~((a) Women students who are single parents and have dependent children.))~~ Students who are single parents and have dependent children.

~~((b) Men students who are single parents and have dependent children.~~

~~(3) Students who have special housing problems such as the physically handicapped and others with extreme financial or personal hardship.~~

~~((4))~~ (3) Other students ((within income limits as set forth below)) meeting financial eligibility criteria as set forth in WAC 478-156-016.

~~((5))~~ (4) Other students ((and staff members over income limits)) exceeding financial eligibility criteria.

((Those students in priority groups 1 through 4, noted above, must be within the following income limits:

(1) Single persons — \$3,750 plus tuition.

(2) Married couples — \$4,750 plus tuition.

(3) To the above add:

(a) \$750 for the first dependent child and \$400 for each additional child.

(b) \$150 for books and the tuition of the second spouse if both spouses are attending school.

(c) \$600 for employment expenses if the student's spouse is working half time or more.))

*Financial eligibility may be waived for physically handicapped students.

WSR 80-03-006
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 80-03]

**MINORITY AND WOMEN'S BUSINESS
 ENTERPRISE UTILIZATION**

It is the policy of the state of Washington that all its citizens, including those who are socially and economically disadvantaged, be afforded an opportunity for full participation in our free enterprise system in order to enhance their personal well-being and the state's economic potential. Executive Order 77-5, entitled "Minority Contract Procurement Plan," directed all state agencies to work toward awarding a higher percentage of contracts to minority businesses. The report provisions of that Order have helped define the extent of the problem and identify the changes which must be made to achieve success.

It has become additionally apparent that businesses owned by women are also a distinct minority in the business community and are subject to many of the same discriminatory practices suffered by minority-owned businesses.

In recognition of this policy, the state of Washington is committed to ensuring the full and equitable participation by women's and minority business enterprises in the providing of goods and services to the state on a contractual basis. The ultimate goal of this Executive Order is to increase the use of women's and minority business enterprises above the present low-level to a level more comparable to their representation in the population.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, do hereby order and direct the following:

I. SCOPE

- A. The provisions of this Order shall apply to all contracts awarded by the state and services utilized by the state except as may be hereafter specifically exempted in utilization requirements issued by the Office of Financial Management and shall be liberally construed for accomplishment of its policies and purposes.
- B. All state departments, commissions, boards, officers and employers, in the deposit of state funds and performance of their other official duties, shall make every good faith effort to utilize equitably the services of women's and minority small business enterprises. Such services shall include, but are not limited to, the financial services of banks, savings and loan companies and other commercial financial institutions and arrangement of travel and accommodations when traveling on official state business.

II. DEFINITIONS

- A. "Minority," "minorities," or "minority person" means ethnic persons residing in the United States, including American Indians, Asian Pacific Americans, Black Americans, Mexican Americans and Native Alaskans.
- B. "Minority business enterprise" means a business which is owned and controlled by one or more minority persons. For purposes of this definition, the non-minority owner or owners of the minority business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the minority business enterprises.
- C. "Women's business enterprise" means a business which is owned and controlled by one or more women residing in the United States or its territories. For purpose of this definition, the male owner or owners in a women's small business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the women's business enterprise.
- D. "Owned and controlled," for purposes of determining whether a business is a minority business enterprise, women's business enterprise or combination women's and minority business enterprise, means that the minorities, women, or combination of both, as the context requires, shall possess:
 1. Ownership of greater than 50 percent of the business; and
 2. Control over management, interest in capital, and interest in profit or loss commensurate with the percentage of ownership on which the claim of status is based; and
 3. A real and continuing interest in the business.

II. MINORITY AND WOMEN'S BUSINESS DEVELOPMENT ADVISORY COUNCIL

The Minority and Women's Business Development Advisory Council is hereby established. The Council shall be appointed by the Governor and shall include representatives of state agencies at the director, deputy or assistant director level; the women's and minority business community; and the business community at large. The Council shall:

- A. Establish separate annual statewide goals for the utilization of women's business enterprises and minority business enterprises with the advice of the Department of Commerce and Economic Development and contract awarding authorities. These goals shall be expressed in terms of a percentage of the total dollar value of all contracts to be

awarded by the state, and may be established separately for categories of contracting such as construction, consultant, concessions and purchasing.

- B. With the advice of each contract awarding authority, establish separate annual goals for utilization of minority and women's business enterprises by that awarding authority. These goals shall be expressed as a percentage of the total dollar value of all contracts to be awarded by the contract awarding authority and may be established separately by contract category. These goals shall equal or exceed the statewide annual goals, unless a lower goal is set by the Council, together with a statement of reasons therefor.
- C. Identify programs that have stimulated minority participation.
- D. Identify barriers to minority participation and develop workable solutions.
- E. Report semi-annually to the Governor regarding the state's progress in achieving the goals set forth in this Executive Order.
- F. Submit to the Governor recommendations for legislation, innovative programs, or other action deemed desirable to promote the purpose of this Order.

IV. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

The Department of Commerce and Economic Development shall:

- A. Provide information and other assistance to minority and women's business enterprises to increase their ability to compete effectively for the award of state contracts.
- B. Assist state agencies to increase minority and women's business enterprise participation on state contracts.
- C. Certify businesses as bona fide women's business enterprises and minority business enterprises and maintain a listing of such bona fide businesses for use by contract awarding authorities and contractors.
- D. Compile and publish directories of minority and women businesses enterprises and distribute to all state agencies.

V. OFFICE OF FINANCIAL MANAGEMENT

The Office of Financial Management, after consultation with the Department of Commerce and Economic Development shall:

- 1. Develop a reporting system for monitoring compliance with this Executive Order and report semi-annually to the Minority and Women's Business Development Advisory Council.

- 2. Develop and issue minority and women's business enterprise utilization requirements, guidelines and sanctions consistent with the Constitution and laws of the state of Washington to be followed by each state agency in the awarding of contracts for construction, consultant and other services, purchasing, leases and concessions.

VI. ALL PROVISIONS OF EO 77-5 ARE HEREWITH RESCINDED.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 6th day of February, A.D., 1980.

Dixy Lee Ray

Governor of Washington

BY THE GOVERNOR:

Bruce K. Chapman

Secretary of State

WSR 80-03-007

**EMERGENCY RULES
STATE EMPLOYEES
INSURANCE BOARD**

[Order 1-80—Filed February 11, 1980]

Be it resolved by the State Employees Insurance Board acting at Department of Personnel, Board Room, 600 South Franklin, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 182-12-115	Eligible employees and retirees.
Amd	WAC 182-12-122	Surviving dependents eligibility.
Amd	WAC 182-12-130	Retirees eligible for medicare.
Amd	WAC 182-12-190	Retirees changing medical plans at retirement.
New	WAC 182-12-132	Retirees returning to state employment.
Rep	WAC 182-12-135	Eligibility for employees on leave without pay.

We, The State Employees Insurance 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 early effective date is needed to coincide with changes affecting employee and retiree eligibility.

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 State Employees Insurance Board as authorized in chapter 41.05 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 January 25, 1980.

By C. H. Shay

Group Insurance Analyst

AMENDATORY SECTION (Amending Order 5-78, filed 7/26/78)

WAC 182-12-115 ELIGIBLE EMPLOYEES AND RETIREES. The following definitions of eligible employees and retirees of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEIB approved plans except as otherwise stated in this chapter:

(1) "Full-time employees." Those who work a full-time work week for their agency and are expected to be employed for more than six months.

(2) "Permanent part-time employees." Those who do not work full-time, but who are under continuous employment by an agency, and who are scheduled to work at least 80 hours per month.

(3) "Career seasonal employees." Those who work at least 80 hours per month during a designated season for a minimum of three months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season.

(4) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(5) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(6) "Retirees (~~or~~) and disabled employees." (~~Retirees~~) Persons retiring are eligible for (only the medical plans if they will be) retiree medical coverage if they will immediately begin receiving a monthly retirement income benefit from (any SEIB approved retirement system, and employees) a Washington state sponsored retirement system. Employees who are permanently and totally disabled and deferring receipt of a monthly retirement income benefit are likewise eligible, provided ((the retiree or disabled person applies)) they apply for retiree medical coverage before their SEIB active employee medical coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system

for Washington State University Cooperative Extension Service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

AMENDATORY SECTION (Amending Order 5-78, filed 7/26/78)

WAC 182-12-122 SURVIVING DEPENDENTS ELIGIBILITY. The following classes of surviving dependents may continue their coverage in the medical program up to the age limits for dependent children by premium withholding or direct payment of premium: (1) ~~((Surviving dependents of a deceased retiree, and (2) surviving dependents of a deceased employee with ten or more years of credited service. PROVIDED, Such surviving dependents will be receiving a monthly retirement income benefit from any SEIB approved retirement system which was of an eligible entity, as defined in WAC 182-12-111, at the time of the retiree/employee's death.))~~ Surviving spouse and/or eligible dependent children of a deceased retiree who were covered as dependents under the SEIB retiree medical plan at the time of the retiree's death, and (2) surviving spouse and/or eligible dependent children of a deceased employee who were covered as dependents under the SEIB employee medical plan at the time of the employee's death and who will immediately begin receiving a monthly retirement income benefit from a Washington state sponsored retirement system. Application for surviving dependents medical coverage must be made within thirty-one days from the date of death of the retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. ((With regard to dependents of deceased employees, this rule applies to death occurring after January 1, 1978. Dependents of employees who died between January 1, 1978 and the effective date of this rule must apply for coverage no later than July 1, 1978, and their coverage will be effective July 1, 1978.)) Surviving dependents are not eligible for retiree life insurance. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University Cooperative Extension Service employees who held a federal civil service appointment and who were covered under the SEIB program at the time of death.

AMENDATORY SECTION (Amending Order 4-77, filed 11/17/77)

WAC 182-12-130 RETIREES ((DECLINING)) ELIGIBLE FOR MEDICARE. ((Retirees who are eligible for Medicare, but through their own choice decline to enroll in Medicare.)) A retiree or retiree's eligible dependent who becomes covered under both Parts A and B of Medicare may enroll in the SEIB Medicare Supplement ((with the clear understanding that the coverage supplied by the SEIB program is limited coverage based on Medicare enrollment)) at the appropriate Medicare Supplement subscription rate. All other retirees and dependents must pay the full subscription rate for coverage

applicable to persons not eligible for Medicare to obtain retiree medical coverage.

AMENDATORY SECTION (Amending Order 4-77, filed 11/17/77)

WAC 182-12-190 RETIREES CHANGING MEDICAL PLANS AT RETIREMENT. Retirees eligible to continue their medical ((insurance)) coverage after retirement may elect to change medical plans at the time of retirement. ((Changes after retirement shall be subject to open enrollment being established by the board and in accordance with WAC 182-08-090.))

NEW SECTION

WAC 182-12-132 RETIREES RETURNING TO STATE EMPLOYMENT. Retirees enrolled in the SEIB retiree medical and/or life program, who return to active employment in an otherwise non-eligible position, shall be eligible to continue such coverage on a direct payment basis beginning on the date their eligibility for SEIB retiree coverage would otherwise terminate.

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-135 Eligibility For Employees On Leave Without Pay

WSR 80-03-008
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
 [Memorandum—February 8, 1980]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn at Sea-Tac, beginning at 9:30 a.m. on Thursday, February 28, 1980. The hospitals scheduled for informal hearing 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 80-03-009
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed February 11, 1980]

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 registration for WIN employment and training, amending WAC 388-24-107.

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by March 26, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 9, 1980, 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, April 16, 1980, 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 April 9, 1980, and/or orally at 10:00 a.m., Wednesday, April 9, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: February 11, 1980

By: N. S. Hammond
 Executive Assistant

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

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

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

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

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

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

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

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

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

(f) A mother of an unborn child,

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

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

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

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

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

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

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

WSR 80-03-010
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1488—Filed February 11, 1980]

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 registration for WIN employment and training, amending WAC 388-24-107.

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 rules are necessary to comply with federal regulations.

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 February 11, 1980.

By N. S. Hammond
Executive Assistant

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

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

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

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

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

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

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

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

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

(f) A mother of an unborn child,

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

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

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

(4) The requirements of any individual other than the parent who qualifies the assistance unit for AFDC-E who fails to register as required under subsection (1) of

this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.

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

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

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

WSR 80-03-011

EMERGENCY RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 45—Filed February 13, 1980]

I, M. Lyle Jacobsen, director of Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the bylaws of the committee, functions of L.J.P.O. and administrative procedures of the S.P.A., amending chapter 365-31 WAC. Comprehensive state plans for law enforcement and administration of justice, repealing chapter 365-33 WAC. Financial guidelines for subgrantees, repealing chapter 365-35 WAC. Application procedures of subgrantees, repealing chapter 365-37 WAC.

I, M. Lyle Jacobsen, Director, OFM, 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 existing WAC's are outdated and do not reflect the proper makeup or responsibilities of the Governor's Council on Criminal Justice. Emergency WAC's are required until permanent rules can be adopted on March 4, 1980.

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 Office of Financial Management as authorized in RCW 43.41.100.

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

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

APPROVED AND ADOPTED February 13, 1980.

By M. Lyle Jacobsen
Director

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-010 DEFINITIONS. As used in chapter((s)) 365-31 ((through 365-39)) of the Washington Administrative Code:

(1) (~~"1973 Act" means the Crime Control Act of 1973, Public Law 93-83~~) "1968 act" means the Omnibus Crime Control and Safe Streets Act 1968, Public Law 90-351, as now or hereafter amended.

(2) "1974 act" means the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as now or hereafter amended.

(3) "Governor's ((Committee" means the Governor's Committee on Law and Justice created by Executive Order 75-04 pursuant to the 1973 Act and LEAA regulations)) council" means the governor's council on criminal justice created by chapter 79.

(4) (~~"Juvenile Justice Advisory Committee" means the advisory committee appointed by the Governor on August 4, 1975, pursuant to P.L. 93-415 and LEAA regulations~~) "Committee" means the governor's juvenile justice advisory committee appointed by the governor, pursuant to Public Law 93-415.

(5) "LEAA" means the United States Department of Justice's Law Enforcement Assistance Administration.

(6) "LEAA regulations" means all regulatory material promulgated by LEAA ((pursuant to the 1973 and 1974 Acts, including but not limited to LEAA guidelines, guideline manuals, bulletins, instructions, general counsel opinions, and forms which grantees and their subgrantees and contractors are to conform with or otherwise utilize as a consequence of the application for or receipt of funds provided pursuant to the 1973 and 1974 Acts)) including but not limited to LEAA guidelines, guideline manuals, bulletins, instructions, general counsel opinions, and forms which grantees and their subgrantees and contractors are to conform with otherwise utilize as a consequence of the application for or receipt of funds provided pursuant to the 1968 and 1974 acts.

(7) (~~"LJPO" means the Law and Justice Planning Office of the Washington State Office of Community Development, it is the entity through which the SPA carries out the state's law and justice planning and programming functions and responsibilities~~) "DCJ" means division of criminal justice pursuant to chapter 79 in the office of financial management that serves as the state planning agency pursuant to the 1968 and 1974 acts.

(8) (~~"Local planning body" means a unit of local government or agency thereof that carries out planning activities for law and justice purposes for a geographic area smaller than a law and justice planning region recognized by the LJPO, for the purposes of these rules a~~

~~local planning body shall be treated as a regional planning body)) "Chapter 79" means Washington Law, 1979 chapter 79, session laws of the state of Washington Regular Session Forty-Sixth Legislature, convened January 1, 1979, adjourned March 8, 1979.~~

~~(9) "Regional ((planning body" means a unit of local government or combination or agency thereof that carries out planning activities for law and justice purposes pursuant to the 1973 and 1974 Acts for a geographic area recognized by the LJPΘ)) or local planning unit" means a unit of local government or combination or agency thereof that carries out planning activities for criminal justice purposes pursuant to the 1968 and 1974 acts for a geographic area recognized by the DCJ.~~

~~(10) "SPA" means the state planning agency established pursuant to the ((1973 and 1974 Acts and designated by the Governor in Executive Order 75-04)) 1968 and 1974 acts and designated in chapter 79.~~

~~(11) "Subgrantee" means a state agency or a unit of general local government or any combination thereof that receives funds from the SPA pursuant to the ((1973)) 1968 or 1974 act.~~

~~((12) "Task Force" means a working, task-oriented, or advisory group related to the SPA or Governor's Committee as further defined in the document or action establishing such group.))~~

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-020 RULES OF INTERPRETATION. (1) All adjectives and adverbs such as "adequate", "approved", "qualified", "reasonable", "reputable", "satisfactory", "sufficiently", or "suitable", used in chapter((s)) 365-31 ((through 365-39)) WAC to qualify a person, procedure, process or otherwise shall be as determined by the director of the ((Planning and Community Affairs Agency)) DCJ, office of financial management or his designee, subject to such appeal process as is appropriate.

(2) Where the word "shall" is used in chapter((s)) 365-31 ((through 365-39)) WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in chapter((s)) 365-31 ((through 365-39)) WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in chapter((s)) 365-31 ((through 365-39)) 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.

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-110 OFFICERS OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE. (1) The presiding officer of the

governor's council and committee, denominated the "chairman" shall be appointed by the governor. The chairmen shall call and preside over all meetings of the governor's council and the committee, appoint the presiding officers and members of subcommittees ((and task forces)) of the governor's council and committee except as specifically provided herein and do all such other things as are appropriate for or delegated to such officer by the governor's council or committee.

(2) A vice-chairman, appointed by the chairman of the governor's council and committee, shall preside at the meetings of the governor's council and committee in the absence of the chairman as well as act for the chairman and governor's council and committee under their direction.

(3) An acting vice-chairman, appointed by the ((LJPΘ Administrator)) DCJ director shall preside at meetings of the governor's council and committee in the absence of both the chairman and vice-chairman.

NEW SECTION

WAC 365-31-111 FUNCTIONS AND MEMBERSHIP OF THE GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE AND GOVERNOR'S JUVENILE JUSTICE ADVISORY COMMITTEE. (1) The governor's council on criminal justice shall perform those functions outlined in chapter 79, and the 1968 and 1974 acts to include, but not limited to:

(a) Assist the legislature and the governor in developing, planning and carrying out a long-range, state-wide crime control and prevention program for Washington.

(b) Assist the legislature and the governor in coordinating the crime control and prevention activities.

(c) Assist the legislature and the governor in the development of state policies for criminal justice administration.

(d) Advise and assist local communities in developing, planning and carrying out local crime control and prevention councils and programs.

(2) The governor's juvenile justice advisory committee shall perform those functions outlined in Public Law 93-415, as amended, and to serve in an advisory capacity to the governor's council on criminal justice.

(3) The membership of the governor's council on criminal justice shall consist of members appointed by the governor pursuant to the "1968 act, as amended" and chapter 79.

(4) The membership of the governor's juvenile justice advisory committee shall consist of members appointed by the governor pursuant to the "1974 act, as amended."

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-120 MEETINGS OF THE GOVERNOR'S COUNCIL AND COMMITTEE, SUBCOMMITTEES, ADVISORY COMMITTEES((; AND TASK FORCES)). (1) The governor's council and committee shall meet at least quarterly, at the call of its chairman or upon request of any three members of the governor's committee.

(2) Subcommittees, advisory committees(~~(- and task forces)~~) shall meet upon the call of their respective presiding officers.

(3) All meetings of the governor's council and committee, subcommittees, advisory committees(~~(- and task forces)~~) shall be considered open public meetings under the provisions of chapter 42.30 RCW, except executive sessions permitted by RCW 42.30.110. Written notice of the time and place of any meeting shall be sent to all members of the governor's council, committee, subcommittee, advisory committee(~~(- or task force)~~) that is to meet and any other persons as deemed appropriate by the (~~(LJPO Administrator)~~) DCJ director, at least five days prior to the meeting date, except in the case of an emergency meeting specifically called as such by the presiding officer of the respective governor's council, committee, (~~(subcommittee,)~~ advisory committee(~~(- or task force)~~) that is to meet, in which case, the provisions of RCW 42.30.080 shall apply.

(4) The governor's council and committee shall be reimbursed for travel expenses incurred while attending official meetings of the governor's council and committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or thereafter amended.

(5) Policies and rules relating to the calling of, frequency, openness to the public, and opportunity for participant discussion during meetings; member's absences; quorums; rules of order, forms of action; voting procedures; and minutes for the subcommittees and advisory committees shall be the same as for the governor's council and committee.

(6) The chairmen may appoint members of the governor's council or committee to various subcommittees or advisory committees as they deem necessary from time to time for specific purposes.

AMENDATORY SECTION (Amending Order 75-01, filed 4/29/75)

WAC 365-31-130 ABSENCES OF MEMBERS FROM MEETINGS. Any member who misses three consecutive meetings will have that fact called to his attention by the chairman of the governor's council or committee, with the request that the member reconsider his ability to continue as a member. The chairman shall also advise the governor of situations regarding absenteeism which he deems appropriate to call to the attention of the governor.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-150 PARTICIPATION AND DISCUSSION DURING GOVERNOR'S COUNCIL AND COMMITTEE MEETINGS, RULES OF ORDER, AND FORMS OF ACTION. (1) Only duly appointed members or his or her designee of the governor's council or committee, and such other persons as are recognized by the chairman shall be permitted to participate in the discussion of any matter before the governor's council or committee unless otherwise authorized by a majority of the members of the governor's council or committee present and voting. Any person

wishing to participate in such discussion shall notify the (~~(LJPO Administrator)~~) DCJ director, in writing, not less than three days prior to the meeting at which such discussion will be held.

(2) The business of the governor's council and committee shall be conducted in accordance with Robert's Rules of Order, New Edition, unless such rules are suspended or unless otherwise provided for by these rules.

(3) The governor's council and committee shall act by the adoption of a motion or a resolution.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-160 VOTING PROCEDURES. (1) Voting during meetings of the governor's council or committee may be by voice, unless a division or recorded vote is called for by a member of the governor's council or committee. A member shall be entitled to have his/her vote recorded regardless of the form of voting; the votes of all members will be recorded upon a request therefor by any member of the governor's council or committee.

(2) The chairman shall have the same voting rights as any other member of the governor's council or committee.

(3) Only duly appointed members of the governor's council or committee shall be permitted to vote on any issue before the governor's council or committee; no proxies shall be permitted to vote.

(4) Action by the governor's council or committee will be determined by a simple majority vote.

(5) Any member on the governor's council or committee who has a direct or indirect personal interest in a contract or application before the governor's council or committee will withdraw himself/herself from voting on that matter. The governor's council or committee member may, however, participate in discussions and answer questions from other governor's council or committee members.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-170 MINUTES. (1) (~~(A record shall be kept of the activities and deliberations of the Governor's Committee and summarized in minutes which shall be distributed to all members of the Governor's Committee as soon as practicable following each meeting.~~)

(2) ~~Non-members of the Governor's Committee who have been authorized to participate in a discussion during a meeting of the Governor's Committee shall also be provided copies of the minutes of such meeting.~~

(3) ~~The minutes of a meeting shall be presented for correction and approval at the next subsequent meeting of the Governor's Committee.)~~ All meetings of the governor's council and committee will be recorded.

(2) In addition to the tape recording of the business of the governor's council and committee, adequate support staff will be available to take shorthand concerning the highlights of the governor's council and committee business.

(3) Upon termination of the governor's council and committee meeting within a reasonable time frame, the division of criminal justice will transcribe and draft the minutes of the meetings and forward copies of those minutes to each member of the governor's council and committee.

(4) The governor's council and committee will have ten working days to review and provide any amendments or changes to reflect what actually occurred at the governor's council or committee meeting. Failure to provide any changes within ten working days will provide the assumption that there are no changes and the minutes will be automatically approved.

(5) At the lapse of ten days and the automatic approval of the governor's council or committee minutes, the chairman of the governor's council or committee minutes, the chairman of the governor's council or committee along with the director of the DCJ will sign the minutes of that meeting, place them in appropriate folders for the record, and they will be kept by the secretary of the director of the DCJ for permanent record and subject to audit.

(6) If exceptions are taken to the minutes mailed out, the DCJ will hold the minutes until the next meeting of the governor's council or committee, at which time they will be amended and adopted by the governor's council or committee for official record of the previous meeting.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-210 ((LAW AND JUSTICE PLANNING OFFICE STAFF ROLE AND FUNCTION. Pursuant to Executive Order 75-04, the LJPO, through its Administrator, Deputy Administrator, and other staff, together with additional SPA employees as designated by the Director of the SPA, carries out the following functions and responsibilities with respect to the law and justice planning program of the State of Washington.

(1) Consistent with the LEAA planning guidelines, develop proposed regional law and justice planning guidelines for review, modification, and approval by the Planning Subcommittee, describing the methodology and policies that will govern the submission to the SPA of regional law and justice plans;

(2) Establishes and maintains communications with state agencies, units of general local government, regional planning offices, and other entities and officials thereof to advise them of the policies, goals and objectives of the Governor's Committee to ensure that effective planning occurs at the local, regional and state levels;

(3) Reviews regional and state agency plans and provides necessary information to the Governor's Committee to enable the Governor's Committee to take appropriate action;

(4) Obtains the necessary statistical and problem definition information from regional and state agency plans as well as information from the criminal justice community to assist in the development of the annual state comprehensive plan;

(5) From information contained within the regional and state agency plans as well as other pertinent sources, prepares the annual state comprehensive plan for review, modification, and action by the Governor's Committee.

(6) Reviews grant applications submitted by applicant state agencies, units of general local government, combinations thereof, and other entities, for compliance with program, fiscal, and evaluation requirements, state plan requirements, and SPA application procedures, all pursuant to procedures described in WAC 365-31-310 and 365-31-320;

(7) Negotiates and assists in the correction of deficiencies in applications and projects through on-site visits, correspondence, and telephone contacts with project directors, regional planners, and state and local governmental officials;

(8) Prepares grant award contracts consistent with approved applications and established policies;

(9) Prepares and presents to the LJPO Hearing and Review Committee recommendations on issues not successfully negotiated pursuant to WAC 365-31-210(7);

(10) Maintains on-going contact with local and state agency representatives for the purpose of ensuring compliance by subgrantees with the approved grant award contracts;

(11) Assists regional and state agency personnel to assure compliance with contract provisions, LEAA regulations, or SPA regulations or administrative procedures;

(12) Prepares special reports requested by the Office of the Governor, the Governor's Committee, the Director of the SPA or the LJPO Administrator for presentations as deemed appropriate;

(13) Keeps the Governor's Committee, state agencies, and regional planning offices informed of significant new developments and problems relating to emerging and developing goals and objectives and makes recommendations for resolution of such problems;

(14) Presents to the Governor's Committee grant applications regarding which LJPO action has been appealed, as well as other pertinent issues considered by the LJPO Hearing and Review Committee pursuant to WAC 365-31-350, and

(15) Performs other duties and responsibilities as required:)) THE DIVISION OF CRIMINAL JUSTICE, OFFICE OF FINANCIAL MANAGEMENT WILL PERFORM SUCH DUTIES AS ASSIGNED BY THE DIRECTOR OF THE OFFICE OF FINANCIAL MANAGEMENT, AND ALSO, AT A MINIMUM.

(1) Assist the legislature and the governor in developing, planning, and carrying out a long-range, state-wide crime control and prevention program for Washington.

(2) Assist the legislature and the governor in coordinating the crime control and prevention activities.

(3) Assist the legislature and the governor in development of state policies for criminal justice administration.

(4) Advise and assist local communities in developing, planning, and carrying out local crime control and prevention councils and programs.

(5) Provide the director of the office of financial management and the governor with policy recommendations concerning state criminal justice agency plans and programs.

(6) The division of criminal justice shall act as the state planning agency pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(7) To develop for the approval of the governor, the governor's council and the legislature the comprehensive state-wide plan for the improvement of criminal justice throughout the state.

(8) To receive and disburse federal funds, and funds deemed appropriate by the governor and the legislature, perform all necessary and appropriate staff services required by the governor's council and committee and otherwise assist the governor's council and committee in the performance of its duties as required by federal and state law.

(9) To perform such duties as set forth by the legislature and the governor in matters relating to juvenile and criminal justice.

(10) To develop orderly procedures to ensure that all local plans and all state and local criminal justice projects are in accord with the comprehensive state plan for juvenile and criminal justice.

(11) To cooperate with and render technical assistance to the governor, the legislature, state agencies, units of local government, combinations of these units, or other public or private agencies, organizations, or institutions in matters relating to juvenile and criminal justice.

(12) To conduct evaluation studies of the programs and activities supported or assisted by the funds administered by the division, or as directed by the governor, the governor's council, the committee, the legislature, or the office of financial management.

(13) To review and comment upon local and regional government plans for criminal justice capital improvements and program operations, and to identify inconsistencies and conflict among state and local government agency plans and budgets.

(14) To analyze specific criminal justice issues, conduct special studies, and evaluate criminal justice programs implemented within the state.

(15) To submit during July and January of each year, a status report to the presiding officers of the Washington state senate and house of representatives. The report shall include:

(a) A description of all major modifications in law enforcement assistance grants previously awarded;

(b) A listing of the announcements of criminal justice research and demonstration projects; and

(c) Other information requested, in writing by either presiding officer three months prior to the reporting month.

(16) To carry out other juvenile and criminal justice coordinating functions as designated by the governor or director of the office of financial management.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 365-31-330 ((ELIGIBLE APPELLANTS OF SPA ACTION ON GRANT APPLICATIONS—PERMISSIBLE SUBJECT MATTER OF

APPEAL. Only the following persons or entities may appeal to the LJPO Hearing and Review Committee, the SPA's decision (i) to fund a proposed project, (ii) to not fund a proposed project, (iii) to attach a special condition to a funded proposed project, or (iv) to consider an application as non-conforming:

(1) The applicant (but not its subcontractors or subgrantees);

(2) Any other person or entity having a constitutional or statutory right claimed to have been infringed or interfered with by the SPA or the applicant.)) APPEAL PROCEDURES. The following appeal procedures are promulgated in compliance with the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(1) Request for hearing. If an application has been rejected, or an applicant has been denied a grant or has had a grant, or any portion of a grant discontinued, or has been given a grant in a lesser amount than such an applicant believes appropriate, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the division of criminal justice shall give written notice to the applicant, or grantee, of its action and shall set forth the reason for the action taken. If any applicant or grantee wishes to appeal the action of the division of criminal justice, a letter of intent to appeal must be filed with the division of criminal justice within ten days after receiving notice of the action taken by the division of criminal justice. The appeal shall be a hearing before the director of DCJ, and the director is authorized and directed to hold such hearings or investigations at such times and places as he deems necessary, following written notice to each applicant or grantee of the date, time and place of the hearing. Such notice must be made at least ten days in advance of the date set. The findings of fact and the determinations made by the director with respect thereto shall be final and conclusive except as otherwise provided herein.

(2) Request for re-hearing. If such applicant or grantee is still dissatisfied with the findings and determinations of the director's rejection, following the notice and hearing provided for in subsection (1) of the section, a written request for a hearing may be made within ten days, and the applicant or grantee shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved before the next regularly scheduled assembly of the governor's council on criminal justice. The applicant or grantee shall be given at least ten days written notice of the date, time and place of the assembly. The findings and determinations of the governor's council on criminal justice, following such re-hearing, shall be final and conclusive upon all parties involved, except as hereafter provided.

(3) Review action. If any applicant or grantee is dissatisfied with the findings and determinations of the division of criminal justice, governor's council on criminal justice, the governor, following the notice and hearings provided for subsection (1), (2) and (3) of the section,

he shall have recourse to the appropriate courts of this state to affirm the action of the division of criminal justice, governor's council on criminal justice, or governor, or to set aside, in whole or in part.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 365-31-180 SUBCOMMITTEES, ADVISORY COMMITTEES, AND TASK FORCES.
- (2) WAC 365-31-310 ADMINISTRATIVE REVIEW OF LJPO ACTION GRANT APPLICATIONS.
- (3) WAC 365-31-320 PROGRAM REVIEW OF APPLICATION.
- (4) WAC 365-31-340 LJPO HEARING AND REVIEW COMMITTEE.
- (5) WAC 365-31-350 NOTICE AND SCHEDULING OF APPEALS TO LJPO HEARING AND REVIEW COMMITTEE.
- (6) WAC 365-31-360 LJPO HEARING AND REVIEW COMMITTEE OPERATION.
- (7) WAC 365-31-370 LJPO HEARING AND REVIEW COMMITTEE ACTION.
- (8) WAC 365-31-410 REGIONAL PLAN EVALUATION PROCESS.
- (9) WAC 365-31-420 EVALUATION CRITERIA AND RANKINGS.
- (10) WAC 365-31-430 NOTICE AND SCHEDULING OF PLANNING SUBCOMMITTEE CONSIDERATION OF REGIONAL PLANS—APPEALS TO PLANNING SUBCOMMITTEE OF SPA DECISIONS ON PLANS.
- (11) WAC 365-31-440 ELIGIBLE APPELLANTS OF SPA ACTION ON PLAN—PERMISSIBLE SUBJECTS OF APPEAL.
- (12) WAC 365-31-450 PLANNING SUBCOMMITTEE OPERATION WHEN CONSIDERING PLANS.
- (13) WAC 365-31-460 PLANNING SUBCOMMITTEE ACTION ON REGIONAL PLANS.
- (14) WAC 365-31-470 APPEAL OF PLANNING SUBCOMMITTEE DECISION REGARDING A REGIONAL PLAN.

REPEALER

Chapter 365-33 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-33-730 ADOPTION OF 1973 STATE PLAN.
- (2) WAC 365-33-740 ADOPTION OF 1974 PLAN.
- (3) WAC 365-33-750 ADOPTION OF 1975 PLAN.
- (4) WAC 365-33-760 ADOPTION OF 1976 PLAN.

REPEALER

Chapter 365-35 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-35-010 ADOPTION OF FINANCIAL GUIDELINES OF THE SPA.
- (2) WAC 365-35-900 RESOLUTION OF CONFLICTS BETWEEN LEAA REGULATIONS AND LJPO FINANCIAL GUIDELINES AND OTHER SECTIONS OF THIS CHAPTER.

REPEALER

Chapter 365-37 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 365-37-010 ADMINISTRATION OF LAW AND JUSTICE PROGRAM IN ACCORDANCE WITH APPLICABLE FEDERAL LEGISLATION AND RULES—CONFORMANCE WITH SUCH FEDERAL LEGISLATION AND REGULATIONS REQUIRED OF ALL SUBGRANTEES.
- (2) WAC 365-37-110 REQUIREMENT THAT APPLICATIONS BE "CONFORMING" TO NECESSITATE SPA ACTION WITHIN 90 DAYS OF RECEIPT.
- (3) WAC 365-37-120 CRITERIA FOR DETERMINING WHETHER OR NOT AN APPLICATION IS "CONFORMING".
- (4) WAC 365-37-130 CONDITIONAL APPROVAL OF APPLICATION.
- (5) WAC 365-37-210 SUBMISSION DATE FOR APPLICATION FOR INITIAL OR CONTINUATION FUNDING.
- (6) WAC 365-37-220 DATE AFTER WHICH APPLICATIONS FOR REALLOCATION FUNDS WILL BE ACCEPTED.
- (7) WAC 365-37-310 AUTHORIZATION FOR THE GRANTING OF PROJECT PERIOD EXTENSIONS FOR OPERATING PROJECTS—MAXIMUM PERIOD OF EXTENSION.
- (8) WAC 365-37-320 CIRCUMSTANCES UNDER WHICH PROJECT PERIOD EXTENSIONS MAY BE GRANTED.
- (9) WAC 365-37-330 CIRCUMSTANCES UNDER WHICH A GRANT CONTRACT PROJECT PERIOD WILL NOT BE EXTENDED.
- (10) WAC 365-37-340 PROCEDURE FOR REQUESTING AND GRANTING A PROJECT PERIOD EXTENSION.
- (11) WAC 365-37-410 MAXIMUM PROJECT FUNDING PERIOD—EXCEPTIONS.
- (12) WAC 365-37-510 GOVERNOR'S COMMITTEE AS APPELLATE FORUM.
- (13) WAC 365-37-520 ELIGIBLE APPELLANTS—DECISIONS THAT MAY BE APPEALED.
- (14) WAC 365-37-530 NOTICE AND SCHEDULING OF APPEALS TO GOVERNOR'S COMMITTEE.
- (15) WAC 365-37-540 SUBMISSION OF MATERIAL TO GOVERNOR'S COMMITTEE FOR CONSIDERATION IN AN APPEAL.
- (16) WAC 365-37-550 APPEAL CONSIDERATION PROCEDURES.
- (17) WAC 365-37-560 GOVERNOR'S COMMITTEE ACTION ON APPEALS.

(18) *WAC 365-37-570 NOTICE OF GOVERNOR'S COMMITTEE DECISION AND RIGHT TO APPEAL TO GOVERNOR.*

(19) *WAC 365-37-580 PROCEDURE APPLICABLE TO PETITION TO GOVERNOR FOR RECONSIDERATION OF GOVERNOR'S COMMITTEE DECISION—ACTION BY GOVERNOR ON PETITION.*

WSR 80-03-012

EMERGENCY RULES

COMMUNITY COLLEGE DISTRICT 12

[Resolution 80-5—Filed February 13, 1980]

Be it resolved by the board of trustees of the Community College District 12, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to parking and traffic regulations, WAC 132L-117-010 through 240.

We, The Board of Trustees for Community College District 12, 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 emergency adoption of the proposed Olympia Technical Community College parking traffic rules and regulations will authorize designated college personnel on the campus to accommodate the following four emergency reasons: (1) access and egress; (2) handicapped parking; (3) traffic flow; (4) vehicle registration.

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 Community College District 12 as authorized in chapters 25B.50[28B.50] and 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 January 23, 1980.

By Nels W. Hanson
President

**PARKING AND TRAFFIC REGULATIONS
OLYMPIA TECHNICAL COMMUNITY COLLEGE**

WAC 132L-117-010 PURPOSE FOR ADOPTING PARKING AND TRAFFIC REGULATIONS Pursuant to the authority granted by RCW 28B50.140(10), the Board of Trustees of Community College District 12, on behalf of Olympia Technical Community College is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by or maintained by

the college district. The objectives of these regulations are:

- (1) *To protect and control pedestrian and vehicular traffic.*
- (2) *To assure access at all times for emergency traffic.*
- (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 limited parking space for the most efficient use by all.*
- (5) *To regulate the use of parking spaces.*
- (6) *To protect state owned property.*

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.

WAC 132L-117-020 APPLICABLE PARKING AND TRAFFIC REGULATIONS The other rules and regulations which are also applicable upon the campus include:

- (1) *The Motor Vehicle and Traffic Laws of the State of Washington. These shall be applicable upon all lands located within the State of Washington.*
- (2) *The Traffic Code of the City of Olympia. This code applies upon all lands located within the City of Olympia.*
- (3) *The OTCC Parking and Traffic Regulations. These shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, recreational, or parking activities of the college. In case of conflict between the provisions of the Motor Vehicle and other Traffic Laws of the State of Washington and OTCC Parking and Traffic Regulations, the provisions of the State of Washington Motor Vehicle Laws shall govern.*

WAC 132L-117-030 PERMITS REQUIRED FOR VEHICLES ON CAMPUS Students, faculty and staff members shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132L-117-040. All persons parking on the campus will be given five (5) academic days after registration to secure and display a temporary or permanent permit.

WAC 132L-117-040 AUTHORIZATION FOR ISSUANCE OF PERMITS The Dean of Administrative Services, or designee, is authorized to issue parking permits to students, administrators, faculty, staff, guests and visitors to the college, pursuant to the following regulations:

- (1) *A person may be issued a parking permit upon the proper registration of his/her vehicle with the college.*
- (2) *The Dean of Administrative Services, or designee, may issue temporary, permanent or special parking permits when such permits are necessary to enhance the business or operation of the college.*
- (3) *Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles. Only one vehicle registered to an individual under one permit fee shall be permitted to park on campus at any one time.*

(4) Persons who pay the current fee for parking permits and who later request a refund shall receive refunds according to the refund policy published in the college catalogues and bulletins.

WAC 132L-117-050 VALID PERMIT A valid parking permit is:

- (1) An unexpired annual parking permit.
- (2) A temporary parking permit.
- (3) A special parking permit.
- (4) A visitor's parking permit.
- (5) No permit will be valid for more than one (1) year from date of purchase.

WAC 132L-117-060 DISPLAY OF PERMITS The vehicle permit issued by the College shall be permanently and visibly affixed on the left rear bumper of the vehicle. Permits not displayed in accordance with provisions of this section shall not be valid and vehicles displaying an improperly placed permit shall be subject to citation. Permits will be displayed on the front forks of a motorcycle.

WAC 132L-117-070 TRANSFER OF PERMITS Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder.

WAC 132L-117-080 PERMIT REVOCATION 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 person.
- (3) Falsification on a vehicle registration application.
- (4) Continued violations of parking regulations.
- (5) Counterfeiting or altering of permits.

WAC 132L-117-090 RIGHT TO REFUSE PERMIT The college (Dean of Administrative Services or designee) reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked or refused or to anyone whose driving or parking record indicates a disregard for the rights or safety of others.

WAC 132L-117-100 RIGHT TO APPEAL PERMIT REVOCATION OR REFUSAL TO GRANT PERMIT When a parking permit has been recalled pursuant to WAC 132L-117-080 or has been refused in accordance with WAC 132L-117-090 or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the Dean of Administrative Services, or designee, may be appealed through the established channels.

WAC 132L-117-110 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED The person to whom a parking permit is issued shall be responsible for all violations of said rules and regulations involving the vehicle; however, such responsibility shall

not relieve any driver of the responsibility for violations of the regulations established by this chapter. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus regulations.

WAC 132L-117-120 DESIGNATION OF PARKING The parking space available on campus may be allocated and designated by the Dean of Administrative Services in such a manner as will best achieve the objectives of these rules and regulations.

(1) Faculty, staff and student parking shall be limited to spaces so designated.

(2) Special provisions shall be made for physically handicapped students or their designee. Permanently handicapped individuals must display the handicapped sticker issued by the Department of Motor Vehicles, Disabled Parking. Temporarily handicapped permits will be issued on a quarterly basis by the Dean of Administrative Services.

(3) Visitors parking shall be limited to spaces so designated.

(4) Parking spaces shall be designated for special purposes as deemed necessary.

WAC 132L-117-130 PARKING FEE EXEMPTIONS All guests/visitors (including salespersons, maintenance or service personnel) will park in designated parking areas without paying a fee. These include but are not limited to:

(1) Federal, state, county, city, school district and similar governmental personnel on official business in vehicles with tax exempt licenses.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked within available construction sites or areas.

(3) Members of the press, television, radio and wire services, on official business.

(4) Taxis and commercial delivery vehicles for the pick up and delivery of passengers, supplies and equipment.

(5) Persons attending special college events.

(6) Guests/visitors invited to the campus for the purpose of rendering services to the college.

(7) Persons holding emeritus or similar appointments shall park in designated areas.

WAC 132L-117-140 PARKING WITHIN DESIGNATED SPACES (1) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall.

WAC 132L-117-150 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. The Dean of Administrative Services is authorized to make and erect signs, barricades, and other structures and to paint marks and other directions upon the streets, entry/exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or

maintained by the college. Drivers of vehicles shall observe and obey all the signs, barricades, structures, markings and directions given them by the campus patrolmen in the control and regulation of traffic.

WAC 132L-117-160 SPEED LIMIT No vehicle shall be operated on the campus at a speed in excess of twenty (20) miles per hour, or such slower speed as is reasonable and prudent to the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities.

WAC 132L-117-170 PEDESTRIAN'S RIGHT-OF-WAY (1) The operator of a vehicle shall yield right-of-way to any pedestrian. Pedestrians shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

WAC 132L-117-180 TWO-WHEELED MOTORBIKES OR BICYCLES (1) All two-wheeled vehicles powered by an engine may park in areas designated for motorcycles only.

(2) Bicycles and other non-engine powered cycles shall be subject to posted or published regulations as established in this policy.

WAC 132L-117-190 REPORT OF ACCIDENTS (1) The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or claimed damage to either or both vehicles exceeding \$100 shall immediately report such accident to the Dean of Administrative Services or designee. Operator shall within twenty-four (24) hours after such accident file a State of Washington Motor Vehicle Report.

(2) Other minor accidents may be reported to the Office of Campus Parking and Security for insurance record purposes.

WAC 132L-117-200 DISABLED AND INOPERATIVE VEHICLES - IMPOUNDING (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding 72 hours, without authorization from the Dean of Administrative Services.

(2) Vehicles parked over 72 hours without authorization may be impounded and stored at the expense of either or both the owner and operator thereof.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner 48 hours prior to impound.

WAC 132L-117-210 ENFORCEMENT (1) OTCC Parking and Traffic Regulations will be enforced throughout the calendar year on a 24 hour basis.

(2) The Dean of Administrative Services or designee shall be responsible for the enforcement of the regulations contained in this chapter.

WAC 132L-117-220 ISSUANCE OF TRAFFIC TICKETS OR SUMMONS (1) Upon probable cause to believe that a violation of these regulations has occurred the Dean of Administrative Services or designee(s), may

issue a signed summons or citation setting forth the date, the approximate time, permit number, license information and nature of violation.

(2) Such summons or traffic citation may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

WAC 132L-117-230 VIOLATION OF PARKING AND TRAFFIC REGULATIONS (1) Operators of illegally operated or parked vehicles which are not subject to impounding under these policies, shall be warned through an appropriate means that they are in violation of these regulations.

(2) In instances where violations are repeated, and in the judgement of the Dean of Administrative Services, with appropriate documented evidence, said vehicle(s) may be impounded and/or operator fined in accordance with the approved fees and fines schedule. All fines are payable at the cashier's office.

WAC 132L-117-240 DELEGATION OF AUTHORITY The authority and powers conferred upon the Dean of Administrative Services by these regulations shall be subject to delegation to that individual's subordinates.

WSR 80-03-013

EMERGENCY RULES

COMMUNITY COLLEGE DISTRICT 12

[Resolution 80-3—Filed February 13, 1980]

Be it resolved by the board of trustees of the Community College District 12, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to leave policies, WAC 132L-112-040 through 290.

We, The Board of Trustees of Community College District 12, 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 emergency adoption of the proposed amendments, to WAC 132L-112-040 through 290 will authorize designated college personnel to accommodate the following emergency reasons: (1) meet the January 1980 requirement of chapter 150, Laws of 1979 1st ex. sess.; and (2) provide commonality between personnel rules and negotiated agreements.

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 Community College District 12 as authorized in chapters 28B.50 and 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 January 23, 1980.

By Nels W. Hanson
President

AMENDATORY SECTION (Amending Order 72-1, filed 1/19/72)

WAC 132L-112-040 THE HOURS OF DUTY.

The instructor's basic contract is for ~~((+80))~~ 177 days. Only through the effective scheduling of daily time can the instructional staff meet the goals of the college. The instructor's daily time should be carefully scheduled to allow for classroom preparation, presentations, laboratory or related instructional activities, scheduled and kept office hours for student consultation or advisement, necessary work with library services, administrative services, student services, meetings, committee work, and all other assignments deemed necessary by the college for its improved effectiveness.

It is fully recognized that the professional instructor freely spends considerably more time on his duties; his posted schedule (see Office Hours and Schedules) shall identify a basic thirty-five class hours weekly of scheduled and available periods. He should so schedule his time that he will be available on campus or other instructional stations, when students, colleagues, or administrators are most likely to need him. If for specific reasons he must deviate from his schedule, he should first get approval from his division chairman, who should also be informed of where the instructor can be reached in case of an emergency and when he expects to return to the campus.

AMENDATORY SECTION (Amending Order 76-66, filed 3/22/77)

WAC 132L-112-200 LEAVE WITH PAY. Full-time ~~((faculty members))~~ faculty and administrative employees shall be granted fifteen (15) days upon the first day on which their initial assignment begins. After three (3) quarters of employment, such full-time ~~((faculty members))~~ employees shall accumulate such leave at a rate of five (5) days per quarter for each quarter of full-time employment up to a maximum of one hundred eighty (180) days, except as authorized in WAC 132L-112-280(4). Such leave may be taken at any time subject to the following conditions and in compliance with the approval procedures set forth

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 76-66, filed 3/22/77)

WAC 132L-112-230 PROCEDURES OF OBTAINING LEAVES WITH PAY. (1) Illness, Injury and Bereavement - The faculty member shall notify the

appropriate dean/director or designee at the earliest possible time prior to departure of the necessity for the leave. Such notification shall include: (a) The nature of the leave; (b) The most appropriate coverage of the faculty member's assigned duties; (c) The estimated leave time; (d) When feasible, where the faculty member may be reached during each leave.

(2) Emergency and Other Leaves (Jury, Professional Meetings);

(a) Except for emergencies of a catastrophic nature, the requests should be submitted for emergency and other leaves well in advance of desired leave (preferably at least seven (7) days). The faculty member shall reduce to writing a request for such leave stating the purpose for which leave is sought and the most appropriate coverage of assigned duties.

(b) If applicable, requests for leaves involving travel reimbursement and/or per diem shall be submitted in accordance with administrative rules for travel approval on each campus as shown in the Faculty Handbook.

(c) The appropriate dean/director shall review all such requests and grant approval or denial prior to taking the requested leave. Reasons for denial shall be provided in writing.

(d) For emergencies of a catastrophic nature, the most expeditious means available for notifying the dean/director should be utilized. Upon return to the campus, the faculty member shall provide the necessary information to the dean/director to justify its inclusion in this category for payroll purposes.

(3) ~~((Exceptions:~~

~~(a) "Quarter Ends Day" on each campus calendar is one of the 180 contract days for each individual contract. The attendance requirement is modified so that attendance on campus is required on that day only until all duties assigned to the employee have been fully completed.~~

~~(b) Deviations from posted schedules may be approved by the division chairman and consists of performing the employee's regular contractual duties but in a location different than that which is posted and for which the division chairman has had ample time to arrange for any needed coverage during the absence. Deviation from schedule does not include an absence from any scheduled classes.))~~

Exception: Deviations from posted schedules may be approved by the division chairman and consists of performing the employee's regular contractual duties but in a location different than that which is posted and for which the division chairman has had ample time to arrange for any needed coverage during the absence. Deviation from schedule does not include an absence from any scheduled classes.

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

AMENDATORY SECTION (Amending Order 76-66, filed 3/22/77)

WAC 132L-112-250 UNAUTHORIZED ABSENCES. Unauthorized absence, approved leave without pay, or leave taken without following the procedures described herein shall result in a salary reduction on one of the following bases: (for these purposes "absence" or "leave" shall be defined as absence from the campus during scheduled hours of instruction or related services to students, or absence from regularly scheduled meetings of organizations or groups which the individual is expected to attend.)

(1) ~~((1/180))~~ 1/177 of the instructor's basic nine-month contract for each full day of absence, or

(2) 1/7 of a day's pay for each hour when leave is taken for a fraction of a day.

(3) Extenuating circumstances will be considered as a basis for modifying above items 1 and 2 by joint action of the District President, Division Chairman, and the appropriate dean/director.

NEW SECTION

WAC 132L-112-280 COMPENSATION FOR SICK LEAVE. An attendance incentive program is hereby established for all eligible employees.

(1) Eligible Employees - Eligible employees shall include those full-time faculty and administrative employees, other than teaching and research faculty, in District 12 who are entitled to accumulate leave.

Eligible employees who have attained the previously established District limit may participate in the attendance incentive program by replacing (substituting) days accumulated in their first years of employment with a number equal to those accumulated in 1979. Provided that the Attorney General's office issues an opinion which would allow these employees to waive accumulation or to substitute these days.

(2) Two Accounts - Such leave entitlement shall be accrued by full-time employees in two separate categories, the first identified as a "compensation account" and the second as an "auxiliary account".

(3) Current Leave Accumulation - One (1) day of entitlement earned during each month of employment shall be credited to the compensation account, and all days earned in excess of one (1) day for each month of employment during a calendar year shall be credited to the auxiliary account.

(4) Previously Accrued Leave - Employees with accrued leave under previous leave policies shall have such accruals divided between the two accounts so that not more than one (1) day per month of full-time employment shall be credited to the compensation account. Any days accrued in excess of one (1) per month shall be credited to the auxiliary account.

(5) Annual Compensation for Unused Sick Leave - Eligible employees shall receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 60 days may choose to convert sick leave days accrued in the previous calendar year to monetary compensation.

(b) Monetary compensation for converted compensable days shall be paid at the rate of 25% (at the rate of one day's pay for each four days accumulated in the compensation account) and shall be based upon the employee's current salary.

(c) All converted compensable days will be deducted from the employee's compensation account balance.

(d) The first 12 days of any sick leave used during the previous year shall be drawn from the days accumulated in the compensation account during that same year and days in excess of 12 shall be taken from the auxiliary account, until depleted, following which further absence shall be taken from the compensation account.

(e) No sick leave days may be converted which would reduce the calendar year-end balance below sixty days.

(f) Converted compensable days shall not exceed one (1) day per month or the 180-day maximum.

(6) Compensation for Unused Sick Leave at Retirement or Death - Employees who separate from the District on or after September 1, 1979, due to retirement or death shall be compensated for their unused compensable 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.

(7) Exclusions - 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.

An employee who separates from the District for any reason other than retirement or death shall not be paid for accrued sick leave.

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 132L-112-290 SEPARATION AND REEMPLOYMENT. (1) Former District 12 faculty or administrative employees who are reemployed by the District within three years of separation shall have their former leave balance restored for use as provided in WAC 251-22-200.

(2) Upon subsequent retirement or death of a retired state employee who has returned to state service, only that unused compensation account balance accrued since the original retirement minus that taken within the same period may be compensated per the provisions of WAC 132L-112-280(6); this restriction shall not apply to other returning employees.

WSR 80-03-014

ADOPTED RULES

COLUMBIA BASIN COMMUNITY COLLEGE

[Order 80-2, Resolution 80-2—Filed February 13, 1980]

Be it resolved by the board of trustees of the Columbia Basin Community College, District No. 19, acting at CBC Board Room, Pasco, Washington, that it does promulgate and adopt the annexed rules relating to tuition and fee waivers for displaced homemakers, chapter 132S-197 WAC.

This action is taken pursuant to Notice No. WSR 80-01-016 filed with the code reviser on 12/13/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to SB 2451, chapter 262, 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 February 4, 1980.

By F. L. Esvelt

Secretary, Board of Trustees

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.

NEW SECTION

WAC 132S-197-012 DEFINITION OF DISPLACED HOMEMAKERS. Displaced homemakers are persons who:

(1) have worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis; and

(2) are not gainfully employed;

(3) need assistance in securing employment; and

(4) 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.

WSR 80-03-015

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 13, 1980]

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 the amending of WAC 468-58-050 to allow the use of bicycles on State Route 90 between Issaquah and High Point Interchange;

that such agency will at 10:00 a.m., Monday, April 14, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, April 14, 1980, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.36.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 14, 1980, and/or orally at 10:00 a.m., Monday, April 14, 1980, Board Room, 1D 9, Highway Administration Building, Olympia, Washington.

Dated: February 13, 1980

By: W. A. Bulley
Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-050 PROHIBITION OF NONMOTORIZED TRAFFIC ON FULLY CONTROLLED LIMITED ACCESS HIGHWAYS. (1) All nonmotorized traffic shall be prohibited on state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(3) This prohibition of nonmotorized traffic shall not apply to the following sections of established and operating fully controlled limited access highways with regard to pedestrians and bicycles:

(a) State Route 2, Mile Post 0.00 to Mile Post 2.50;

(b) State Route 410, Mile Post 0.30 to Mile Post 11.60;

(c) State Route 526, Mile Post 0.80 to Mile Post 4.57;

(d) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on June 18, 1978.

(4) This prohibition shall not apply to the shoulders of the following sections of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only:

(a) State Route 5, Mile Post 23.01 to Mile Post 27.42; ~~((and))~~

(b) State Route 5, Mile Post 116.70 to Mile Post 119.01; and

(c) State Route 90, Mile Post 18.31 to Mile Post 20.16.

Signs giving notice of such permission shall be posted upon these highway routes.

(5) This prohibition shall not apply to the shoulders of the following section of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only from May 1 through September 30:

State Route 90, Mile Post 254.02 to Mile Post 257.69.

Signs giving notice of such permission shall be posted upon these highway routes.

WSR 80-03-016
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 80-8—Filed February 13, 1980]

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 results indicate that steelhead management needs should prevail.

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 February 13, 1980.

By Gordon Sandison
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-013G0G CLOSED AREA (80-3)

WSR 80-03-017
PROPOSED RULES
GAMBLING COMMISSION
 [Filed February 14, 1980]

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 licensure and regulation of gambling activities, amending WAC 230-20-130 as set forth in the previously filed alternate proposals;

that such agency will at 1:30 p.m., Thursday, March 13, 1980, in the Olympia City Hall, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, March 13, 1980, in the Olympia City Hall, 8th and Plum, Olympia, Washington.

The authority under which these rules are proposed is RCW 9.46.070(1) and (10).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 13, 1980, and/or orally at 1:30 p.m., Thursday, March 13, 1980, Olympia City Hall, 8th and Plum, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-01-085 filed with the code reviser's office on December 28, 1979.

Dated: February 14, 1980

By: John H. Keith
 Assistant Attorney General

WSR 80-03-018
PROPOSED RULES
HORSE RACING COMMISSION
 [Filed February 15, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules relating to standards for the administration of medication, repealing WAC 260-70-021; definition of terms, amending WAC 260-70-010; and standards for the administration of medication, adopting WAC 260-70-022;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, April 25, 1980, in the Yakima Convention Center, 10 North 8th Street, Yakima, WA.

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1980, and/or orally at 11:00 a.m., Friday, April 25, 1980, Yakima Convention Center, 10 North 8th Street, Yakima, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-01-106 filed with the code reviser's office on January 2, 1980.

Dated: February 15, 1980

By: Douglas N. Owens
 Assistant Attorney General

WSR 80-03-019
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1664—Filed February 15, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at the Office of the Director of Agriculture, Olympia, Washington, the annexed rules relating to marketing order for Washington fryers, broilers and roasters, by adding labeling requirements for the retail marketing of fryers, amending WAC 16-512-030.

This action is taken pursuant to Notice No. WSR 79-11-104 filed with the code reviser on October 31, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 15.66 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 February 15, 1980.

By Bob J. Mickelson
Director

AMENDATORY SECTION (Amending Marketing Order, Article III, effective 4/15/57)

WAC 16-512-030 MARKETING ORDER PURPOSES. (1) Advertising and sales promotion plans.

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend ~~((monies))~~ moneys for advertising and sales promotion for promoting the sale of fryers for the purpose of maintaining existing markets or creating new and/or larger markets for fryers grown in the state of Washington including but not necessarily limited to the following:

(i) Increasing the sale and consumption of Washington produced fryers through the use of the press, radio, television and all other advertising media;

(ii) Dealer service work, trade promotion, publicity, market development and expansion activities;

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of fryers produced in this state;

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of fryers produced in this state, including cooperation with any agency or group in efforts to increase per capita consumption of fryers, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for fryers, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of fryers without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of fryers.

(2) Research.

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing, or handling research or survey studies relating to fryers and to expend ~~((monies))~~ moneys for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems.

(ii) Developing objective quality factors for fryers.

(iii) Disease control.

(iv) Developing and improving methods of processing fryers for the purpose of increasing and expanding their use for food purposes.

(v) Improving packaging and handling techniques which promote more efficient operation in the marketing and distribution of fryers.

(vi) Investigating transportation rates and service costs.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to, the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to fryers; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that falls within the scope of the marketing, producing, processing or handling of fryers.

(3) Labeling.

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to provide for the improving of standards and grades for fryers by defining, establishing and providing labeling requirements, as provided in the act, and not inconsistent with the laws of this state, with respect to the same, and to expend ~~((monies))~~ moneys for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers, and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of fryers.

(d) All chickens commonly referred to as fryers, broilers, or fryer-roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to the state of origin at the point of retail sale. The state of origin is defined as the state wherein the bird has been raised to market weight. Specific requirements for such labeling shall be made by the fryer commission pursuant to rules promulgated in accordance with the provisions of chapter 34.04 RCW.

(4) Unfair trade practices. The fryer commission, subject to the provisions of the act, is hereby to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced fryers.

Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) Standards, grades, labels and trade practices. The provisions covering standards, grades, labels and trade practices shall apply with respect to fryers marketed or sold within the affected area regardless of where produced.

WSR 80-03-020

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 48—Filed February 15, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to the amending of WAC 468-42-129 prohibiting parking within the two slow vehicle turnouts along the west side of State Route 129 near Asotin.

This action is taken pursuant to Notice No. WSR 80-01-028 filed with the code reviser on 12/17/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

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

APPROVED AND ADOPTED February 15, 1980.

By W. A. Bulley
Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-129 STATE ROUTE 129. ~~((Clarkston vicinity.))~~ (1) Asotin vicinity. No parking any time on the west side of State Route 129 from Mile Post 33.53 to Mile Post 33.75 and from Mile Post 34.88 to Mile Post 35.03, a distance of 0.22 and 0.15 mile respectively.

(2) Clarkston vicinity. No parking any time from a point 0.03 mile south of Junction Riverlawn Drive, at Mile Post 39.75, to Junction Riverside Drive, at Mile Post 40.59, a distance of 0.84 mile on both the east and west sides of the road.

WSR 80-03-021

PROPOSED RULES

GRAYS HARBOR COMMUNITY COLLEGE

[Filed February 19, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Grays Harbor Community College, District No. 2, intends to adopt, amend, or repeal rules concerning student conduct code;

that such institution will at 8:00 p.m., Monday, May 19, 1980, in the Conference Room, Administration Building, Grays Harbor College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 p.m., Monday, May 19, 1980, in the Conference Room, Administration Building, Grays Harbor College.

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 May 19, 1980, and/or orally at 8:00 p.m., Monday, May 19, 1980, Conference Room, Administration Building, Grays Harbor College.

Dated: February 14, 1980

By: Joseph A. Malik
President

Chapter 132B-120

STUDENT CONDUCT CODE

WAC

132B-120-010	Definitions
132B-120-020	Statement of Purpose
132B-120-030	Jurisdiction
132B-120-040	Student Misconduct
132B-120-050	Civil Disturbances
132B-120-060	Free Movement on Campus
132B-120-070	Right to Demand Identification
132B-120-080	Academic Dishonesty/Classroom Conduct
132B-120-090	Campus Speakers
132B-120-100	Distribution of Information
132B-120-110	Commercial Activities
132B-120-120	Disciplinary Process
132B-120-130	Disciplinary Terms
132B-120-140	Readmission After Suspension/Expulsion
132B-120-150	Reestablishment of Academic Standing
132B-120-160	Disciplinary Authority of the Associate Dean of Student Affairs and Dean of Instruction
132B-120-170	Student/Faculty Disciplinary Committee
132B-120-180	Procedural Guidelines
132B-120-190	Appeals
132B-120-200	Reporting, Recording, and Maintaining Records

NEW SECTION

WAC 132B-120-010 DEFINITIONS. As used in this document the following words and phrases shall mean:

(1) "Board" shall mean the Board of Trustees of Community College District No. 2, State of Washington.

(2) "College" shall mean Grays Harbor College or any additional community college hereafter established within Community College District No. 2, State of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(16) as now law or hereafter amended.

(4) "Drugs" shall mean and include any narcotic drug as defined in RCW 69.60.101(o), any controlled substance as defined in RCW 69.50.201-.212 or any legend drug as defined in RCW 69.41.010(8) as now or hereafter amended.

(5) "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.

(6) "President" shall mean the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary officials" shall mean the hearing committee as designated in WAC 132B-120-180, the associate dean of student affairs and/or the dean of instruction, and the president.

(8) "Student" shall mean and include any person who is regularly enrolled at the college.

(9) "Disciplinary action" shall mean and include the warning, probation, expulsion, suspension, or reprimand of any student pursuant to WAC 132B-120-120 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.

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 132B-120-020 STATEMENT OF PURPOSE. (1) Grays Harbor College is maintained by the State of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules and regulations of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college regulations or conduct which interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

NEW SECTION

WAC 132B-120-030 JURISDICTION. All rules herein adopted concerning student conduct and discipline shall apply to every student enrolled at the college whenever said student is engaged in or present at any college-related activity whether occurring on or off of college facilities.

NEW SECTION

WAC 132B-120-040 STUDENT MISCONDUCT. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules and regulations which may from time to time be properly enacted, or for any of the following types of misconduct:

(1) Smoking is prohibited in all classrooms and the library and other areas so posted by college officials.

(2) The possession, use, sale or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited. The use of illegal drugs by any Grays Harbor College student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any Grays Harbor College student attending such events on non-college property shall conform to state law.

(3) Engaging in lewd, indecent, or obscene behavior.

(4) Where the student presents an imminent danger to college property or to himself or other students or persons in college facilities on or off campus, or to the education process of the college.

(5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

(6) The intentional making of false statements and/or filing of false charges against the college and members of the college community.

(7) Forgery, alteration, or misuse of college documents, records, funds or instruments of identification with the intent to defraud.

(8) Theft from or damage to college premises and/or property, or theft of or damage to property of a member of the college community or college premises.

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties.

(10) Possession of firearms, licensed or unlicensed, except where possessed by commissioned policy officers as prescribed by law.

NEW SECTION

WAC 132B-120-050 CIVIL DISTURBANCES. In accordance with provisions contained in RCW 28B.10.571 and RCW 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and RCW 28B.10.572 shall not apply to administrators or faculty members who are engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and referred to the civil authorities for prosecution.

NEW SECTION

WAC 132B-120-060 FREE MOVEMENT ON CAMPUS. The president is authorized in the instance of any event that he deems impedes the movement of persons or vehicles or which he deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may, in his stead, act through the associate dean of student affairs or any other persons he may designate.

NEW SECTION

WAC 132B-120-070 RIGHT TO DEMAND IDENTIFICATION. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce evidence of student enrollment at the college by tender of that person's student identification card to the faculty member or other authorized personnel.

NEW SECTION

WAC 132B-120-080 ACADEMIC DISHONESTY/CLASSROOM CONDUCT. (1) Academic Dishonesty: Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) Classroom Conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college shall be authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided a student shall have the right to appeal such disciplinary action to the associate dean of student affairs.

NEW SECTION

WAC 132B-120-090 **CAMPUS SPEAKERS.** (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty providing suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

NEW SECTION

WAC 132B-120-100 **DISTRIBUTION OF INFORMATION.** (1) Handbills, leaflets, newspapers and similarly related materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the associate dean of student affairs; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the associate dean of student affairs prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

NEW SECTION

WAC 132B-120-110 **COMMERCIAL ACTIVITIES.** (1) College facilities will not be used for a commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college; provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 132B-120-100 of this document.

NEW SECTION

WAC 132B-120-120 **DISCIPLINARY PROCESS.** (1) Any infractions of college rules and regulations may be referred by any college faculty or staff member to the associate dean of student affairs or

in his absence the dean of instruction. That official shall then follow the appropriate procedures for any disciplinary action which he deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by an instructor or faculty member pursuant to the provisions in WAC 132B-120-180.

(2) The disciplinary official may take whatever action he deems appropriate within the framework of these regulations. If the student concludes that any sanctions imposed upon him are inappropriate, he may appeal to the student/faculty disciplinary committee.

(3) If a referral or an appeal is made to the student/faculty disciplinary committee, the committee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the disciplinary committee is inappropriate, he may appeal the matter to the president of the college.

(4) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the student/faculty disciplinary committee. The decision of the president is final.

NEW SECTION

WAC 132B-120-130 **DISCIPLINARY TERMS.** (1) As used in this document the following terms shall mean:

(a) **Disciplinary Warning:** Constitutes oral notice of violation of college rules and regulations.

(b) **Reprimand:** Formal action after censuring a student for violation of college rules or regulations for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(c) **Disciplinary Probation:** Formal action placing conditions upon the student's continued attendance because of his violation of college rules and regulations or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. 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.

(d) **Summary Suspension:** Temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in this code due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or other students or persons in college facilities on or off campus, or to the educational process of the college.

(e) **Suspension:** Temporary dismissal from the college and temporary termination of student status for violation of college rules and regulations or for failure to meet college standards of conduct.

(f) **Expulsion:** Dismissal from the college and termination of student status for violation of college rules and regulations or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(2) Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

(3) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 132B-120-140 **READMISSION AFTER SUSPENSION/EXPULSION.** Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the associate dean of student affairs. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or his designee.

NEW SECTION

WAC 132B-120-150 REESTABLISHMENT OF ACADEMIC STANDING. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 132B-120-120 and WAC 132B-120-130 and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 132B-120-160 DISCIPLINARY AUTHORITY OF THE ASSOCIATE DEAN OF STUDENT AFFAIRS AND DEAN OF INSTRUCTION. (1) The associate dean of student affairs or, in his absence, the dean of instruction of the college is responsible for initiating disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. The associate dean of student affairs or, in his absence, the dean of instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the several sanctions that may be involved for the misconduct.

(3) After considering the evidence in a case and interviewing the student or students involved, the associate dean of student affairs, or in his absence, the dean of instruction, 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 maybe appropriate.

(c) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally.

(d) Refer the matter to the student/faculty disciplinary committee on conduct and standards for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

(4) This section shall not be construed as preventing the appropriate official from summarily suspending a student. In the event of summary suspension, the student will be given oral or written notice of the charges against him, an explanation of the evidence against him if he denies the charges, and an informal opportunity to present his side of the matter. He will also be given an opportunity to invoke the formal hearing process set forth in this code.

NEW SECTION

WAC 132B-120-170 STUDENT/FACULTY DISCIPLINARY COMMITTEE. (1) The student/faculty disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to by the appropriate authority or appeal to it by students. The committee will be composed of the following persons:

(a) a member appointed by the president of the college
 (b) two members of the faculty, appointed by the president of the faculty association
 (c) two representatives from the student council, appointed by the student body president.

(2) None of the above-named persons shall sit on any case in which he has a complaint or witness, in which he has a direct or personal interest, or in which he has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the disciplinary committee as a whole. The disciplinary committee chairman will be elected by the members of the disciplinary committee.

(3) The committee may decide that the student involved:

(a) be given a disciplinary warning;
 (b) be given a reprimand;
 (c) be placed on disciplinary probation;
 (d) be given a suspension;
 (e) be expelled;
 (f) be exonerated with all proceedings terminated and with no sanctions imposed.

NEW SECTION

WAC 132B-120-180 PROCEDURAL GUIDELINES. (1) The student, if he wishes to appeal, has a right to a fair and impartial hearing before the committee on any charge of misconduct. His failure to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(2) The student shall be given notice of the date, time and place of the hearing, the charges against him, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(3) The student or his representative shall be entitled to hear and examine the evidence against him and be informed of the identity of its sources; he shall be entitled to present evidence in his own behalf and to question witnesses testifying against him as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether he is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his choice.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited guests are disruptive of the proceedings, the chairman of the committee may exclude such persons from the hearing room.

(7) A majority of the committee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student affairs during regular business hours.

(10) The student will be provided with a copy of the findings of fact and with the conclusions of the committee. He will also be advised of his right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of an unmarried student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation will be sent to the parents or guardian of the student.

(11) The committee chairman shall establish general rules of procedures for conducting hearings consistent with the foregoing procedural guidelines.

(12) The president of the college or his designated representative, after reviewing the case, including the report of the committee and any statement filed by the student, shall either indicate his approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing its decision. He shall then notify the official who initiated the proceedings, the student and the committee chairperson.

NEW SECTION

WAC 132B-120-190 APPEALS. Any disciplinary action may be appealed as described below. Notice of an appeal by a student shall be made in writing and addressed to the associate dean of student affairs within ten calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the associate dean of student affairs, or in his absence, the dean of instruction.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the student/faculty disciplinary committee.

(3) Disciplinary action by the student/faculty disciplinary committee may be appealed to, and shall be reviewed by, the college president or his designee.

(4) Disciplinary action by the president shall either indicate his approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. All appeals to the president shall be final.

NEW SECTION

WAC 132B-120-200 REPORTING, RECORDING AND MAINTAINING RECORDS. Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exonerated, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

WSR 80-03-022
PROPOSED RULES
WENATCHEE VALLEY COLLEGE
[Filed February 19, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Wenatchee Valley College intends to amend rules concerning bylaws and standing orders of the board of trustees, chapter 132W-104;

that such institution will at 1:15 p.m., Wednesday, April 16, 1980, in Room 230, Anderson Hall, Wenatchee Valley College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Wednesday, April 16, 1980, in Room 230, Anderson Hall, Wenatchee Valley College.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 16, 1980, and/or orally at 1:15 p.m., Wednesday, April 16, 1980, Room 230, Anderson Hall, Wenatchee Valley College.

Dated: February 14, 1980

By: James R. Davis
President

AMENDATORY SECTION (Amending Order 77-70, filed 12/19/77)

WAC 132W-104-040 MEETINGS OF THE BOARD OF TRUSTEES. (1) Regular meetings. A regular meeting of the board of trustees shall be held once each month on the second Wednesday of each month in ~~((the Board))~~ Room 230 of ~~((the))~~ Anderson Hall, Wenatchee Valley College ~~((Wells Hall))~~ at 1:30 p.m., unless dispensed with by the board of trustees, at such time and place as the board of trustees by motion from time to time may direct.

(2) Special meetings. The chairman of the board of trustees or a majority of the members of the board may call special meetings of the board of trustees.

(3) No official business shall be conducted by the board of trustees except during a regular or special meeting.

(4) All regular and special meetings of the board of trustees shall be publicly announced prior to the meeting as required under chapter 42.30 of the Revised Code of Washington, as now or hereafter amended, and the meetings shall be open to the general public.

(5) Quorum. Three members of the board shall constitute a quorum; and no action shall be taken by less than a unanimous vote of a majority of the total board members, except that a lesser number may adjourn, from time to time, to a definite time and place announced in open meeting, any regular or special meeting at which a quorum is not present. The secretary of the board shall in person or in writing notify the absent members of the time, date, and place set for the adjourned meeting.

(6) Voting. Normally, voting shall be viva voce; however, a roll call vote may be requested by any member of the board for the purposes of the record.

(7) Executive sessions. The board of trustees may convene in executive sessions during a regular or special meeting to consider and act upon matters affecting national security; the selection of a site or the purchase of real estate, when publicity regarding such consideration would cause a likelihood of increased price; to discuss with their attorney sensitive areas of legal advice; the appointment, employment or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

(8) Rules of procedure. Parliamentary procedure. The actions of the board shall be conducted according to Robert's Rules of Order Newly Revised unless specified otherwise by state law or regulation of the state board or bylaws of the board of trustees.

(9) Information and materials pertinent to the agenda of all regular meetings of the board shall be sent to the trustees prior to each meeting. Any matter of business or correspondence must be received by the secretary of the board by 12 o'clock six days before the meeting in order to be included on the agenda. The chairman or secretary may, however, present a matter of urgent business received too late for inclusion on the agenda when in his judgment the matter is of an emergency nature. The agenda of a special meeting will be determined at the time of the official call of such meeting. No other business shall be transacted or official action taken other than the purpose or purposes for which this meeting was called.

WSR 80-03-023
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
[Memorandum, President—February 15, 1980]

At the February 12, 1980, regular board meeting, the Board of Trustees of Skagit Valley College, Community College District No. 4, passed a motion to change the date of the regular March board meeting from March 11 to Thursday, March 13, 1980.

WSR 80-03-024
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Order 141—Filed February 19, 1980]

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 Salary—Increase on promotion, amending WAC 356-14-140.

This action is taken pursuant to Notice No. WSR 80-02-038 filed with the code reviser on 1/11/80. 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 February 14, 1980.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-14-140 SALARY—INCREASE ON PROMOTION. (1) An employee who is promoted 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

(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.

(2) When an employee is promoted to a new classification at least six basic salary ranges above his/her former classification, he/she shall have his/her salary increased by the next four salary schedule increments over his/her former basic salary; or

(3) When an employee who is working in a position that is included in an approved class series study accepts a promotion within his/her agency 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 upon the effective date of the class study.

~~((3))~~(4) When an employee is promoted 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.

~~((4))~~(5) Whenever a promotion would require an employee to move his/her residence to another geographic area to be within a reasonable commuting distance of the new place of work, he/she shall have his/her salary increased by the next four salary schedule increments over the former basic salary.

~~((5))~~(6) Employees will be entitled to only one of the increases of (2), ~~((3)-or)~~ (4) or (5) above, and not the accumulation, when the situations happen within 12 months of each other.

~~((6))~~(7) When the increase prescribed in (2), ~~((3) and)~~ (4) and (5) 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))~~(8) Any additional salary ranges that were afforded by a special pay provision shall not be used in the above computations.

~~((8))~~(9) 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))~~(10) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules.

WSR 80-03-025

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed February 20, 1980]

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 Affirmative Action Policy of Community College District VIII, repealing WAC 132H-148-020 through 132H-148-100;

that such institution will at 1:30 p.m., Tuesday, April 8, 1980, 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, April 8, 1980, 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 April 8, 1980, and/or orally at 1:30 p.m., Tuesday, April 8, 1980, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: February 7, 1980

By: Thomas E. O'Connell
Secretary, Board of Trustees

REPEALER

The following sections of Affirmative Action Policy, Community College District VIII, are each repealed:

- (1) WAC 132H-148-020 EQUAL OPPORTUNITY EMPLOYER.
- (2) WAC 132H-148-030 RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION.
- (3) WAC 132H-148-040 AFFIRMATIVE ACTION COMMITTEE.
- (4) WAC 132H-148-050 PERSONNEL RECRUITMENT.
- (5) WAC 132H-148-060 UTILIZATION ANALYSIS.
- (6) WAC 132H-148-070 COMPLAINT OF DISCRIMINATION GRIEVANCE PROCEDURE.
- (7) WAC 132H-148-080 DISSEMINATION.
- (8) WAC 132H-148-090 PURCHASING SUBCONTRACTORS.
- (9) WAC 132H-148-100 PUBLIC WORKS PROJECTS.

WSR 80-03-026**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1665—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Walla Walla County, 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.

This action is taken pursuant to Notice Nos. WSR 79-10-135 and 80-02-074 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-232-001 AREA UNDER ORDER: All lands lying within the boundaries 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 one mile radius from the center of the town of Dixie and within one 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 two miles to the southeast corner of Section 2, T6N, R36E; thence north three miles to the southwest corner of Section 24, T7N, R36E; thence east one mile to the southeast corner of Section 24, T7N, R36E; thence north one mile to the southwest corner of Section 18, T7N, R37E; thence east one mile to the southeast corner of Section 18, T7N, R37E; thence north one mile to the northeast corner of Section 18, T7N, R37E; thence west nine miles to the northwest corner of Section 14, T7N, R35E; thence south one mile to the northwest corner of Section 23, T7N, R35E; thence west one 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 applications of non-volatile

formulations of restricted use herbicides from one-half to one 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 Washington 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 north-east 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 two miles to the southwest corner of Section 31, T8N, R35E; thence north six miles to the northwest corner of Section 6, T8N, R35E; thence east twenty-four miles to and along the Columbia-Walla Walla county line to the northeast corner of Section 1, T8N, R38E; thence south fourteen 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 applications 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 one-half to one mile from commercial vineyards shall be considered through written request of the Washington 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 twelve 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 seven miles per hour.

NEW SECTION

WAC 16-232-040 DISTRIBUTION, USE AND APPLICATION. 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 80-03-027

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1666—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Okanogan County, WAC 16-231-700, 16-231-705, 16-231-710, 16-231-715, 16-231-720, 16-231-725 and 16-231-730.

This action is taken pursuant to Notice Nos. WSR 79-10-146 and 80-02-064 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

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 three miles to the southeast corner of Section 9; thence north two miles to the northeast corner of Section 4; thence east three miles more or less to the southeast corner of Section 36, T33N, R26E; thence north four miles to the southwest corner of Section 7, T33N, R27E; thence east two miles to the southeast corner of Section 8; thence north six miles to the northeast corner of Section 17, T34N, R27E; thence west eight miles to the northwest corner of Section 18, T34N, R26N; thence south four miles to the southwest corner of Section 31; thence west three miles to the northwest corner of Section 3, T33N, R25E; thence south four miles to the southwest corner of Section 22, T33N, R25E; thence west three miles to the northwest corner of Section 30; thence south two miles to the southwest corner of Section 31; thence west two miles to the northwest corner of Section 2, T32N, R24E; thence south ten miles to the southwest corner of Section 23, T31N, R24E; thence west four miles to the northwest corner of Section 30; thence south seven 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 twelve miles per hour throughout the year.

NEW SECTION

WAC 16-231-725 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 16-231-730 DISTRIBUTION, USE AND APPLICATION. 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 80-03-028

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1667—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Douglas and Chelan Counties, WAC 16-231-800, 16-231-805, 16-231-810, 16-231-815, 16-231-820, 16-231-825, 16-231-830, 16-231-835, 16-231-840 and 16-231-845.

This action is taken pursuant to Notice Nos. WSR 79-10-136 and 80-02-073 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-231-800 AREA UNDER ORDER: All lands lying within the boundaries 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.) Section 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, N21N, 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 one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington 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 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 seven miles per hour from April 16 through October 31.

NEW SECTION

WAC 16-231-845 DISTRIBUTION, USE AND APPLICATION. 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 80-03-029

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1668—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Klickitat County, WAC 16-231-600, 16-231-605, 16-231-610, 16-231-615, 16-231-620 and 16-231-625.

This action is taken pursuant to Notice Nos. WSR 79-10-141 and 80-02-070 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

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 twelve miles per hour throughout the year.

NEW SECTION

WAC 16-231-625 DISTRIBUTION, USE AND APPLICATION. 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 80-03-030
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1669—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Lincoln County, WAC 16-232-100, 16-232-105, 16-232-110, 16-232-115, 16-232-120, 16-232-125 and 16-232-130.

This action is taken pursuant to Notice Nos. WSR 79-10-138 and 80-02-072 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
 Director

NEW SECTION

WAC 16-232-100 AREA UNDER ORDER. All lands lying within the boundaries 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. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and State Highway 2; thence northeasterly two and one-half miles more or less along State Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to State Highway 21; thence south twenty-seven miles more or less along State Highway 21 to the Lincoln-Adams County line; thence west thirtenn and one-half miles more or less along the common boundary line between Lincoln and Adams Counties to the Grant County line; thence north

twenty-nine and one-half miles more or less along the common boundary line between Grant County and Lincoln County 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 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).

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 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 twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2 RD or No. 2 RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less.

NEW SECTION

WAC 16-232-130 DISTRIBUTION, USE AND APPLICATION. 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 80-03-031
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1670—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Grant County, 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.

This action is taken pursuant to Notice Nos. WSR 79-10-139 and 80-02-068 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-231-900 AREA UNDER ORDER: All lands lying within the boundaries 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 southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen 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 applications 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 request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

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 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 twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks; thence east fourteen miles more or less to the Grant-Lincoln County line; thence south twenty-five miles more or less along the Grant-Lincoln and Grant-Adams County line 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 nineteen 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 twelve 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 fourteen 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 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 applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

NEW SECTION

WAC 16-231-940 DISTRIBUTION, USE AND APPLICATION. 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 80-03-032

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1671—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Garfield County, WAC 16-232-200, 16-232-205, 16-232-210, 16-232-215, 16-232-220, 16-232-225 and 16-232-230.

This action is taken pursuant to Notice Nos. WSR 79-10-137 and 80-02-078 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

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 twelve 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 seven miles per hour.

NEW SECTION

WAC 16-232-230 DISTRIBUTION, USE AND APPLICATION. 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 80-03-033

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1672—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Whitman County, WAC 16-231-500, 16-231-505, 16-231-510, 16-231-515, 16-231-520, 16-231-525, 16-231-530 and 16-231-535.

This action is taken pursuant to Notice Nos. WSR 79-10-140 and 80-02-069 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-231-500 AREA UNDER ORDER: All lands lying within the boundaries 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 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 ten 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 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 No. 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Alмота 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 16-231-520 AREA 4. (1) Area 4 description. (Outlying area west of Area 3.) 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 16-231-525 FARM OPERATOR TO NOTIFY. The landowner or person in charge of farming operations 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 16-231-530 WIND CONDITIONS. (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of restricted use herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or No. 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less.

NEW SECTION

WAC 16-231-535 DISTRIBUTION, USE AND APPLICATION. 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 16-230-660 through WAC 16-230-675).

WSR 80-03-034

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1673—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture of the state of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Columbia County, WAC 16-231-400, 16-231-405, 16-231-410, 16-231-415, 16-231-420, 16-231-425 and 16-231-430.

This action is taken pursuant to Notice Nos. WSR 79-10-147 and 80-02-065 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-231-400 AREA UNDER ORDER: All lands lying within the boundaries 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 30 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 DISTRIBUTION, USE AND APPLICATION. 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 80-03-035**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1674—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Adams County, 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.

This action is taken pursuant to Notice Nos. WSR 79-10-134 and 80-02-075 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-231-300 AREA UNDER ORDER: All lands lying within the boundaries 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 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). Beginning at the Grant-Adams County line Section 6, T18N, R31E; thence east six miles more or less along the Burlington Northern Railroad tracks to Kulm Road; thence south three miles more or less along Kulm Road to Franz Road; thence east one mile along Franz Road to Roxboro Road; thence south fourteen miles along the Roxboro Road to Cunningham Road; thence southeasterly one mile more or less along Cunningham Road to Lind-Hatton Road; thence southerly three miles more or less along Lind-Hatton Road to Roxboro Road; thence

southerly three miles more or less to the Adams-Franklin County line; thence west seven miles more or less along Adams-Franklin County line to the East Low Canal; thence northwesterly along the East Low Canal to the Grant-Adams County line; thence east five miles more or less and three miles north more or less along the Grant-Adams County line to the East Low Canal; thence northeasterly along East Low Canal to the Grant-Adams County line; thence north two miles more or less along 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 16-231-325 AREA 3. (1) Area 3 description. An area starting at the northwest corner of Section 6, T20N, R31E, on the Lincoln-Adams County line; thence east twenty-three miles more or less on the Davis Road to Paha-Packard Road; thence south seventeen miles more or less along the Paha-Packard Road to the intersection of Paha-Packard Road and SR 395; thence southwesterly twenty-six miles more or less along SR 395 to the Adams-Franklin County line; thence west one mile more or less along Muse Road to the Roxboro Road; thence northerly and westerly thirty-one miles more or less along the east and north boundary of Area 2 to the Grant-Adams County line; thence north twelve miles more or less along the Grant-Adams County line to the point of beginning.

(2) Area 2 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 or 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 Washington State department of agriculture.

NEW SECTION

WAC 16-231-340 WIND CONDITIONS. (1) Area 1 and 2. (a) The use or application of restricted use herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of restricted use herbicides shall be prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: PROVIDED, That ground applications of restricted use herbicides are allowed when using No. 2RD or 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: PROVIDED FURTHER, 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 DISTRIBUTION, USE AND APPLICATION. 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 675.)

WSR 80-03-036**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1675—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Yakima County, 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.

This action is taken pursuant to Notice Nos. WSR 79-10-144 and 80-02-067 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
DirectorNEW SECTION

WAC 16-231-200 AREA UNDER ORDER: All lands lying within the boundaries 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 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven 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-four 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. (1) 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 descriptions. 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[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 herbicides 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 DISTRIBUTION, USE AND APPLICATION. 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 80-03-037

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1676—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Franklin County, 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.

This action is taken pursuant to Notice Nos. WSR 79-10-145 and 80-02-063 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-231-100 AREA UNDER ORDER: All lands lying within the boundaries 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 applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

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 to the Snake River to the confluence of the Snake River and the Columbia River, thence northerly and westerly along the Columbia River to the point of beginning.

(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 southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east boundary line of Area 1; 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 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 DISTRIBUTION, USE AND APPLICATION. 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 80-03-038

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1677—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Benton County, 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.

This action is taken pursuant to Notice Nos. WSR 79-10-143 and 80-02-066 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-231-001 AREA UNDER ORDER: All lands lying within the boundaries 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, Sections 21 through 25, and Section 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, Sections 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 Sections 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 Danger Area Restrictions (see WAC 16-230-675): PROVIDED, That aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington State department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter 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 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, 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 Washington 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 twelve 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 ten miles per hour.

NEW SECTION

WAC 16-231-035 DISTRIBUTION, USE AND APPLICATION. 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 80-03-039

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1678—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides within Spokane County, amending WAC 16-230-420, 16-230-430 and 16-230-440.

This action is taken pursuant to Notice Nos. WSR 79-10-132 and 80-02-077 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

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 southwest 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 along the Cheney-Spokane Highway; thence southerly 3 miles more or less to 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 Salmave Road; thence northwesterly along the Salmave 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)) State Highway 2 and Christianson Road; thence north two miles more or less to the northwest corner of Section 17, T25N, R41E; thence east five miles more or less to Hayford Road; thence north eight miles more or less to the northwest corner of Section 6, T26N, R41E; thence east ten miles more or less to the northeast corner of Section 3, T26N, R43E; thence south five miles more or less to the northeast corner of Section 34, T26N, R43E; thence east fourteen miles more or less to the Idaho-Washington border; thence south seven miles more or less to the common boundary line between T24N and 25N; thence west six miles more or less to Chapman Road; thence south one mile more or less along Chapman Road to the common boundary line between Sections 1 and 12, T24N, R44E; thence east thirteen miles more or less to the Cheney-Spokane Road;

thence southwesterly along the Cheney-Spokane Road two miles more or less to the common boundary line between Sections 14 and 15, T24N, R42E; thence south one and one-half miles more or less to the southeast corner of Section 22, T24N, R42E; thence west one and one-half miles more or less to the Cheney-Spokane Highway; thence southerly one mile more or less along the Cheney-Spokane Highway to the common boundary line between Section 28 and 33, T24N, R42E; thence east six miles more or less to Interstate 90; thence southerly three miles more or less to the intersection of Interstate 90 and Salnave Road; thence northwesterly along the Salnave Road three miles more or less to its intersection with the Medical Lake-Tyler Road; thence north four miles more or less to the intersection of Hallet and Richey Road; thence east one mile more or less along Hallet Road to the intersection of Hallet Road and Brooks Road; thence north three miles more or less on Brooks Road to the intersection of Brooks Road and Highway 2; thence east one mile more or less along Highway 2 to the point of beginning.

(2) Area 2 restrictions(:).

(a) On and after May 1 through October 15, 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 direct-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 15(:); 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) 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.

(f) Restricted use herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

(g) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: PROVIDED, That the mean sustained wind velocity is fifteen miles per hour or less.

AMENDATORY SECTION (Amending Order 1585, filed December 20, 1978)

WAC 16-230-430 AREA 3. (1) An area within a distance of ((one))two-thirds of a 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 aerial applications of nonvolatile formulations of restricted use herbicides ((within)) up to ((+2)) one-half mile of the city limits of incorporated towns and cities and ((within)) up to ((+2)) one-half mile of the center of any unincorporated towns comprised of ((+0)) ten or more inhabited closely grouped residences.

(b) On and after May 1 through October 15, aerial applications shall be made using the Danger Area Restrictions ((~~see Order 1508, Regulation 11~~)) (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(d) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: PROVIDED, That the mean sustained wind velocity is fifteen miles per hour or less.

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 15, 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 15, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions ((~~see Order 1508, Regulation 11~~)) (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: PROVIDED, That the mean sustained wind velocity is fifteen miles per hour or less.

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 80-03-040

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1679—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of and addition to WAC 16-228-162 and 16-228-165, relating to state restricted use pesticides.

This action is taken pursuant to Notice Nos. WSR 79-10-133 and 80-02-076 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

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. 1597, filed April 10, 1979)

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 & 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 1 gallon and larger to be used in counties located east of the crest of the Cascade Mountains. Pesticide dealers shall be required to ((furnish)) make 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

(q) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:

- (i) swimming pools;
- (ii) wholly impounded ornamental pools and fountains;
- (iii) aquariums;
- (iv) closed plumbing and sewage systems;
- (v) enclosed food processing systems;
- (vi) air conditioners and humidifiers;
- (vii) cooling towers;
- (viii) and aquatic environments in states other than Washington:

PROVIDED, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to non-certified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers must furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records must include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(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 certificate 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.

WSR 80-03-041**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1680—Filed February 20, 1980]

I, Bob J. Mickelson, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides in all counties located east of the crest of the Cascade Mountains, 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.

This action is taken pursuant to Notice Nos. WSR 79-10-142 and 80-02-071 filed with the code reviser on October 2, 1979 and January 18, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1980.

By Bob J. Mickelson
Director

NEW SECTION

WAC 16-230-600 HIGH VOLATILE ESTER AND DUST FORMULATIONS AND AREA UNDER ORDER. (1) The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides shall be prohibited throughout the state.

(2) WAC 16-230-605 through WAC 16-230-675 shall apply to 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 AND DEFINITIONS. (1) 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.

(2) High and low volatile esters mean 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.

(3) Commercial vineyard means 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 16-230-615 SALE AND DISTRIBUTION. 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 shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives.

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 MIXING AND LOADING. The mixing of restricted use herbicides, the loading and decontamination of equipment used to apply restricted use herbicides, and aircraft entering on to and exiting from landing sites must be done in a manner as not to cause possible damage to susceptible crops.

NEW SECTION

WAC 16-230-630 STORAGE. Restricted use herbicides shall not be stored in areas where their use is prohibited unless they are in a sealed container (tight screw type bungs, tightly closed lids or packages), and the outside of the containers not contaminated with the restricted use herbicide.

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 and 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, Yakima, and Walla Walla counties.

NEW SECTION

WAC 16-230-650 APPLICATION PERMIT. The Washington State Department of Agriculture may issue a permit, upon receipt of a written request, 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 forty 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 0.075 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. 46 or larger core plate in all counties under order except Franklin County and Benton County). 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. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate) and minimum orifice of 0.063 for applications made over sixty miles per hour (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 in all counties under order except Franklin County and Benton County). 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.

(iii) No flat fan nozzles shall be allowed.

(4) DANGER AREA

(a) Fixed wing - Minimum nozzle or

(i) Minimum nozzle orifice of 0.075 inches (no core plate): PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.063 inches (no core plate): PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

WSR 80-03-042

ADOPTED RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 145—Filed February 20, 1980]

Be it resolved by the Game Commission, State of Washington, acting at Yakima, Washington, that it does promulgate and adopt the annexed rules relating to 1980 Spring and Summer Hunting Seasons, WAC 232-28-702.

This action is taken pursuant to Notice No. WSR 79-11-128 filed with the Code Reviser on November 6, 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 January 7, 1980.

by Ralph W. Larson
Director

NEW SECTION

WAC 232-28-702 1980 SPRING AND SUMMER HUNTING SEASONS.

Reviser's Note: The text comprising the 1980 Spring and Summer Hunting 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 232-28-701 1979 SPRING AND SUMMER HUNTING SEASONS

WSR 80-03-043

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Filed February 20, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 46.44.038, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning special permits for movement over state highways of overlegal size or

weight loads—Triple saddlemounts, amending WAC 468-38-450;

that such agency will at 2:00 p.m., Tuesday, March 18, 1980, in Room 1D2, Highway Administration Building, Olympia, Washington 98504, conduct a public hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, March 18, 1980, in Room 1D2, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 46.44.038.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1980, and/or orally at 2:00 p.m., Tuesday, March 18, 1980, Room 1D2, Highway Administration Building, Olympia, Washington 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-01-060 filed with the reviser's office on December 20, 1979.

Dated: February 20, 1980
By: Lue Clarkson
Administrator

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-38-450 SPECIAL PERMITS FOR MOVEMENT OVER STATE HIGHWAYS OF OVERLEGAL SIZE OR WEIGHT LOADS — TRIPLE SADDLEMOUNTS. (1) Definition: A combination of four vehicles used on a drive-away-towaway operation with three vehicles in saddlemount position with the towing vehicle.

(2) Authority: In accordance with RCW 46.44.038 and 46.44.0941, special permits may be issued authorizing the operation of Triple Saddlemounts on the state highway system with an overall combined length of ~~((65))~~ 75 feet.

(3) Operating conditions are as follows:

(a) Vehicles operating in Triple Saddlemount will meet specifications of ~~((+C.E.))~~ U.S.D.O.T. Federal Motor Carrier ~~((regulations))~~ Regulations in parts 393.40 through 393.52 ~~((:))~~ and 393.71.

~~((b))~~ Combination will not consist of more than four vehicles.)

~~((c))~~ (b) In Triple Saddlemount combinations, no towed vehicle will be permitted in lieu of saddlemount.

(c) Subject to limitations of R.C.W. 46.44.041 a full mounted vehicle may be carried on the rear-most towed vehicle only.

~~((d))~~ No full mounted vehicle shall be carried on the towing vehicle or any towed vehicle.)

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

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

WSR 80-03-044

ADOPTED RULES

BOARD OF HEALTH

[Order 192—Filed February 20, 1980]

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 ventilation, amending WAC 248-64-290.

This action is taken pursuant to Notice Nos. WSR 79-12-106 and 80-02-020 filed with the code reviser on 12/5/79 and 1/9/80. 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 declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 13, 1980.

By Irma Goertzen

Chairman

John B. Conway

Robert H. Barnes

Ida B. Chambliss

Ronald L. Jacobus

John A. Beare, MD

Secretary

AMENDATORY SECTION (Amending Order 183, filed 7/26/79)

WAC 248-64-290 VENTILATION. ~~((+))~~ Natural Ventilation Requirements—In instructional areas, assembly rooms and meeting rooms, clear opening of not less than 4 percent of floor area shall be provided by operable external windows, doors and/or other openings except in auditoriums and gymnasiums provided with mechanical ventilation or rooms provided with air conditioning, as described hereinafter. Openings must be arranged both at the bottom and the top where they are located all on one wall. To prevent objectionable drafts on occupants, the introduction of supply air into all rooms must be arranged to insure thorough mixing with room air and dissipation of velocity before entering the occupied zone:

(2) Mechanical Ventilation:

(a) Instructional areas, meeting and assembly rooms:

(i) All rooms normally used for instructional areas, assembly or meetings shall have a tempered mechanical ventilation system, automatically controlled. Mechanical ventilation will not be required for those rooms occupied less than six hours per week or for rooms such as gymnasiums having a volume of 700 cubic feet or more per occupant or for those schools constructed prior to April 2, 1960, except as hereinafter required.

(ii) The ventilation system air quantities shall be the same as required in WAC 248-64-290(3), Air Conditioning, for rooms provided with air conditioning. In no case shall the air supply rate in instructional areas be

less than 1.3 cubic feet per minute (c.f.m.) per square foot of floor area.

(iii) The system shall be designed to automatically mix recirculated air and outside air, to provide atmospheric cooling. The air supply system shall be arranged to provide 100 percent outside air during the nonheating season.

(iv) The minimum outside air introduced after the room is up to temperature during occupancy shall be not less than 5 c.f.m. per occupant.

(v) The heating and distribution system shall provide a temperature differential in the occupied zone not to exceed plus or minus 2 percent Fahrenheit. The terminal air velocities in occupied zone shall not exceed 50 feet per minute (f.p.m.).

(vi) Rooms with air supply systems shall be provided with exhaust equal to the rate of outside air introduction which is in excess of the minimum outside air ventilation requirements as stated in WAC 248-64-290(2)(a)(iv).

(b) Toilet Room Ventilation. All toilet rooms shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the rate of not less than 2.5 c.f.m. per square foot of floor area.

(c) Shower—Drying Areas and Locker Rooms:

(i) All shower drying areas, physical education locker rooms and physical education clothing storage areas shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the rate of not less than 2.5 c.f.m. per square foot of floor area.

(ii) If shower drying or locker rooms are combined into a single use area, the ventilation requirements are satisfied if design is based upon the square footage of the largest single use space, provided the air movement is essentially uniform throughout any given space.

(iii) The supply air may be introduced indirectly from other areas:

(d) Student coat and book locker rooms shall have mechanical exhaust at a minimum rate of 0.67 c.f.m. per square foot of floor area.

(e) Athletic Uniform and Equipment Drying Rooms:

(i) Athletic uniform and equipment drying rooms shall be ventilated by means of a mechanical exhaust, exhausting to the outside at the minimum rate of 2.5 c.f.m. per square foot of floor area.

(ii) The supply air may be introduced indirectly from other areas:

(f) Special Areas:

(i) At all locations where excessive odors, dust, heat fumes or moisture are generated or produced, such as laboratories, kitchens, shops, laundries, etc., whether constructed prior to or after 1960, local mechanical exhaust systems shall be provided. Hood air quantities and design shall comply with Chapter 20, 1970 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide for Industrial Exhaust Systems:

(ii) Home economics food preparation rooms will not be subject to the foregoing requirements but shall be

provided with mechanical supply and exhaust systems capable of exhausting at the minimum rate of 1.33 c.f.m. per square foot of floor area:

(g) Make-up air supply requirements:

(i) Every area which is exhausted shall be provided with a method of introducing tempered make-up air at a rate not less than that exhausted:

(ii) The minimum total outside air quantities introduced into a building to replace exhausted air quantities shall be equal to or in excess of that exhausted:

(iii) Means shall be provided to maintain an air balance throughout the building. Indirect methods of air make-up may be employed if definite means of air transfer between areas are provided:

(3) Air Conditioning:

(a) Air conditioning shall be provided in the following spaces and under the following conditions:

(i) All instructional areas, assembly rooms, and meeting rooms in schools constructed since April 2, 1960 not provided with "Exterior Sun Control" as provided for in WAC 248-64-260(11):

(b) Air conditioning systems shall be designed to maintain a maximum space environmental condition in the occupied zone of 78 degrees Dry Bulb (DB) and 50 percent Relative Humidity (RH) during the 12 month year. Outside design conditions shall be as set forth in Chapter 22, 1967 edition of the American Society of Heating, Refrigeration and Air Conditioning Engineers Guide and Data Book, using the one percent frequency incident temperature values, or other published U.S. Weather Bureau data for the respective area based on the same frequency incident temperature values.

(c) The air conditioning system and the heating system shall provide a temperature differential in the occupied zone not to exceed plus or minus 2 degrees Fahrenheit. The terminal air velocities in the occupied zone shall not exceed 50 feet per minute (f.p.m.). The supply air quantities shall be determined using a supply air temperature not more than 25 degrees Fahrenheit below room temperature.

(d) The introduction of 100 percent of outside air for atmospheric cooling is not required with air conditioning:

(e) Minimum outside air quantities shall be based on not less than 5 c.f.m. per occupant:

(4) Air Filtration:

(a) Where mechanical ventilation or air conditioning is provided, outside air that is introduced into the system and recirculated air shall be filtered:

(b) All hoods capturing grease-laden vapors shall be provided with grease extraction methods:)) (1) All rooms used by students or staff shall be kept reasonably free of all objectionable odor, excessive heat or condensation.

(2) All sources producing air contaminants of public health importance shall be controlled by the provision and maintenance of local mechanical exhaust ventilation systems as approved by the health officer.

WSR 80-03-045
PROPOSED RULES
YAKIMA VALLEY COLLEGE
 [Filed February 21, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.130, that Yakima Valley College intends to adopt, amend, or repeal rules concerning board of trustees by-laws, chapter 132P-104 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, May 7, 1980, in the Board of Trustees office, Yakima Valley College campus.

The authority under which these rules are proposed is RCW 28B.50.130.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 7, 1980, and/or orally at 4:00 p.m., Wednesday, May 7, 1980, in the Board of Trustees office, Yakima Valley College campus.

Dated: February 13, 1980

By: Franklin R. Turner
 Secretary, Board of Trustees

REPEALER

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

- | | |
|------------------------------|-------------------------|
| (1) <u>WAC 132P-104-010</u> | OFFICES |
| (2) <u>WAC 132P-104-011</u> | MEETINGS |
| (3) <u>WAC 132P-104-012</u> | EXECUTIVE SESSIONS |
| (4) <u>WAC 132P-104-020</u> | ORDER OF AGENDA |
| (5) <u>WAC 132P-104-030</u> | RECORDS OF BOARD ACTION |
| (6) <u>WAC 132P-104-031</u> | PARLIAMENTARY PROCEDURE |
| (7) <u>WAC 132P-104-032</u> | ADOPTION OR REVISION OF |
| POLICIES | |
| (8) <u>WAC 132P-104-040</u> | OFFICERS OF THE BOARD |
| (9) <u>WAC 132P-104-045</u> | COMMITTEES |
| (10) <u>WAC 132P-104-050</u> | FISCAL YEAR |
| (11) <u>WAC 132P-104-060</u> | OFFICIAL SEAL |
| (12) <u>WAC 132P-104-070</u> | CHANGES TO BYLAWS |

WSR 80-03-046
EMERGENCY RULES
COMMISSION FOR THE BLIND
 [Order 80-02—Filed February 21, 1980]

Be it resolved by the Washington State Commission for the Blind, acting at 3411 South Alaska Street, Seattle, WA 98118, that it does promulgate and adopt the annexed rules relating to Title 67 WAC Commission for the Blind, chapter 32 WAC Vending Facility Program for the Blind, section 150 Set aside funds—Use as determined, subsection (1), to amend same.

We, The Washington State Commission for the Blind, 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 as presently worded, certain vendors in the Vending Facility Program for the Blind are potentially liable for

amounts of money far greater or far less than equitable under the intent of the rule. Determining the current or replacement cost of the equipment in each instance is administratively unworkable and potentially inequitable. These factors make the rule unenforceable and not in the public interest. Very often the equipment to be repaired relates directly to food service. It is imperative that all equipment are expeditiously repaired to meet all applicable safety and health codes. The elimination of "initial stock and supplies" will bring this section into conformity with Federal regulations.

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 Washington State Commission for the Blind as authorized in RCW 74.17.040, 74.16.430(1) and 74.16.450.

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

APPROVED AND ADOPTED December 1, 1979.

By Kenneth N. Hopkins
 Director

AMENDATORY SECTION (Amending Order 79-01, filed 8-15-79)

WAC 67-32-150 SET ASIDE FUNDS—USE AS DETERMINED. Vending machine income received by the commission as described in WAC 67-32-140(4) shall be known as set aside funds. Set aside funds shall be used for (~~the purchase of initial stock and supplies~~) repair of vending facility equipment, the replacement of obsolete or worn-out vending facility equipment, management services, the purchase of liability insurance and the costs necessary to the conduct of the state blind vendors committee.

(1) Vendors whose income from their vending facility is at the national average or above for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay repair charges for each separate repair job on vending facility equipment of fifty dollars or ten percent of the (~~current or replacement~~) cost of (~~the equipment~~) repair, whichever is greater. For purposes of this paragraph, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.

(2) Vendors whose income from their vending facility is below the national average of such income for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay a voluntary amount for each separate repair job on vending facility equipment at their facility.

(3) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (1) and (2) of this section shall be paid for from

set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.

(4) For purposes of this section vending facility equipment shall include equipment provided by the commission and equipment furnished as a part of the contract or permit for which the commission and operator assumes the responsibility of maintenance.

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 80-03-047
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
EMPLOYMENT SECURITY

[Memorandum, Administrator—February 20, 1980]

The Washington State Employment and Training Council (WSETC) has established a schedule of meetings for the balance of the federal fiscal year. The Council will meet on the following dates:

May 2, 1980
June 6, 1980
July 18, 1980
September 12, 1980

Sites for each meeting will be announced at least two weeks prior to the meeting date.

The WSETC is established under the Comprehensive Employment and Training Act (CETA) Amendments of 1978. The Council advises the Governor, Legislature, Members of Congress, state agencies, and the public on matters relating to employment, training and education. Meetings of the WSETC are open to the public and will be held at sites which are accessible to the handicapped. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided if requested ten working days prior to each meeting.

Please contact Thomas Heavey at 1007 South Washington Street, Olympia, 98504, (206) 753-5250, for location of the meetings, agenda, topics or other information.

WSR 80-03-048
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order IT 80-1—Filed February 21, 1980]

I, Charles W. Hodde, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to inheritance tax, adopting new chapter 458-57 WAC.

This action is taken pursuant to Notice No. WSR 80-03-003 filed with the code reviser on February 8, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 83.01 through 83.52 RCW and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 82.01.060, 83.36.005 and chapters 83.01 through 83.52 RCW which directs that the Department of Revenue has authority to implement the provisions of Title 83 RCW.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.01.060 and 83.36.005.

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

APPROVED AND ADOPTED February 21, 1980.

By Charles W. Hodde
Director

Chapter 458-57 WAC
STATE OF WASHINGTON INHERITANCE TAX
RULES

NEW SECTION

WAC 458-57-010 SCOPE OF RULES. These rules are promulgated under the general rule making authority of the Department of Revenue, Inheritance Tax Division, as authorized in RCW 82.01.060 and 83.36.010 and are intended to implement chapters 83.01 through 83.52 RCW.

NEW SECTION

WAC 458-57-020 NATURE OF INHERITANCE TAX. The inheritance tax is a state tax on the privilege of succession to a decedent's property. The amount of the tax depends on the value of the property passing, the legal relationship between the decedent and the heir, and the number and relationship of all of the persons taking property from the decedent.

NEW SECTION

WAC 458-57-030 PROPERTY SUBJECT TO INHERITANCE TAX. The inheritance tax is measured by the full value of all property, or interest in any property, or the qualified use value of the property as set forth in chapters 83.16 and 83.40 RCW and WAC 458-57-490 within the jurisdiction of this state which passes by will or by statutes of inheritance, by transfer during the three-year period ending on the date of the decedent's death, by gifts in contemplation of death, by transfer which takes effect at death, or by a transfer in trust or otherwise, under which the grantor or donor retained a life interest in possession or enjoyment of the property or any income from it. The full value for inheritance tax purposes shall be deemed to be the fair market value less all liens and encumbrances as of the date of death.

NEW SECTION

WAC 458-57-040 JURISDICTION—DOMICILE OF DECEDENT. (1) If a decedent was domiciled in the State of Washington at the time of death, the jurisdiction of this state to impose the tax extends to all of his property interest, wherever located, except for real estate located outside this state, and tangible personal property which is located and has attained a situs outside the State of Washington. Mineral and oil leases shall be treated as tangible personal property, taxable at their situs. Royalties from mineral rights shall be taxed as intangibles. The intangible assets, wherever located, of a deceased domiciliary of the State of Washington shall be subject to inheritance tax in this state. Intangibles include vendor's interests in real estate contracts, bank accounts, stocks and bonds, and all other choses in action. Ownership by the decedent of any interest in trust assets regardless of their nature or location shall not operate to defeat the foregoing provisions.

(2) Where the decedent was a domiciliary of another state or territory of the United States at the time of death, the State of Washington has jurisdiction to tax the passage of real estate located within its borders, and of tangible personal property which has its situs within this state. Intangibles belonging to a deceased domiciliary of another state or territory of the United States is not taxed in this state.

(3) Where the decedent was domiciled in another country, all of his property interests within this state shall be subject to inheritance tax, including real estate, tangible and intangible personal property.

NEW SECTION

WAC 458-57-050 STATUS AND CHARACTER OF ASSETS. The status of the assets of the deceased is determined as of the date of acquisition, and, once established, the separate or community character of their status does not change unless changed in some manner recognized by law.

Example: If the decedent was a resident of another state before becoming domiciled in Washington, the character of his assets brought with him to the state of Washington will retain that of the other state until such time as they are no longer identifiable as having that characterization from the previous state.

NEW SECTION

WAC 458-57-060 VALUATION. (1) In general. The inheritance tax base is the fair market value, or qualified use value under chapter 83.16 RCW, at the date of death. Fair market value generally is the price that a willing buyer will pay to a willing seller, neither of whom is under any compulsion to buy or sell. Qualified use value is that value as determined under chapter 83.16 RCW and WAC 458-57-490. All relevant facts and elements of value as of the date of death will be considered in the determination of value.

(2) Values. All values used for inheritance tax purposes shall be the value as of the date of death. Subsequent increases or decreases in value do not affect the

tax base. Alternate date valuations cannot be used for state tax purposes.

NEW SECTION

WAC 458-57-070 VALUATION—REAL ESTATE. (1) In general. Where the assets consist of real property, the full legal description shall be given, with the County Assessor's identifying parcel number, together with the assessed value, as well as the fair market value plus the qualified use value where the qualified use is used as a basis of the inheritance tax base. The assessed value to be used is the most recent value assigned to the property by the County Assessor, including any reassessed value fixed after the most recent tax statement.

(2) Fair market value. In arriving at the fair market value, the personal representative may make the appraisal or a qualified appraiser may be retained for that purpose. In arriving at the qualified use value the value should be determined as prescribed in chapter 83.16 RCW and WAC 458-57-490. However, since the tax is fixed on the full fair market value or qualified use value, the inheritance tax release will not be issued until the Department is satisfied that the value reported is, in fact, the fair market value or the proper qualified use value and the tax is paid on that amount.

(3) Assessed value. The assessed value of all real estate must be furnished on the Inventory. Such valuation shall not be controlling as a basis for inheritance tax.

(4) Character of real estate. The character and nature of each parcel of real estate shall be reported, e.g., business property, the kind of business; farm land, the number of acres and what all acreage is being used for, if under cultivation the yield per acre; and, if any of the real estate is classified forest land or "open space," that fact and the value placed thereon by the Assessor other than the "open space" or lesser value shall be reported and noted on the Inventory.

(5) Timber. Real estate which has standing timber thereon shall have the value of the timber stated separately.

(6) Growing crops. Factors to be considered in the valuation of a property interest consisting of growing crops shall be the probable market value of the crop when harvested and the probable cost of producing and marketing the crop and the price, if any, paid at or about the date of the transferor's death for futures in the same kind of crop.

(7) Market value less than assessed value. When it is reported that the fair market value of an asset is less than the assessed value, the reason for such position shall be stated and be accompanied with an appraisal by a qualified disinterested party.

NEW SECTION

WAC 458-57-080 VALUATION—GOLD AND SILVER BULLION. (1) If gold or silver owned by a Washington domiciliary before his death is situated within this state it shall be reported as in the case of all other assets at its fair market value.

(2) If ownership of gold, silver or coin is evidenced by a certificate showing a share of an undifferentiated mass, then it is taxable as an asset in the Washington estate regardless of its location.

NEW SECTION

WAC 458-57-090 VALUATION—SECURITIES.

Stocks and bonds. The value of stocks and bonds is measured by the fair market value of the shares or bonds on the date of death.

(1) Selling prices. If there is a published market price for stocks or bonds on a stock exchange, in an over-the-counter market, or otherwise, the mean between the highest and lowest quoted selling prices on the date of death is the fair market value per share or bond.

(2) No sales—Holidays. If there were no sales on the date of death but there were sales on dates within a reasonable time both before and after the date of death, the fair market value is determined by taking a weighted average of the mean between the highest and lowest sales on the nearest date before and the nearest date after the date of death. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the date of death.

(3) Lack of sufficient sales information. If there are no actual arm's length sales prices or bona fide bid and asked prices available within a reasonable time before the date of death, the most recent sale may be used provided it is trended to the fair market value as of the date of death.

(4) Source of information. If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed if such records are available in a generally available listing or publication of general circulation. In the event that such records are not so available and such stocks or bonds are listed on a composite listing of combined exchanges available in a generally available listing or publication of general circulation, the records of such combined exchanges shall be employed. In valuing listed securities, the personal representative is required to consult accurate records to obtain values as of the date of death. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from officers of the issuing companies, copies of the letters furnishing such quotations or evidence of sale should be attached to the Return.

(5) Blockage. In certain exceptional cases, the size of the block of stock to be valued in relation to the number of shares changing hands in sales may be relevant in determining whether selling prices reflect the fair market value of the block of stock to be valued. If the personal representative can show that the block of stock to be valued is so large in relation to the actual sales on the existing market that it could not be liquidated in a reasonable time without depressing the market, the price at which the block could be sold as such outside the usual market, as through an underwriter, may be a more accurate indication of value than market quotations. Complete data in support of any allowance claimed due to the size of the block of stock being valued shall be submitted with the Return. On the other hand, if the block

of stock to be valued represents a controlling interest, either actual or effective, in a going business, the price at which other lots change hands may have little relation to its true value.

(6) Where selling prices or bid and asked prices are unavailable. If the foregoing provisions of this section are inapplicable because actual sale prices and bona fide bid and asked prices are lacking, then the fair market value is to be determined by taking the following factors into consideration:

(a) In the case of corporate or other bonds, the soundness of the security, the interest yield, the date of maturity, and any other relevant factors;

(b) In the case of shares of stock, the company's net worth, prospective earning power and dividend-paying capacity, and any other relevant factors.

Some of the "other relevant factors" referred to in paragraphs (a) and (b) of this subsection are: The good will of the business; the economic outlook in the particular industry; the company's position in the industry and its management; the degree of control of the business represented by the block of securities to be valued; and the values of securities of corporations engaged in the same or similar lines of business which are listed on a stock exchange. However, the weight to be accorded such comparisons or any other evidentiary factors considered in the determination of a value depends upon the facts of each case. In addition to the relevant factors described above, consideration shall also be given to non-operating assets, including proceeds of life insurance policies payable to or for the benefit of the company, to the extent such nonoperating assets have not been taken into account in the determination of net worth, prospective earning power and dividend-earning capacity. Complete financial and other data upon which the valuation is based shall be submitted with the Return, including copies of reports of any examinations of the company made by accountants, engineers, or any technical experts as of or near the date of death.

(7) Pledged securities. The full value of securities pledged to secure an indebtedness of the decedent is includable in the gross estate. If the decedent had a trading account with a broker, all securities belonging to the decedent and held by the broker at the date of death shall be included at their fair market value as of the date of death. Securities purchased on margin for the decedent's account and held by a broker shall also be returned at their fair market value as of the date of death. The amount of the decedent's indebtedness to a broker or other person with whom securities were pledged shall be allowed as a deduction from the gross estate.

(8) Securities subject to an option or contract to purchase. Another person may hold an option or a contract to purchase securities owned by a decedent at the time of his death. The effect, if any, that is given to the option or contract price in determining the value of the securities for inheritance tax purposes depends upon the circumstances of the particular case. Little weight will be accorded a price contained in an option or contract under which the decedent is free to dispose of the underlying securities at any price he chooses during his lifetime. Such is the effect, for example, of an agreement

on the part of a shareholder to purchase whatever shares of stock the decedent may own at the time of his death. Even if the decedent is not free to dispose of the underlying securities at other than the option or contract price, such price will be disregarded in determining the value of the securities unless it is determined under the circumstances of the particular case that the agreement represents a bona fide business arrangement and not a device to pass the decedent's shares to the natural objects of his bounty for less than an adequate and full consideration in money or money's worth.

(9) Stock sold "ex-dividend." In any case where a dividend is declared on a share of stock before the decedent's death but payable to stockholders of record on a date after his death and the stock is selling "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the stock as of the date of the decedent's death.

(10) United States treasury bonds. United States treasury bonds eligible for redemption at par for purposes of paying the United States estate tax shall be valued at par plus accrued interest to the extent they are redeemable at that value for federal estate tax purposes.

NEW SECTION

WAC 458-57-100 CLOSELY HELD SECURITIES—PARTNERSHIPS—SOLE PROPRIETORSHIPS. The valuation of the decedent's interest in a business, be it a sole proprietorship, partnership, or closely held shares in a corporation, is determined by all relevant factors such as the value of the assets, including the real estate, earning capacity, and the outlook of the particular business and of its industry in general. Relevant factors considered in the case of closely held stock include the period of time that the issuing corporation has been in existence and its position in the trade, the nature of the corporation, the operating history of the corporation and particularly its earnings over a period of time, the balance sheet of the corporation, the standard of earnings maintained by concerns engaged in similar lines of endeavor, dividend-paying capacity, the prices paid on private sales of the shares to persons who were in a position to know their value, future earning prospects, and the management and personnel. The factors in the valuation of corporate stock and for closely owned securities shall be considered to the extent applicable in the valuation of a partnership or a sole proprietorship.

NEW SECTION

WAC 458-57-110 VALUATION OF CERTAIN LIFE INSURANCE AND ANNUITY CONTRACTS—VALUATION OF SHARES IN AN OPEN-END INVESTMENT COMPANY. (1) Valuation of certain life insurance and annuity contracts.

(a) The value of a contract for the payment of an annuity, or an insurance policy on the life of a person other than the decedent, issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of

comparable contracts. An annuity payable under a combination annuity contract and life insurance policy on the decedent's life (e.g., a "retirement income" policy with death benefit) under which there was no insurance element at the time of the decedent's death, is treated like a contract for the payment of an annuity for purposes of this section.

(b) As valuation of an insurance policy through sale of comparable contracts is not readily ascertainable when, at the date of the decedent's death, the contract has been in force for some time and further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the decedent's death the proportionate part of the gross premium last paid before the date of the decedent's death which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such an approximation is not reasonably close to the full value of the contract, this method may not be used.

(2) Examples. The application of this subsection may be illustrated by the following examples. In each case involving an insurance contract, it is assumed that there are no accrued dividends or outstanding indebtedness on the contract.

Example 1. X purchased from a life insurance company a joint and survivor annuity contract under the terms of which X was to receive payments of \$1,200 annually for his life and, upon X's death, his wife was to receive payments of \$1,200 annually for her life. Five years after such purchase, when his wife was fifty years of age, X died. The value of the annuity contract at the date of X's death is the amount which the company would charge for an annuity providing for the payment of \$1,200 annually for the life of a female fifty years of age.

Example 2. Y died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was one on which no further payments were to be made to the company (e.g., a single premium policy or a paid-up policy). The value of the insurance policy at the date of Y's death is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example 3. Z died holding the incidents of ownership in a life insurance policy on the life of his wife. The policy was an ordinary life policy issued nine years and four months prior to Z's death and at a time when Z's wife was thirty-five years of age. The gross annual premium is \$2,811 and the decedent died four months after the last premium due date. The value of the insurance policy at the date of Z's death is computed as follows:

Terminal reserve at end of tenth year . . .	\$14,601.00
Terminal reserve at end of ninth year . . .	\$12,965.00
	\$ 1,636.00
Increase	

One-third of such increase (Z having died four months following the last preceding premium due date) is	\$ 545.33
Terminal reserve at end of ninth year	\$12,965.00
<hr/>	
Interpolated terminal reserve at date of Z's death	\$13,510.33
Two-thirds of gross premium (2/3 x \$2,811)	1,874.00
<hr/>	
Value of the insurance policy	\$15,384.33

(3) Valuation of shares in an open-end investment company. The fair market value of a share in an open-end investment company (commonly known as a "mutual fund") is the public redemption price of a share. In the absence of an affirmative showing of the public redemption price in effect at the time of death, the last public redemption price quoted by the company prior to the date of death shall be presumed to be the applicable public redemption price. If there is no public redemption price quoted by the company for the date of death (e.g., the valuation date is a Saturday, Sunday, or holiday), the fair market value of the mutual fund share is the mean between the last public redemption price quoted by the company for the first day preceding the date of death and the day following the date of death for which there is a quotation. In any case where a dividend is declared on a share in an open-end investment company before the decedent's death but payable to shareholders of record on a date after his death and the share is quoted "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the share as of the date of the decedent's death. As used in this paragraph, the term "open-end investment company" means a company which on the date of death was engaged in offering its shares to the public in the capacity of an open-end investment company.

NEW SECTION

WAC 458-57-120 NOTES—OTHER INTANGIBLES. The fair market value of notes, secured or unsecured, accounts receivable, claims, debts, contracts of all types, and other like intangibles is the amount of unpaid principal, plus interest accrued to the date of death unless the personal representative establishes that the value is lower or that the chattels are worthless. Sales of property outright or on contract at less than fair market value, promissory notes, and personal loans at low interest rates or no interest to close family members shall not be considered a disfavoring factor. Items of interest shall be separately stated. If not returned at face value, plus accrued interest, satisfactory evidence must be submitted that the chattel is worth less than the unpaid amount, because of the interest rate, date of maturity, or other cause, or that the chattel is uncollectable, either in whole or in part (by reason of insolvency of the party or parties liable, or for other cause), and that any property pledged or mortgaged as security is insufficient to satisfy the obligation.

NEW SECTION

WAC 458-57-130 REAL ESTATE CONTRACTS. (1) Real estate contracts shall be valued at face value, plus accrued interest to date of death, unless it can clearly be shown that the contract is disfavored.

(2) In determining the value of a real estate contract if a discount is proper, the amount allowed shall be that amount which will produce a yield factor comparable to the current real estate first lien mortgage market in effect in the general area of the situs of the real estate for contracts of a like nature as of the date of death of decedent.

(3) Additional factors which may be taken into consideration in determining whether a contract is disfavored include:

- (a) Where the contract has a history of delinquency, or the purchaser is not financially responsible;
- (b) Where the real property is not of sufficient value to provide adequate security for the amount owing;
- (c) Where there is no interest payable on the contract, or where the interest rate is considerably below the current market.

When a contract is discounted in the Inventory of Assets because one or more of these factors is deemed to exist, a full factual statement shall be provided by schedule or supplementary letter and forwarded to the Department along with the Return when filed.

When it is necessary to sell a contract during probate to pay the expenses and costs of administration, the value of the contract is the gross price paid the personal representative for same.

NEW SECTION

WAC 458-57-140 CASH ON HAND OR ON DEPOSIT. The amount of cash belonging to the decedent at the date of his death, whether in his possession or in the possession of another, or deposited with a bank, is included in the decedent's gross estate. If bank checks outstanding at the date of death and given in discharge of bona fide legal obligations of the decedent incurred for an adequate and full consideration in money or money's worth are subsequently honored by the bank and charged to the decedent's account, the balance remaining in the account may be reported, but only if the obligations are not claimed as deductions from the gross estate.

NEW SECTION

WAC 458-57-150 TANGIBLE PERSONAL PROPERTY, HOUSEHOLD AND PERSONAL EFFECTS. (1) Tangible personal property shall be valued at its fair market value as of the date of death. Amounts actually received from sales following the death shall not be controlling as to value; however, they may be considered as one factor in establishing value.

(2) General rule. The fair market value of the decedent's household and personal effects may be reported in a lump sum amount: **PROVIDED, HOWEVER,** That any individual items in excess of the value of one thousand dollars must be listed and reported individually.

(3) Special rule in cases involving a substantial amount of valuable articles. If there are included among the household and personal effects and those items specifically bequeathed articles having marked artistic or intrinsic value (e.g., jewelry, furs, silverware, paintings, etchings, engravings, antiques, statuary, vases, oriental rugs, coin or stamp or gun collections), the appraisal of an expert or experts, setting forth the fair market retail value, under oath, shall be filed with the Return. The appraisal shall be accompanied by a written affidavit as to the completeness of the itemized list of such property and as to the disinterested character and the qualifications of the appraiser or appraisers.

(4) Additional rules if an appraisal involved. If, pursuant to paragraphs (2) and (3) of this section, expert appraisers are employed, care shall be taken to see that they are reputable and of recognized competency to appraise the particular class of property involved. In the appraisal, if there are paintings having artistic value, the size, subject, and artist's name should be stated. In the case of oriental rugs, the size, make, and general condition should be given. Sets of silverware should be listed in separate groups. Groups or individual pieces of silverware should be weighed and the weights given in troy ounces. In arriving at the value of silverware, the appraisers should take into consideration its antiquity, utility, desirability, condition, and obsolescence.

NEW SECTION

WAC 458-57-160 VALUATION OF ANNUITIES, LIFE ESTATES, TERMS FOR YEARS, REMAINDERS, AND REVERSIONS. (1) In general. Except as otherwise provided in chapter 458-57 WAC, the fair market value of annuities, life estates, terms for years, remainders, and reversions is their present value determined under this section and WAC 458-57-170. The value of annuities issued by companies regularly engaged in their sale, and of insurance policies on the lives of persons other than the decedent is determined under WAC 458-57-440(15). The fair market value of a remainder interest in a charitable remainder unitrust is its present value as determined by the provisions of section 2031 of the Internal Revenue Code of 1954, as in effect May 30, 1979. The fair market value of a life interest or term for years in a charitable remainder unitrust is the fair market value of the property as of the date of death less the fair market value of the remainder interest on such date determined under the provisions of section 2031 of the Internal Revenue Code of 1954, as in effect May 30, 1979.

(2) Use of actuarial tables. The present value of an annuity, life estate, remainder or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of Table A(1) or A(2) in WAC 458-57-170. Table A(1) is to be used when the person upon whose life the interest is based is a male and Table A(2) is to be used when such person is a female. The present value of an annuity, term for years, remainder or reversion

dependent on a term certain is computed by the use of Table B in WAC 458-57-170. If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see subsection (8) of this section. For purposes of the computations described in this section, the age of a person is that of his nearest birthday at the time of the decedent's death.

(3) Annuities—Payable annually at end of year. If an annuity is payable annually at the end of each year during the life of an individual (as, for example, if the first payment is due one year after decedent's death), the amount payable annually is multiplied by the figure in column 2 of Table A(1) or A(2) of WAC 458-57-170, whichever is appropriate, opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. If the annuity is payable annually at the end of each year for a definite number of years, the amount payable annually is multiplied by the figure in column 2 of Table B of WAC 458-57-170 opposite the number of years in column 1 representing the duration of the annuity. The application of this subsection may be illustrated by the following examples:

Example 1. The decedent received, under the terms of his father's Will, an annuity of \$10,000 a year payable annually for the life of his elder brother. At the time he died, an annual payment had just been made. The brother at the decedent's death was forty years eight months old. By reference to Table A(1) of WAC 458-57-170, the figure in column 2 opposite forty-one years, the number nearest to the brother's actual age, is found to be 12.9934. The present value of the annuity at the date of the decedent's death is, therefore, \$129,934 ($\$10,000 \times 12.9934$).

Example 2. The decedent was entitled to receive an annuity of \$10,000 a year payable annually throughout a term certain. At the time he died, an annual payment had just been received and five more annual payments were still to be made. By reference to Table B of WAC 458-57-170, it is found that the figure in column 2 opposite five years is 4.2124. The present value of the annuity is, therefore, \$42,124 ($\$10,000 \times 4.2124$).

(4) Payable at the end of semiannual, quarterly, monthly, or weekly periods. If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual (as, for example, if the first payment is due one month after the decedent's death), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table A(1) or A(2) of WAC 458-57-170, whichever is appropriate, opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

- 1.0148 for semiannual payments,
- 1.0222 for quarterly payments,
- 1.0272 for monthly payments,
- 1.0291 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years, the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table B of WAC 458-57-170 opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this subsection may be illustrated by the following example:

Example. The facts are the same as those contained in example 1 set forth in subsection (3) of this section, except that the annuity is payable semiannually. The aggregate annual amount, \$10,000, is multiplied by the factor 12.9934, and the product multiplied by 1.0148. The present value of the annuity at the date of the decedent's death is, therefore, \$131,857.02 ($\$10,000 \times 12.9934 \times 1.0148$).

(5) Payable at the beginning of annual, semiannual, quarterly, monthly, or weekly periods.

(a) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as, for example, if the first payment is to be made immediately after the decedent's death), the value of the annuity is the sum of (i) the first payment plus (ii) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in subsections (3) or (4) of this section. The application of this subsection may be illustrated by the following example:

Example. The decedent was entitled to receive an annuity of \$50 a month during the life of another, a woman. The decedent died on the day a payment was due. At the date of the decedent's death, the person whose life measures the duration of the annuity is fifty years of age. The value of the annuity at the date of the decedent's death is \$50 plus the product of $\$50 \times 12 \times 12.5793$ (see Table A(2) WAC 458-57-170) $\times 1.0272$ (see subsection (4) of this section). That is, \$50 plus \$7,752.87, or \$7,802.87.

(b) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in Table B (of WAC 458-57-170) multiplied by whichever of the following factors is appropriate:

- 1.0600 for annual payments,
- 1.0448 for semiannual payments,
- 1.0372 for quarterly payments,
- 1.0322 for monthly payments,
- 1.0303 for weekly payments.

The application of the foregoing may be illustrated by the following example:

Example. The decedent was the beneficiary of an annuity of \$50 a month. On the day a payment was due, the decedent died. There were three hundred payments to be made, including the payment due. The value of the

annuity as of the date of decedent's death is the product of $\$50 \times 12 \times 12.7834$ (see Table B, WAC 458-57-170) $\times 1.0322$, or \$7,917.02.

(6) Life estates and terms for years. If the interest to be valued is the right of a person for his life, or for the life of another person, to receive the income of certain property or to use nonincome producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of Table A(1) or A(2) of WAC 458-57-170, whichever is appropriate, opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use nonincome producing property for a term of years, column 3 of Table B of WAC 458-57-170 is used. The application of this subsection may be illustrated by the following example:

Example. The decedent or his estate was entitled to receive the income from a fund of \$50,000 during the life of his elder brother. Upon the brother's death, the remainder is to go to X. The brother was thirty-one years five months old at the time of decedent's death. By reference to Table A(1) of WAC 458-57-170 the figure in column 3 opposite thirty-one years is found to be 0.86117. The present value of decedent's interest is, therefore, \$43,058.50 ($\$50,000 \times 0.86117$).

(7) Remainders or reversionary interests. If a decedent had, at the time of his death, a remainder or a reversionary interest in property to take effect after an estate for the life of another, the present value of his interest is obtained by multiplying the value of the property by the figure in column 4 of Table A(1) or A(2) of WAC 458-57-170, whichever is appropriate, opposite the number of years nearest to the actual age of the person whose life measures the preceding estate. If the remainder or reversion is to take effect at the end of a term for years, column 4 of Table B of WAC 458-57-170 is used. The application of this subsection may be illustrated by the following example:

Example. The decedent was entitled to receive certain property worth \$50,000 upon the death of his elder sister, to whom the income was bequeathed for life. At the time of the decedent's death, the elder sister was thirty-one years five months old. By reference to Table A(2) of WAC 458-57-170, the figure in column 4 opposite thirty-one years is found to be 0.10227. The present value of the remainder interest at the date of decedent's death is, therefore, \$5,113.50 ($\$50,000 \times 0.10227$).

(8) Special actuarial computations. If the valuation of the interest involved is dependent upon the continuation or the termination of more than one life or upon a term certain concurrent with one or more lives, a special factor must be used. The factor is to be computed on the basis of interest at the rate of six percent a year, compounded annually, and life contingencies determined, as to each male and female life involved, from the values of 1x that are set forth in columns 2 and 3, respectively, of Table LN of WAC 458-57-170. In these and other special instances the Inheritance Tax Division will compute the factor if needed.

NEW SECTION

WAC 458-57-170 TABLES FOR VALUATION OF ANNUITIES, LIFE ESTATES, TERMS FOR YEARS, REMAINDERS, AND REVERSIONS FOR ESTATES OF DECEDENTS DYING ON AND AFTER MAY 30, 1979.

The tables herein are:

- (1) Table A(1) male and Table A(2) female, six percent, showing the present value of an annuity, of a life interest, and of a remainder interest;
- (2) Table B showing the present worth at six percent of an annuity for a term certain, of an income interest for a term certain, and of a remainder interest postponed for a term certain;
- (3) Table LN - Values of 1x.

TABLE A

Present value at 6% of an annuity, a life interest or a remainder interest

TABLE A(1) — MALE				TABLE A(2) — FEMALE			
1 Age	2 Annuity	3 Life Estate	4 Remainder	1 Age	2 Annuity	3 Life Estate	4 Remainder
0	15.6175	.93705	.06295	0	15.8972	.95383	.04617
1	16.0362	.96217	.03783	1	16.2284	.97370	.02630
2	16.0283	.96170	.03830	2	16.2287	.97372	.02628
3	16.0089	.96053	.03947	3	16.2180	.97308	.02692
4	15.9841	.95905	.04095	4	16.2029	.97217	.02783
5	15.9553	.95732	.04268	5	16.1850	.97110	.02890
6	15.9233	.95540	.04460	6	16.1648	.96989	.03011
7	15.8885	.95331	.04669	7	16.1421	.96853	.03147
8	15.8508	.95105	.04895	8	16.1172	.96703	.03297
9	15.8101	.94861	.05139	9	16.0901	.96541	.03459
10	15.7663	.94598	.05402	10	16.0608	.96365	.03635
11	15.7194	.94316	.05684	11	16.0293	.96176	.03824
12	15.6698	.94019	.05981	12	15.9958	.95975	.04025
13	15.6180	.93708	.06292	13	15.9607	.95764	.04236
14	15.5651	.93391	.06609	14	15.9239	.95543	.04457
15	15.5115	.93069	.06931	15	15.8856	.95314	.04686
16	15.4576	.92746	.07254	16	15.8460	.95076	.04924
17	15.4031	.92419	.07581	17	15.8048	.94829	.05171
18	15.3481	.92089	.07911	18	15.7620	.94572	.05428
19	15.2918	.91751	.08249	19	15.7172	.94303	.05697
20	15.2339	.91403	.08597	20	15.6701	.94021	.05979
21	15.1744	.91046	.08954	21	15.6207	.93724	.06276
22	15.1130	.90678	.09322	22	15.5687	.93412	.06588
23	15.0487	.90292	.09708	23	15.5141	.93085	.06915
24	14.9807	.89884	.10116	24	15.4565	.92739	.07261
25	14.9075	.89445	.10555	25	15.3959	.92375	.07625
26	14.8287	.88972	.11028	26	15.3322	.91993	.08007
27	14.7442	.88465	.11535	27	15.2652	.91591	.08409
28	14.6542	.87925	.12075	28	15.1946	.91168	.08832
29	14.5588	.87353	.12647	29	15.1208	.90725	.09275
30	14.4584	.86750	.13250	30	15.0432	.90259	.09741
31	14.3528	.86117	.13883	31	14.9622	.89773	.10227
32	14.2418	.85451	.14549	32	14.8775	.89265	.10735
33	14.1254	.84752	.15248	33	14.7888	.88733	.11267
34	14.0034	.84020	.15980	34	14.6960	.88176	.11824
35	13.8758	.83255	.16745	35	14.5989	.87593	.12407

TABLE A—cont.

TABLE A(1) — MALE				TABLE A(2) — FEMALE			
1 Age	2 Annuity	3 Life Estate	4 Remainder	1 Age	2 Annuity	3 Life Estate	4 Remainder
36	13.7425	.82455	.17545	36	14.4975	.86985	.13015
37	13.6036	.81622	.18378	37	14.3915	.86349	.13651
38	13.4591	.80755	.19245	38	14.2811	.85687	.14313
39	13.3090	.79854	.20146	39	14.1663	.84998	.15002
40	13.1538	.78923	.21077	40	14.0468	.84281	.15719
41	12.9934	.77960	.22040	41	13.9227	.83536	.16464
42	12.8279	.76967	.23033	42	13.7940	.82764	.17236
43	12.6574	.75944	.24056	43	13.6604	.81962	.18038
44	12.4819	.74891	.25109	44	13.5219	.81131	.18869
45	12.3013	.73808	.26192	45	13.3781	.80269	.19731
46	12.1158	.72695	.27305	46	13.2290	.79374	.20626
47	11.9253	.71552	.28448	47	13.0746	.78448	.21552
48	11.7308	.70385	.29615	48	12.9147	.77488	.22512
49	11.5330	.69198	.30802	49	12.7496	.76498	.23502
50	11.3329	.67997	.32003	50	12.5793	.75476	.24524
51	11.1308	.66785	.33215	51	12.4039	.74423	.25577
52	10.9267	.65560	.34440	52	12.2232	.73339	.26661
53	10.7200	.64320	.35680	53	12.0367	.72220	.27780
54	10.5100	.63060	.36940	54	11.8436	.71062	.28938
55	10.2960	.61776	.38224	55	11.6432	.69859	.30141
56	10.0777	.60466	.39534	56	11.4353	.68612	.31388
57	9.8552	.59131	.40869	57	11.2200	.67320	.32680
58	9.6297	.57778	.42222	58	10.9980	.65988	.34012
59	9.4028	.56417	.43583	59	10.7703	.64622	.35378
60	9.1753	.55052	.44948	60	10.5376	.63226	.36774
61	8.9478	.53687	.46313	61	10.3005	.61803	.38197
62	8.7202	.52321	.47679	62	10.0587	.60352	.39648
63	8.4924	.50954	.49046	63	9.8118	.58871	.41129
64	8.2642	.49585	.50415	64	9.5592	.57355	.42645
65	8.0353	.48212	.51788	65	9.3005	.55803	.44197
66	7.8060	.46836	.53164	66	9.0352	.54211	.45789
67	7.5763	.45458	.54542	67	8.7639	.52583	.47417
68	7.3462	.44077	.55923	68	8.4874	.50924	.49076
69	7.1149	.42689	.57311	69	8.2068	.49241	.50759
70	6.8823	.41294	.58706	70	7.9234	.47540	.52460
71	6.6481	.39889	.60111	71	7.6371	.45823	.54177
72	6.4123	.38474	.61526	72	7.3480	.44088	.55912
73	6.1752	.37051	.62949	73	7.0568	.42341	.57659
74	5.9373	.35624	.64376	74	6.7645	.40587	.59413
75	5.6990	.34194	.65806	75	6.4721	.38833	.61167
76	5.4602	.32761	.67239	76	6.1788	.37073	.62927
77	5.2211	.31327	.68673	77	5.8845	.35307	.64693
78	4.9825	.29895	.70105	78	5.5910	.33546	.66454
79	4.7469	.28481	.71519	79	5.3018	.31811	.68189
80	4.5164	.27098	.72902	80	5.0195	.30117	.69883
81	4.2955	.25773	.74227	81	4.7482	.28489	.71511
82	4.0879	.24527	.75473	82	4.4892	.26935	.73065
83	3.8924	.23354	.76646	83	4.2398	.25439	.74561
84	3.7029	.22217	.77783	84	3.9927	.23956	.76044
85	3.5117	.21070	.78930	85	3.7401	.22441	.77559
86	3.3259	.19955	.80045	86	3.5016	.21010	.78990
87	3.1450	.18870	.81130	87	3.2790	.19674	.80326

TABLE A—cont.

TABLE A(1) — MALE				TABLE A(2) — FEMALE			
1 Age	2 Annuity	3 Life Estate	4 Remainder	1 Age	2 Annuity	3 Life Estate	4 Remainder
88	2.9703	.17822	.82178	88	3.0719	.18431	.81569
89	2.8052	.16831	.83169	89	2.8808	.17285	.82715
90	2.6536	.15922	.84078	90	2.7068	.16241	.83759
91	2.5162	.15097	.84903	91	2.5502	.15301	.84699
92	2.3917	.14350	.85650	92	2.4116	.14470	.85530
93	2.2801	.13681	.86319	93	2.2901	.13741	.86259
94	2.1802	.13081	.86919	94	2.1839	.13103	.86897
95	2.0891	.12535	.87465	95	2.0891	.12535	.87465
96	1.9997	.11998	.88002	96	1.9997	.11998	.88002
97	1.9145	.11487	.88513	97	1.9145	.11487	.88513
98	1.8331	.10999	.89001	98	1.8331	.10999	.89001
99	1.7554	.10532	.89468	99	1.7554	.10532	.89468
100	1.6812	.10087	.89913	100	1.6812	.10087	.89913
101	1.6101	.09661	.90339	101	1.6101	.09661	.90339
102	1.5416	.09250	.90750	102	1.5416	.09250	.90750
103	1.4744	.08846	.91154	103	1.4744	.08846	.91154
104	1.4065	.08439	.91561	104	1.4065	.08439	.91561
105	1.3334	.08000	.92000	105	1.3334	.08000	.92000
106	1.2452	.07471	.92520	106	1.2452	.07471	.92529
107	1.1196	.06718	.93282	107	1.1196	.06718	.93282
108	.9043	.05426	.94574	108	.9043	.05426	.94574
109	.4717	.02830	.97170	109	.4717	.02830	.97170

TABLE B

Present worth at 6% of an annuity for a term certain, of an income interest for a term certain, and of a remainder interest postponed for a term certain

1 Number of Years	2 Annuity	3 Term Certain	4 Remainder
1	0.9434	.056604	.943396
2	1.8334	.110004	.889996
3	2.6730	.160381	.839619
4	3.4651	.207906	.792094
5	4.2124	.252742	.747258
6	4.9173	.295039	.704961
7	5.5824	.334943	.665057
8	6.2098	.372588	.627412
9	6.8017	.408102	.591898
10	7.3601	.441605	.558395
11	7.8869	.473212	.526788
12	8.3838	.503031	.496969
13	8.8527	.531161	.468839
14	9.2950	.557699	.442301
15	9.7122	.582735	.417265

TABLE B—cont.

1 Number of Years	2 Annuity	3 Term Certain	4 Remainder
16	10.1059	.606354	.393646
17	10.4773	.628636	.371364
18	10.8276	.649656	.350344
19	11.1581	.669487	.330513
20	11.4699	.688195	.311805
21	11.7641	.705845	.294155
22	12.0416	.722495	.277505
23	12.3034	.738203	.261797
24	12.5504	.753021	.246979
25	12.7834	.767001	.232999
26	13.0032	.780190	.219810
27	13.2105	.792632	.207368
28	13.4062	.804370	.195630
29	13.5907	.815443	.184557
30	13.7648	.825890	.174110
31	13.9391	.835745	.164255
32	14.0840	.845043	.154957
33	14.2302	.853814	.146186

TABLE B—cont.

1 Number of Years	2 Annuity	3 Term Certain	4 Remainder
34	14.3681	.862088	.137912
35	14.4982	.869895	.130105
36	14.6210	.877259	.122741
37	14.7368	.884207	.115793
38	14.8460	.890761	.109239
39	14.9491	.896944	.103056
40	15.0463	.902778	.097222
41	15.1380	.908281	.091719
42	15.2245	.913473	.086527
43	15.3062	.918370	.081630
44	15.3832	.922991	.077009
45	15.4558	.927350	.072650
46	15.5244	.931462	.068538
47	15.5890	.935342	.064653
48	15.6500	.939002	.060998
49	15.7076	.942454	.057546
50	15.7619	.945712	.054288
51	15.8131	.948785	.051215
52	15.8614	.951684	.048316
53	15.9070	.954418	.045582
54	15.9500	.956999	.043001
55	15.9905	.959433	.040567
56	16.0288	.961729	.038271
57	16.0649	.963895	.036105
58	16.0990	.965939	.034061
59	16.1311	.967867	.032133
60	16.1614	.969686	.030314

TABLE LN — Special Actuarial Computations—cont.

Age X	Total Males	Total Females
(1)	(2)	(3)
14	96182.	97053.
15	96107.	97016.
16	96014.	96973.
17	95905.	96925.
18	95779.	96872.
19	95641.	96815.
20	95491.	96756.
21	95330.	96694.
22	95158.	96629.
23	94981.	96561.
24	94803.	96491.
25	94631.	96418.
26	94466.	96342.
27	94306.	96262.
28	94148.	96179.
29	93990.	96090.
30	93826.	95996.
31	93656.	95894.
32	93479.	95785.
33	93293.	95668.
34	93097.	95543.
35	92889.	95409.
36	92666.	95265.
37	92426.	95110.
38	92166.	94942.
39	91883.	94759.
40	91572.	94560.
41	91230.	94343.
42	90854.	94106.
43	90441.	93848.
44	89988.	93568.
45	89492.	93265.
46	88950.	92938.
47	88359.	92583.
48	87709.	92199.
49	86992.	91781.
50	86199.	91327.
51	85325.	90833.
52	94369.	90297.
53	83333.	89720.
54	82222.	89104.
55	81039.	88451.
56	79783.	87758.
57	78451.	87020.
58	77032.	86227.
59	75513.	85367.
60	73887.	84430.
61	72151.	83409.
62	70308.	82302.

TABLE LN — Special Actuarial Computations
Values of 1x

Age X	Total Males	Total Females
(1)	(2)	(3)
0	100000.	100000.
1	97087.	97744.
2	96911.	97589.
3	96800.	97498.
4	96714.	97429.
5	96643.	97371.
6	96580.	97320.
7	96522.	97277.
8	96469.	97238.
9	96420.	97204.
10	96375.	97173.
11	96333.	97144.
12	96290.	97116.
13	96242.	97086.

TABLE LN — Special Actuarial Computations—cont.

Age X	Total Males	Total Females
(1)	(2)	(3)
63	68361.	81108.
64	66316.	79828.
65	64177.	78462.
66	61947.	77008.
67	59631.	75457.
68	57235.	73798.
69	54770.	72016.
70	52244.	70100.
71	49665.	68047.
72	47040.	65856.
73	44375.	63521.
74	41676.	61035.
75	38950.	58394.
76	36210.	55610.
77	33468.	52693.
78	30732.	49635.
79	28006.	46424.
80	25300.	43063.
81	22619.	39555.
82	19983.	35939.
83	17439.	32290.
84	15045.	38707.
85	12845.	25269.
86	10819.	21877.
87	8979.9	28593.
88	7332.7	15490.
89	5875.8	12628.
90	4608.7	10056.
91	3534.0	7810.9
92	2648.5	5910.7
93	1938.9	4356.1
94	1386.7	3128.5
95	969.97894	2193.0122
96	665.24779	1504.0497
97	446.27929	1008.9868
98	292.53610	661.39091
99	187.17106	423.17250
100	116.76480	263.99194
101	70.944391	160.39721
102	41.934196	94.808454
103	24.086138	54.456022
104	13.428065	30.359329
105	7.2577386	16.408923
106	3.7985839	8.5881668
107	1.9229289	4.3475238
108	0.94040163	2.1261413
109	0.44377201	1.0033181
110	-0-	-0-

NEW SECTION

WAC 458-57-180 TRANSFERS PRIOR TO DEATH—COMPUTATION OF TIME—VALUATION—CONTEMPLATION. (1) In the case of a decedent dying after May 29, 1979:

(a) A gift made after this date and within three years of death is includable in the decedent's estate if the transfer required a Gift Tax Return to be filed.

(b) A gift made prior to May 30, 1979, is includable in the decedent's estate if made in contemplation of death.

(2) The value of all property which is includable in the decedent's estate which was transferred during the three-year period ending on the date of decedent's death shall be the value of the property on the date of death of the decedent, plus the amount of any state and Federal gift tax paid thereon.

NOTE: See WAC 458-57-440(12) Contents of Return - Transfers Prior to Death and RCW 83.04.010(2).

NEW SECTION

WAC 458-57-190 DEDUCTIONS. (1) In general. Only those items which are specifically referred to in RCW 83.04.013 and 83.24.035 are deductible. They must be listed either on the Inheritance Tax Return or by appropriate schedules attached thereto.

(2) Taxes. These include all prior and current years' taxes, including real estate, assessed and that remain unpaid as of the date of death of the decedent.

(3) Debts. All debts owing by the decedent at the date of death are deductible: PROVIDED, That the debts founded upon a promise or agreement shall be only allowed to the extent that they were contracted, bona fide, and for full and adequate consideration in money or money's worth. The term "deductions from the gross value of the property passing" shall mean that the decedent's community one-half of the debts owed at decedent's death shall be deducted from decedent's one-half of the community estate passing to decedent's heirs. Community debts are chargeable as deductions first against the community property of the decedent and the surviving spouse. Only after the community property is exhausted may community debts be charged against decedent's separate estate. The separate debts of the decedent are primarily a charge upon the separate property until that fund is exhausted. Any balance of separate debts shall then be allowed as a deduction against decedent's one-half of the community property.

(4) Funeral and burial. The obligation of the personal representative to dispose of the remains of the decedent in a dignified manner and to provide a monument or crypt for a deceased person is a primary obligation, and the amount of such expense is to be deducted, in the case of community property, from the decedent's one-half. The amount of such expense shall be reasonable.

(5) Expenses of administering estate.

(a) In general. The other amounts deductible from a decedent's estate are limited to such fees as are actually

and necessarily incurred in the administration of the decedent's estate; that is, in the collection of assets, payment of debts, and distribution of property to the persons entitled to it. The fees contemplated in the law are those only as attend the settlement of an estate and the transfer of the property of the estate to individual beneficiaries or to a trustee, whether the trustee is the personal representative or some other person. Fees incurred in settling the decedent's interest in property or vesting good title to property in the beneficiaries are deductible. Fees not coming within this description but incurred on behalf of the transferees are not deductible. Fees incurred not essential to the proper settlement of the estate, but incurred for the individual benefit of the heirs, legatees, or devisees, may not be taken as deductions. Administration fees include personal representative's fees, attorney's fees, appraiser's fees, accountant's fees, and court costs. The first two are considered separately below.

(b) Personal representative's fees.

(i) The personal representative (in a probated estate) may deduct his reasonable fees in such an amount as has actually been paid, or in an amount which at the time of filing the Return may reasonably be expected to be paid, but no deduction may be taken if no fees are to be collected. If the deduction is allowed in advance of payment and payment is thereafter waived, it shall be the duty of the personal representative to notify the Director and to pay the resulting tax, together with interest.

(ii) A bequest or devise to the personal representative in lieu of fees is not deductible. If, however, the decedent fixed by his will the compensation payable to the personal representative for services to be rendered in the administration of the estate, deduction may be taken to the extent that the amount does not exceed the usual and customary charge in the locality for similar services.

(iii) Except to the extent that a trustee is in fact performing services in connection with state and Federal death taxes or with respect to the estate which would normally be performed by a personal representative, amounts paid as trustee's fees do not constitute deductible expenses.

(c) Attorney's fees.

(i) The personal representative, in filing the Return, may deduct such an amount of attorney's fees as are reasonable and have actually been paid, or an amount which at the time of filing may reasonably be expected to be paid. If on the final accounting the fees claimed have been disallowed in whole or in part, the deficiency in tax as a result thereof shall be paid.

(ii) A deduction for attorney's fees incurred in contesting an asserted deficiency or in prosecuting a claim for refund shall be claimed at the time the deficiency is contested or the refund claim is prosecuted. A deduction for reasonable attorney's fees actually paid in contesting an asserted deficiency or in prosecuting a claim for refund made within the time allowed by law will be allowed even though the deduction, as such, was not claimed in the Return or in the claim for refund.

(iii) Attorney's fees incurred by beneficiaries incident to litigation as to their respective interests do not constitute a proper deduction, inasmuch as expenses of this

character are incurred on behalf of the beneficiaries personally.

The application of this subsection may be illustrated by the following examples:

Example 1. In 1970, the decedent made an irrevocable transfer of property to the X Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent for the duration of his life and, upon his death, distribute the corpus of the trust among designated beneficiaries. The property was included in the decedent's gross estate. Three months after the date of death, the trustee distributed the trust corpus among the beneficiaries, except for \$6,000 which it withheld. The amount withheld represented \$5,000 which it retained as trustee's fees in connection with the termination of the trust and \$1,000 which it had paid to an attorney for representing it in connection with the termination. Under these circumstances, the estate is allowed a deduction of \$6,000 if the fees are reasonable.

Example 2. In 1975, the decedent made an irrevocable transfer of property to Y Trust Company, as trustee. The instrument of transfer provided that the trustee should pay the income from the property to the decedent during his life. If the decedent's wife survived him, the trust was to continue for the duration of her life, with Y Trust Company and the decedent's son as co-trustees, and with income payable to the decedent's wife for the duration of her life. Upon the death of both the decedent and his wife, the corpus is to be distributed among designated remaindermen. The decedent was survived by his wife. The property was included in the decedent's gross estate. The trustee made an accounting to the court as of the date of the decedent's death. Following the death of the decedent, a controversy arose among the remaindermen as to their respective rights under the instrument of transfer, and a suit was brought in court to which the trustee was made a party. As a part of the accounting, the court approved the following expenses which the trustee paid within three years following the date of death: \$10,000, trustee's fees; \$5,000, accountant's fees; \$25,000, attorney's fees; and \$2,500, representing fees paid to the guardian of a remainderman who was a minor. The trustee's fees and accountant's fees were for services in connection with the usual issues involved in a trust accounting as also were one-half of the attorney's and guardian's fees. The remainder of the attorney's and guardian's fees were for services performed in connection with the suit brought by the remaindermen. The amount allowed as a deduction is the \$28,750, (\$10,000, trustee's fees; \$5,000, accountant's fees; \$12,500, attorney's fees; and \$1,250, guardian's fees) incurred as expenses in connection with the usual issues involved in a trust accounting. The remaining expenses are not allowed as deductions since they were incurred on behalf of the transferees.

Example 3. The decedent died without property, having disposed of all property by an irrevocable trust prior to death, and no personal representative of his estate is

appointed, so that it is necessary for the trustee to prepare an Inheritance Tax Return; or, if the trustee required accounting proceedings for its own protection, trustee's, attorney's, and guardian's fees in connection with the inheritance tax or accounting proceedings would be deductible. Deductions incurred under similar circumstances by a surviving joint tenant or the recipient of life insurance proceeds would also be deductible.

(d) If more than fifty percent of the court costs and fees are claimed as deductions from decedent's one-half of the community estate, documentation to support such allocation of the deductions must be provided by the personal representative.

(6) No probate proceedings. Wherever applicable, the foregoing deductions shall be allowed in the determination of tax without probate proceedings.

NEW SECTION

WAC 458-57-200 NONDEDUCTIBLE ITEMS. Some examples of nondeductible items are:

- (1) Federal estate tax.
- (2) Those fees of the appraiser, accountant, trustee, executor, or attorney in excess of the usual and customary charge in the locality for similar services.
- (3) Costs of insurance premiums during administration, repairs or additions to property, casualty losses, expenses to carry on estate business or trade, expenses incurred in administering assets not includable in the taxable estate, postage, telephone expenses, and mileage.
- (4) Income tax obligations of legatees in connection with the testamentary transfer of assets. Such taxes are personal to the legatees, rather than an encumbrance on the assets.

NEW SECTION

WAC 458-57-210 EXEMPT ENTITIES. (1) In general. In order for a bequest to be exempt from inheritance tax it must come within the provisions of RCW 83.20.010. Some examples where the bequest is not exempt are: (a) A bequest to a cemetery association as such associations are not charitable organizations, (b) bequests to the "Elks" or the "Eagles," since the organizations are not devoted exclusively to charitable or other like work. However, a bequest to one of such organizations to be used only for a specific charitable program, e.g., aid to the mentally retarded, is exempt.

(2) In establishing the right of an estate to the exemption authorized by RCW 83.20.010, the personal representative shall complete the Department's "Exemption Affidavit," along with other required documentation, for those organizations which are not clearly exempted by the statute. It should be noted that because an entity is exempt for Federal estate or income tax purposes it is not automatically exempt from state inheritance tax.

NEW SECTION

WAC 458-57-220 CLASSES OF BENEFICIARIES—HEIRS. (1) For inheritance tax purposes, the actual relationship and age of the heirs to the decedent

must be accurately stated, since this is the basis for determining the applicable tax rates and exemptions. The Class A and Class B relationships cover only those persons specified by the statute. Failure to state age will result in all heirs being treated as though they are age twenty-five or older.

(2) The terms "son-in-law" and "daughter-in-law" are no longer used in the statute. The statute refers to lineal ancestors, descendants and spouses of lineal descendants. To be classified as a Class A heir, the wife (daughter-in-law) or husband (son-in-law) of a deceased lineal descendant must be an un-remarried widow or widower; e.g., a predeceased lineal descendant's spouse will be classified as a Class C heir if the lineal descendant's marital relationship has been severed by divorce, or death and a subsequent remarriage.

(3) (a) An adopted child is a lineal descendant by operation of law. The spouse of an adopted child is therefore a spouse of a lineal descendant. The adopted child is not a legal lineal descendant of his biological parents and is therefore a Class C heir to them.

(b) If the decedent is an adopted child and was over eighteen years of age at the time of the adoption and the legal relationship has not existed for more than five years, the surviving adoptive parent shall not be recognized as a Class A beneficiary.

(4) Stepchildren are Class A heirs and a person who was once a stepchild will continue under that designation, even though the parent by whom the relationship was created has been divorced or has died in the meantime. A spouse of a stepchild shall be treated the same as a spouse of a natural child or adopted child. Likewise, a spouse of a stepchild's lineal descendant and his or her lineal descendants are Class A heirs. Stepchildren are Class A heirs as to their stepparents only by virtue of RCW 83.08.005. Unless a stepchild is adopted by a stepparent, the Class A relationship as to the biological parents continues to exist.

(5) Class B heirs are decedent's brothers or sisters, or lineal descendants of decedent's brothers or sisters. Half-brothers and half-sisters of the decedent are also in a Class B relationship. Thus, lineal descendants of a half-brother or half-sister are Class B heirs.

NEW SECTION

WAC 458-57-230 EXEMPTIONS—CLASS A. (1) Only the total sum of any amounts up to the statutory exemption passing to the spouse or minor children of the decedent is exempt. If there is no spouse, the statutory exemption shall be attributable to the minor children of the decedent. The statutory exemption is the total exemption allowable to the spouse or children under this section.

(2) In addition, there is exempt \$10,000 for each living minor child of the decedent. This exemption is an automatic exemption for each living child under twenty-five years of age or for any child regardless of age who is incompetent or unable to support himself or herself because of a physical or mental handicap. Proof of said handicap must be by affidavit of a physician currently licensed to practice medicine in the State of Washington attesting to the fact of the handicap.

(3) \$10,000 of any amount passing to an adult child (twenty-five years of age or older) of the decedent is exempt.

(4) In addition, \$10,000 of any amount passing to the descendants of any deceased child, stepchild, or adopted child as a class, e.g., by their right of representation is exempt.

(5) In determining the exemptions for transfer of property to a surviving spouse or child, if less than an absolute interest in property is transferred to a beneficiary, the interests of the beneficiary shall be actuarially determined in accordance with the provisions of RCW 83.16.020, WAC 458-57-160 and 458-57-170.

Example: Decedent's Will bequeathed \$200,000 to a trustee to pay the income to his wife (W), age 45, for her life, remainder to their son (S). The factor for the valuation of the life estate is 0.80269. Accordingly, the value of the life estate of W is \$160,538 and the value of the remainder to S is \$39,462.

The value of property transferred to the surviving spouse and minor child may be aggregated for the purpose of the "spouse and minor child" exemption under RCW 83.08.015.

Example: Decedent's Will bequeathed \$100,000 to a trustee to pay the income to his wife (W), remainder to their minor son (S). The interests of W and S both qualify for the \$100,000 exemption.

Exemptions may be allowed for interests transferred to a surviving spouse, minor child, or adult unless there is a strong probability that the transfers will not be effective. The Department will take into account all of the relevant facts and circumstances. If any person has authority to divert the property in whole or in part which is not limited by an agreement with the Department (comparable to the agreement referred to in RCW 83.05-.050), an exemption will not be allowed to the extent the property may be diverted.

(6) The exemptions allowed in subsections (1), (3), (4) and (5) of this rule shall not be in excess of the amount actually passing to the heir or heirs.

NEW SECTION

WAC 458-57-240 EXEMPTIONS—CLASSES B AND C. (1) \$10,000 of any amount passing to Class B shall be exempt if no exemption is allowed for Class A. The Class B exemption is applied to that portion of the total amount passing to Class B which is taxable at the lowest rates.

(2) There is no exemption for Class C.

NEW SECTION

WAC 458-57-250 EXEMPTIONS—ALIENS. Where the decedent was not a resident of a state or territory of the United States, no exemptions are allowed in any class. The term "resident" shall be construed to mean "domiciliary."

NEW SECTION

WAC 458-57-260 INSURANCE—EXEMPTIONS. (1) All insurance on the life of the decedent shall be reported to the Department to determine if any portion of it is taxable. RCW 83.16.080 states in part: "The value of property passing shall include the proceeds of policies of life insurance on the life of the decedent . . .". Insurance payable to a decedent's estate, the executor or administrator, or a predeceased beneficiary is taxable as an asset. In these instances the estate is not accorded any exemption for insurance.

(2) Insurance purchased by the payment of premiums with community funds is community property, and each spouse owns an undivided one-half interest in the policy so purchased. Insurance purchased prior to marriage or after marriage with separate funds is separate property.

(3) A policy of life insurance insuring the life of the decedent claimed to be owned by the surviving spouse shall be deemed to be the surviving spouse's separate property if, and only if, the surviving spouse can show by competent evidence that ownership and the premiums were paid with noncommunity funds. In those cases where the insurance is claimed to be the separate property of the surviving spouse a copy of the application for the policy of life insurance must be provided.

(4) The \$60,000 insurance exemption is applicable to the decedent's interest in the insurance on his life. Where the insurance is community property, the total shall be divided in half before application of the special exemption.

Example: If there is \$120,000 life insurance on the life of the decedent and all of the property is community property, the \$120,000 life insurance is not taxable.

(5) Loans against insurance on decedent's life are debts and are deductible in arriving at the net estate for inheritance tax purposes. The loans are treated the same as any other debt, and are deductible. The total face value, less the insurance exemption, is taxable.

Example: The decedent was married and had \$200,000 in community life insurance; a loan of \$20,000 exists against the insurance policies. The tax is computed on the amount in excess of \$120,000 (\$60,000 x 2); e.g., \$80,000. The \$20,000 loan is then included in the deductible items as a debt.

(6) The community one-half of the cash surrender value of insurance on the life of the surviving member of the community is a cash asset and is subject to inheritance tax.

(7) A decedent's ownership interest in insurance on the life of a third party is a cash asset to the extent of its cash surrender value. If the insurance in such an instance is encumbered by a loan, said loan shall be deducted as a debt along with the other debts of the decedent.

(8) Accumulated, post-mortem and terminal dividends, interest accumulated prior to death, and premium refunds included in the proceeds paid in settlement of an insurance policy on decedent's life are not subject to the insurance exemption but are cash assets subject to inheritance tax. Such amounts are taxable items and must be reported on Internal Revenue Service form 712,

which may be obtained from the respective insurance company issuing the policy.

(9) If the decedent carried mortgage insurance and it is payable to other than the executor, administrator or representative of the estate, it comes within the life insurance exemption; otherwise, it becomes an asset of the estate and shall be reported as such. The insurance which pays the mortgage on decedent's death shall not affect the amount of the mortgage existing on the date of death which shall be allowed as a deduction for inheritance purposes.

(10) Funeral insurance is treated like any other life insurance and only that portion thereof in excess of the exemption shall be considered as a part of the taxable estate.

(11) Death benefits operate as an offset against funeral and burial costs and are includable in the reported assets. See WAC 458-57-500(4), Social Security Death Benefits.

(12) If the decedent was the owner of an endowment policy or supplemental contract with life insurance features and it was subject to surrender and withdrawal at the option of the deceased, it is a liquid investment and not a life insurance policy and therefore the proceeds are includable for inheritance tax purposes.

(13) Any original war risk insurance policy or a National Service Life Insurance policy shall be treated as war risk insurance and is a separate special insurance exemption apart from the normal insurance exemption.

(14) If life insurance proceeds are payable to more than one class of beneficiary, the exemption shall be prorated as follows:

$$\frac{\text{Amount of insurance to the class}}{\text{Total amount of insurance}} \times \$60,000 = \text{Prorated exemption to the class}$$

NEW SECTION

WAC 458-57-270 PRORATING OF EXEMPTIONS. (1) When a decedent's estate includes property located in another state not subject to Washington tax, the exemptions to be allowed in Classes A and B shall be prorated. Complete information and valuation of the out-of-state property shall be furnished by a certified copy of the Inventory, a copy of the Internal Revenue Service form 706, or an affidavit describing and valuing the property.

(2) When the estate passes entirely to Class C, the out-of-state inventory is not required. However, if Internal Revenue Service form 706 is filed, a copy thereof, as well as a copy of the Internal Revenue Service audit and closing letter, shall be filed with the Inheritance Tax Division.

(3) The formula to be used in prorating the exemption is:

$$\frac{\text{Gross Washington estate (less mortgages)}}{\text{Gross total estate (less all mortgages)}} \times \text{Exemptions} = \text{Exemptions allowed}$$

Example: If a Washington estate consists of \$300,000 worth of community property plus \$25,000 worth of separate property, and \$50,000 worth of separate out-of-state property, the exemption shall be computed as follows (assume two adult surviving children receive the

separate property which would entitle the estate to a \$120,000 exemption if all property were located in Washington).

$$\frac{1/2 \text{ of } \$300,000 + 25,000}{1/2 \text{ of } \$300,000 + 25,000 + 50,000} \times \$120,000 = \$93,333.34 \text{ Prorated exemption}$$

NEW SECTION

WAC 458-57-280 PRORATING COSTS AND FEES. The debts of the community are community obligations and are allowed as deductions from the community estate. When the estate is partially separate, the probate fees and costs must be prorated between the two estates. The formula for prorating, using the figures from the example in subsection (3) of WAC 458-57-270, is:

$$\frac{\text{Gross Washington community estate}}{\text{Gross Wash. comm. + gross separate estate}} \times \text{Costs \& fees} = \text{Comm. share for deduction}$$

\$300,000 x \$4,999.58 = \$4,615.00 Prorated comm. costs and fees
 \$325,000
 \$384.58 Separate costs and fees

The community deductions are then totaled with burial expense and prorated administrative fees, and then deducted from the community estate. The prorated separate deductions are taken from the separate estate.

The computation of tax in the foregoing example is as follows:

	Community	Separate
Gross Washington	\$300,000.00	\$25,000.00
General debts	(1,600.00)	
Prorated costs & fees	(4,615.00)	(384.58)
Net	\$293,785.00	\$24,615.42
	\$146,892.50	Decedent's 1/2 net community
	24,615.42	Decedent's net separate
	\$171,507.92	Total net for Washington tax
	93,333.34	Prorated exemption (see above)
	6,666.66	@ 4% = \$ 266.67
	71,507.92	@ 7% = 5,005.56
Total tax		\$5,272.23

NOTE: The expenses of probating property in another state are chargeable against that state's portion of the total estate and they shall not be allowed in this state. A decedent's debts are chargeable against his domiciliary estate. When a nonresident has Washington property, the only debts which are deductible are those directly connected with the Washington estate, such as a real estate mortgage or taxes due. Only the expense of probating a nonresident's property may be deducted in the Washington estate. Funeral expenses, etc., are a deduction only in the domiciliary estate.

NEW SECTION

WAC 458-57-290 CREDIT FOR PROPERTY PREVIOUSLY TAXED. (1) Credit for property previously taxed is allowable when (a) property in the present estate can be identified with property transferred to a Class A heir (the present decedent) in a prior estate, and (b) the property so identified is passing to a Class A heir in the present estate, and (c) the deaths of the prior decedent and the instant decedent occurred within a five-year period.

(2) No credit shall be allowable unless an inheritance tax was paid to this state on the transfer to the present decedent. When credit for property previously taxed is

allowable under the criteria in subsection (1), it is then necessary to trace the property from the first estate into the second, identifying each item of property, giving the gross value of each item as reported in each estate, and setting out the low value for each item. Real estate will be treated as net of mortgage.

(3) Bank accounts shall be reported at the low balance to which a traceable bank account was reduced at any time during the interval between the first death and the death of the present decedent. Where the property traced was community property at the time of the first death, the total of property traced must be reduced to decedent's one-half interest therein before the exemption for property previously taxed is computed.

(4) The credit allowed is applied to reduce the amount of the net second estate, before application of the exemptions.

(5) In computing the credit for property previously taxed, if the basic credit exceeds the amount actually taxed in the first estate, the amount actually taxed in the first estate shall be used as the basic credit in the remainder of the computation of the credit for property previously taxed.

(6) If credit for property previously taxed is desired, a list of the assets appearing in the present estate which were taxed in the first estate must be furnished to the Department. The list shall show the values appearing in each estate and shall show the lower value of the two. In the case of bank accounts, the lowest value on or between the dates of death shall be shown.

NEW SECTION

WAC 458-57-300 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—CLASS A.

The formula for computing the credit is expressed as follows where the estate passes entirely to Class A following each death:

(Net first estate less exemptions = Amount actually taxed)

(1) $\frac{\text{Amount actually taxed, 1st estate}}{\text{Net estate, 1st estate}} \times \text{Property traced} = \text{Basic credit}$

(2) $\frac{\text{Basic credit}}{\text{Gross 2nd estate}} \times \text{Deductions in 2nd estate} = \text{Proportion of deductions in 2nd estate chargeable against property traced}$

(3) Subtract line 2 from line 1 = Credit for property previously taxed

$\frac{\text{Basic credit}}{\text{Gross separate 2nd estate}} \times \text{Separate deductions} = \text{Proportion of deductions in 2nd estate chargeable against property traced}$

NOTE: If the present decedent's estate consists of separate and community property and only the separate property is traceable, (2) of the above formula is expressed as (3) above.

Example:	1st Estate	2nd Estate	Lowest
Real estate—home (net of mort.)	\$30,000.00	\$40,250.00	\$30,000.00
Seattle Trust checking a/c	7,911.69	4,000.00	4,000.00
Washington Mutual savings a/c (low balance 3/23/78)	35,125.31	48,344.81	35,125.31
Household furnishings	2,000.00	2,345.00	2,000.00
Organ	1,000.00	900.00	900.00
1966 Ford Thunderbird	700.00	300.00	300.00
North Coast Life Ins. policy	*811.14	**1,273.00	811.14
			\$73,136.45
Community one-half traced			36,568.23

* Cash surrender value 1st estate
** Taxable dividends 2nd estate

Computation of credit for the foregoing example with the noted assumptions:

(Assuming the first estate had a net value of \$40,072.66 with \$15,000 in Class A exemptions and the second estate had a gross value \$142,571.51.)

- (1) $\frac{\$25,072.66}{\$40,072.66} \times \$36,568.23 = \$22,880.01$ Basic credit
- (2) $\frac{\$22,880.01}{\$142,571.51} \times \$10,131.86 = (\$1,625.97)$ Proportion of deductions
- (3) $\$21,254.04$ Credit allowed

NEW SECTION

WAC 458-57-310 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—PORTION OF NET SECOND ESTATE TO CLASS OTHER THAN A.

Where a portion of the net second estate passes to a class other than A:

- (1) $\frac{\text{Amount actually taxed 1st estate}}{\text{Net estate, 1st estate}} \times \text{Property traced} = \text{Basic credit}$
- (2) $\frac{\text{Basic credit}}{\text{Gross 2nd estate}} \times \text{Deductions of 2nd estate} = \text{Proportion of deductions of 2nd estate chargeable against property traced}$
- (3) Subtract line 2 from line 1 = Gross credit to be proportioned
- (4) $\frac{\text{Net 2nd estate to Class A}}{\text{Total net 2nd estate}} \times \text{Gross credit} = \text{Credit for property previously taxed allowed}$

NEW SECTION

WAC 458-57-320 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—SPECIFIC BEQUEST SECOND ESTATE TO CLASS OTHER THAN A.

Where a specific bequest passes from second estate to a class other than A:

- (1) $\frac{\text{Amount actually taxed 1st estate}}{\text{Net estate, 1st estate}} \times \text{Property traced} = \text{Basic credit}$
- (2) $\frac{\text{Less specific bequest to class other than A}}{\text{Gross estate to Class A}} = \text{Gross present estate}$
- (3) $\frac{\text{Gross estate to Class A (2)}}{\text{Gross present estate}} \times \text{Basic credit (1)} = \text{Proportion of traced property passing to Class A and subject to deductions of 2nd estate}$
- (4) $\frac{\text{Proportion of traced property (3)}}{\text{Gross estate to Class A}} \times \text{Deductions of 2nd estate} = \text{Proportion of deductions of 2nd estate attributable to property traced}$

(5) Subtract line 4 from line 3 = Credit for property previously taxed

NEW SECTION

WAC 458-57-330 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—SPECIFIC BEQUEST AND PORTION OF NET SECOND ESTATE TO CLASS OTHER THAN A.

Where a specific bequest and a portion of the net second estate passes to a class other than A:

- (1) Amount actually taxed 1st estate \times Property traced = Basic credit
 $\frac{\text{Net estate, 1st estate}}{\text{Balance of gross estate}}$
- (2) Less specific bequest to class other than A = Gross present estate
 $\frac{\text{Balance of gross estate}}{\text{Balance of gross estate (2)}}$
- (3) Balance of gross estate (2) \times Basic credit (1) = Proportion of traced property subject to debts and residual proportionment
 $\frac{\text{Balance of gross estate (2)}}{\text{Gross present estate (2)}}$
- (4) Proportion of traced property (3) \times Deductions of 2nd estate = Proportion of deductions of second estate attributable to property traced
 $\frac{\text{Balance of gross estate (2)}}{\text{Balance of gross estate (2)}}$
- (5) Subtract line 4 from line 3 = Gross credit to be proportioned
- (6) Net second estate to Class A \times Gross credit = Allowable credit for property previously taxed
 $\frac{\text{Net second estate less specifics to class other than A}}{\text{Net second estate less specifics to class other than A}}$

NEW SECTION

WAC 458-57-340 FEDERAL CREDIT FOR DEATH TAXES. (1) In estates where there is allowed a credit for state death taxes by the Internal Revenue Code, and the total state tax paid is less than the credit available, the state tax shall be increased to the allowed credit. In those instances where the estate has property and has paid death taxes in more than one state, the credit shall be apportioned on the basis of each state's respective share of the gross value of the estate reported for Federal purposes.

(2) When there is a deferred tax as a result of a life estate and the Federal credit for state death tax exceeds the Washington tax presently due, payment must be made to the Federal credit amount, otherwise a loss of this credit may result.

(3) The term "gross estate" means the total of all assets less any mortgages outstanding against the real property.

(4) Example: Washington assets total \$320,000, out-of-state assets total \$140,000, Federal credit of \$8,720.

(2) When there is a deferred tax as a result of a life estate and the Federal credit for state death tax exceeds the Washington tax presently due, payment must be made to the Federal credit amount, otherwise a loss of this credit may result.

(3) The term "gross estate" means the total of all assets less any mortgages outstanding against the real property.

(4) Example: Washington assets total \$320,000, out-of-state assets total \$140,000, Federal credit of \$8,720.

Washington assets	\times Federal credit	Washington's share of
Total assets		Federal credit
\$320,000		
460,000	\times \$8,720 =	
		\$6,066.09

Therefore, if Washington's normal tax due, because of exemptions, is below \$6,066.09, the difference shall be remitted to bring the total to the prorated share of the credit.

(5) For purposes of this administrative rule, the values as finally determined by the Internal Revenue Service shall be controlling.

NEW SECTION

WAC 458-57-350 PAYMENT OF TAX. (1) It is the duty of the personal representative to see that all of the inheritance tax is paid. All tax imposed by the inheritance tax law shall be paid to the Department of Revenue by the person or fiduciary liable for the tax. When such person or fiduciary fails to make the payment required, all heirs, legatees, devisees, executors, trustees, grantees, donees, or joint tenants, are respectively liable for any and all taxes and interest due to the extent of the value of the property received by such persons.

(1) It is the duty of the personal representative to see that all of the inheritance tax is paid. All tax imposed by the inheritance tax law shall be paid to the Department of Revenue by the person or fiduciary liable for the tax. When such person or fiduciary fails to make the payment required, all heirs, legatees, devisees, executors, trustees, grantees, donees, or joint tenants, are respectively liable for any and all taxes and interest due to the extent of the value of the property received by such persons.

(2) Upon payment in full of the tax found to be due, together with any interest that is charged, the Department will issue a release, the original of which should be forwarded to the Clerk of the Court in the county wherein the estate is being probated. In those cases wherein the tax is determined without probate, the original and one copy of the release and consent to transfer shall be forwarded by the Department to the taxpayer or his attorney. The original should be recorded in the office of the County Auditor wherein the property is located and the other copy should be retained by the taxpayer. The Department of Revenue shall furnish only two copies of the release in nonprobated estates. When additional copies of a release in a nonprobate estate are desired, copies of such release can be provided by the County Auditor and may be obtained from the County Auditor's office where the original was recorded.

(3) If the inheritance tax is not paid in full by the legatee or the personal representative of the decedent, it shall be a lien upon the gross estate of the decedent for ten, or in the case of qualified use fifteen, years commencing from the date of the decedent's death. The inheritance tax is imposed against, and may be collected from, property of every kind which was owned by any decedent domiciled within the State of Washington at the time of his death, even though the property of said decedent so domiciled may be situated outside of the State of Washington. There is excepted from the lien that portion of the expenses and charges of the estate which are necessary for administration and which have been allowed by the court.

(4) In those cases where there is litigation pending and as a consequence the final tax cannot be determined, the ten-year period referred to in the immediately preceding subsection shall be extended for the period during which litigation is pending.

(5) The inheritance tax lien attaches immediately upon the death of the decedent, and a personal representative shall not be discharged from his liability, nor may a decree of distribution be entered until a receipt showing that the inheritance tax has been paid in full has been filed with the court, or a Consent to Distribution has been issued by the Department.

(6) If an estate is not probated and the heirs or personal representative do not pay the inheritance tax when due and the Department subsequently files findings in

Superior Court indicating the amount of tax due and the heirs or personal representative fail to respond to the Department, they thereby waive their right to appeal the valuation to the Board of Tax Appeals.

NEW SECTION

WAC 458-57-360 PAYMENT OF TAX FROM RESIDUE—TAX ON TAX. (1) When the inheritance tax on a specific bequest is to be paid from the residue of an estate, it shall be treated as a bequest in the amount of the specific bequest plus a bequest in an amount sufficient to pay the tax properly chargeable to the entire bequest when so calculated. When the tax is computed upon the sum so arrived at and deducted therefrom, the remainder is the amount of the legacy which, by the terms of the Will, is to be received by the legatee free from tax.

(2) Application of the above can be illustrated by the following examples and with reference to the tax on tax tables provided in this rule.

(a) Where a specific bequest to Class B – Residue to C

\$25,000.00 Bequest			
806.45 Increase for tax			
(table M, line 2)	\$25,000 - 19,600 =	\$5,400.00	
	Factor	x .075268	
\$25,806.45 Total to B		\$ 406.45	
10,000.00 Exempt	Plus base tax	400.00	
10,000.00 @ 4% =	\$400.00 Increase	\$ 806.45	
5,806.45 @ 7% =	406.45		
	\$806.45	Class B tax	

(b) Where a specific bequest to Class C – Residue to another class

\$45,000.00 Bequest			
6,875.00 Increase for tax			
(table N, line 3)	\$45,000 - 43,500 =	\$1,500.00	
\$51,875.00 Total to C	Factor	x .25000	
20,000.00 @ 10% =	\$2,000	\$ 375.00	
30,000.00 @ 15% =	4,500 Plus base tax	6,500.00	
1,875.00 @ 20% =	375 Increase	\$6,875.00	
	\$6,875	Class C tax	

(3) TAX ON TAX FOR DEATHS OCCURRING AFTER MAY 29, 1979

Table A
Class A – Tax On Tax – \$10,000 Exemption

From	To	Base Tax	Factor
exempt	24,850	–0–	plus .010101 of all over exemption
24,850	49,350	150	plus .020408 of all over 24,850
49,350	73,600	650	plus .030928 of all over 49,350
73,600	97,600	1,400	plus .041667 of all over 73,600
97,600	190,600	2,400	plus .075268 of all over 97,600
190,600	463,600	9,400	plus .098901 of all over 190,600
463,600	up	36,400	plus .111111 of all over 463,600

Table B
Class A – Tax On Tax – \$20,000 Exemption

From	To	Base Tax	Factor
20,000	24,950	–0–	plus .010101 of all over 20,000
24,950	49,450	50	plus .020408 of all over 24,950
49,450	73,700	550	plus .030928 of all over 49,450
73,700	97,700	1,300	plus .041667 of all over 73,700
97,700	190,700	2,300	plus .075268 of all over 97,700
190,700	463,700	9,300	plus .098901 of all over 190,700
463,700	up	36,300	plus .111111 of all over 463,700

Table C
Class A – Tax On Tax – \$30,000 Exemption

From	To	Base Tax	Factor
30,000	49,600	–0–	plus .020408 of all over 30,000
49,600	73,850	400	plus .030928 of all over 49,600
73,850	97,850	1,150	plus .041667 of all over 73,850
97,850	190,850	2,150	plus .075268 of all over 97,850
190,850	463,850	9,150	plus .098901 of all over 190,850
463,850	up	36,150	plus .111111 of all over 463,850

Table D
Class A – Tax On Tax – \$40,000 Exemption

From	To	Base Tax	Factor
40,000	49,800	–0–	plus .020408 of all over 40,000
49,800	74,050	200	plus .030928 of all over 49,800
74,050	98,050	950	plus .041667 of all over 74,050
98,050	191,050	1,950	plus .075268 of all over 98,050
191,050	464,050	8,950	plus .098901 of all over 191,050
464,050	up	35,950	plus .111111 of all over 464,050

Table E
Class A – Tax On Tax – \$50,000 Exemption

From	To	Base Tax	Factor
50,000	74,250	–0–	plus .030928 of all over 50,000
74,250	98,250	750	plus .041667 of all over 74,250
98,250	191,250	1,750	plus .075268 of all over 98,250
191,250	464,250	8,750	plus .098901 of all over 191,250
464,250	up	35,750	plus .111111 of all over 464,250

Table F
Class F – Tax On Tax – \$60,000 Exemption

From	To	Base Tax	Factor
60,000	74,550	–0–	plus .030928 of all over 60,000
74,550	98,550	450	plus .041667 of all over 74,550
98,550	191,550	1,450	plus .075268 of all over 98,550
191,550	464,550	8,450	plus .098901 of all over 191,550
464,550	up	35,450	plus .111111 of all over 464,550

Table G
Class A – Tax On Tax – \$70,000 Exemption

From	To	Base Tax	Factor
70,000	74,850	–0–	plus .030928 of all over 70,000
74,850	98,850	150	plus .041667 of all over 74,850
98,850	191,850	1,150	plus .075268 of all over 98,850
191,850	464,850	8,150	plus .098901 of all over 191,850
464,850	up	35,150	plus .111111 of all over 464,850

Table H

Class A - Tax On Tax - \$100,000 Exemption

From	To	Base Tax	Factor
100,000	193,000	-0-	plus .075268 of all over 100,000
193,000	466,000	7,000	plus .098901 of all over 193,000
466,000	up	34,000	plus .111111 of all over 466,000

Table I

Class A - Tax On Tax - \$110,000 Exemption

From	To	Base Tax	Factor
110,000	193,700	-0-	plus .075268 of all over 110,000
193,700	466,700	6,300	plus .098901 of all over 193,700
466,700	up	33,300	plus .111111 of all over 466,700

Table J

Class A - Tax On Tax - \$120,000 Exemption

From	To	Base Tax	Factor
120,000	194,400	-0-	plus .075268 of all over 120,000
194,400	467,400	5,600	plus .098901 of all over 194,400
467,400	up	32,600	plus .111111 of all over 467,400

Table K

Class A - Tax On Tax - \$130,000 Exemption

From	To	Base Tax	Factor
130,000	195,100	-0-	plus .075268 of all over 130,000
195,100	468,100	4,900	plus .098901 of all over 195,100
468,100	up	31,900	plus .111111 of all over 468,100

Table L

Class B - Tax On Tax

From	To	Base Tax	Factor
\$ -0-	9,700	-0-	plus .030928 of all over -0-
9,700	19,300	300	plus .041667 of all over 9,700
19,300	56,500	700	plus .075268 of all over 19,300
56,500	92,500	3,500	plus .111111 of all over 56,500
92,500	177,500	7,500	plus .176471 of all over 92,500
177,500	up	22,500	plus .250000 of all over 177,500

Table M

Class B - Tax On Tax
(When Class B Entitled to \$10,000 Exemption)

From	To	Base Tax	Factor
\$ 10,000	19,600	-0-	plus .041667 of all over 10,000
19,600	56,800	400	plus .075268 of all over 19,600
56,800	92,800	3,200	plus .111111 of all over 56,800
92,800	177,800	7,200	plus .176471 of all over 92,800
177,800	up	22,200	plus .250000 of all over 177,800

Table N

Class C - Tax On Tax

From	To	Base Tax	Factor
\$ -0-	18,000	-0-	plus .111111 of all over -0-
18,000	43,500	2,000	plus .176471 of all over 18,000
43,500	83,500	6,500	plus .250000 of all over 43,500
83,500	up	16,500	plus .333333 of all over 83,500

NEW SECTION

WAC 458-57-370 DEFERRAL OF TAX—POWER OF APPOINTMENT—MINIMUM AND MAXIMUM TAX—SECURED TAX. (1) Under the statutes permitting powers of appointment, two computations of the tax are necessary. A minimum tax shall be computed based on the probability of devolution of the appointive property. The maximum, or the greatest possible tax, is computed on the possibility that the property will be appointed to Class C. The difference shall then be secured: PROVIDED, HOWEVER, That if a written agreement is entered into pursuant to RCW 83.05.050 limiting the power to someone other than Class C, the tax shall be recomputed and may be deferred and secured as in other cases. Once the written agreement is entered into, it shall not affect the deferral of the tax otherwise available to the estate.

NOTE: See RCW 64.24.010 et seq. relating to releases of powers of appointment.

(2) The written agreement referred to in subsection (1) above must be acknowledged under oath by the remaindermen and the donee of the power in substantially the following form with a duplicate original thereof being filed with the Department:

We,,
, being the remaindermen named in the foregoing agreement as a result of desiring to exercise and limit (his) (her) power of appointment under the terms of the Will of do hereby agree to the terms thereof and do agree to be bound thereby.

.....

State of Washington)
) ss
 County of

On this day personally appeared,
, to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that (he) (she) (they) signed the same as (his) (her) (their) free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this day of, 19....

.....
 Notary Public in and for
 the State of Washington residing at

(3) Any personal representative desiring to defer inheritance tax must make the election before the tax due date and file a copy of his election with the Department by the tax due date. A protective election may be filed.

(4) Any tax deferred draws interest at the rate of four percent per annum and shall be paid to the Department annually. The interest is computed from the date the tax

is due, that is, nine months after the date of death. In the event that an audit of the Estate Tax Return (Internal Revenue Service form 706) by the Internal Revenue Service results in an increased valuation of the assets of the estate, the resulting increase in inheritance tax due shall be computed and the increase in deferrable tax shall draw interest from the initial due date of the tax.

In the event any interest is not paid within thirty days after notice by the Department, the total tax and interest immediately becomes due and payable.

(5) When a remainderman's tax is to be deferred under RCW 83.16.020 or the tax is to be secured under RCW 83.05.050, a copy of the Internal Revenue Service audit and of the Estate Tax Closing Letter shall be forwarded to the Inheritance Tax Division within thirty days of their receipt by the personal representative. The Inheritance Tax Division shall then notify the estate of its final inheritance tax computation, which shall include a statement of the amount to be secured.

(6) Security for the payment of the deferred tax must be posted with the Inheritance Tax Division within thirty days of the receipt of the final inheritance tax computation or receipt of the Internal Revenue Service Estate Tax Closing Letter, whichever is later. Acceptable security for the deferred or secured tax is limited to:

- (a) A surety company bond;
- (b) A Washington bank's corporate guarantee;
- (c) A blocked account in a Federally insured financial institution, confirmed by said institution in writing.

(7) In those cases where the entire amount of tax is paid even though a portion could have been deferred, refunds will not be allowed as the tax has not actually

been overpaid; deferral is a privilege which must be requested prior to the payment of the tax.

NEW SECTION

WAC 458-57-380 INTEREST—PENALTIES.

(1) Inheritance tax accrues as of the date of death, and is payable without interest until nine months after the date of death. Interest at eight percent per annum attaches to any tax due and unpaid nine months after the date of death. If the payment of the tax is received by the inheritance tax division after the due date, interest will be computed from the due date to date of receipt of the tax and a statement forwarded for said amount. The inheritance tax release will not be issued in such cases until the total amount of tax and interest has been paid.

(2) The pendency of litigation involving the amount of tax due, either directly or indirectly, shall toll the interest during the time necessarily consumed by such litigation, to a maximum of three years: PROVIDED, HOWEVER, That a lis pendens has been filed by one of the parties with the County Auditor and the Department provided with a photocopy of said lis pendens reflecting the County Auditor's receiving number. The minimum tax due in any event shall be paid within nine months from the date of death. The interest shall be tolled only as to that portion of the tax which depends upon the outcome of the litigation.

NEW SECTION

WAC 458-57-390 INTEREST ON UNPAID TAX. The interest on any unpaid tax is computed on the basis of the following table:

8% INTEREST TABLE

DAY OF MONTH	1-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	181-210 DAYS	211-240 DAYS	241-270 DAYS	271-300 DAYS	301-330 DAYS	331-360 DAYS
1	.00022	.00689	.01356	.02022	.02689	.03356	.04022	.04689	.05356	.06022	.06689	.07356
2	.00044	.00711	.01378	.02044	.02711	.03378	.04044	.04711	.05378	.06044	.06711	.07378
3	.00067	.00733	.01400	.02067	.02733	.03400	.04067	.04733	.05400	.06067	.06733	.07400
4	.00089	.00756	.01422	.02089	.02756	.03422	.04089	.04756	.05422	.06089	.06756	.07422
5	.00111	.00778	.01444	.02111	.02778	.03444	.04111	.04778	.05444	.06111	.06778	.07444
6	.00133	.00800	.01467	.02133	.02800	.03467	.04133	.04800	.05467	.06133	.06800	.07467
7	.00156	.00822	.01489	.02156	.02822	.03489	.04156	.04822	.05489	.06156	.06822	.07489
8	.00178	.00844	.01511	.02178	.02844	.03511	.04178	.04844	.05511	.06178	.06844	.07511
9	.00200	.00867	.01533	.02200	.02867	.03533	.04200	.04867	.05533	.06200	.06867	.07533
10	.00222	.00889	.01556	.02222	.02889	.03556	.04222	.04889	.05556	.06222	.06889	.07556
11	.00244	.00911	.01578	.02244	.02911	.03578	.04244	.04911	.05578	.06244	.06911	.07578
12	.00267	.00933	.01600	.02267	.02933	.03600	.04267	.04933	.05600	.06267	.06933	.07600
13	.00289	.00956	.01622	.02289	.02956	.03622	.04289	.04956	.05622	.06289	.06956	.07622
14	.00311	.00978	.01644	.02311	.02978	.03644	.04311	.04978	.05644	.06311	.06978	.07644
15	.00333	.01000	.01667	.02333	.03000	.03667	.04333	.05000	.05667	.06333	.07000	.07667
16	.00356	.01022	.01689	.02356	.03022	.03689	.04356	.05022	.05689	.06356	.07022	.07689
17	.00378	.01044	.01711	.02378	.03044	.03711	.04378	.05044	.05711	.06378	.07044	.07711
18	.00400	.01067	.01733	.02400	.03067	.03733	.04400	.05067	.05733	.06400	.07067	.07733
19	.00422	.01089	.01756	.02422	.03089	.03756	.04422	.05089	.05756	.06422	.07089	.07756
20	.00444	.01111	.01778	.02444	.03111	.03778	.04444	.05111	.05778	.06444	.07111	.07778
21	.00467	.01133	.01800	.02467	.03133	.03800	.04467	.05133	.05800	.06467	.07133	.07800
22	.00489	.01156	.01822	.02489	.03156	.03822	.04489	.05156	.05822	.06489	.07156	.07822

8% INTEREST TABLE—CONT.

DAY OF MONTH	1-30 DAYS	31-60 DAYS	61-90 DAYS	91-120 DAYS	121-150 DAYS	151-180 DAYS	181-210 DAYS	211-240 DAYS	241-270 DAYS	271-300 DAYS	301-330 DAYS	331-360 DAYS
23	.00511	.01178	.01844	.02511	.03178	.03844	.04511	.05178	.05844	.06511	.07178	.07844
24	.00533	.01200	.01867	.02533	.03200	.03867	.04533	.05200	.05867	.06533	.07200	.07867
25	.00556	.01222	.01889	.02556	.03222	.03889	.04556	.05222	.05889	.06556	.07222	.07889
26	.00578	.01244	.01911	.02578	.03244	.03911	.04578	.05244	.05911	.06578	.07244	.07911
27	.00600	.01267	.01933	.02600	.03267	.03933	.04600	.05267	.05933	.06600	.07267	.07933
28	.00622	.01289	.01956	.02622	.03289	.03956	.04622	.05289	.05956	.06622	.07289	.07956
29	.00644	.01311	.01978	.02644	.03311	.03978	.04644	.05311	.05978	.06644	.07311	.07978
30	.00667	.01333	.02000	.02667	.03333	.04000	.04667	.05333	.06000	.06667	.07333	.08000

NEW SECTION

WAC 458-57-400 REFUNDS. (1) Interest. When it is determined that any refund is due as a result of overpayment of inheritance tax, the refund shall draw interest commencing thirty days from receipt thereof by the State Treasurer.

(2) Time limitation. No refund will be paid unless the demand therefor is made upon the Department before or within two years from the date of the inheritance tax release.

NEW SECTION

WAC 458-57-410 ESCHEAT ESTATES—HEIRS—HOW LOCATED AND PROOF. (1) In those cases where it is apparent that the estate will escheat to the State of Washington and heirs are subsequently located, the personal representative shall provide the Department with all evidence of which he has knowledge or of which he has possession showing that the purported heirs are actually heirs. All documents in support of heirship must be in the English language when submitted to the Department. The translation into English from any foreign document shall be authenticated by the nearest local consulate of the country in question.

(2) In all cases where there is a court hearing or the taking of a deposition on the question of heirship, the personal representative shall give the Department twenty days' written notice of such hearing or matter.

(3) The personal representative must give the Department at least twenty days' written notice of the hearing on the final account and petition for distribution.

NEW SECTION

WAC 458-57-420 PRELIMINARY STATEMENT. A Preliminary Statement, on forms prescribed by the Department of Revenue, shall be filed with the Clerk of the Court for transmittal to the Inheritance Tax Division with the first papers filed in every estate presented to the Probate Court. This is the case even though the estate is being converted from a guardianship proceeding and retains the guardianship number.

NEW SECTION

WAC 458-57-430 INVENTORY AND APPRAISEMENT—INVENTORY OF ASSETS. (1) A conformed copy of the Inventory and Appraisal of

assets shall be filed with the Department. The inheritance tax release shall not issue until the Inventory and Appraisal of assets has been filed. The copy filed shall be legible and complete and show all of the assets of the estate together with their respective values as determined by the appraiser or by the personal representative. In addition, the assessed value and the County Assessor's identifying parcel number of all real estate shall be shown. If the personal representative elects to have assets of the estate taxed under qualified use, he should so indicate and complete Revenue form REV 50-2032.

(2) The separate and community property shall be segregated and both shall be listed at their full market values. Fractional interests shall be shown at their values in the decedent's estate together with a statement as to the source of the interest.

(3) When it is subsequently discovered that property has been improperly included, or inadvertently omitted, a copy of the amended Inventory shall be furnished to the Department. Reappraisals made only because the property cannot be sold shall not be recognized for inheritance tax purposes. The Department will not consent to a reduction in the valuation of assets unless the same has been submitted to and considered by a probate court and subsequently reduced with a conformed copy of all pleadings in connection therewith provided to the Department. Amounts received from sales following the death do not affect value for inheritance tax purposes, although they may be considered together with all other relevant factors in fixing the fair market value as of the date of death.

(4) When certain assets are specifically devised or bequeathed, such items shall be separately listed and valued.

(5) In those cases where the decedent was not a domiciliary of the State of Washington, a schedule or inventory plus an evaluation of the assets shall be provided the Department whether the assets pass as a result of probate or outside of probate. If the assets of the deceased nonresident are not to be probated, an affidavit signed by someone familiar with the decedent's affairs shall be provided listing all assets, together with an appraisal by an individual competent to appraise the items in question.

NEW SECTION**WAC 458-57-440 INHERITANCE TAX RETURNS—DUTY TO KEEP RECORDS AND RENDER STATEMENTS—FILING OF RETURNS—CONTENTS OF RETURNS.**

(1) Inheritance Tax Returns—Estates where no tax due. If after a copy of the Inventory and Appraisal, showing all of decedent's assets including those that pass by right of survivorship and the last Will and Testament are filed with the Department, it is apparent that no inheritance tax is due, the Director may without further action issue the inheritance tax release.

(2) Inheritance Tax Returns—Filing. An Inheritance Tax Return shall be filed, subject to subsection (1) above on a form provided by the Department for every estate which owns or has an interest therein for all property as delineated in RCW 83.04.010.

(3) Tax Returns—Duty to file—Full disclosure. It is the duty of the personal representative to complete said Return and file it with the Department on or before nine months after the date of death of the decedent. Interest at the rate of eight percent per annum shall accrue against any inheritance tax unpaid after said time. If there is more than one personal representative, the Return shall be made jointly by all. If the personal representative is unable to make a complete Return as to any part of the gross estate, he is required to give all the information he has as to such property, including a full description, and the name of every person holding a legal or beneficial interest in the property. If the personal representative is unable to make a Return as to any property, every person holding a legal or beneficial interest therein shall, upon notice from the director, make a Return as to that part of the gross estate.

(4) Tax Returns—Inventory.

(a) The Inheritance Tax Return shall have attached thereto an itemized inventory of all of the property constituting the gross estate and shall be keyed to the estate asset section of the Inheritance Tax Return. There must also be attached to the Return an itemized list of the deductions which shall be keyed to the deduction section of the Inheritance Tax Return.

(b) In the case of no probate filings, three copies of the Inventory must be filed with the Inheritance Tax Return. No inheritance tax release in a no probate estate will issue until all required copies of the Inventory are received by the Department.

(5) Real estate. The correct legal description and Assessor's parcel number shall be given for each parcel of real estate, and, if located in an incorporated area, the name of the street and number, its area, and, if improved, a short statement of the character of the improvements shall also be provided.

(6) (a) Bonds—Corporate. A description of bonds should include the number held, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number if there is more than one issue, and the principal exchange upon which listed. A description of stock shall include the number of shares, whether common or preferred, and, if

preferred, what issue, par value, quotation at which returned, exact name of corporation, and, if the stock is unlisted, the location of the principal business office and state in which incorporated and the date of incorporation, or if the stock is listed, the principal exchange upon which sold.

(b) United States savings bonds. The series, face value and date of issue shall be shown for each bond. The bond listings shall be segregated according to denomination and series, and then listed chronologically in the order in which they were issued.

If the bonds are jointly held or payable to a survivor, this fact shall be shown, with the relationship of the survivor. The bonds passing to a particular individual shall be grouped under the name of that person.

United States savings bonds G, H and K are redeemable at face upon a death, and are so valued.

United States treasury bonds bear interest from date of issue until maturity, and interest accrued to date of death shall be included for tax purposes. When such bonds are redeemed at par for the purpose of paying the Federal estate tax, they shall be valued at par plus accrued interest for inheritance tax purposes.

(7) Notes. Include in a description of all notes the name of the maker, the relationship, if any, to decedent, date on which given, date of maturity, amount of principal, amount of principal unpaid, rate of interest and whether simple or compound, date to which interest has been paid and amount of unpaid interest.

(8) Real estate contracts. A description of the seller's interest in land contracts shall include the name of the buyer, the relationship, if any, to decedent, date of contract, description of property, sale price, initial payment, amounts of installment payments, unpaid balance of principal and accrued interest, interest rate and date prior to decedent's death to which interest had been paid.

(9) (a) Bank accounts. A description of bank accounts shall disclose the name and address of depository, amount on deposit, whether a checking, savings, or a time-deposit account, rate of interest, if any payable, amount of interest accrued and payable, and account number.

(b) Joint bank accounts and deposits with right of survivorship are includable in the decedent's estate. Where decedent was not the actual owner of the deposit, the facts as to true ownership must be shown by affidavit showing the source of the funds.

(c) The funds on deposit in a survivorship account will be taxed as passing to the surviving joint tenant, unless the survivor by disclaimer properly executed waives all interest in such account as survivor.

(d) If a joint account is not a survivorship account, it shall be so stated.

(e) The relationship of the decedent to the joint tenant shall be shown.

(f) Bank accounts in the name of the surviving spouse are presumed to be community property and shall be reported. If it is claimed that they are actually the separate property of the surviving spouse, such fact must be established to the satisfaction of the Director by affidavit. Supporting affidavits from persons other than the

survivor shall be provided, if available. All claims of contributions shall be clearly traced to the source of the funds and it must be shown that the funds were those of the survivor and not of the decedent.

(10) Life insurance. The description of life insurance should give the name of the insurer, number of policy, name of the beneficiary, owner of the policy, and the amount of the proceeds. This information is to be provided on all insurance policies in which the decedent had an interest. All insurance companies doing business within the State of Washington shall provide the personal representative with Internal Revenue Service form 712 on all insurance policies in which the decedent had an interest and the personal representative shall provide a copy of same to the Department.

(11) Judgments. All judgments shall be described giving the title of the cause and the name of the court in which rendered, date of the judgment, name and address of the judgment debtor, amount of judgment, and rate of interest to which subject, and by stating whether any payments have been made thereon, and, if so, when and in what amounts.

(12) Transfers prior to death. All transfers in excess of \$1,000 per donee per calendar year made by the decedent during the three-year period ending on the date of the decedent's death, irrespective of the date of death, except bona fide sales for an adequate and full consideration in money or money's worth, shall be disclosed in the Return whether or not the personal representative regards the transfers subject to the tax. If the personal representative believes that such a transfer is not subject to the tax, a brief statement of the pertinent facts is required. Include in the explanation the fair market value of the asset as of the date of death and the date of transfer.

(13) Fractional interests. If the estate owns a fractional interest in any property, by reason of inheritance, or otherwise, only the value of the estate's interest need be shown, and the source of the fractional interest should be indicated.

(14) Adoption. When the relationship of an heir to the decedent rests upon an adoption, supporting evidence of legal adoption must be submitted as proof to the Inheritance Tax Division; without such proof Class A taxation rates and exemptions will not apply.

(15) Annuities other than qualified retirement plans.

(a) Annuities are treated as investments, rather than insurance, and are taxable to the surviving beneficiary upon the death of the principal. A lump sum payment to the beneficiary is taxable.

(b) When monthly or other periodic payments are to be made to the surviving beneficiary, the annuity shall be taxable at its commuted value as of the date of death of the decedent.

(c) A description of all annuities should be provided. Show the name, address, the relationship of the surviving beneficiary, and of the grantor. If the annuity is payable out of the trust or other funds, such a description as will fully identify it must be provided. If the annuity is payable for a term of years, the duration of the term and the date on which it began shall be given, and

if payable for the life of a person other than the decedent, the date of birth of such person should be provided. If the personal representative has not included in the gross estate the full value of an annuity, he shall, nevertheless, fully describe the annuity and state its total purchase price and the amount of the contribution made by each and every person toward the purchase price. If the personal representative believes that any part of the annuity is excludable from the gross estate for any reason, he should state in the Return or an attachment thereto the reason for his belief.

(d) Annuities carried by a surviving spouse are presumed to be investments of the marital community and must be reported for inheritance tax purposes. If a claim is made that they are not community property, data in support of such claim shall be provided.

NEW SECTION

WAC 458-57-450 PAYMENT OF INHERITANCE TAX—EXTENSION OF TIME—BASIS FOR—REASONABLE CAUSE—UNDUE HARDSHIP. (1) Definitions. The following definitions shall apply to the terms used herein and in Title 83 RCW:

(a) Reasonable cause. Those facts of a character calculated to induce a belief in the mind of an ordinary and prudent business person.

(b) Reasonable time. Such length of time as may fairly, properly, and justly be allowed or required, having regard to the nature of the subject matter.

(c) Undue hardship. More than a necessary burden in a particular case, more than an inconvenience.

(d) Due diligence. Such measure of prudence or activity as is properly to be expected from and ordinarily exercised by a reasonable and prudent person under the particular circumstances, depending on the relative facts of the special case.

(e) Reasonable prudent person. A careful person, a person exercising that degree of care required by the circumstances of the particular case.

(f) Personal representative. Any person or institution in possession of the property owned by the decedent.

(2) Extensions—Basis for—Time. In any case in which the Director finds that payment of the inheritance tax or any part thereof would impose undue hardship upon the estate, he may extend the time for payment for reasonable periods of time not to exceed ten years from the date the tax is due.

(3) Extensions—Basis—More than general statement. The extension will not be granted upon a general statement of hardship. It must appear that a substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making the payment of the tax, a portion thereof, or a deficiency at the date prescribed therefor. If a market exists, a sale of property at the current market price shall not ordinarily be considered as resulting in an undue hardship, or constituting "reasonable cause." No extension will be granted for the payment of any tax, a portion thereof or of any deficiency if the delay sought is due to negligence, intentional disregard of the rules and regulations of the Department, or fraud with intent to evade the tax.

(4) Extensions—Applications—Granting—Discretionary—Time. All applications for an extension shall be in writing and must contain, or be supported by, information in affidavit form showing the hardship that would result to the estate if the extension were refused. The application, with the supporting information and supporting affidavit, must be filed with the Director at least sixty days before the date prescribed for the payment. When received, it will be examined, and, within thirty days shall be denied, granted, or tentatively granted subject to certain conditions of which the personal representative will be notified. The Director will not consider an application for such an extension unless it is applied for on or before the date prescribed. If the personal representative desires to obtain an additional extension, it must be applied for on or before the date of the expiration of the previous extension. The granting of an extension of time for paying the tax, a portion thereof, or any deficiency is discretionary with the Director.

(5) Payment—After extension granted. The payment of an amount for which an extension is granted, with interest thereon, must be paid on or before the expiration of the period of the extension without the necessity of notice and demand from the Director.

(6) Extension—Payment of interest. The granting of an extension of time for the payment of the tax, any portion thereof, or any deficiency does not operate to prevent the running of interest. Interest on any unpaid amount will be at the annual rate of eight percent.

(7) Examples. The following examples illustrate cases involving reasonable cause for granting an extension of time pursuant to RCW 83.44.025:

Example 1. An estate includes sufficient liquid assets to pay the inheritance tax when otherwise due. But for reasons beyond the control of the personal representative the assets cannot be readily marshalled for payment of the tax even with the exercise of due diligence.

Example 2. An estate is comprised in substantial part of assets consisting of rights to receive payments in the future (e.g., annuities, copyright royalties, contingent fees, or accounts receivable). These assets provide insufficient present cash with which to pay the inheritance tax when otherwise due and the estate cannot borrow against these assets except upon terms which would inflict loss upon the estate.

Example 3. An estate does not have sufficient funds (without borrowing at a rate of interest higher than that generally available) with which to pay the entire inheritance tax when due, to provide a reasonable allowance during the remaining period of administration of the estate for the decedent's surviving spouse and dependent children, and to satisfy claims against the estate that are due and payable. Furthermore, the personal representative has used due diligence in an effort to convert assets in his possession (other than an interest in a closely held business) into cash.

Example 4. A farm (or other closely held business) comprises a significant portion of the estate. Sufficient funds for the payment of the inheritance tax when due are not readily available. The farm (or closely held

business) could be sold to unrelated persons at a price equal to its fair market value, but the personal representative seeks an extension of time to facilitate the raising of funds from other sources for the payment of the inheritance tax.

NEW SECTION

WAC 458-57-460 INHERITANCE TAX—EXTENSION OF TIME FOR PAYMENT—FAILURE TO PAY ON TIME. If, after an agreement is entered into with the Director for the extension of time for payment of inheritance tax, any installment is not paid on or before the date fixed for payment, the balance of the tax plus interest shall be paid upon notice and demand.

NEW SECTION

WAC 458-57-470 INHERITANCE TAX—EXTENSION OF TIME FOR PAYMENT—SECURITY. In the event an extension of time is granted for the payment of inheritance tax, any portion thereof, or any deficiency, a bond or such other security as the Director deems necessary to fully provide for payment of the tax in accordance with the terms of the extension agreement shall be provided.

NEW SECTION

WAC 458-57-480 CLOSELY HELD BUSINESS—WHAT CONSTITUTES. (1) (a) Requirements. An estate may be deemed to own an interest in a closely held business if at the time of the decedent's death, the value of the interest in the closely held business exceeded thirty-five percent or more of the gross value of the decedent's estate or fifty percent or more of his taxable estate. For the purposes of this section a farm used as a farm for farming purposes shall be deemed to be a closely held business if it otherwise qualifies as a closely held business, providing that there was material participation by the decedent at the time of his death in the operation of the farm.

(b) The terms "farm," "farming purposes" and "material participation" as used in these regulations shall be as defined in RCW 83.16.120.

(2) Definition. The term "interest in a closely held business" shall mean:

(a) An interest as a proprietor in a trade or business carried on as a sole proprietorship.

(b) An interest as a partner in a partnership carrying on a trade or business if twenty percent or more of the total capital interest in the partnership is included in determining the decedent's gross estate or if the partnership had ten or less partners.

(c) Stock in a corporation carrying on a trade or business if twenty percent or more in value of the voting stock of the corporation is included in determining the decedent's gross estate or if the corporation had ten or less shareholders.

(3) Number of partners or shareholders. The number of partners of the partnership or shareholders of the corporation is determined as of the time immediately before the decedent's death. Where an interest in a partnership, or stock in a corporation, is the community

property of husband and wife, the husband and the wife are counted as one in arriving at the number of partners or shareholders.

(4) Carrying on a trade or business.

(a) In order for the interest in a partnership or the stock of a corporation to qualify as an interest in a closely held business it is necessary that the partnership or the corporation be engaged in carrying on a trade or business at the time of the decedent's death. However, it is not necessary that all the assets of the partnership or the corporation be utilized in the carrying on of the trade or business.

(b) In the case of a trade or business carried on as a sole proprietorship, the interest in the closely held business includes only those assets of the decedent which were actually utilized by him in the trade or business. Thus, if a building was used by the decedent in part as a personal residence and in part for the carrying on of a mercantile business, the part of the building used as a residence does not form any part of the interest in the closely held business. Whether an asset will be considered as used in the trade or business will depend on the facts and circumstances of the particular case. For example, if a bank account was held by the decedent in his individual name (as distinguished from the trade or business name) and it can be clearly shown that the amount on deposit represents working capital of the business as well as nonbusiness funds (e.g., receipt from investments, such as dividends and interest), then that part of the amount on deposit which represents working capital of the business will constitute a part of the interest in the closely held business. On the other hand, if a bank account is held by the decedent in the trade or business name and it can be shown that the amount represents nonbusiness funds as well as working capital, then only that part of the amount on deposit which represents working capital of the business will constitute a part of the interest in the closely held business. In a case where an interest in a partnership or stock of a corporation qualifies as an interest in a closely held business, the decedent's entire interest in the partnership, or the decedent's entire holding of stock in the corporation, constitutes an interest in a closely held business even though a portion of the partnership or corporate assets is used for a purpose other than the carrying on of a trade or business.

(5) Interests in two or more closely held businesses. Interests in two or more closely held businesses shall be treated as an interest in a single closely held business if more than fifty percent of the total value of each such business is included in determining the value of the decedent's gross estate. For the purpose of the fifty percent requirement set forth in the preceding sentence, an interest in a closely held business which represents the surviving spouse's interest in community property will be considered as having been included in determining the value of the decedent's gross estate.

NEW SECTION

WAC 458-57-490 QUALIFIED OR SPECIAL USE—APPLICATION OF STATUTORY AND REGULATORY PROVISIONS. (1) In general. The

regulations and rules relating to qualified or special use under RCW 83.16.100 through 83.16.140 shall be those rules and regulations adopted and in use by the Internal Revenue Service of the United States for estate tax purposes wherever applicable and insofar as they do not conflict with RCW 83.04.024, 83.16.010, 83.16.100 through 83.16.145 and chapter 458-57 WAC.

(2) Election—Notification. If the personal representative elects to have any of the assets of the estate taxed at the qualified or special use value, he shall make such election and notify the Department on or before the due date of the inheritance tax to avail the estate of said election.

(3) Lien—Form—Recording. The lien prescribed by RCW 83.04.024 shall be substantially in form of the mortgage set forth in RCW 61.12.020, be recorded with the County Auditor and a photocopy thereof with the County Auditor's receiving number thereon must be provided to the Director.

(4) Lien—Security in lieu of. The security in lieu of the lien as referred to in RCW 83.04.024(5) shall be in accordance with WAC 458-57-370(6).

(5) Lien—Subordination. The subordination of any lien under RCW 83.04.024(6) will be considered only if the equity in the real property equals or exceeds five times the amount of the tax lien after subordination (e.g., the tax lien equals twenty percent of the equity after subordination).

(6) Qualified use—Election—Filing for. The election for qualified use shall be made on Department of Revenue form REV 50-2032 and filed with the Director in accordance with RCW 83.16.115.

NEW SECTION

WAC 458-57-500 MISCELLANEOUS PROVISIONS. (1) Award in lieu of homestead. Property which is the subject of an award in lieu of homestead passes to the person who receives it by reason of the statutes of inheritance. Such an award does not remove the property from the estate for inheritance tax purposes, and does not increase the exemptions. The awards will increase the amount going to Class A in some instances, and that amount is then taxed as in any other estate. Amounts passing to other classes are reduced by the amounts transferred to Class A. The other classes are then taxed in their reduced amount.

This is illustrated by the following example:

The Will leaves decedent's entire estate to his nephew. The estate is separate property, and his new wife files for an award in lieu of homestead.

\$50,000.00	Decedent's net estate
20,000.00	Awarded to wife in lieu of homestead
20,000.00	Class A exemption (no tax)
30,000.00	Remainder to Class B
10,000.00	@ 3% = 300.00
10,000.00	@ 4% = 400.00
10,000.00	@ 7% = 700.00

\$1,400.00 Total tax due

In the above example there is no exemption accorded Class B heirs as there is an amount passing to a Class A heir.

(2) Partnerships. The interest of a deceased partner in a partnership, among whose assets are buildings and land, is an interest in the surplus of assets with a right to an accounting. This is an intangible asset (a chose in action) and is subject to inheritance tax at the domicile of the decedent.

(3) Life estate with power to invade. One who takes a life estate with full power to exhaust the entire estate during his life, with the remainder at his death to persons named by the decedent, takes a life estate, and the remainder is a vested rather than a contingent remainder for purposes of the inheritance tax statutes.

(4) Social security death benefits. The social security death benefit is payable to a surviving spouse as a right, without regard to payment of funeral expenses. When it is paid to a surviving spouse, it need not be reported as an asset or used to reduce the funeral expense deduction.

In all other cases, the death benefit is payable to reimburse funeral expenses, and shall be offset against the deduction claimed, or reported as a cash asset.

(5) Survivorship and wrongful death actions. The proceeds of a wrongful death action are not taxable and shall not be included in the assets of the estate of the decedent. The proceeds of a survivorship action are taxable and shall be included in the listing of the assets of the deceased. In those cases where the litigation is a combination of the two, the portion of the recovery or settlement attributable to the survival of action portion of the litigation shall be included as an asset in the inventory of the decedent's estate.

(6) Alien estates. When the decedent was not a resident of a territory or state in the United States, the property of such decedent shall be taxable whether tangible or intangible property, including certificates of stock, bonds, bills, notes, bank deposits, or other written evidences of tangible property which are physically situated within the State of Washington or where the domicile of the debtor is in the State of Washington.

(7) Stock transfer.

(a) Probate. If an estate is probated, no consent from the Department shall be necessary for the transfer of stock in which the decedent had an interest, nor will the Department issue such consent. Proof to a transfer agent of the qualification of the personal representative shall be sufficient. The rule is likewise in those cases where assets pass by right of survivorship.

(b) No probate. A survivor or trustee may secure an inheritance tax release of a deceased domiciliary's estate if it is not probated in Washington by reporting the estate directly to the Department. Should such a Return be made, the Department shall issue an inheritance tax release. Attached thereto shall be a schedule of all assets as reported. The certificate with the attached schedule constitutes the release of the Department and authorizes the transfer of all assets including the stock described therein.

(8) Federal Estate Tax Closing Letter. In those cases wherein a Federal Estate Tax Return is filed, the Department shall not issue its inheritance tax release until such time as a copy of the Federal Estate Tax Closing Letter has been received and the final inheritance tax determination made and any subsequent tax due paid.

(9) Correspondence—Failure to respond to Department.

(a) In those cases wherein the Department addresses correspondence to an attorney or accountant for an estate and the attorney or accountant does not respond to the Department within thirty days, the matter shall be referred to the attention of the personal representative and/or the probate judge or committee or both for appropriate action. If said action is ineffective, the matter shall then be referred for action as in subsection (b) of this section.

(b) Where there is no attorney or accountant and the personal representative fails to respond to the Department within thirty days, the matter shall be referred for a court appointed personal representative or for removal of the personal representative.

WSR 80-03-049

ADOPTED RULES

UNIVERSITY OF WASHINGTON

[Order 79-7—Filed February 22, 1980]

Be it resolved by the board of regents, of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to university calendar, WAC 478-132-030.

This action is taken pursuant to Notice No. WSR 79-12-090 filed with the code reviser on 12/3/79. 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 January 18, 1980.

By Elsa Kircher Cole
Assistant Attorney General

AMENDATORY SECTION (Amending Order 72-10, filed 11/30/72)

WAC 478-132-030 UNIVERSITY CALENDAR. The ~~((academic year))~~ calendar at the university consists of four quarters, which normally begin and end as follows:

(1) The autumn quarter shall begin on September 25 when it falls on a Monday(;;), otherwise it shall begin on the first Monday following September 25, and end on the twelfth Thursday ~~((of the twelfth week))~~ thereafter. ~~((ta))~~ The autumn quarter of the school of law shall begin ~~((classes))~~ on the Wednesday prior ~~((to the first day of Autumn Quarter))~~ thereto.

(2) The winter quarter shall begin on the first Monday after January 1 and end on the eleventh Friday thereafter. When January 1 falls on Sunday, the winter

quarter shall begin on January 3; when January 1 falls on Monday, the winter quarter shall begin on January 2.

(3) The spring quarter shall begin on the second Monday after the close of winter quarter and end on the eleventh Friday thereafter. ~~((a))~~ The June commencement shall be the Saturday immediately following the last day of spring quarter.

(4) The summer quarter shall begin on the second Monday following the June commencement and end on the ninth Friday thereafter. ~~((a))~~ The summer quarter of the school of law shall begin on the Monday following the June commencement and end on the Friday of the eleventh week thereafter. ~~((b))~~ The summer quarter of the school of dentistry shall begin on the third Monday following the June commencement and end on the fifth Friday ~~((of the fifth week))~~ thereafter.

WSR 80-03-050
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 22, 1980]

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:

New WAC 388-29-290 Low-income supplemental energy allowance.
And WAC 388-54-695 Food stamps—Resources—Exempt.

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, WA, Phone (206) 753-7015, by March 26, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 9, 1980, 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, April 16, 1980, 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 and 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 9, 1980, and/or orally at 10:00

a.m., Wednesday, April 9, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: February 20, 1980

By: N.S. Hammond
Executive Assistant

NEW SECTION

WAC 388-29-290 LOW-INCOME SUPPLEMENTAL ENERGY ALLOWANCE. (1) The low-income supplemental energy allowance is a one time federal payment to an energy payment assistance unit intended to reduce the burden of the high cost of energy for the 1979-1980 winter.

(2) An energy payment assistance unit is defined as a group of food stamp head of households and/or AFDC, GA-U, or IRAP payees who have common CSO and basic case numbers.

(3) Only energy payment assistance units who were authorized to receive food stamp benefits or AFDC, GA-U, or IRAP grants for January 1980 will be eligible for supplemental energy allowances.

(4) Energy payment assistance units known to be receiving SSI during January 1980 will not be eligible for supplemental energy allowances.

(5) A recipient residing in foster care, nursing home, congregate care facility or an institution for the mentally retarded will not be eligible for a supplemental energy allowance.

(6) The supplemental energy allowance standards shall be the rates established by the department.

(7) A recipient may request an administrative review regarding denial or underpayment of a supplemental energy allowance no later than March 31, 1980.

(8) No supplemental energy allowance payments will be made after June 30, 1980.

(9) Energy payments made under Public Law 96-126 shall be exempt as income and resources for all public assistance programs and food stamps. These payments include DSHS supplemental energy allowance payments, special SSI energy payments, and payments from the energy crisis assistance program.

(10) These rules shall be effective January 1, 1980.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-695 RESOURCES—EXEMPT. The following resources shall be exempt:

(1) The home and surrounding property which is not separated from the home by intervening property owned by others. This shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or unhabitability due to casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which they intend to build or are building a permanent home, shall receive an exemption for the value of the lot and, if it is partially completed, for the home.

(2) Personal effects (clothing, jewelry, etc.) and household goods (furniture, appliances, etc.), including one burial plot per household member.

(3) Cash value of life insurance policies and pension funds, including Keogh or IRA as long as funds are not withdrawn.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis, except that rental homes which are used by households for vacation purposes at some time during the year shall be counted as resources unless they are producing annual income consistent with their market value.

(6) Property, such as farm land and rental homes, or work related equipment, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of a household member.

(7) Resources of nonhousehold members such as roomers, boarders, or live-in attendants, ineligible aliens.

(8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs.

(9) Resources which have been prorated as income for self-employed persons or students.

(10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, property in probate, property and notes receivable which cannot be readily liquidated, if the household is making a good faith effort to sell.

(a) Any funds in a trust or transferred to a trust, and the income produced by that trust, shall be considered inaccessible to the household if the trust is under the control and management of an institution, corporation or organization (the trustee) which is not under the direction or ownership of any household member;

(b) If that trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust;

(c) If the trust investments do not directly involve or assist any business or corporation under the control, direction or influence of a household member;

(d) If the trust arrangement will not likely cease during the certification period; and

(e) If no household member has the power to revoke the trust arrangement or change the name of the student beneficiary during the certification period.

(11) Resources which are excluded for food stamp purposes by express provision of federal law:

(a) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;

(b) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding submarginal land held in trust by the United States, or Public Law 94-540;

(c) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians;

(d) Benefits received from the Women, Infants and Children program (WIC);

(e) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;

(f) Earned income tax credits since 1975;

(g) Payments received under Title IV CETA amendments of 1978 as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.

(12) Installment contracts or agreements for the sale of land or other property which is producing income consistent with its fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.

(13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.

(14) Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS and payments from the energy crisis assistance program.

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

This rule is promulgated pursuant to RCW 74.04.510 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 February 20, 1980.

By N.S. Hammond
Executive Assistant

NEW SECTION

WAC 388-29-290 LOW-INCOME SUPPLEMENTAL ENERGY ALLOWANCE. (1) The low-income supplemental energy allowance is a one time federal payment to an energy payment assistance unit intended to reduce the burden of the high cost of energy for the 1979-1980 winter.

(2) An energy payment assistance unit is defined as a group of food stamp head of households and/or AFDC, GA-U, or IRAP payees who have common CSO and basic case numbers.

(3) Only energy payment assistance units who were authorized to receive food stamp benefits or AFDC, GA-U, or IRAP grants for January 1980 will be eligible for supplemental energy allowances.

(4) Energy payment assistance units known to be receiving SSI during January 1980 will not be eligible for supplemental energy allowances.

(5) A recipient residing in foster care, nursing home, congregate care facility or an institution for the mentally retarded will not be eligible for a supplemental energy allowance.

(6) The supplemental energy allowance standards shall be the rates established by the department.

(7) A recipient may request an administrative review regarding denial or underpayment of a supplemental energy allowance no later than March 31, 1980.

(8) No supplemental energy allowance payments will be made after June 30, 1980.

(9) Energy payments made under Public Law 96-126 shall be exempt as income and resources for all public assistance programs and food stamps. These payments include DSHS supplemental energy allowance payments, special SSI energy payments, and payments from the energy crisis assistance program.

(10) These rules shall be effective January 1, 1980.

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-695 RESOURCES-EXEMPT. The following resources shall be exempt:

(1) The home and surrounding property which is not separated from the home by intervening property owned

WSR 80-03-051

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1489—Filed February 22, 1980]

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:

New WAC 388-29-290 Low-income supplemental energy allowance.

Amd WAC 388-54-695 Food stamps—Resources—Exempt.

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 rules are necessary to implement federal requirements.

by others. This shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability due to casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but own or are purchasing a lot on which they intend to build or are building a permanent home, shall receive an exemption for the value of the lot and, if it is partially completed, for the home.

(2) Personal effects (clothing, jewelry, etc.) and household goods (furniture, appliances, etc.), including one burial plot per household member.

(3) Cash value of life insurance policies and pension funds, including Keogh or IRA as long as funds are not withdrawn.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property which annually produces income consistent with its fair market value, even if only used on a seasonal basis, except that rental homes which are used by households for vacation purposes at some time during the year shall be counted as resources unless they are producing annual income consistent with their market value.

(6) Property, such as farm land and rental homes, or work related equipment, such as the tools of a tradesman or the machinery of a farmer, which is essential to the employment or self-employment of a household member.

(7) Resources of nonhousehold members such as roomers, boarders, or live-in attendants, ineligible aliens.

(8) Indian lands held jointly with the tribe or land that can be sold only with the approval of the Bureau of Indian Affairs.

(9) Resources which have been prorated as income for self-employed persons or students.

(10) The cash value of resources not accessible to the household, such as but not limited to, irrevocable trust funds, property in probate, property and notes receivable which cannot be readily liquidated, if the household is making a good faith effort to sell:

(a) Any funds in a trust or transferred to a trust, and the income produced by that trust, shall be considered inaccessible to the household if the trust is under the control and management of an institution, corporation or organization (the trustee) which is not under the direction or ownership of any household member,

(b) If that trustee uses the funds solely to make investments on behalf of the trust or to pay the educational expenses of any person named by the household creating the trust;

(c) If the trust investments do not directly involve or assist any business or corporation under the control, direction or influence of a household member,

(d) If the trust arrangement will not likely cease during the certification period; and

(e) If no household member has the power to revoke the trust arrangement or change the name of the student beneficiary during the certification period.

(11) Resources which are excluded for food stamp purposes by express provision of federal law:

(a) Payments received under the Alaska Native Claims Settlement Act or the Sac and Fox Indian Claims Agreement;

(b) Payments received by certain Indian tribal members under Public Law 94-114, Sec. 6, regarding submarginal land held in trust by the United States, or Public Law 94-540;

(c) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians;

(d) Benefits received from the Women, Infants and Children program (WIC);

(e) Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970;

(f) Earned income tax credits since 1975;

(g) Payments received under Title IV CETA amendments of 1978 as follows: Youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs.

(12) Installment contracts or agreements for the sale of land or other property which is producing income consistent with its fair market value, and the value of the property sold under the installment contract or held as security in exchange for a purchase price consistent with the fair market value of that property.

(13) Any governmental payments specifically designated for restoration of a home damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended.

(14) Supplemental energy allowance payments made under Public Law 96-126 which include special SSI energy payments, supplemental energy allowance payments from DSHS and payments from the energy crisis assistance program.

WSR 80-03-052

ADOPTED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1490—Filed February 22, 1980]

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 388-26-055 Residence—Establishing.

Amd WAC 388-35-010 Conditions of eligibility.

This action is taken pursuant to Notice No. WSR 80-01,100 filed with the code reviser on 1/2/80. 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 February 20, 1980.

By N.S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 531,
filed 3/31/71)

WAC 388-26-055 RESIDENCE—ESTABLISHING. (1) A resident is a person who:

(a) Is living in the state of Washington voluntarily with the intention of making his/her home in the state and not for a temporary purpose; that is, one who has indicated ((his)) intent to maintain his/her residence in the state and has no intention of presently leaving the state to take up residence; or

(b) At the time of application, is living in the state, and entered the state with a job commitment or seeking employment in the state whether or not currently employed.

(2) The ((local office)) CSO is not required to find that an applicant is a resident of Washington if he/she is determined to be a bona fide resident of another state; in other words, that he/she is temporarily absent from another state and has not chosen to acquire ((a)) residence in this state.

~~((3) Residence may not depend upon the reason for which the individual entered except insofar as it may show whether he is in the state of Washington voluntarily or for a temporary purpose.))~~

AMENDATORY SECTION (Amending Order 1447,
filed 10/25/79)

WAC 388-35-010 CONDITIONS OF ELIGIBILITY. GAN shall be granted to persons who meet all of the following eligibility conditions:

(1) Are in financial need as defined in subsequent sections of this chapter.

(2) Are not eligible for, receiving, or having their needs met by AFDC, emergency family assistance, SSI, GAU or refugee assistance.

(3) Have taken all steps necessary to make themselves eligible for AFDC, emergency family assistance, SSI, GAU or refugee assistance.

(4) Are not under any sanction for failure to comply with the eligibility requirements of AFDC, emergency family assistance, SSI, GAU or refugee assistance:

(a) AFDC and GAU applicants who are waiting for an incapacity decision to be made may be granted GAN until the date of the eligibility determination for AFDC or GAU;

(b) SSI applicants who are waiting for a disability determination to be made may be granted GAN until the date of receipt of the first SSI payment provided that they have signed an interim assistance agreement in accordance with WAC 388-37-010(2).

(5) Are at least eighteen years old unless:

(a) They are dependent minors who are living with their parents; or

(b) They are minors who are not able to be placed in foster care and who are living outside the parental home

and are attending school or a vocational training program approved by the CSO in accordance with WAC 388-57-028.

(6) Are employable unless:

(a) They are AFDC, GAU, or SSI applicants who are waiting for an incapacity or disability determination to be made; or

(b) They expect to be incapacitated for less than ((30)) thirty days;

(c) They are under sixteen years old.

(7) Are unemployed;

Persons who work less than ((100)) one hundred hours per month shall be considered unemployed.

(8) ((a)) Are residents of Washington state:

(a) A resident is a person who ~~((lives in an identifiable residence))~~ is living in the state voluntarily with the intention of making and maintaining his/her home in the state and not for a temporary purpose; that is, one who has indicated no intention of presently leaving the state to take up residence;

(b) GAN may be granted to nonresidents for a maximum of ((30)) thirty days during one fiscal biennium ~~((if denial would cause undue hardship)).~~

(9) Have not transferred property contrary to WAC 388-28-457 through 388-28-465.

(10) Are registered for employment with Washington State Employment Security (WSES). Persons are exempt from registration if they are:

(a) Ill or incapacitated; or

(b) Needed in the home to care for an incapacitated person in the household; or

(c) Under sixteen; or

(d) Attending school or a vocational training program approved by the CSO in accordance with WAC 388-57-028; or

(e) A caretaker of a child under twelve; or

(f) AFDC, GAU or SSI applicants who are waiting for an incapacity determination to be made; or

(g) Sixty years of age or older.

(11) (a) Have not refused a bona fide job offer or offer of CSO-approved training or employment and training without good cause within ((30)) thirty days prior to application or after application;

(b) Have not voluntarily terminated employment or CSO-approved training or employment and training without good cause within ((30)) thirty days prior to application or after application;

(c) Refusal of a bona fide offer of employment or CSO-approved training or employment and training or voluntary termination of either without good cause within ((30)) thirty days prior to application or after application shall result in a period of ineligibility of ((30)) thirty days or until the person accepts employment or training, whichever period is less:

(i) For an applicant, the period of ineligibility shall begin on the date of refusal or termination of employment or training;

(ii) For a recipient, the period of ineligibility shall begin on the day after the current certification ends;

(iii) Conditions which constitute good cause for refusal or termination of employment are defined in WAC 388-57-025(7);

(iv) The following conditions shall constitute good cause for refusal or termination of CSO-approved training or employment and training:

(A) Mental or physical inability of the person to participate in the training;

(B) Inability of the person to get to and from the training site without undue cost or hardship.

(12) Have applied for unemployment compensation if potentially eligible.

WSR 80-03-053
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-9—Filed February 22, 1980]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial and 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 protect vulnerable herring stocks congregating in Budd Inlet.

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 February 22, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-49-02000E **CLOSED AREA—HERRING** Notwithstanding the provisions of WAC 220-49-020, effective 12:00 midnight February 22, 1980 until further notice, it shall be unlawful to take, fish for or possess herring for commercial purposes with any type of gear in that portion of Marine Fish-Shellfish Area 28D inside and southerly of a line projected from Cooper Point to Dofflemyer Point.

NEW SECTION

WAC 220-49-05600A **CLOSED AREA—SMELT** Notwithstanding the provisions of WAC 220-49-056, effective 12:00 midnight February 22, 1980 until further notice, it shall be unlawful to take, fish for or possess smelt for commercial purposes with any type of gear in

that portion of Marine Fish-Shellfish Area 28D inside and southerly of a line projected from Cooper Point to Dofflemyer Point.

NEW SECTION

WAC 220-56-02000A **UNLAWFUL ACTS—HERRING AND SMELT** Notwithstanding the provisions of WAC 220-56-020, effective 12:00 midnight February 22, 1980 until further notice, it shall be unlawful to take, fish for or possess herring or smelt for personal use in that portion of Puget Sound inside and southerly of a line projected from Cooper Point to Dofflemyer Point.

WSR 80-03-054
NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE
[Memorandum, Secretary—February 22, 1980]

The board of trustees of Wenatchee Valley College have elected to change the place of their monthly board meeting.

The board of trustees will be meeting on the second Wednesday of each month at 1:30 p.m. in room 230 of Anderson Hall.

WSR 80-03-055
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
[Order 49—Filed February 25, 1980]

I, W.A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to prohibition of non-motorized traffic on fully controlled limited access highways. Paragraph (3) (d) (Except) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on May 18, 1980, amending WAC 468-58-050.

I, W. A. Bulley, Secretary of Transportation, 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 the interest of community well-being and to encourage the use of energy efficient transportation, the use of the Interstate 5 reversible lanes for one Sunday is adopted.

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 Department of Transportation as authorized in RCW 47.52.025.

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 25, 1980.

By W. A. Bulley
Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-58-050 PROHIBITION OF NONMOTORIZED TRAFFIC ON FULLY CONTROLLED LIMITED ACCESS HIGHWAYS. (1) All nonmotorized traffic shall be prohibited on state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(3) This prohibition of nonmotorized traffic shall not apply to the following sections of established and operating fully controlled limited access highways with regard to pedestrians and bicycles:

(a) State Route 2, Mile Post 0.00 to Mile Post 2.50;

(b) State Route 410, Mile Post 0.30 to Mile Post 11.60;

(c) State Route 526, Mile Post 0.80 to Mile Post 4.57;

(d) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on ~~((June 18, 1978))~~ May 18, 1980.

(4) This prohibition shall not apply to the shoulders of the following sections of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only:

(a) State Route 5, Mile Post 23.01 to Mile Post 27.42; and

(b) State Route 5, Mile Post 116.70 to Mile Post 119.01.

Signs giving notice of such permission shall be posted upon these highway routes.

(5) This prohibition shall not apply to the shoulders of the following section of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only from May 1 through September 30:

State Route 90, Mile Post 254.02 to Mile Post 257.69.

Signs giving notice of such permission shall be posted upon these highway routes.

WSR 80-03-056
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 80-10—Filed February 25, 1980]

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 these rules are 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 February 25, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-32-02200D LAWFUL GEAR - STURGEON (1) Notwithstanding the provisions of WAC 220-32-022 and WAC 220-32-040, it shall be unlawful to take, fish for or possess sturgeon taken with gillnet gear for commercial purposes except that it shall be lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery in Columbia River Management and Catch Reporting Area 1A, 1B, 1C, 1D and 1E.

(2) It shall be unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(1).

NEW SECTION

WAC 220-32-03000U GILL NET SEASON 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, at those times and with the gear 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 Willamette River.

6 p.m. February 27 until 6 p.m. February 28

8 inch minimum mesh restriction

NEW SECTION

WAC 220-32-04000H STURGEON - SETLINE (1) Notwithstanding the provisions of WAC 220-32-040, it shall be unlawful to take, fish for or possess sturgeon for commercial purposes with setline gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line projected from Grays Point light to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the

Washington shore except at those times, with the gear and provisions designated below:

12 noon February 1 until 12 noon April 30, 1980.

12 noon August 1 until 12 noon October 31, 1980.

Setline gear will be limited to 3 lines with not more than 500 hooks per line.

Buoys must be marked on each end with the fishing license number.

(2) It shall be unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(1).

NEW SECTION

WAC 220-32-03600C CLOSED AREAS SALMON — RIVER MOUTHS Notwithstanding the provisions of WAC 220-32-036, it shall be lawful during lawful seasons in Columbia River Salmon Management and Catch Reporting Area 1C, to take, fish for and possess salmon for commercial purposes with gill net gear from the following waters:

(1) Cowlitz River downstream from the boundary markers approximately one-half mile downstream of the lowermost railroad bridge crossing the Cowlitz River.

(2) Lewis River downstream from a line projected from Austin Point through the Warrior Rock range front south across the Lewis River to a fishing boundary marker on opposite shore.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-04000G STURGEON — SETLINE (80-5)

WSR 80-03-057

NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION [Memorandum—February 22, 1980]

The State Hospital Commission will meet in Seattle at the University Tower Hotel, beginning at 9:30 a.m. on Thursday, March 13, 1980. The hospitals scheduled for informal hearing 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 80-03-058

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Registration for Landscape Architects)

[Filed February 25, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Landscape Architects, intends to adopt, amend, or repeal rules concerning meetings, examinations, review of examinations, certificates and seals. (A copy of the proposed rules is shown below, however, changes may be made at the public hearing.);

that such agency will at 9:00 a.m., Thursday, April 17, 1980, in the Room 114, Hyatt House, Sea-Tac Airport, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, April 17, 1980, in the Room 114, Hyatt House, Sea-Tac Airport, Seattle, Washington.

The authority under which these rules are proposed is RCW 18.06.060[18.96.060].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 17, 1980, and/or orally at 9:00 a.m., Thursday, April 17, 1980, Room 114, Hyatt House, Sea-Tac Airport, Seattle, Washington.

Dated: February 25, 1980

By: Robert D. Theriault
Executive Secretary

AMENDATORY SECTION (Amending Order 2472, filed 12/16/69)

WAC 308-13-010 STATE BOARD OF REGISTRATION. (1) Meetings. The Washington State Board of Registration for Landscape Architects, hereinafter called the board, shall hold an annual public meeting during April of each year for the purpose of election of board officers (~~and establishing of the next fiscal year renewal fee~~), recommending fees, changes in board rules, approval of colleges of landscape architecture, and any other business of a public nature. Special public meetings may be held at any time as determined by the board. Public notice of all public meetings shall be provided as required by law.

Executive session meetings may be held at any time as determined necessary by the board, upon call by the chairman, or upon request by a majority of the board. The executive secretary shall provide at least one week's advance notice of such executive session. Executive session meetings shall be conducted as specified under RCW 42.30.110.

Hearings before the board shall be held as required by the registration law, upon call of the chairman or majority of the board.

(2) Rules of Order. Robert's Rules of Order shall govern the conduct of business at meetings and sessions of the board.

(3) Quorum. A quorum at any regular or special meeting or session shall consist of three members of the board. In the interval between meetings, any business decision approved in writing by a quorum of the members of the board shall be deemed effective.

(4) Officers. At the annual public meeting, the board shall elect a chairman, a vice-chairman, and a secretary for the ensuing year. The secretary may delegate (~~his~~) the office's responsibilities in all or in part to the executive secretary.

AMENDATORY SECTION (Amending Order PL 246, filed 4/26/76)

WAC 308-13-030 EXAMINATIONS. (1) The examination required of applicants shall be part written and part oral. A minimum passing grade in each subject shall be seventy percent, with an average of seventy-five percent of a possible one hundred percent before registration will be issued.

(2) The written part of the examination shall cover the subjects of history and theory of landscape architecture relative to landscape architectural design, site planning and land design, subdivision, urban design, landscape construction materials and methods, grading and drainage, plant materials suited for use in the Northwest, specifications and supervisory practice, and a practical knowledge of botany, horticulture, and similar subjects relating to the practice of landscape architecture.

(3) The oral part of the examination shall be given, subject to the completion of the practical experience requirement, ~~((and))~~ the written examination, and the summary of the law as it relates to landscape architecture, board rules and subjects as listed in RCW 18.96.090, and shall inquire into the applicant's practical experience, training, and philosophical approach to landscape architecture in relation to work he has already performed and expects to perform upon registration. The summary shall be extensive enough to exhibit to the board the applicant's full understanding of Washington law and board rules.

AMENDATORY SECTION (Amending Order 2472, filed 12/16/69)

WAC 308-13-040 REVIEW OF EXAMINATIONS. (1) Any candidate for examination requesting review before the board of a subject failed must apply within 30 days after release of grades. The applicant may choose one subject only for review. Should the board raise the grade on the reviewed subject to passing, the applicant may, within five days of the notification thereof, apply for review of an additional subject of his choice.

(2) Examination papers of an individual candidate may be reviewed by ~~((him)) the candidate ((and persons of his own choice and in his presence)), alone or with an agent,~~ at the board office during normal business hours; but such papers may not be removed from the premises, nor shall they be compared by the candidates with papers of other candidates, nor shall either the questions or answers be reproduced in whole or in part in any manner.

AMENDATORY SECTION (Amending Order 2472, filed 12/16/69)

WAC 308-13-080 CERTIFICATES, SEALS. (1) Certificates shall be signed by the chairman and the secretary of the board and by the director.

(2) Every registered landscape architect shall have a seal or stamp in design authorized by the board, bearing the name of the registrant, ~~((his))~~ the registration number, and the legend "REGISTERED LANDSCAPE ARCHITECT." This seal or stamp with the registrant's counter signature shall appear on the title page of specifications and on every sheet of the working drawings when filed with public authorities. In case of a partnership, only one of the registered principal partners shall be required to seal or stamp documents.

(3) The board will certify to the director for investigation and action any instance brought to its attention of unlawful use of the seal or stamp herein provided, such as the holder of a certificate of registration permitting ~~((his))~~ the seal or stamp to be affixed to any plans, specifications or drawings that were not prepared by ~~((him)) the registrant or under ((his)) the registrant's personal supervision ((by employees subject to his)),~~ direction and control; or the use of the seal or stamp herein provided after the certificate of the registrant has expired or been revoked, or while it is under 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.

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 80-03-059

ADOPTED RULES

GAMBLING COMMISSION

[Order 98—Filed February 25, 1980]

Be it resolved by the Washington State Gambling Commission, acting at Vancouver, Washington, that it

does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-04-140, 230-04-200, 230-08-020, 230-20-110, 230-40-120 and 230-50-010.

This action is taken pursuant to Notice No. WSR 80-01-086 filed with the code reviser on 12/28/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule, WAC 230-04-140 is promulgated pursuant to RCW 9.46.070(16), WAC 230-04-200 is promulgated pursuant to RCW 9.46.070(5), WAC 230-08-020 is promulgated pursuant to RCW 9.46.070(7) and (13), WAC 230-20-110 is promulgated pursuant to RCW 9.46.070(1) and (10), WAC 230-40-120 is promulgated pursuant to RCW 9.46.070(10) and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 9.46.070(13) as relating to WAC 230-50-010 which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW.

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

APPROVED AND ADOPTED February 13, 1980.

By Fred E. Haggard
Chairman

AMENDATORY SECTION (Amending Order No. 91, filed 8/14/79)

WAC 230-04-140 LICENSING OF PUBLIC CARD ROOM EMPLOYEES. No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for such a license, he or she has properly applied for such license. If there has been such a previous denial, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours [or actually deposited in the United States mail properly addressed to the commission]: PROVIDED, that the requirements of this section shall not apply to persons employed in a public card room operating under a class B or class D license only.

A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally

licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the original application for license of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

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

AMENDATORY SECTION (Amending Order #94, filed 11/28/79)

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 through seven hundred fifty thousand dollars annual net receipts – ~~(\$10,000)~~ \$5,000.

(i) Class I – over seven hundred fifty thousand dollars through one million dollars annual net receipts – \$7,500.

(j) Class J – over one million 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 – \$5.

(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 – \$10.

(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.

AMENDATORY SECTION (Amending Order No. 21, filed 8/20/74)

WAC 230-08-020 DISTRIBUTOR'S RECORDS.

Every licensed distributor shall keep and maintain a complete set of records which include all details of all of the activities of the licensee related to the conducting of the licensed activity. These records shall include, but not necessarily be limited to, all details of the following, by month:

(1) The full name and business address of each person from whom the licensee has purchased or received, and to whom the licensee has sold or distributed any device or equipment, or portion thereof, which could be used to operate any activity authorized under these rules, including but not limited to, punchboards, pull tabs, pull tab dispensing devices, and merchandise to be used as prizes in connection therewith when such purchases or sales are made within the state of Washington or for use or distribution of such device, equipment or merchandise within the state of Washington.

(2) The gross amount of money of each of these sales to each of these persons, together with the price charged for each of the items sold.

(3) A full description of each of the devices or equipment purchased or sold, together with the quantity of each kind purchased or sold, for each purchase from, or sale to, each of these persons. When punchboards, series of pull tabs or pull tab dispensing devices are purchased or sold, this description shall include the number or symbol from the stamp obtained from the commission for each of the punchboards, series of pull tabs or pull tab dispensing devices included in such purchase or sale.

Each of these records shall be maintained for a period of not less than three years from the end of the licensee's fiscal year for which the record is kept unless released by the commission from this requirement as to any particular record(s).

AMENDATORY SECTION (Amending Order No. 5, filed 12/19/73)

WAC 230-20-110 PROHIBITED PRACTICES.

(1)(a) No charitable or nonprofit organizations(~~(, except for agricultural fairs,))~~) shall operate or conduct any gambling activity on or within any leased premises if rental under such lease is to be paid, wholly or partly, on

the basis of a percentage of the receipts or net profits derived from the operation of such activity,

(b) nor shall the rental under such lease exceed the usual rental for such premises in the same locality,

(c) nor shall any such organization fail to devote the entire net income of any gambling activity exclusively to the lawful purpose of the organization.

(2) No charitable or nonprofit organization(~~(, including agricultural fairs,))~~) shall hold or conduct any gambling activity if the compensation to any person taking part in the management or operation of such activity is based upon a percentage of the receipts or income derived from the operation of such game. The payment to such persons of compensation which is other than reasonable under the local prevailing wage scale for employment of a comparable nature shall create a presumption of a violation of this subsection.

AMENDATORY SECTION (Amending Order #80, filed 12/28/77)

WAC 230-40-120 LIMITS ON WAGERS IN CARD GAMES. The following limits shall not be exceeded in making wagers on any card game. For games in which the following method of wagering is allowed:

(1) Multiple wagers per player per hand during each round, each wager or raise shall not exceed \$5.00. There shall be no more than a total of two raises per round irrespective of the number of players.

(2) Single wagers per player per hand during each round (no raises), each wager shall not exceed \$5.00.

(3) Single wager per player per game, each wager shall not exceed \$5.00.

(4) Amount per point, each point shall not equal more than five cents in value.

(5) An ante, except for panguingue (pan), shall not be more than twenty-five cents per person per hand to be played, contributed by each player, or the dealer of each hand, subject to house rules, may ante for all players before dealing in an amount not to exceed twenty-five cents per player in that hand.

(6) Forced wagers or raises are prohibited except an ante and as they may be expressly included within the basic definition of the particular card game in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday & Company, Inc., April 1974 edition.

(7) Panguingue (pan) – maximum value of a chip for payoff will not exceed \$1.00. Ante will not exceed one chip. No doubling of conditions.

No licensee shall allow these wagering limits to be exceeded in a card game on his premises.

AMENDATORY SECTION (Amending Order No. 45, filed 12/30/75)

WAC 230-50-010 HEARINGS. (1) The commission will afford an applicant for a license an opportunity for a hearing prior to final commission action denying such application, and shall afford a licensee the opportunity for a hearing prior to taking final action suspending, terminating or revoking a license: **PROVIDED**, That the commission or the director may summarily temporarily

suspend licenses in those cases where such action is deemed appropriate by the commission or the director. In cases where a license is suspended prior to hearing, an opportunity for a hearing shall be provided promptly.

(2) The commission will afford a person applying to the commission to exceed the limit on gross receipts in bingo games under WAC 230-20-~~(250)~~ 251 an opportunity for a hearing prior to taking any final action denying that application.

(3) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for a hearing prior to final commission action denying approval of such device.

(4) No hearing will be held with respect to such agency action unless it is timely demanded in writing by the applicant or licensee. A demand for hearing must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received in the offices of the commission within 15 days following service upon the party affected by the commission or the director of a summary of the charges or complaints against the party being made or considered together with a statement of any action which may be taken in the event no hearing is demanded.

If demand for hearing is not timely filed, then the party shall have waived the right to hearing. The director and the commission may take the action set out in the statement previously served, or some action of lesser degree, which action shall be final.

WSR 80-03-060

ADOPTED RULES

GAMBLING COMMISSION

[Order 99—Filed February 25, 1980]

Be it resolved by the Washington State Gambling Commission, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-04-260, 230-20-070 and 230-25-100, adopting as a new rule, WAC 230-04-305 and repealing WAC 230-20-030.

This action is taken pursuant to Notice No. WSR 80-01-085 filed with the code reviser on 12/28/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule, WAC 230-04-260, is promulgated pursuant to RCW 9.46.070(5) and (9), WAC 230-04-305 is promulgated pursuant to RCW 9.46.070(5) and (9), WAC 230-20-030 is repealed pursuant to RCW 9.46.070(10), WAC 230-20-070 is promulgated pursuant to RCW 9.46.070(10) and WAC 230-25-100 is promulgated pursuant to RCW 9.46.070(1) and (10) and is intended to administratively implement that statute.

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

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 14, 1980.

By Fred E. Haggard
Chairman

AMENDATORY SECTION (Amending Order #42, filed 9/18/75)

WAC 230-04-260 EFFECT OF EXCEEDING BINGO, RAFFLES OR AMUSEMENT GAMES LICENSES CLASS INCOME LIMIT. (1) ~~((f-a))~~ A licensee for the conduct of bingo, raffles and/or amusement games ~~((should))~~ shall not exceed the licensee's class limit on annual net receipts from the licensed activity ~~((, the license shall automatically expire))~~.

(2) As soon as it is apparent to ~~((the))~~ a licensee ~~((such limit))~~ that the licensee's class limit on annual net receipts from licensed activity will be ~~((or has been))~~ exceeded ~~((he))~~ it shall immediately notify the commission and shall apply for the license class which is proper, submitting the basic fee required therefor ~~((, plus an additional fee of twenty percent of such basic fee,))~~ less the amount originally submitted for the previous license.

Any such additional license issued by the commission shall be valid only for the period which remains in the term of the previous license at the time such additional license is issued.

NEW SECTION

WAC 230-04-305 CHANGE OF CLASS. Whenever a licensee applies for a change of classification or a new license class during its license year, it shall pay a change of classification fee of ten dollars, in addition to any new license or class fee required by WAC 230-04-200 and WAC 230-04-260.

AMENDATORY SECTION (Amending Order #68, filed 4/25/77)

WAC 230-20-070 REGULATION OF MANAGERS, OPERATORS, AND OTHER EMPLOYEES.

(1) Amusement Games and Raffles. No person other than a bona fide member of a qualified bona fide charitable or qualified bona fide nonprofit organization, shall take any part in the management or operation of, including (with respect to amusement games) the furnishing of equipment for, or work as an employee upon, amusement games or raffles conducted by that organization under a license from the commission: PROVIDED, HOWEVER, That, except as to persons operating without a license under RCW 9.46.030(2) and (3), employees of the organization on a regular or part time basis employed primarily for purposes other than the conduct of such activities, shall be considered members of the organization for the purposes of this subsection.

(2) Bingo. (a) No person other than a bona fide member or an employee of a charitable or nonprofit organization licensee shall take any part in the management or operation of bingo conducted under a license issued to that organization by the commission, and no licensee shall allow any person not one of its members or employees to do so. No person other than a bona fide

member of a charitable or nonprofit organization operating without a license under RCW 9.46.030(3) shall take any part in the management or operation of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.

(b) No person who takes any part in the management or operation of a bingo game conducted by one licensee shall take any part in the management or operation of any bingo game conducted by any other organization, or any other branch of the same organization: PROVIDED, That

(i) A person participating in the conduct of bingo games by one class A, B, or C licensee may also participate in the conduct of bingo games by ~~((one))~~ other class A, B, or C licensees on a voluntary basis only when such person receives no remuneration for services to ~~((the second))~~ other licensees and when the requirements of subsection (3) below are satisfied; or

(ii) A person participating in the operation of bingo games conducted by one licensee under any class of license may also participate in the operation of bingo games conducted by ~~((a second))~~ other licensees under any class of bingo license ~~((on one day each week))~~, but only when that person has no managerial or supervisory responsibilities in connection with the operation of bingo activities by ~~((either))~~ any licensee and when the requirements of subsection (3) below are satisfied.

(3) ~~((Prior to any person who participates in any manner in the conduct of bingo games for one licensee participating in the conduct of bingo games for a second licensee, the second licensee))~~ Any licensee which desires to have any person who participates in any manner in the conduct of bingo games for another licensee participate in the conduct of its bingo games shall notify the commission, and local police officials, in writing, of the name and address of that person, the name and address of ~~((both of the))~~ any licensees for whom that person is working, and the capacity in which that person is working for each licensee prior to the time that person participates in the conduct of the licensee's bingo games. In addition, the ~~((second))~~ licensee shall notify ~~((the first))~~ any other licensees for which the person works that the individual is now also working for it.

(4) No licensee shall allow any person to take any part in the management, supervision or operation of a bingo game except in conformance with this rule.

(5) Certain Premises Excepted. The limitations set forth above in (1) and (2) shall not apply to qualified agricultural fairs conducting amusement games or bingo.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 230-20-030 - AWARD TO ACTUAL WINNERS ONLY.

AMENDATORY SECTION (Amending Order #78, filed 11/17/77)

WAC 230-25-100 FUND RAISING EVENTS — LEASING OF PREMISES OF RETAIL BUSINESS

— CONDITIONS. Fund raising events shall not be operated upon a premises part of a retail sales or service business catering to the public except:

(1) When the room or other portion of the premises in which the fund raising event is being conducted is separate and apart from the portion being used for the retail sales or service business; or

(2) When the business is closed to the public at all times during which the fund raising event is conducted on the premises; or

(3) When the fund raising event is being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

As used in this rule, separate and apart means a permanent or temporary partition which provides a solid, distinct separation between the portion of the room or premises in which the fund raising event is being conducted and the portion of the room or premises being used for the retail sales or service business and which limits the flow between the fund raising event and the retail sales or service business to not more than two designated openings.

In all cases the fund raising event operator must have, and exercise, complete control over that portion of the premises being used for the fund raising event, at all times said event is being conducted: PROVIDED, HOWEVER, That at all times when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the liquor licensee or permittee.

The owner, manager or any employee of the retail sales or service establishment may not be an officer of the fund raising event operator or participate in the operation of the fund raising event on that premises, and no gambling activities, nor any part or facet of the operation or play of any gambling activity, may be conducted by the retail sales or service establishment or allowed by the operators of the fund raising event in any portion of the premises which is being used for the fund raising event.

WSR 80-03-061

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-11—Filed February 26, 1980]

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 the three inch mesh is necessary to harvest pollock present in Area 20A during

this period. A 12-inch minimum protects immature sole and flounder during the use of smaller mesh size.

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 February 26, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-48-08000B PUGET SOUND BOTTOMFISH GEAR Notwithstanding the provisions of WAC 220-48-080, effective March 1 through April 15, 1980, it shall be lawful to use or operate in Marine Fish-Shellfish Area 20A, otter trawl or beam trawl gear having a minimum mesh size of 3 inches in the codend section.

It shall be unlawful to retain, in Area 20A, any sole or flounder under 12 inches, except starry flounder which must be 14 inches as provided in WAC 220-20-020.

WSR 80-03-062

ADOPTED RULES

BOARD OF HEALTH

[Order 193—Filed February 26, 1980]

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:

- Amd WAC 248-18-510 Programs, drawings and construction.
- Amd WAC 248-18-718 General design requirements.

This action is taken pursuant to Notice No. WSR 80-01-108 filed with the code reviser on 1/2/80. 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 declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 13, 1980.

By Irma Goertzen

Chairman

John B. Conway

Robert H. Barnes

Ida B. Chambliss

Ronald L. Jacobus

John A. Beare, MD

Secretary

AMENDATORY SECTION (Amending Order 123, filed 3/18/76)

WAC 248-18-510 PROGRAMS, DRAWINGS AND CONSTRUCTION. (1) Professional design services. Drawings and specifications for new construction shall be prepared by, or under the direction of, an architect registered in the state of Washington, and shall include plans and specifications prepared by consulting professional engineers for the various branches of the work where appropriate; except the services of a registered professional engineer may be used in lieu of the services of an architect if work involves engineering only. If the work involved is believed to be not extensive enough to require professional design services, a written description of the proposed construction should be submitted to the department for a determination of the applicability of this regulation.

(2) Submission for review. The program and drawings for new construction shall be submitted in the following stages for review. Each room, area and item of fixed equipment and major movable equipment shall be identified on all drawings to demonstrate that the required facilities for each function have been provided.

(a) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations. If the project involves an addition or alteration which materially increases the bed capacity of the hospital, the program shall contain a thorough appraisal of all existing supporting services to determine their adequacy for the increased number of patients.

(b) Preliminary drawings of the new construction including major equipment. For alterations and additions, a functional layout of the existing building must be included. The hospital should be designed so that it may be expanded to provide for anticipated future needs. The future additions and their proposed functions should be designated on the preliminary plans.

(c) Detailed working drawings and specifications including mechanical and electrical work.

(d) If carpets are to be used, the following information is to be submitted for review:

(i) A floor plan showing areas to be carpeted and adjoining areas. These areas shall be labeled, according to

function, and the proposed carpeted areas coded on the plan and keyed to the appropriate carpet sample.

(ii) ~~((Three))~~ One 3" x 5" sample(s) of each carpet type, labeled to identify the following:

(A) Manufacturer; and

(B) Specific company designation (trade name and number).

(iii) Information showing that proposed carpeting meets the specifications as listed in WAC 248-18-718(5).

(iv) Carpets may be used in the following nonpatient occupied areas: administrative areas, lobbies, lounges, chapels, waiting areas, nurses' station, dining rooms, corridors ~~((not within patient care areas (excluding stairways or stair enclosures)))~~, equipment alcoves opening onto carpeted corridors. Carpets are not permitted in any areas of the surgery or delivery suites. Carpets may be used in other areas only upon written approval of such use by the department.

(v) Carpets may be used in the following patient occupied areas: Patient rooms (excluding toilets ((and)), bathrooms((?)), and designated isolation rooms), coronary care units, recovery rooms (not within surgical suites), labor rooms (not within delivery suites), corridors within patient occupied areas, dayrooms ~~((in nursing home units))~~, equipment alcoves opening onto carpeted corridors. Carpets may be used in other areas only upon written approval of such use by the department.

(3) Construction.

(a) Construction, of other than minor alterations, shall not be commenced until the final drawings and specifications have been stamped "construction authorized" by the department. Such authorization by the department does not constitute release from the requirements contained in these regulations.

(b) Compliance with these regulations does not constitute release from the requirements of applicable state and local codes and ordinances. These regulations must be followed where they exceed other codes and ordinances.

(c) Notification shall be given the department when construction is commenced. If construction takes place in or near occupied areas, adequate provision shall be made for the safety and comfort of patients.

(d) Construction shall be completed in compliance with the final drawings and specifications. Addenda or modifications which might affect the fire safety or functional operation shall be submitted for review by the department.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-718 GENERAL DESIGN REQUIREMENTS. (REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515).

(1) VECTOR CONTROL. CONSTRUCTION OF THE BUILDING SHALL BE SUCH AS TO PREVENT THE ENTRANCE AND HARBORAGE OF RODENTS AND INSECTS.

(2) ELEVATORS.

(a) AT LEAST ONE ELEVATOR IN ALL HOSPITALS WITH A PATIENT ROOM, OPERATING ROOM, DELIVERY ROOM, BIRTHING ROOM, NEONATAL INTENSIVE CARE UNIT, X-RAY ROOM, SOLARIUM, OR TREATMENT ROOM ON OTHER THAN A SINGLE FLOOR CONVENIENTLY ACCESSIBLE FROM GROUND LEVEL.

(b) AT LEAST TWO ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF MORE THAN ~~((60))~~ SIXTY BEDS ON OTHER THAN THE GROUND FLOOR.

(c) AT LEAST THREE ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF OVER ~~((200))~~ TWO HUNDRED BEDS ON OTHER THAN THE GROUND FLOOR.

(d) A GREATER NUMBER OF ELEVATORS MAY BE REQUIRED BECAUSE OF THE HOSPITAL PLAN, VOLUME OF VISITOR TRAFFIC AND FOOD AND SUPPLY DISTRIBUTION SYSTEM.

(e) SIZE OF REQUIRED ELEVATORS AT LEAST 5'-4" by 8'-0" WITH A CAPACITY OF 3500 POUNDS, CAR AND SHAFT DOORS OF AT LEAST 3'-10" CLEAR OPENING.

(3) STAIRWAYS, RAMPS ~~((AND))~~, CORRIDORS AND AISLES.

(a) STAIRWAYS AND RAMPS.

~~((AT LEAST 44" WIDE.))~~

(i) NONSKID ~~((TREADS))~~ SURFACES.

(ii) HANDRAILS ON BOTH SIDES.

(iii) ADEQUATE GUARDRAILS AND OTHER SAFETY DEVICES ON ALL ~~((OPEN))~~ STAIRWELLS AND RAMPS.

(iv) SLOPE OF RAMPS USED FOR PATIENTS NOT TO EXCEED ONE IN TWELVE.

SLOPE OF RAMPS IN SERVICE AREAS NOT TO EXCEED ONE IN TEN.

(b) CORRIDORS.

(i) CORRIDORS AT LEAST ~~((7'-0" WIDE (8'-0" recommended). EXCEPTIONS MAY BE PERMITTED FOR CORRIDORS LIMITED TO FOOT TRAFFIC AND SERVING A SINGLE HOSPITAL DEPARTMENT. Sufficient additional width at elevators and where traffic and services indicate:))~~ 8'-0" WIDE WITH NO RESTRICTION MORE THAN 7" TOTAL. EXCEPTIONS MAY BE PERMITTED FOR AMBULATORY TRAFFIC SERVING A SINGLE HOSPITAL DEPARTMENT BUT NO LESS THAN 5'-0". EXISTING 7'-0" CORRIDORS ACCEPTABLE FOR ALTERATIONS.

(ii) HANDRAILS BOTH SIDES OF CORRIDORS USED BY PATIENTS ~~((OF CHRONIC DISEASE, AND))~~ ON REHABILITATION NURSING UNITS, NURSING HOME UNITS, AND OTHER LONG TERM CARE NURSING UNITS.

(iii) DOORS EXCEPT ~~((CLOSET DOORS))~~ THOSE TO SMALL SPACES WHICH ARE NOT NORMALLY OCCUPIED SHALL NOT SWING INTO THE CORRIDORS.

(c) AISLES.

SUFFICIENTLY WIDE TO ALLOW FOR UNIMPEDED MOVEMENT OF EQUIPMENT AND PERSONNEL.

(4) DOORS, WINDOWS AND SCREENS.

(a) DOORS.

(i) 4'-0" MINIMUM WIDTH IN OPERATING ROOM, DELIVERY ROOM, BIRTHING ROOM, RECOVERY ROOM, EMERGENCY ROOM, FRACTURE ROOM, X-RAY ROOM ((INCLUDING DOORS ACROSS CORRIDORS SERVING THESE ROOMS)) AND DOORS TO ALL TYPES OF INTENSIVE CARE UNITS. IN ALTERATION PROJECTS FOR BIRTHING ROOM(S) AN EXISTING 3'-8" DOOR IS ACCEPTABLE.

(ii) 4'-0" MINIMUM WIDTH FOR PATIENT ROOM DOORS AND TREATMENT ROOM DOORS IN ((ACUTE CARDIAC CARE AND OTHER)) ALL INTENSIVE CARE UNITS.

(iii) 3'-((8")) 10" MINIMUM WIDTH FOR PATIENT ROOMS ((DOORS)), NEWBORN NURSERIES, EXIT ((DOORS)) AND OTHER DOORS THROUGH WHICH PATIENTS ARE TRANSPORTED IN ((WHEELCHAIRS;)) STRETCHERS OR BEDS. (((3' - 10" recommended;)) 4'-0" doors recommended. EXISTING 3'-8" DOOR ACCEPTABLE IN LIMITED ALTERATION PROJECTS.

(iv) 3'-0" MINIMUM WIDTH ((IN ALL PATIENT TOILETS AND BATHROOMS;)) FOR ALL DOORS WHICH MAY BE USED BY PERSONS IN WHEELCHAIRS INCLUDING PATIENT TOILETS AND BATHROOMS EXCEPT DOORS TO TOILETS AND BATHROOMS WHICH OPEN INTO PATIENT ROOMS SHALL BE NOT LESS THAN 2'-6" IN WIDTH.

(v) Doors to toilets adjoining patient rooms should not swing into toilet rooms.

(vi) Adequate width for receiving entrance doors, store room doors, and other doors through which large carts or bulk goods are transported.

(vii) VISION PANELS IN ALL DOUBLE-ACTING DOORS. Four inches wide by twenty-four inches high recommended.

~~((viii)) EXTERIOR DOORS DESIGNED TO PREVENT ENTRANCE OF RODENTS.~~

~~CLEARANCE AT BOTTOM NOT TO EXCEED 1/4 INCH.))~~

(b) WINDOWS.((33))

(i) REQUIRED IN PATIENT ROOMS EXCEPT LABOR ROOMS AND NURSERIES.

~~((REQUIRED IN RECOVERY ROOMS, OBSERVATION ROOMS AND NURSERIES UNLESS AIR CONDITIONED;))~~

(ii) REQUIRED WINDOWS TO HAVE CLEAR GLASS AREA ((EQUAL TO 1/8)) OF AT LEAST ONE-EIGHTH FLOOR AREA.

(iii) REQUIRED WINDOWS TO BE LOCATED IN OUTSIDE WALLS PERMITTING A SATISFACTORY AMOUNT OF UNOBSTRUCTED NATURAL LIGHT. No required windows should be located within twenty feet of another building or the opposite wall of a court or within ten feet of a property line except a street.

(iv) WINDOW SILLS OF REQUIRED WINDOWS IN PATIENT ROOMS NO HIGHER THAN 3'-0" FROM THE FLOOR. GRADE³⁷ ADJACENT TO REQUIRED WINDOWS IN PATIENT ROOMS TO BE BELOW WINDOW SILL.

(c) SCREENS.

16 MESH SCREEN OR EQUAL ON WINDOW OPENINGS WHICH SERVE FOR REQUIRED VENTILATION.

(5) FLOOR FINISHES, WALL SURFACES AND CEILINGS.

(a) FLOOR FINISHES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) NONSLIP AT ENTRANCES AND OTHER AREAS SUBJECT TO TRAFFIC WHILE WET.

(iii) COVERED BASES INTEGRAL WITH FLOORS OR ((WITH)) TOPSET BASE TIGHT ((SEAL)) TO FLOORS AND WALLS.

~~((iii))~~ (iv) ELECTRICALLY CONDUCTIVE((38)) IN AREAS WHERE COMBUSTIBLE ANESTHETIC GASES ARE TO BE USED ((such as operating rooms, delivery rooms, emergency treatment rooms) AND CORRIDORS AND ROOMS DIRECTLY COMMUNICATING WITH THESE AREAS)) PER NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS.³⁸

~~((iv))~~ (v) SPECIFICATIONS FOR CARPETING IN NONPATIENT OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBER WHICH MEETS THE STANDARDS OF THE STATE FIRE MARSHAL (SEE RCW 70.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TUFTS PER SQUARE INCH: MINIMUM 64 OR EQUIVALENT DENSITY.

~~(C) ((ROWS: MINIMUM EIGHT PER INCH. (D))~~ PILE HEIGHT: FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .312 INCHES.

~~((E))~~ (D) PAD: MAY BE SEPARATE PAD.

~~((F))~~ (vi) SPECIFICATIONS FOR CARPETING IN PATIENT OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBERS WHICH MEET THE STANDARDS OF THE STATE FIRE MARSHAL (SEE RCW 70.41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TYPE: ROUND LOOP.

(C) PILE TUFTS PER SQUARE INCH: MINIMUM 64 OR EQUIVALENT DENSITY.

~~(D) ((ROWS: MINIMUM EIGHT PER INCH. (E))~~ PILE HEIGHT: LEVEL PILE, FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .255 INCHES.

~~((F))~~ (E) BACKING: SHALL BE WATER IMPERVIOUS OR A WATER IMPERVIOUS PAD SHALL BE PERMANENTLY BONDED TO THE BACKING.

~~((F))~~ (vii) INSTALLATION OF CARPET MATERIAL:

(A) BONDED PAD CARPET MUST BE CEMENTED TO THE FLOOR WITH WATERPROOF CEMENT.

(B) EDGES OF CARPET MUST BE COVERED AND COVE OR BASE SHOE USED AT ALL WALL JUNCTURES. SEAMS ARE TO BE BONDED TOGETHER WITH MANUFACTURER RECOMMENDED CEMENT.

(C) SAFETY OF PATIENTS OR OCCUPANTS IS TO BE ~~((INSURED))~~ ASSURED DURING INSTALLATION. ROOMS MUST BE WELL VENTILATED AND NOT BE USED BY RESIDENT OCCUPANTS OR PATIENTS DURING INSTALLATION. THE ROOM MAY NOT BE RETURNED TO USE UNTIL THE ROOM IS FREE OF VOLATILE FUMES AND ODORS FROM ADHESIVES.

(b) WALL SURFACES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) SMOOTH AND WASHABLE FINISH (e.g., ~~((oil))~~ washable paint on ~~((putty))~~ smooth finish plaster or gypsum board as opposed to ~~((sand finish plaster))~~ rough or exposed masonry finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT AND ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND IN CLINICAL LABORATORIES.

(iii) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS AND LABOR ROOMS.

(iv) A WATERPROOF PAINTED, GLAZED, OR SIMILAR WATERPROOF FINISH EXTENDING ABOVE THE SPLASH LINE IN ALL ROOMS OR AREAS THAT ARE SUBJECT TO SPLASH OR SPRAY.

(v) Wainscot of five feet minimum height of a durable surface in operating rooms, delivery rooms, emergency rooms, treatment rooms and corridors.

(vi) External angles protected by ~~((metal))~~ corner guards to resist impact in areas of heavy traffic.

(c) CEILINGS:

(i) ~~((8'-0"))~~ EIGHT FEET MINIMUM HEIGHT, EXCEPTIONS MAY BE PERMITTED IN MINOR AUXILIARY ROOMS.

(ii) ~~((9'-0"))~~ NINE FEET MINIMUM HEIGHT IN OPERATING ROOMS, DELIVERY ROOMS, AND SIMILAR ROOMS HAVING SPECIAL CEILING-MOUNTED LIGHT FIXTURES. Higher ceilings may be needed for some types of equipment.

(iii) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iv) SMOOTH AND WASHABLE FINISH (e.g., ~~((oil))~~ washable paint on ~~((putty))~~ smooth finish plaster or gypsum board as opposed to ~~((perforated))~~ fissured tile or ~~((sand finish plaster))~~ rough finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT, AND IN ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND CLINICAL LABORATORIES. ~~((FURRED CEILINGS (WHEN USED IN THESE~~

~~ROOMS) TO BE DESIGNED AND INSTALLED TO PREVENT PASSAGE OF DUST BETWEEN FURRED SPACE AND ROOM AND TO PERMIT WASHING))~~ NO EXPOSED DUCTWORK AND PIPING.

(v) SMOOTH AND WASHABLE FINISH WITHOUT VISIBLE JOINTS OR CREVICES IN AREAS WHERE SURGICAL ASEPSIS MUST BE ASSURED SUCH AS OPERATING ROOMS, DELIVERY ROOMS, AND EMERGENCY TREATMENT ROOMS.

(vi) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS ~~((AND))~~, LABOR ROOMS AND BIRTHING ROOMS.

~~((vi))~~ (vii) Sound-absorptive treatment in corridors of patient areas, nurses' stations, dining rooms and hydro-therapy rooms.

(6) PLUMBING AND SEWERAGE.

(a) PLUMBING AND SEWERAGE. CONSTRUCTED IN ACCORDANCE WITH THE ~~((NATIONAL PLUMBING CODE, ASA A-40.8-1955;))~~ UNIFORM PLUMBING CODE,⁴⁰ OR EQUIVALENT LOCAL CODE.

(b) WATER SUPPLY.

(i) AN ADEQUATE WATER SUPPLY WHICH CONFORMS TO THE QUALITY STANDARDS OF CHAPTER ~~((54 CODIFIED RULES, REGULATIONS AND STANDARDS OF THE STATE BOARD OF HEALTH))~~ 248-54 WAC.

(ii) TEMPERATURE OF HOT WATER AT BATHING FIXTURES ~~((AUTOMATICALLY))~~ THERMOSTATICALLY CONTROLLED NOT TO EXCEED 110 DEGREES FAHRENHEIT.

(iii) THERMOSTATICALLY CONTROLLED HOT WATER HEATING EQUIPMENT OF SUFFICIENT CAPACITY TO SUPPLY ~~((6-1/2))~~ SIX AND ONE-HALF GALLONS OF WATER PER HOUR PER BED FOR GENERAL USE AT NOT LESS THAN 125 DEGREES FAHRENHEIT, AND AN ADEQUATE AMOUNT AT NOT LESS THAN ~~((180))~~ 160 DEGREES FAHRENHEIT FOR LAUNDRY, MECHANICAL DISHWASHERS AND OTHER SPECIAL MECHANICAL WASHERS.⁵⁶

(iv) ~~((HOT WATER STORAGE TANK CAPACITY EQUAL TO 80% OF THE HOURLY HEATER CAPACITY.~~

~~((v))~~ CIRCULATING SYSTEMS AS NECESSARY TO ENSURE A READY SUPPLY OF HOT WATER AT FIXTURES.

(c) INSULATION.

(i) HOT WATER PIPING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE SAFETY.

(ii) COLD WATER AND DRAINAGE PIPING INSULATED AS REQUIRED TO CONTROL CONDENSATION.

(iii) AVOID EXPOSING PIPING TO FREEZING TEMPERATURES. IF UNAVOIDABLE, ~~((INSULATE))~~ DESIGN TO PREVENT FREEZING.

(d) SEWERAGE.

SEWAGE DISPOSAL SYSTEM IN CONFORMANCE WITH WAC 248-50-100 AND CHAPTER

248-92 OR 248-96 WAC CODIFIED RULES, REGULATIONS AND STANDARDS OF THE STATE BOARD OF HEALTH.

(e) PLUMBING FIXTURES.

(i) DESIGNED AND INSTALLED TO BE EASILY CLEANED ((AND)), MAINTAINED AND SUITABLE TO THE INTENDED USE.²⁴ ADEQUATE SUPPORT FOR FIXTURES.

(ii) LAVATORIES PROVIDED IN EACH TOILET ROOM EXCEPT WHERE PROVIDED IN CONNECTING PATIENT ROOM, DRESSING ROOM, OR LOCKER ROOM.

(iii) DRINKING FOUNTAINS OR EQUIVALENT AT SUITABLE LOCATIONS.²⁴

(iv) SINKS IN WHICH UTENSILS AND EQUIPMENT ARE TERMINALLY CLEANED TO BE DOUBLE COMPARTMENT ((WITH)) OF ADEQUATE SIZE AND DEPTH (Recommended each compartment 20 x 22 x 14 or similar) WITH ADEQUATE COUNTER SPACE ON BOTH SIDES.²⁴

(v) EACH FIXTURE, EXCEPT WATER CLOSETS AND SPECIAL USE FIXTURES, PROVIDED WITH HOT AND COLD WATER THROUGH A MIXING OUTLET.

(vi) DEVICES TO PREVENT BACKFLOW ON WATER SUPPLY TO FIXTURES OR GROUP OF FIXTURES WHERE THE USE OF EXTENSION HOSES AND TUBE CLEANING EQUIPMENT IS ANTICIPATED (e.g., sinks in laboratory, central service, garbage can wash area, and housekeeping facilities and mechanical areas). Also refer to chapter 248-54 WAC.

(f) FITTINGS.

(i) WRIST, ((ELBOW;)) KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT ON LAVATORIES IN PATIENT ROOMS AND TOILETS ADJOINING PATIENT ROOMS EXCEPT THOSE FOR PSYCHIATRIC PATIENTS TO BE IN ACCORDANCE WITH PROGRAM REQUIREMENTS.

(ii) ((ELBOW)) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT⁴¹ ON ALL LAVATORIES AND SINKS FOR PERSONNEL USE WHERE REQUIRED TO CONTROL CROSS INFECTION (e.g., nursing service areas including isolation rooms, laboratory, and physical therapy), UNLESS THE FIXTURE IS USED FOR SOILED FUNCTIONS ONLY AND ANOTHER SINK OR LAVATORY WITH ((ELBOW)) WRIST, KNEE, OR FOOT CONTROLS OR EQUIVALENT⁴¹ IS LOCATED IN THE SAME AREA OF THE ROOM. FAUCET CONTROLS ON ((SCRUB SINKS AND)) LAVATORIES IN NEWBORN NURSERY UNITS, NEONATAL INTENSIVE CARE UNITS, BIRTHING ROOMS AND ALL SCRUB SINKS TO BE KNEE OR FOOT CONTROLS OR EQUIVALENT.⁴¹

(iii) ((WRIST CONTROLS - WATER SUPPLY CONTROLS AT LEAST 4" OVERALL HORIZONTAL LENGTH DESIGNED AND INSTALLED TO BE OPERATED BY THE WRISTS.

~~(iv) ELBOW CONTROLS - WATER SUPPLY CONTROLS AT LEAST 6" OVERALL HORIZONTAL LENGTH DESIGNED AND INSTALLED TO BE OPERATED BY THE ELBOWS.~~

~~(v) KNEE CONTROLS - WATER SUPPLY THROUGH MIXING VALVE DESIGNED AND INSTALLED TO BE OPERATED BY THE KNEE.~~

~~(vi) FOOT CONTROLS - WATER SUPPLY THROUGH MIXING VALVE DESIGNED AND INSTALLED TO BE OPERATED BY THE FOOT.~~

~~((vii)) WRIST ((AND ELBOW)) CONTROLS TO HAVE A MINIMUM OF ((FOUR)) 4 INCH SPACE BETWEEN BACK SPLASH AND ENDS OF CONTROLS AT FULL ((OPEN AND)) CLOSED POSITION((S)) AND A MINIMUM OF 4 INCH SPACE BETWEEN THE END OF CONTROLS AND THE WATER SPOUT IN THE FULL OPEN POSITION. 90 DEGREE VALVE OPERATION.~~

(g) ACCESSORIES.

(i) BACKING FOR MOUNTING TO SUPPORT THE INTENDED USE OF ALL ACCESSORIES.

(ii) SUITABLE SHELF OR EQUIVALENT, AND MIRROR AT EACH LAVATORY IN TOILET ROOMS, PATIENT ROOMS, BIRTHING ROOMS, DRESSING ROOMS, AND LOCKER ROOMS.

~~((iii))~~ (iii) TOWEL BAR OR HOOK AT EACH PATIENT LAVATORY ON NURSING UNITS AND IN BIRTHING ROOMS AND AT EACH BATHING FACILITY.

~~((iii))~~ (iv) ROBE HOOK AT EACH BATHING FACILITY ((AND)), WATER CLOSET, DRESSING ROOMS AND EXAMINATION ROOMS.

~~((iv))~~ (v) TOILET PAPER HOLDER PROPERLY LOCATED AT EACH WATER CLOSET.

~~((v))~~ (vi) Sanitary napkin dispenser in each women's toilet room except inpatient toilets.

~~((vi))~~ (vii) AT LEAST TWO GRAB ((BAR(S))) BARS OF SUITABLE ((MATERIAL)) STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION AND FUNCTIONAL DESIGN SECURELY MOUNTED AND PROPERLY LOCATED AT EACH BATHTUB, SHOWER AND WATER CLOSET FOR ((INPATIENTS)) PATIENTS.

~~((vii))~~ (viii) DISPENSERS FOR SINGLE USE TOWELS AT ALL LAVATORIES AND SINKS MOUNTED TO AVOID CONTAMINATION FROM SPLASH AND SPRAY.

~~((viii))~~ (ix) SUITABLE PROVISION FOR SOAP AT EACH LAVATORY, SINK, AND BATHING FACILITY.

~~((ix))~~ (x) Paper cup dispensers at all lavatories except in soiled areas.

~~((x))~~ (xi) Dispenser for seat covers at each water closet properly located.

(h) NONFLAMMABLE MEDICAL GAS SYSTEMS IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA).³⁸

(i) Clinical vacuum (suction) systems in accordance with the recommendations of Compressed Gas Association³⁹ except the zone valves may be omitted.

(7) HEATING.³⁹

(a) A HEATING SYSTEM ADEQUATE TO MAINTAIN ((70)) 75 DEGREES FAHRENHEIT MINIMUM TEMPERATURE IN EACH ROOM AND OCCUPIED SPACE ((EXCEPT IN OPERATING ROOMS, DELIVERY ROOMS AND NURSERIES WHERE THE SYSTEM SHALL BE ADEQUATE TO MAINTAIN A MINIMUM TEMPERATURE OF 75 DEGREES FAHRENHEIT. IN SPACES WHERE RADIANT HEAT IS USED THE MINIMUM TEMPERATURE SPECIFIED MAY BE REDUCED TO MAINTAIN AN EQUIVALENT COMFORT LEVEL)).

(b) ((A means of maintaining heat during power outages or breakdown of heating equipment.

((c)) THE SYSTEM OF SUFFICIENT SIZE AND CAPACITY FOR THE PROPER DESIGN TEMPERATURE FOR THE LOCALITY.

((d)) (c) ((HEAT SUPPLY FOR EACH ROOM PROVIDED WITH MANUAL CONTROL, individual room thermostatic control recommended)) HEAT SUPPLY FOR EACH PATIENT ROOM PROVIDED WITH INDIVIDUAL THERMOSTATIC CONTROL. Manual or zone control acceptable for existing facility alteration projects.

((e)) (d) Individual room thermostatic control recommended for all rooms. HEATING SYSTEM SUITABLY ZONED (e.g., by exposure and usage of areas) AND THERMOSTATICALLY CONTROLLED UNLESS INDIVIDUAL ROOMS THERMOSTATICALLY CONTROLLED.

((f)) (e) Heat supply to operating rooms, delivery rooms, birthing rooms, recovery rooms ((and)), nurseries, all intensive care units and other selected areas arranged so that they may be heated at times when the general building heating system is not operating.

((g)) (f) PIPING THROUGHOUT BUILDING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE SAFETY.

(8) VENTILATION AND AIR CONDITIONING.³⁹

(a) ALL ROOMS AND AREAS ADEQUATELY VENTILATED BY ((WINDOWS, GRAVITY EXHAUST OR)) MECHANICAL MEANS. (Refer to Table B) DESIGN OF SYSTEM TO PREHEAT COLD OUTSIDE AIR MAKEUP. Gravity exhaust acceptable for gas storage rooms, mechanical rooms and similar areas.

(b) Approved recovery systems to reclaim heat from exhausts are recommended for energy conservation. DESIGN AND INSTALLATION OF HEAT RECOVERY EQUIPMENT TO CONTROL CROSS CONTAMINATION.

(c) ((VENTILATION SYSTEM ADEQUATE TO PROVIDE ONE COMPLETE AIR CHANGE EVERY SIX MINUTES WITHOUT RECIRCULATION IN ROOMS IN WHICH EXCESSIVE HEAT, MOISTURE, ODORS OR CONTAMINANTS ORIGINATE (e.g., toilets, baths, utility rooms, laboratory, sterilizer rooms, sterilizer equipment enclosure, central supply rooms, food preparation rooms, morgue and autopsy rooms, boiler rooms, and laundries):)) ALL

FANS SERVING EXHAUST SYSTEMS SHALL BE LOCATED AT THE DISCHARGE END OF THE SYSTEM OR THE SYSTEMS DESIGNED TO PREVENT LEAKAGE TO OCCUPIED AREAS.

(d) DESIGN OF AIR DISTRIBUTION AND BALANCING OF AIR SYSTEMS.³⁹

(i) TO MAINTAIN APPROPRIATE PRESSURE GRADIENTS AMONG ADJOINING ROOMS AND AREAS TO CONTROL AIR FLOWS IN ACCORDANCE WITH THE RELATIVE DEGREE OF PROTECTION REQUIRED FROM THE SPREAD OF ODORS, MOISTURE, TOBACCO SMOKE AND CONTAMINANTS, i.e., flow from relatively clean areas to relatively soiled areas. Refer to Table B.

(ii) FOR NEWBORN NURSERY FACILITIES TO PREVENT AIR FLOW TO ANY NURSERY ROOM FROM ANY OTHER ROOM.

(iii) FOR NEONATAL INTENSIVE CARE UNIT POSITIVE PROTECTIVE AIR PRESSURE GRADIENT FROM EACH NURSERY ROOM TO SURROUNDING AREAS EXCEPT CLEAN UTILITY, CLEAN STORAGE ROOMS AND NEWBORN NURSERY FACILITIES. POSITIVE AIR PRESSURE GRADIENT FROM NEONATAL INTENSIVE CARE UNIT TO CORRIDORS AND ROOMS OUTSIDE THE UNIT.

((e)) (e) PROPERLY DESIGNED HOODS OR OTHER APPROVED EXHAUST DEVICES OVER EQUIPMENT LIKELY TO PRODUCE EXCESSIVE HEAT, MOISTURE, ODORS, OR CONTAMINANTS (e.g., kitchen, laundry, sterilizing and dishwashing equipment and special laboratory work areas).

((d) TEMPERED AIR SUPPLY TO AREAS OF THE HOSPITAL REQUIRING EXHAUST VENTILATION IN EXCESS OF NORMAL INFILTRATION:

(c) ALL SUPPLY VENTILATION SYSTEMS TO INCLUDE ADEQUATE, PROPERLY DESIGNED, ELECTRONIC OR MECHANICAL FILTERS.

(f) AIR SUPPLY INTAKES LOCATED TO ASSURE A SOURCE OF FRESH AIR (preferably above the roof or high on an exterior wall).

(g) EXHAUST AIR DISCHARGE LOCATED TO AVOID CROSS CIRCULATION TO SUPPLY AIR INTAKES OR WINDOWS.

(h) DESIGN AND BALANCING OF VENTILATION SYSTEMS TO AVOID AIR FLOW FROM ROOMS OR AREAS LIKELY TO CONTAIN CONTAMINATED AIR (e.g., isolation rooms, soiled linen storage or sorting rooms) TO OTHER PATIENT CARE ROOMS OR AREAS, FOOD PREPARATION OR SERVING AREAS, AND AREAS CONTAINING CLEAN OR STERILE SUPPLIES AND EQUIPMENT. DESIGN AND BALANCING OF VENTILATION SYSTEM FOR NEWBORN NURSERY FACILITIES TO PREVENT CIRCULATION TO ANY NURSERY ROOM FROM ANY OTHER ROOM.)

(i) ALL CENTRAL VENTILATION OR AIR CONDITIONING SYSTEMS EQUIPPED WITH FILTERS.

(i) NUMBER OF FILTER BEDS AND FILTER EFFICIENCIES** NO LESS THAN THOSE SPECIFIED IN TABLE A.

(ii) FILTER BED NO. 2 SHALL BE DOWNSTREAM OF THE LAST COMPONENT OF ANY CENTRAL AIR HANDLING UNIT, EXCEPT A STEAM INJECTION TYPE HUMIDIFIER MAY BE DOWNSTREAM OF FILTER BED NO. 2. TERMINAL COOLING COILS (EXCEPT INDUCTION UNITS, FAN COIL UNITS OR EQUIVALENT INDIVIDUAL ROOM UNITS (REFER TO (g))) DOWNSTREAM OF FILTER BED NO. 2 SHALL HAVE ADDITIONAL FILTRATION MEETING REQUIREMENTS OF FILTER BED NO. 2.

Table A

FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR CONDITIONING SYSTEMS IN GENERAL HOSPITALS

AREA DESIGNATION	FILTER EFFICIENCIES (Percent)***		
	MINIMUM NUMBER OF FILTER BEDS	FILTER BED NO. 1	FILTER BED NO. 2
<u>Sensitive Areas*</u>	2	25	90
<u>Patient Care, Treatment Diagnostic, and Related Areas</u>	2	25	90**
<u>Food Preparation Areas and Laundries</u>	1	80	=
<u>Administrative, Bulk Storage and Soiled Holding Areas</u>	1	25	=

* Includes surgical suites, delivery suites, nursery units, recovery rooms, special procedure rooms (cardiac catheterizations) and all intensive care units.

** May be reduced to 80 percent for systems using all-outdoor air.

*** Average dust spot test.

(iii) LABORATORY HOODS WHERE INFECTIOUS MATERIALS ARE HANDLED.**

(A) MINIMUM FACE VELOCITY OF 75 FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM.

(C) FILTERS WITH 99.97% EFFICIENCY (DI-OCTYL-PHTHALATE, (DOP), TEST METHOD) IN THE EXHAUST STREAM.

(D) DESIGNED AND EQUIPPED TO PERMIT THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(E) CHEMICAL FUME HOODS SHALL NOT BE USED FOR HANDLING INFECTIOUS MATERIAL.

(iv) LABORATORY HOODS WHERE RADIOACTIVE AND STRONG OXIDIZING AGENTS e.g., perchloric acid, ARE PROCESSED.

(A) DUCT OF STAINLESS STEEL FOR A MINIMUM DISTANCE OF 10'-0" FROM EACH HOOD.

(B) HOOD FOR STRONG OXIDIZING AGENTS EQUIPPED WITH WASHDOWN FACILITIES.

(C) EACH HOOD CONNECTED TO INDEPENDENT EXHAUST SYSTEM.

(D) MINIMUM FACE VELOCITY OF 100 FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(v) FILTER FRAMES WITH AIRTIGHT SEAL TO THE ENCLOSING DUCTWORK BY USE OF GASKETS OR EQUIVALENT.

(vi) A MANOMETER SHALL BE INSTALLED ACROSS EACH FILTER BED SERVING SENSITIVE AREAS (Refer to Table A) OR CENTRAL AIR SYSTEMS.

(g) NONCENTRAL SUPPLY VENTILATION SYSTEMS, i.e. individual room units.

(i) IN SENSITIVE AREAS (Refer to Table A) SHALL MEET THE FILTERING OBJECTIVES FOR CENTRAL SYSTEMS.

(ii) IN AREAS OTHER THAN SENSITIVE AREAS OUTDOOR AIR FOR INDIVIDUAL ROOM UNITS SHALL MEET FILTERING REQUIREMENTS FOR CENTRAL SYSTEMS UNDER TABLE A. RECIRCULATED AIR TO INDIVIDUAL ROOM UNITS NEED NOT BE FILTERED (lint screen and/or filter recommended).

(h) AIR HANDLING DUCT SYSTEMS.

(i) IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION.⁴⁵

(ii) BUILDING SPACES USED FOR PLENUMS SHALL BE RESTRICTED TO ADMINISTRATIVE, PUBLIC WAITING AND PUBLIC MEETING AREAS.

(iii) NONEROSIVE WEARING SURFACES ARE REQUIRED FOR FIBERGLASS SUPPLY DUCTS (PER UL STANDARDS⁴⁷) AND/OR SUPPLY DUCT LINERS (PER SMACNA STANDARDS⁴⁸), IF INSTALLED.

(iv) NINETY PERCENT EFFICIENCY FILTERS DOWNSTREAM OF LININGS SERVING SENSITIVE AREAS (Refer to Table A) EXCEPT LINING OF TERMINAL UNITS MEETING THE REQUIREMENTS OF (iii) ABOVE.

(i) AIR SUPPLY AND EXHAUSTS LOCATIONS.

(i) AIR SUPPLY INTAKES LOCATED TO ENSURE A SOURCE OF FRESH AIR (preferably above the roof or high on an exterior wall to avoid sources of contamination or pollution).

(ii) EXHAUST AIR DISCHARGE LOCATED TO AVOID CROSS CIRCULATION TO SUPPLY AIR INTAKES OR OPERABLE WINDOWS. Separation distances dependent upon factors such as air volumes, wind directions and building configurations.

((+)) (j) OPERATING ROOMS, DELIVERY ROOMS, NEWBORN NURSERY ROOMS, NEONATAL INTENSIVE CARE UNITS AND THEIR ANCILLARY FACILITIES MECHANICALLY VENTILATED TO PROVIDE ((+100%)) ONE HUNDRED PERCENT FRESH AIR WITHOUT RECIRCULATION. Recommended for ((nurseries;)) birthing rooms, labor rooms, recovery rooms and all intensive care units. Refer to Table B.

((+)) (k) VENTILATION SYSTEMS ((IN OPERATING ROOMS, DELIVERY ROOMS AND OTHER)) FOR ANESTHETIZING LOCATIONS

~~((DESIGNED TO ACCOMPLISH THE OBJECTIVES OF THE RECOMMENDATIONS OF THE CODE FOR USE OF FLAMMABLE ANESTHETICS OF THE)) USING FLAMMABLE ANESTHETICS SHALL MEET THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA) ((56, 1960.⁴⁰)).³⁸~~

~~((k) Mechanical cooling of surgery suite, delivery suite, recovery unit, and nursery facilities recommended.~~

~~(h) PATIENT ROOMS, LABOR ROOMS, RECOVERY ROOMS, AND NURSERIES VENTILATED BY WINDOWS WITH OPERATIVE OPENING NOT LESS THAN ONE-SIXTH THE REQUIRED WINDOW AREA UNLESS AIR CONDITIONED TO ADEQUATELY CONTROL TEMPERATURE, HUMIDITY, AIR CHANGES, AND AIR MOTION, BOTH WINTER AND SUMMER.)~~

(l) AIR CONDITIONING TO ADEQUATELY CONTROL TEMPERATURE, AIR CHANGES AND AIR MOTION OF OPERATING ROOMS, DELIVERY ROOMS, NEONATAL INTENSIVE CARE NURSERY ROOMS, RECOVERY ROOMS, INTENSIVE CARE AND CARDIAC INTENSIVE CARE UNITS, NEWBORN NURSERY FACILITIES, AND SPECIAL PROCEDURE ROOMS.

(m) RELATIVE HUMIDITY.

(i) OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, ANESTHETIZING LOCATIONS AND RECOVERY ROOMS, FIFTY PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-TWO DEGREES FAHRENHEIT.

(ii) NEWBORN NURSERY FACILITIES AND NEONATAL INTENSIVE CARE UNITS, FORTY-FIVE PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-FIVE DEGREES FAHRENHEIT.

(iii) INTENSIVE CARE UNITS, THIRTY PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-TWO DEGREES FAHRENHEIT.

(n) FIRE SHUTDOWN AS REQUIRED BY NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)⁴⁵ BY BOTH MANUAL CONTROL AND EITHER OF THE FOLLOWING OPTIONS FOR AUTOMATIC SHUTDOWN:

(i) TOTAL SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS AND SMOKE DAMPERS IN VENTILATION SYSTEM, AND SHUTTING DOWN SUPPLY FAN(S) AND EXHAUST FAN(S).

(ii) SELECTIVE SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS AND ACTUATING ONLY SMOKE DAMPERS IN RECIRCULATION SYSTEM TO EXHAUST ALL RECIRCULATED AIR. ONLY THE SMOKE DETECTOR ON THE DOWNSTREAM SIDE OF THE LAST COMPONENT OF THE CENTRAL SUPPLY SYSTEM SHALL SHUT DOWN THE SUPPLY AND EXHAUST VENTILATION SYSTEMS AND SHALL

CLOSE ALL SMOKE DAMPERS. This selective shutdown option is recommended for hospitals having multi-ventilation systems.

(o) VENTILATION REQUIREMENTS ARE SUMMARIZED IN TABLE B FOR TYPICAL HOSPITAL AREAS. THOSE AREAS NOT SPECIFICALLY DESIGNATED SHALL COMPLY WITH REQUIREMENTS FOR COMPARABLE AREAS.

**TABLE B GENERAL PRESSURE RELATIONSHIPS AND VENTILATION⁶
OF CERTAIN HOSPITAL AREAS**

<u>AREA DESIGNATION</u>	<u>PRESSURE RELATIONSHIP TO ADJACENT AREAS^{2*}</u>	<u>MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM</u>	<u>MINIMUM TOTAL AIR CHANGES PER HOUR IN ROOM</u>	<u>ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS</u>	<u>RECIRCULATED WITHIN ROOM UNITS</u>
A. ANESTHETIZING AREAS					
1. <u>Delivery and operating rooms</u>	<u>PP</u>	<u>15</u>	<u>15⁵</u>	<u>Yes</u>	<u>No</u>
2. <u>Dental Operating Rooms</u>	<u>P</u>	<u>8</u>	<u>8</u>	<u>Yes</u>	<u>No</u>
3. <u>Endoscopy Room</u>	<u>P</u>	<u>8</u>	<u>8</u>	<u>Yes</u>	<u>No</u>
4. <u>Emergency Major Treatment Rooms</u>	<u>N</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No</u>
5. <u>Outpatient Operating¹ and/or Treatment Rooms</u>	<u>PP</u>	<u>5</u>	<u>15⁴</u>	<u>Yes</u>	<u>No</u>
6. <u>Special Procedures Rooms (Cardiac Catheterizations)¹</u>	<u>PP</u>	<u>12</u>	<u>12</u>	<u>Yes</u>	<u>No</u>
B. CENTRAL SERVICE					
1. <u>Cart Wash Room or Area</u>	<u>N</u>	<u>2</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
2. <u>Clean & Sterile Storage Room</u>	<u>PP</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>No³</u>
3. <u>Sterilizer Access Service Room</u>	<u>NN</u>	<u>Optional</u>	<u>12</u>	<u>Yes</u>	<u>No</u>
4. <u>Sterilizing Area</u>	<u>P</u>	<u>2</u>	<u>4</u>	<u>Optional</u>	<u>No³</u>
5. <u>Clean Equipment Storage Room</u>	<u>P</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>
6. <u>Decontamination Area or Room</u>	<u>NN</u>	<u>2</u>	<u>12</u>	<u>Yes</u>	<u>No</u>
C. GENERAL					
1. <u>Administrative Areas: i.e., Offices, Admitting Facilities, Registration, etc.</u>	<u>P</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>
2. <u>Bathing and Wet Treatment Facilities: i.e., Showers, Tubs, Sitz Baths, Hydrotherapy.</u>	<u>N</u>	<u>2</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
3. <u>Clean Facilities: Utility or Work Rooms, Medicine Preparation Areas, Holding and Storage Rooms.</u>	<u>P</u>	<u>2</u>	<u>4</u>	<u>Optional</u>	<u>No³</u>
4. <u>Corridors, General Circulating.²</u>	<u>P and N</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>
5. <u>Entrances</u>	<u>P</u>	<u>Optional</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>
6. <u>Housekeeping Facilities: i.e., Janitor Closets, Trash Chutes or Trash Storage Rooms</u>	<u>N</u>	<u>Optional</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
7. <u>Lounges, Locker & Dressing Rooms</u>	<u>N</u>	<u>Optional</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
8. <u>Nurses Station & Unit Dose Medicine Cart Areas</u>	<u>P</u>	<u>2</u>	<u>4</u>	<u>Optional</u>	<u>Optional</u>
9. <u>Receiving & Stores Incl. Breakout Area</u>	<u>N</u>	<u>Optional</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>
10. <u>Scrub-up Area</u>	<u>P</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>No</u>
11. <u>Soiled Facilities: Utility or Work Rooms, Holding, Bedpan, Clean-up, Linen & Storage.</u>	<u>N</u>	<u>2</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
12. <u>Toilet Rooms</u>	<u>N</u>	<u>Optional</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
13. <u>Waiting Rooms, Conference, Solariums, Day Rooms, or Other Smoking Areas.</u>	<u>N</u>	<u>2</u>	<u>2</u>	<u>Yes</u>	<u>No</u>
14. <u>Mechanical Rooms</u>	<u>N</u>	<u>Optional</u>	<u>2</u>	<u>Yes</u>	<u>No</u>
D. KITCHEN AND DIETARY					
1. <u>Bulk Day Food Storage Room</u>	<u>E or P</u>	<u>Optional</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>

<u>AREA DESIGNATION</u>	<u>PRESSURE RELATIONSHIP TO ADJACENT AREAS²⁴</u>	<u>MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM</u>	<u>MINIMUM TOTAL AIR CHANGES PER HOUR IN ROOM</u>	<u>ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS</u>	<u>RECIRCULATED WITHIN ROOM UNITS</u>
2. Cafeteria or Dining Room	<u>E or N</u>	<u>6</u>	<u>8</u>	<u>Optional</u>	<u>Optional</u>
3. Dishwashing Room or Area	<u>NN</u>	<u>4</u>	<u>8</u>	<u>Yes</u>	<u>No</u>
4. Garbage Storage and Can Washing Area	<u>NN</u>	<u>Optional</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
5. Kitchen	<u>NN</u>	<u>4</u>	<u>8</u>	<u>Yes</u>	<u>No</u>
E. LABORATORY					
1. Autopsy Room and Morgue	<u>NN</u>	<u>2</u>	<u>12</u>	<u>Yes</u>	<u>No</u>
2. Bacteriology	<u>NN</u>	<u>2</u>	<u>12</u>	<u>Yes</u>	<u>No</u>
3. Blood Drawing Area or Room	<u>P</u>	<u>2</u>	<u>4</u>	<u>Optional</u>	<u>Optional</u>
4. General Laboratory Rooms i.e., Hematology, Pathology.	<u>N</u>	<u>2</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
5. Media Preparation and Transfer Room	<u>P</u>	<u>2</u>	<u>4</u>	<u>Optional</u>	<u>No</u>
6. Decontamination Area	<u>NN</u>	<u>2</u>	<u>12</u>	<u>Yes</u>	<u>No</u>
F. LAUNDRY					
1. Clean Linen Storage	<u>P</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>No³</u>
2. Clean sorting, folding & ironing	<u>P</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No³</u>
3. Detergent & Supply Storage Room	<u>N</u>	<u>Optional</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>
4. Processing, washing and drying	<u>P</u>	<u>4</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
5. Soiled sorting and storage	<u>N</u>	<u>Optional</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
G. PATIENT CARE AREAS					
1. Acute Cardiac Care and Intensive Care Patient Rooms	<u>PP</u>	<u>2</u>	<u>6⁴</u>	<u>Optional</u>	<u>No³</u>
2. Birthing Room	<u>P</u>	<u>6</u>	<u>6⁴</u>	<u>Optional</u>	<u>No</u>
3. Examination Rooms	<u>E or P</u>	<u>2</u>	<u>6</u>	<u>Optional</u>	<u>No³</u>
4. Electroencephalogram (EEG) Electromyogram (EMG) & Electrocardiogram (ECG or EKG)	<u>E or P</u>	<u>2</u>	<u>6</u>	<u>Optional</u>	<u>Optional</u>
5. Isolation Room, Airborne	<u>NN</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No</u>
6. Isolation Room, Protective	<u>P</u>	<u>4</u>	<u>4</u>	<u>Yes</u>	<u>No</u>
7. Isolation Anteroom	<u>NN</u>	<u>2</u>	<u>10</u>	<u>Yes</u>	<u>No</u>
8. Isolation Room with Anteroom	<u>Optional</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No</u>
9. Labor Room	<u>E or P</u>	<u>2</u>	<u>2⁴</u>	<u>Optional</u>	<u>No³</u>
10. Neonatal Intensive Care Room ¹	<u>PP</u>	<u>6</u>	<u>6³</u>	<u>Optional</u>	<u>No</u>
11. Newborn Nursery Room ¹	<u>PP</u>	<u>6</u>	<u>6⁵</u>	<u>Optional</u>	<u>No</u>
12. Observation Rooms (Out-Patient & Emergency Departments)	<u>N</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No</u>
13. Patient Rooms	<u>E or P</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>Optional</u>
14. Pulmonary & Inhalation Therapy Treatment Rooms	<u>E or P</u>	<u>2</u>	<u>2</u>	<u>Yes</u>	<u>No</u>
15. Recovery Rooms ¹	<u>PP</u>	<u>2</u>	<u>6⁴</u>	<u>Optional</u>	<u>No</u>
H. PHARMACY					
1. Compounding & Dispensing Areas	<u>P</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>No³</u>
2. Intravenous Additive Room	<u>PP</u>	<u>2</u>	<u>2</u>	<u>Optional</u>	<u>No³</u>
I. RADIOLOGY					
1. C.A.T., general & Ultrasound Rooms	<u>E or P</u>	<u>2</u>	<u>6</u>	<u>Optional</u>	<u>Optional</u>
2. Darkroom	<u>N</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No</u>
3. Film Viewing & Storage	<u>E</u>	<u>2</u>	<u>4</u>	<u>Optional</u>	<u>Optional</u>

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS ³⁴	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR IN ROOM	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
Room					
4. Fluoroscopy Rooms	<u>N</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>NO</u>
5. Nuclear Diagnostic Rooms	<u>E or N</u>	<u>2</u>	<u>4</u>	<u>Optional</u>	<u>Optional</u>
6. Radiation Therapy Treatment Rooms	<u>N</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No</u>
7. Special Procedures Rooms, i.e., Angiography, etc.	<u>P</u>	<u>2</u>	<u>6</u>	<u>Optional</u>	<u>No</u>

CODES

P = POSITIVE
N = NEGATIVE
E = EQUAL

PP = STRONGLY POSITIVE
NN = STRONGLY NEGATIVE

REFERENCE NOTATIONS:

- ¹ THE SEGREGATED SURGICAL, DELIVERY, COMBINED SURGICAL-DELIVERY SUITES, OTHER OPERATING ROOM SUITES AND THE NEWBORN NURSERY UNIT FACILITIES SHALL BE POSITIVE TO THE OUTSIDE CORRIDOR.
- ² GENERAL CIRCULATING CORRIDORS SHALL BE POSITIVE TO THE EXTERIOR, I.E., ELEVATORS, STAIRWELLS, EXIT DOORS AND SHALL BE NEGATIVE TO PATIENT ROOMS.
- ³ Recirculating room units meeting the appropriate filtering requirements in Table A, WAC 248-18-718(8)(g)(ii) are acceptable.
- ⁴ Recommend one hundred percent fresh outdoor air supplied to room.
- ⁵ THESE ROOMS AND THEIR ANCILLARY FACILITIES SHALL BE SUPPLIED WITH ONE HUNDRED PERCENT OUTSIDE (FRESH) AIR.
- ⁶ Heat recovery systems should be utilized for exhaust air.

(9) INCINERATION FACILITIES.

(a) May be omitted if another approved method of disposal is used.

(b) INCINERATOR OF ADEQUATE SIZE AND DESIGN. LOCATED AND DESIGNED TO PREVENT OBJECTIONABLE HEAT, SMOKE, AND ODORS. (Separate room or outside area).

~~((b) GAS OR OIL FIRED:))~~

(c) SUPPLEMENTAL FUEL FIRED FOR COMPLETE COMBUSTION.

(d) ~~((FLUE))~~ CHUTE-FED INCINERATORS NOT PERMITTED.

(10) ELECTRICAL SYSTEMS AND EMERGENCY ELECTRICAL SERVICE.

(a) ~~((ELECTRICAL SYSTEMS AND EQUIPMENT IN CONFORMANCE WITH THE CODE FOR USE OF FLAMMABLE ANESTHETICS OF THE NATIONAL FIRE PROTECTION ASSOCIATION, NFPA 56A, 1971 IN AREAS WHERE COMBUSTIBLE ANESTHETIC GASES ARE TO BE USED (such as operating rooms, delivery rooms, emergency rooms:))~~ IN ADDITION TO SPECIFIC REQUIREMENTS OF THIS SECTION, CHAPTER 296-46 WAC, "RULES AND REGULATIONS FOR INSTALLING ELECTRIC WIRES AND EQUIPMENT AND ADMINISTRATIVE RULES", AND

THE NATIONAL ELECTRIC CODE OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA - 70) APPLY AS ADOPTED BY THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES.

(b) ELECTRICAL SYSTEMS AND EQUIPMENT IN CONFORMANCE WITH NFPA STANDARDS³⁸ IN AREAS WHERE INHALATION ANESTHETICS ARE TO BE USED (such as operating rooms, delivery rooms, and major emergency treatment rooms).

~~(c) ((A separate isolating transformer recommended for each room used as an anesthetizing location, as defined in NFPA 56A))~~ NUMBER OF RECEPTACLE OUTLETS.

~~((c) TYPES OF OUTLETS:~~

~~(i) OUTLETS OF THE TYPE, QUANTITY, LOCATION AND HEIGHT REQUIRED FOR THE SERVICES TO BE PERFORMED.~~

~~(ii) ALL RECEPTACLES TO BE GROUNDING TYPE.~~

~~(iii) POLARIZED RECEPTACLES AS REQUIRED FOR SPECIAL EQUIPMENT, INCLUDING SPECIAL PORTABLE EQUIPMENT IN PATIENT CARE AREAS.~~

~~(d) AT LEAST TWO X-RAY FILM ILLUMINATORS (may be movable equipment) IN EACH OPERATING ROOM, ONE IN EACH EMERGENCY ROOM, and one in each delivery room.~~

~~(e)) (i) ((ADEQUATE NUMBER OF PROPERLY LOCATED CONVENIENCE)) MINIMUM OF SIX RECEPTACLE OUTLETS IN OPERATING(;) AND DELIVERY ROOMS. MINIMUM OF FOUR RECEPTACLE OUTLETS IN EMERGENCY TREATMENT ROOMS, ((EMERGENCY)) BIRTHING ROOMS ((AND INTENSIVE CARE UNITS SUITABLE FOR THE SERVICES TO BE PERFORMED)), ANESTHETIZING LOCATIONS AND SPECIAL PROCEDURES ROOMS. AT LEAST ONE RECEPTACLE OUTLET ON EACH WALL WHERE POSSIBLE. ADDITIONAL PROPERLY LOCATED RECEPTACLE OUTLETS SUITABLE FOR EQUIPMENT TO BE USED WITHOUT USE OF EXTENSION CORDS²⁴.~~

~~((f) Use of booms or similar devices recommended to eliminate hazards of cords on the floors.~~

~~(g) NUMBER OF OUTLETS:~~

~~(f)) (ii) TWO DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED, IN PATIENT ROOMS (INCLUDING LABOR, BIRTHING ROOMS, AND RECOVERY), three duplex receptacles per bed recommended.~~

~~((f)) (iii) FOUR DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED IN ((ACUTE CARDIAC CARE AND OTHER)) EACH INTENSIVE CARE⁴³ PATIENT ROOMS. AT LEAST SIX DUPLEX RECEPTACLES (OR EQUIVALENT)⁴² FOR EACH INFANT STATION IN NEONATAL INTENSIVE CARE UNITS.⁴³~~

~~((iii) LIMITED TO FOUR OUTLETS PER CIRCUIT OF NUMBER 12 WIRE:))~~

~~(iv) ((AT LEAST TWO ADDITIONAL DUPLEX RECEPTACLES (OR EQUIVALENT) AT SEPARATE CONVENIENT LOCATIONS IN EACH PATIENT ROOM (INCLUDING LABOR, RECOVERY, AND INTENSIVE CARE ROOMS))) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² FOR EVERY TWO BASSINETS FOR FULL TERM INFANTS AND FOR EACH BASSINET AND INCUBATOR FOR PREMATURE INFANTS.~~

~~(v) ((One receptacle adjacent to mirror over lavatory.~~

~~(vi) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT) FOR EVERY TWO BASSINETS FOR FULL TERM INFANTS. AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT) FOR EACH BASSINET AND INCUBATOR FOR PREMATURE INFANTS:)) CIRCUITS SERVING RECEPTACLES AT THE HEAD OF EACH BED IN ALL INTENSIVE CARE UNITS⁴³ SHALL SERVE NO OTHER RECEPTACLES OR OUTLETS.~~

~~(vi) LIMITED TO SIX DUPLEX RECEPTACLES PER 20 AMP CIRCUIT IN ALL PATIENT CARE~~

AREAS, INCLUDING OUTPATIENT CARE AREAS. LIMITED TO FOUR DUPLEX RECEPTACLES PER 20 AMP CIRCUIT SERVING PATIENT BEDS IN ALL INTENSIVE CARE UNITS.⁴³

(vii) AT LEAST ONE ADDITIONAL DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² AT A SEPARATE CONVENIENT LOCATION IN EACH PATIENT ROOM (INCLUDING LABOR, RECOVERY, AND ALL INTENSIVE CARE ROOMS).⁴³ ADDITIONAL RECEPTACLE IF TELEVISION IS PROVIDED.

(viii) HOSPITAL GRADE RECEPTACLES IN RECOVERY ROOMS AND ALL INTENSIVE CARE UNITS. Recommended in other patient care areas.

(ix) FIFTEEN OR TWENTY AMPERES, 125 VOLT RECEPTACLES IN ROOMS USED BY PEDIATRIC OR PSYCHIATRIC PATIENTS SHALL BE A TAMPER PROOF OR SAFETY TYPE DEVICE.

(x) One receptacle protected by ground fault circuit interrupter adjacent to mirror over lavatory recommended.

((vii)) (xi) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² PER 4 LINEAR FEET OF COUNTER IN LABORATORY FACILITIES. SURFACE METAL RACEWAYS, IF USED, SHALL INCLUDE AN EQUIPMENT GROUNDING CONDUCTOR CONNECTED TO EACH RECEPTACLE.

((h)) (d) LIGHTING FIXTURES.

(i) NUMBER, TYPE AND LOCATION OF LIGHTING FIXTURES TO PROVIDE ADEQUATE ILLUMINATION FOR THE FUNCTIONS OF EACH AREA.

(ii) A PROPERLY DESIGNED READING LAMP⁶ ((may be movable equipment)) CONVENIENTLY LOCATED FOR EACH BED IN PATIENT ROOMS.

(iii) SUITABLE LIGHT AT LAVATORIES IN PATIENT ROOMS AND PATIENT TOILET ROOMS.

(iv) NIGHT LIGHT ((PROPERLY)) LOCATED BELOW LEVEL OF THE PATIENT'S BED TO DIMLY LIGHT PATHWAY IN EACH PATIENT ROOM AND LOCATED AT PROPER INTERVALS IN CORRIDOR(S) CEILINGS OR WALLS IN NURSING UNITS.

(v) SWITCHES FOR NIGHT LIGHTS AND GENERAL ILLUMINATION ADJACENT TO DOORS TO PATIENT ROOMS. SWITCHES LOCATED OUTSIDE PSYCHIATRIC AND PEDIATRIC PATIENT ROOMS. QUIET OPERATING SWITCHES IN NURSING UNITS.

((i)) (e) ((CIRCUITBREAKERS. CIRCUITBREAKERS)) BRANCH CIRCUIT PANELS FOR ROOMS IN ((ACUTE CARDIAC CARE AND OTHER)) ALL INTENSIVE CARE UNITS⁴³ TO BE LOCATED IN ((OR ADJACENT TO THE UNIT AND IMMEDIATELY ACCESSIBLE TO)) EACH PATIENT ROOM OR OTHER LOCATION PROVIDING READY ACCESSIBILITY TO CIRCUIT BREAKERS FOR STAFF CARING FOR PATIENTS IN ((THE UNIT)) THESE ROOMS.

~~((f))~~ (f) EMERGENCY ELECTRICAL SERVICE. (REFER TO THE NATIONAL ELECTRIC CODE (NFPA - 70).)

(i) ADEQUATE ELECTRICAL GENERATING EQUIPMENT (OR EQUIVALENT~~((f))~~) WITH AUTOMATIC TRANSFER TO THE EMERGENCY ELECTRICAL SERVICE IN CASE OF INTERRUPTION OF NORMAL SERVICE.

(ii) ~~((EMERGENCY LIGHTING))~~ EMERGENCY LIGHTING OF EXITS, STAIRS, PATIENTS' CORRIDORS, OPERATING ROOMS, DELIVERY ROOMS, BIRTHING ROOMS, EMERGENCY ROOMS, NURSERIES, ~~((AND))~~ ALL INTENSIVE CARE UNITS AND OTHER SPECIALIZED PATIENT CARE AREAS.

(iii) ~~((EMERGENCY POWER))~~ EMERGENCY POWER TO THE NURSES' CALL SYSTEM, THE FIRE ALARM SYSTEM, MEDICAL GAS SYSTEMS AND THEIR ALARMS, ELECTRICALLY OPERATED DOORS, REFRIGERATORS AND FREEZERS FOR BIOLOGICALS, ONE ELEVATOR SERVING ALL FLOORS AND ADEQUATE CONVENIENCE OUTLETS FOR CRITICALLY NEEDED EQUIPMENT IN ALL PATIENT CARE AREAS (e.g., recovery rooms, nurseries, operating rooms, delivery rooms, birthing rooms, emergency rooms, intensive care units and at intervals in nursing unit corridors) ~~((AND REFRIGERATORS FOR BIOLOGICALS, and))~~ recommended for food refrigerators, culture incubators, ~~((elevators))~~ ventilation units, sterilizers, x-ray machines, and heating plant.

(11) MISCELLANEOUS.

(a) FILM ILLUMINATORS. AT LEAST TWO X-RAY FILM ILLUMINATORS⁹ IN EACH OPERATING ROOM, NEONATAL INTENSIVE CARE UNIT, ONE IN EACH MAJOR EMERGENCY TREATMENT ROOM, and one in each delivery room.

(b) CALL SYSTEM.

(i) PROPERLY LOCATED ELECTRICAL SIGNALLING DEVICE⁵⁵ AT THE HEAD OF EACH BED IN PATIENT ROOMS, (INCLUDING LABOR ROOMS AND BIRTHING ROOMS) AT EACH WATER CLOSET AND BATHING FACILITY FOR ~~((INPATIENTS))~~ PATIENTS, AT EACH TREATMENT AREA IN PHYSICAL THERAPY DEPARTMENTS and in each dayroom, solarium ~~((and))~~, dining room(s) and patient dressing areas.

(ii) EACH CALL SIGNAL TO REGISTER BY LIGHT AT THE CORRIDOR DOOR, THE NURSES' STATION, AND AT OTHER NURSES WORK STATIONS SUCH AS UTILITY ROOMS. CALL SIGNALS INITIATED WITHIN OTHER DEPARTMENTS (such as x-ray and physical therapy) TO REGISTER AT THE CONTROL POINT OF EACH DEPARTMENT. SIGNALS FROM WATER CLOSETS AND BATHING FACILITIES TO HAVE DISTINCTIVE LIGHT (flashing lights) AND AUDIBLE SIGNAL.

(iii) MEDICAL EMERGENCY SIGNAL DEVICE FOR USE OF THE NURSE IN ~~((NURSERIES))~~ EACH NURSERY ROOM, PSYCHIATRIC ROOMS, OPERATING, DELIVERY, BIRTHING

ROOM, RECOVERY ROOMS, AND EACH PATIENT ROOM IN ALL INTENSIVE CARE UNITS; IN EACH TREATMENT ROOM AND NURSERY ROOM OF NEONATAL INTENSIVE CARE UNITS; AND IN EACH EMERGENCY TREATMENT, EXAMINATION AND OBSERVATION ROOM. TO REGISTER DISTINCTIVE AUDIBLE SIGNAL AT LOCATION FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE.

(iv) A CALL ~~((BELL))~~ SIGNAL FOR NIGHT USE SHALL BE PROVIDED AT EMERGENCY ENTRANCES.

~~((b))~~ (c) TELEPHONES.

(i) ON EACH NURSING UNIT, SURGICAL SUITE AND OBSTETRICAL DELIVERY SUITE. ADDITIONAL TELEPHONES OR EXTENSIONS AS REQUIRED TO PROVIDE ADEQUATE COMMUNICATION (A MINIMUM OF ONE ON EACH FLOOR OF THE HOSPITAL).

(ii) PUBLIC TELEPHONE IN LOBBY.

(iii) Telephones or other similar means for two-way communication among departments of the hospital, including doctors' locker and lounge in surgery and delivery suite.

~~((c))~~ (d) CLOCKS.

(i) WALL MOUNTED CLOCKS PROPERLY LOCATED IN OPERATING ROOMS, DELIVERY ROOMS, BIRTHING ROOMS, EMERGENCY ROOMS, NURSERIES, INTENSIVE CARE UNITS, LABORATORIES and other suitable locations.

(ii) CLOCKS IN OPERATING ROOMS, DELIVERY ROOMS, EMERGENCY ROOMS AND ALL INTENSIVE CARE UNITS TO HAVE SWEEP SECOND HANDS.

(iii) Interval timers recommended.

~~((d))~~ (e) EQUIPMENT AND CASEWORK.

(i) DESIGNED, MANUFACTURED, AND INSTALLED FOR EASE OF PROPER CLEANING AND MAINTENANCE OF EQUIPMENT AND CASEWORK, AND SURROUNDING FLOOR AND WALLS.

(ii) DESIGN, MATERIALS, AND FINISHES SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iii) EQUIPMENT FOR FOOD SERVICE FUNCTIONS TO MEET STANDARDS OF NATIONAL SANITATION FOUNDATION,⁴⁶ ~~((ANN ARBOR, MICHIGAN))~~ OR EQUIVALENT.

~~((NO. 1 - SODA FOUNTAIN AND LUNCHEONETTE EQUIPMENT, JULY 1952.~~

~~NO. 2 - FOOD SERVICE EQUIPMENT, OCTOBER 1952.~~

~~NO. 3 - SPRAY-TYPE DISHWASHING MACHINES, MAY 1953.~~

~~NO. 4 - COMMERCIAL COOKING AND WARMING EQUIPMENT, JANUARY 1, 1958.~~

~~NO. 5 - HOT WATER GENERATION EQUIPMENT, JANUARY 1, 1959.~~

~~NO. 6 - DISPENSING FREEZERS, JANUARY 1, 1959.~~

~~NO. C-1 FOOD VENDING MACHINES, AUGUST 1958.))~~

(iv) ALL AUTOCLAVES TO HAVE RECORDING THERMOMETERS.

~~((e))~~ (f) Chutes.

(i) Linen chutes and trash chutes not recommended.

(ii) ~~((FLUE-FED))~~ CHUTES DIRECTLY CONNECTED TO INCINERATORS NOT PERMITTED.

(iii) CYLINDRICAL DESIGN.

(iv) TWENTY-FOUR INCH MINIMUM DIAMETER.

(v) SMOOTH, WASHABLE INTERIOR FINISH, INCLUDING JOINTS.

(vi) SELF-CLOSING, TIGHT-FITTING ACCESS DOORS AT LEAST ((30)) THIRTY INCHES FROM THE FLOOR.

(vii) ACCESS DOOR(S) IN SEPARATE ENCLOSED ROOM(S) OR SEPARATE AREA OF SOILED UTILITY OR CLEAN-UP ROOM USED FOR SOILED FUNCTIONS ONLY OR OTHER SIMILAR ROOM.

(viii) CHUTES TO DISCHARGE INTO SEPARATE ENCLOSED TRASH AND SOILED LINEN COLLECTION ROOMS.

(A) FLOOR DRAINS EQUIPPED WITH TRAP PRIMERS IN TRASH AND SOILED LINEN COLLECTION ROOMS.

(B) HANDWASHING FACILITY IN OR ADJACENT TO SOILED LINEN COLLECTION ROOM IF THIS ROOM USED FOR SORTING SOILED LINEN.

(ix) CHUTES DESIGNED AND/OR VENTILATED TO AVOID CONTAMINATION BY AIR FLOW FROM ACCESS DOORS WHEN OPENED.

(x) CHUTES PROVIDED WITH SUITABLE MEANS TO ADEQUATELY WASH ENTIRE LENGTH.

~~((xi)) FLOOR DRAINS AND EXHAUST VENTILATION IN TRASH AND SOILED LINEN COLLECTION ROOMS:~~

~~((xii)) HANDWASHING FACILITY IN OR ADJACENT TO SOILED LINEN COLLECTION ROOM IF THIS ROOM USED FOR SORTING SOILED LINEN:~~

~~((f))~~ (g) HARDWARE.

(i) SELECTED TO SUIT THE FUNCTIONS OF EACH ROOM AND TO ENSURE QUIETNESS AND SANITATION.

(ii) PATIENT ROOM DOORS EQUIPPED TO HOLD OPEN IN ANY POSITION OR IN SEVERAL POSITIONS.

(iii) PROVISION FOR IMMEDIATE EMERGENCY ACCESS TO PATIENT ROOMS AND PATIENT TOILETS, SHOWERS, AND BATH ROOMS.

(iv) HARDWARE OF EXTERIOR DOORS DESIGNED TO PREVENT ENTRY OF UNAUTHORIZED PERSONS.

(h) IDENTIFICATION OF DOORS, ROOMS AND SPACES.²⁴

(i) EACH ROOM AND SPACE NAMED AND NUMBERED IN CONSECUTIVE ORDER ON ALL DRAWINGS.

(ii) Each door numbered consecutively on all drawings.

(iii) Permanent label with the same identifying door and room numbers as used on the drawings attached to the outside upper strike side of each door.

NOTES:

⁶ May be movable equipment.

²⁴ In accordance with program.

~~((²³ See GENERAL DESIGN REQUIREMENTS, WAC 248-18-718(8), VENTILATION:))~~

³⁷ See definition of "Grade", WAC 248-18-505.

~~³⁸ ((Refer to standards of state fire marshal, Standard of the National Board of Fire Underwriters for the Use of Flammable Anesthetics, NFBU No. 46, 1960 edition, as recommended by the National Fire Protection Association, (NFPA 56:)) REFER TO STANDARD FOR THE USE OF INHALATION ANESTHETICS (FLAMMABLE AND NONFLAMMABLE) NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA), 56-A, 1973 EDITION AND NONFLAMMABLE MEDICAL GAS SYSTEMS, NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA), 56-F, 1977 EDITION.~~

³⁹ Use of the guide, published by the American Society of Heating, Refrigeration, and Air Conditioning Engineers, (ASHRAE) recommended for design of heating and ventilating systems.

~~⁴⁰ ((Also printed as Standard of the National Board of Fire Underwriters for the Use of Flammable Anesthetics, NFBU No. 56, 1960 as recommended by the National Fire Protection Association:)) UNIFORM PLUMBING CODE, 1976 EDITION, BY INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS (IAPMO).~~

⁴¹ Equivalent when used in reference to faucet controls means a mechanism for operating without the use of hands, wrists, or arms.

⁴² Equivalent when used in reference to receptacle outlets means that two single receptacle outlets are considered to be equal to one duplex receptacle outlet.

⁴³ Refer to definitions of intensive care unit WAC 248-18-505(12), WAC 248-18-001(9), acute cardiac care unit WAC 248-18-001(2) and neonatal intensive care unit WAC 248-18-223 (1)(c) and (d).

~~⁴⁴ AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, (ASHRAE), STANDARD NO. 52-76, 1976 EDITION AND AIR-CONDITIONING AND REFRIGERATION INSTITUTE (ARI) STANDARD 680-74, 1974 EDITION.~~

~~⁴⁵ NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA) STANDARD NO. 90A-1975 EDITION.~~

~~⁴⁶ FOOD SERVICE EQUIPMENT STANDARDS OF THE NATIONAL SANITATION FOUNDATION, 1976, ANN ARBOR, MICHIGAN.~~

~~⁴⁹ Compressed air is filtered air free of oil and other substances, particles, or contaminants.~~

~~⁵⁰ Equivalent for x-ray receptacle outlet(s) refer to a battery operated self-contained x-ray machine.~~

~~⁵³ Recommend use of the following standards:~~

a. "Classification of Etiologic Agents on the Basis of Hazard"

U.S. Dept. of Health, Education & Welfare Publication

Public Health Service

Center for Disease Control

Office of Biosafety

Atlanta, GA 30333

b. "Selecting a Biological Safety Cabinet"

U.S. Dept. of Health, Education & Welfare

Public Health Service

National Institutes of Health

National Cancer Institute

Office of Research Safety

Bethesda, MD 20014

c. For the design, construction and performance of "Class II Biohazard Cabinetry NSF No. 49"

National Science Foundation

NSF Building

Ann Arbor, MI 48105

~~⁵⁴ Balance for appropriate positive and negative gradients will be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at~~

each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door).

³⁵A PROPERLY LOCATED SIGNAL DEVICE SHALL BE ACTIVATED BY A NONCONDUCTIVE PULL CORD AT WATER CLOSETS AND BATHING FACILITIES. AT BATHING FACILITIES THE SIGNAL DEVICE PULL CORD SHALL BE LOCATED FOR EASY GRASP BY A PATIENT WHO IS IN OR HAS FALLEN BESIDE A BATHING FACILITY. AT A WATER CLOSET THE SIGNAL DEVICE PULL CORD SHALL BE LOCATED FOR EASY GRASP BY A PATIENT WHO HAS SLUMPED FORWARD ON THE WATER CLOSET OR FALLEN ONTO THE FLOOR.

³⁶RINSE WATER TO BE ONE HUNDRED EIGHTY DEGREES FAHRENHEIT OR EQUIVALENT.

³⁷UNDERWRITERS LABORATORIES (UL) 181-15 STANDARD FOR SAFETY AIR DUCTS, 1974 EDITION.

³⁸SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC., (SMACNA) ARLINGTON, VA., 1975 EDITION, SECTION D.4.10.

³⁹Compressed Air Association Pamphlet No. P-2.1, 1967 Edition.

WSR 80-03-063

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Dental Examiners)

[Order PL 335—Filed February 26, 1980]

Be it resolved by the Washington State Board of Dental Examiners, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to examination for dental hygienist licensure.

This action is taken pursuant to Notice No. WSR 80-01-104 filed with the code reviser on 1/2/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.29.030 and 18.32.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 22, 1980.

By Robert W. Haglund
Chairman

AMENDATORY SECTION (Order PL 312, filed 8/29/79)

WAC 308-36-050 THE EXAMINATION. (1) Patients must be obtained by the applicant.

(2) On the day of the examination, all applicants will assemble in a room designated at the university of Washington, school of dentistry, to:

- (a) check eligibility;
- (b) receive identifying numbered badges from a representative of the division of professional licensing (applicants will work at the numbered unit corresponding to their assigned number);
- (c) receive special instruction from the Washington state board of dental examiners.

(3) The examination will consist of two sections:

(a) Practical:

(i) Case history – forms to be furnished by the board.

(ii) One oral prophylaxis case. Patient for oral prophylaxis must be at least eighteen years old and have a minimum of twenty-four teeth. It is not recommended that patients be selected who have advanced stages of periodontal involvement, such as 6 mm sulcus depth with moderate degrees of alveolar bone loss. Patient must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. If case is not adequate for testing the applicant's competency, patient will be rejected.

(iii) Applicant will bring a typodont with a condensed, carved and unpolished M.O.D. amalgam restoration on a molar which applicant will be required to polish and leave with the board.

(iv) Applicant will be expected to demonstrate proficiency with curets.

(v) A specified series of x-rays. Unless otherwise authorized by the board, the same patient will be used for patient examination, prophylaxis and x-rays.

(vi) Placement of an amalgam alloy. The applicant will be furnished with a tooth with a cavity previously prepared for the amalgam placement. The applicant must demonstrate proper use of the matrix and the insertion and condensation of the filling material and it must restore contact. The matrix will be removed and the restoration carved. The applicant must supply all instruments and materials necessary. A suggested list follows:

- Typodont
- Matrix bands
- Matrix retainer
- Wedges
- Pluggers
- Amalgam carrier
- Amalgam carver
- Amalgam

(vii) Applicant ((with)) may be required to demonstrate the administration of a local ((anesthesia)) anesthetic. Applicant will furnish anesthesia material using anesthetic solution with no vaso-constrictor unless otherwise authorized by the board.

(viii) Applicant may be required to identify or explain oral conditions represented by visual aids or set forth in drawings or photographs.

(ix) Applicant may be required to answer, in writing, practical questions concerning the performance of expanded duties of dental hygienists.

- (b) Theory:
 - Physiology
 - Material medica & therapeutics
 - Anatomy
 - Histology
 - Bacteriology
 - X-ray
 - Metallurgy
 - Chemistry
 - Nursing and hygiene
 - Anesthesia

(4) Upon completion of the examination, applicant will:

(a) Return numbered badge and work sheet.

(b) Leave case history, periodontal charting forms and x-rays with the board. X-rays must remain in the possession of the board and finally will be filed for one year in the division of professional licensing with other material pertaining to the examination.

(c) Candidate will be required to furnish documentary evidence of malpractice liability insurance.

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 80-03-064

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 80-12—Filed February 27, 1980—Eff. April 1, 1980]

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.

This action is taken pursuant to Notice Nos. WSR 79-12-113 and 80-02-045 filed with the code reviser on 12/5/79 and 1/14/80. Such rules shall take effect at a later date, such date being April 1, 1980.

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 January 24, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-55-070 SALMON ANGLING LICENSE. An anadromous salmon angling license, hereinafter designated "salmon angling license", shall consist of the appropriate salmon angling license validation stamp affixed to a sport salmon catch record card as defined in WAC 220-69-237.

NEW SECTION

WAC 220-55-075 SALMON ANGLING LICENSE VALIDATION STAMP. A salmon angling license validation stamp shall be a stamp printed by the department of fisheries to be affixed to a sport salmon catch record card for validation purposes.

NEW SECTION

WAC 220-55-080 VALIDATION DATE. (1) On the one day license shall be the day the angler uses that license.

(2) On the three day license shall be the first of three consecutive days the angler uses that license.

NEW SECTION

WAC 220-55-085 FRESH AND SALTWATER ANGLING. For the purpose of distinguishing between fresh and saltwater salmon license requirements, all waters of the rivers and streams flowing directly into saltwater below and seaward of the river mouths as defined in WAC 220-56-105 shall be defined as saltwater; and the waters above described river mouths shall be defined as freshwater, provided the boundary on the Columbia river shall be the Megler-Astoria bridge.

NEW SECTION

WAC 220-55-090 SALMON ANGLING LICENSE DEALER. A salmon angling license dealer is defined as any person, business, corporation, or governmental agency deputized by the director to issue anadromous salmon angling licenses.

NEW SECTION

WAC 220-55-095 SALMON ANGLING LICENSE DISTRIBUTION AGENT. A salmon angling license distribution agent shall be defined as any person, business, corporation, or governmental agency authorized by the director to distribute the salmon angling license validation stamps.

NEW SECTION

WAC 220-55-100 BLIND PERSON. For the purpose of a free salmon angling license, a blind person shall be defined as a person who has no vision or whose vision, with corrective glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

NEW SECTION

WAC 220-55-105 LICENSE ISSUING PROCEDURES. Salmon angling license validation stamps will be distributed and sold by the department to deputized distribution agents and to salmon angling license dealers. The stamps will be sold or issued in sheets of twenty-five stamps.

NEW SECTION

WAC 220-55-110 SALMON STAMP BOND REQUIREMENTS. Persons requesting deputization as a bonded dealer must post a minimum two thousand dollar surety bond. The total face value of stamps issued to bonded dealers at any one time shall not exceed that dealer's bond. Dealers who pre-pay stamps are not required to be bonded.

NEW SECTION

WAC 220-55-115 STAMP SALES REPORTING AND FEE REMITTANCES. Bonded dealers shall report stamp sales on forms provided by the department and remit receipts from those sales to the department no later than the tenth day of each month following the close of business for the previous calendar month.

NEW SECTION

WAC 220-55-120 FREE LICENSE ISSUING PROCEDURE. A free salmon angling license shall be issued by the license supervisor of the Department of Fisheries, Olympia, Washington, to any qualified applicant, upon receipt of the applicant's affidavit as provided for in RCW 75.28.630. A lost or illegible free license will be replaced by the license supervisor upon request and showing of proof.

NEW SECTION

WAC 220-55-125 DUTIES OF A SALMON ANGLING LICENSE DEALER. A salmon angling license dealer shall, at the time of sale of a one day and three day salmon angling license validation stamp, write the validate date in ink on the face of the one and three day stamp, and it shall be unlawful for him to fail to do so.

NEW SECTION

WAC 220-55-130 VALID LICENSE REQUIRED. It shall be unlawful for any person required to have a license by RCW 75.28.600, to take fish for or possess salmon without having in his possession a valid salmon angling license. A license shall be invalid:

- (1) Unless the angler has signed his name in ink across the face of the stamp;
- (2) Unless the validation date is legibly written in ink on the face of the stamp;
- (3) If the signature or the date on the stamp is illegible or altered, or if the stamp has been mutilated.

NOTE: A lost or mutilated license or stamp will not be replaced by the department.

NEW SECTION

WAC 220-55-135 STAMP REDEMPTION. Non-validated stamps may be redeemed at face value by license dealers from salmon angling distribution agents or the department of fisheries not later than January 31 following the year of issue.

NEW SECTION

WAC 220-56-100 DEFINITIONS—PERSONAL-USE. (1) "Personal-use possession" and "daily bag limits" are defined as the numbers or pounds of food fish or shellfish which may be taken in a single day or held in possession at one time, unless otherwise provided.

(2) A "single hook" is defined as a hook having a single point or barb; a "double hook" as a hook having two points or barbs on a common shank; and a "treble hook" as a hook having three points or barbs on a common shank.

(3) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.

(4) The term "processed fish" is defined as salmon or other food fish which has been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(5) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(6) "Hook and line" or "angling" shall be identical in meaning and, except for provision noted below, shall be defined as the use of not more than one line with one lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one lure.

NOTE: In freshwater, or from shore, piers and jetties in saltwater, angling shall also be defined as the use of not more than one lure with not more than two natural baits, with one single hook per natural bait.

(7) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(8) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) The term "natural bait" is defined as a lure consisting of an animal or part of an animal with one single hook.

NEW SECTION

WAC 220-56-105 RIVER MOUTH DEFINITIONS. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those water of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

- Abernathy Creek – Highway 4 Bridge.
- Bear River – Highway 101 Bridge.
- Bone River – Highway 101 Bridge.
- Chehalis River – U.P. Railway Bridge in Aberdeen.
- Chinook River – The tide gates at the Highway 101 Bridge.
- Cowlitz River – A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
- Duwamish River – First Avenue South Bridge.
- Elk River – Highway 105 Bridge.
- Entiat River – Highway 97 Bridge.

Germany Creek – Highway 4 Bridge.

Hoquiam River – Highway 101 Bridge.

Humtulpis River – Highway 109 Bridge.

Johns River – Highway 105 Bridge.

Lake Washington Ship Canal – Line 400 feet below the fish ladder at the Chittenden Locks.

Lewis River – A straight line running from Austin Point through the Warrior Rock Range Front south across the Lewis River to the opposite shore.

Methow River – Highway 97 Bridge.

Mill Creek – Highway 4 Bridge.

Naselle River – Highway 101 Bridge.

North Nemah River – Line from markers approximately one-half mile below the Highway 101 Bridge.

Niawiakum River – Highway 101 Bridge.

North River – Highway 105 Bridge.

Palix River – Highway 101 Bridge.

Puyallup River – 11th Street Bridge.

Samish River – The Samish Island Bridge (Bayview-Edison Road).

Sammamish River – Kenmore Highway Bridge.

Skagit River (North Fork) – A line projected from the white monument on the easterly end of Ika Island to the terminus of the jetty with McGlinn Island.

Skagit River (South Fork) – A line projected from the flashing red four-second navigational light true north to its intersection with the old jetty shown on U.S.C.G.S. chart No. 6450.

Skamokawa Creek – Highway 4 Bridge.

Snohomish River – Greater Northern Railway Bridges crossing main river and sloughs.

South Nemah River – Lynn Point 117 degrees true to the opposite shore.

Tucannon River – State Highway 261 Bridge.

Washougal River – A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.

Wenatchee River – Lowermost Burlington Northern Railroad Bridge immediately downstream from Highway 97.

White Salmon River – Highway 14 Bridge.

Little White Salmon River – At boundary markers on river bank downstream from the federal salmon hatchery.

Willapa River – Highway 101 Bridge.

Yakima River – Highway 240 Bridge.

NEW SECTION

WAC 220-56-110 POSSESSION OF PERSONAL-USE FOOD FISH AND SHELLFISH. (1) The personal-use possession limit of food fish shall include all fresh, frozen, canned and other processed fish in the immediate possession of an individual, together with fish held for him by a custom canner or processor, and fish consigned by him for processing, preserving, storing, or transporting to a place other than where such food fish were taken.

(2) The possession limit for processed food fish shall not exceed the equivalent catch or possession limits of fresh fish.

(3) It shall be unlawful for any custom canner, or any person operating as a canner or processor of personal-use catches of food fish to accept, process or hold in the name of an individual more than his lawful possession limit.

(4) Custom cannery or processors of personal-use food fish or shellfish, resort operators and others who hold fish on their premises for sport fishermen, shall maintain accurate written accounts of such fish. These records shall be made available for inspection by the department of fisheries, and shall contain the name, signature and permanent address of the taker, the date and area of catch; the number, weight, species and date submitted for processing or holding and the final quantities processed by numbers of units.

(5) It shall be unlawful for any commercial fish dealer, cold storage plant operator, restaurant or hotel to store or have in possession any food fish or shellfish taken by any person for personal use, unless it is identified by tags attached bearing the names and addresses of the persons taking such food fish or shellfish.

(6) It shall be unlawful for any person taking food fish or shellfish for personal use to intermingle his catch or part of his catch with that of any duly licensed person taking food fish or shellfish for commercial purposes.

(7) Any species or quantity of food fish or shellfish taken for commercial purposes, when possessed by any person taking food fish or shellfish for personal use, or otherwise engaging in a personal-use fishery, shall be considered a part of the personal-use possession limit of the latter.

NEW SECTION

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS. (1) It shall be unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use: PROVIDED, That it shall be lawful to use two natural baits per line when angling for food fish in saltwater from shore, jetties, or docks and except as provided in subsection (2) of this section and WAC 220-56-205.

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with one line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case; except it shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a hand-held pole) in those waters west of the mouth of the Sekiu River, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay: PROVIDED, That while angling for food fish in the Strait of Juan de Fuca east of the mouth of the Sekiu River, Georgia Strait, the San Juan Islands and Puget Sound it shall be lawful to use:

(a) Two lines with one lure per line.

(b) One line with two lures per line.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

NEW SECTION

WAC 220-56-120 **CLOSED AREAS—ANGLING.** (1) Budd Inlet at Olympia: Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed to food fish angling at all times.

(2) It shall be unlawful to take, fish for or possess food fish taken by any means in Percival Cove.

NEW SECTION

WAC 220-56-125 **UNLAWFUL PROVISIONS—SHILSHOLE BAY.** (1) It shall be unlawful to use artificial lures to take, fish for or possess food fish in that portion of Shilshole Bay upstream from the Burlington Northern Railroad Bridge to the Chittenden Locks.

(2) It shall be unlawful to take, or fish for food fish, for personal use, from a boat in that portion of Shilshole Bay upstream of the Burlington Northern Railroad Bridge, to the Chittenden Locks.

NEW SECTION

WAC 220-56-128 **PERSONAL-USE FISHERY—AREAS AND SEASONS.** (1) It shall be unlawful to take, fish for or possess salmon, bottomfish and other food fish taken for personal use in those waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) It shall be lawful to take, fish for or possess salmon, bottomfish, or other food fish in waters outside of or downstream from the following described lines and as provided in WAC 220-56-105:

(a) Hood Canal: A radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery.

(b) Sinclair Inlet: A line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton.

(c) Budd Inlet: The Fourth Avenue Bridge at Olympia.

(d) Shilshole Bay: For salmon, the line shall be the Burlington Northern Railroad Bridge. For bottomfish or other food fish, the line shall be 400 feet below the fish ladder at the Chittenden Locks from October 1 through May 31; and below the Burlington Northern Railroad Bridge all year.

(e) Chinook River: The tide gate at the Highway 101 Bridge.

NEW SECTION

WAC 220-56-130 **EDMONDS UNDERWATER MARINE PARK.** (1) It shall be unlawful to take, fish for or possess food fish and shellfish by any means from within the boundaries of the city of Edmonds underwater marine park located inside the following lines:

That portion of Edmonds Tidelands fronting on Government Lot 2, Section 23, Township 27 North, Range 3 East, W.M., described as extending between the mean high tide and the Outer Harbor Line, and lying between the northeasterly line of Main Street and its westerly projection and a line parallel with and 250 feet northerly

of (measured at right angles) the northeasterly line of Main Street.

(2) It shall be unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds Public Fishing Pier as described in this subsection, except while fishing from the Edmonds Public Fishing Pier.

Underwater artificial reef area: Those waters lying northerly and easterly of the north breakwater of the Port of Edmonds Marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy thence northeasterly 1350 feet to a marker buoy thence southeasterly to the northeastern end of the city of Edmonds public beach.

NEW SECTION

WAC 220-56-135 **EDMONDS FISHING PIER.**

(1) It shall be unlawful to take, fish for or possess for personal use, those species of food fish or shellfish designated in this section from the Edmonds Public Fishing Pier contrary to the following 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) It shall be unlawful to operate more than one hand dip net, one ring net or one shellfish pot per angler on or from the Edmonds Public Fishing Pier.

(3) All other provisions of chapter 220-56 WAC shall apply.

NEW SECTION

WAC 220-56-140 **WASTAGE OF FOOD FISH OR SHELLFISH.** It shall be unlawful to take, fish for or possess food fish or shellfish taken for personal use with the intent of wasting or destroying such food fish or shellfish.

NEW SECTION

WAC 220-56-145 **POSSESSION OF FOOD FISH OR SHELLFISH IN UNLAWFUL CONDITION.** It shall be unlawful to possess in the field for any purpose any salmon, other food fish or shellfish in such a condition that its size, weight, or sex cannot be determined, if a size, weight, or sex restriction is prescribed for said species.

NEW SECTION

WAC 220-56-150 UNLAWFUL TO TAKE ANOTHER'S LIMIT. It shall be unlawful for any person to catch, dig or possess the daily personal-use catch or bag limit of another person except razor clams as provided in WAC 220-56-370.

NEW SECTION

WAC 220-56-155 TOTAL POSSESSION LIMIT. The lawful total cumulative number of salmon or amounts of other food fish and shellfish possessed when taken from more than one area shall not exceed the daily catch or possession limit for a single area.

NEW SECTION

WAC 220-56-160 SPEARFISHING. It shall be lawful to take, fish for and possess food fish except salmon or crabs, taken for personal use in saltwater with underwater spearfishing gear commonly used in the sport of "skin diving" unless otherwise provided.

NEW SECTION

WAC 220-56-165 BOW AND ARROW FISHING. It shall be lawful to take, fish for and possess fish, except salmon, shad, sturgeon, and shellfish, for personal use in marine waters by bow and arrow fishing, unless otherwise restricted.

NEW SECTION

WAC 220-56-175 SALMON CATCH RECORD CARDS. It shall be unlawful for any person to take and possess salmon for personal use without first having obtained and in his possession a sport salmon catch record card as described in WAC 220-69-237.

Any salmon angler, when obtaining a sport salmon catch record card shall completely, accurately, and legibly complete all information in ink on the sport salmon catch record stub prior to detaching the sport salmon catch record punch card from the stub, and enter his name and address in ink on the sport salmon catch record card.

(1) Immediately upon catching and possessing a salmon, the person catching the salmon shall remove from the punch card one punch for each such salmon and shall enter in ink in the corresponding space the place, date of catch, and species if taken in fresh water, and it shall be unlawful to fail to do so.

(2) Every person possessing a sport salmon catch record punch card shall by January 31 of the year following the date of issuance return such card to the department of fisheries.

(3) Any person possessing a sport salmon catch record punch card shall upon demand of any law enforcement officer or authorized fisheries department employee exhibit said card to such officer or employee for inspection.

(4) A sport salmon catch record punch card shall not be transferred, borrowed, altered, or loaned to another person.

NEW SECTION

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(2) Code B: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of which may exceed 20 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(3) Code C: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches or more than 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(4) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches or more than 20 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(5) Code F: In waters having this code designation, the bag limit in any one day is three salmon, not more than two of which shall be chinook or coho in the aggregate. Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches in length and no minimum size on other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(6) Code H: In waters having this code designation, the bag limit in any one day is three salmon. Chinook salmon must be not less than 20 inches in length but there is no minimum size limit for other salmon. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

(7) Code I: In waters having this code designation, the bag limit in any one day is eight salmon, not less than 6 inches in length or an aggregate daily catch of eight salmon and other fish not exceeding 6 pounds and one fish. The possession limit shall be the same as the daily catch limit. Salmon angling catch record card is not required.

NEW SECTION

WAC 220-56-185 MARINE AREA CODES. The term "Marine Area Code Numbers" is defined as the catch area for the Salmon Catch Record Card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point.

(2) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island-Point Colville-Langley Point and west of the 77 line fronting Deception Pass.

(7) Area 7 (San Juan Islands): All marine waters north of the Trial Island Line described under Area 6 to the United States-Canadian boundary.

(8) Area 8 (Deception Pass, Hope and Camano Islands): The 77 Line east through Deception Pass, including all waters east of Whidbey Island to Mukilteo-Columbia Beach Line.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and the Mukilteo-Columbia Beach Line to the site of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to the north tip of Vashon Island (east-west).

(11) Area 11 (Tacoma-Vashon Island): From the north tip of Vashon Island to the Tacoma Narrows Bridge.

(12) (Hood Canal): All waters south of the site of the Hood Canal Bridge.

(13) Area 13 (South Puget Sound): All waters south of the Tacoma Narrows Bridge.

NEW SECTION

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS—SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound (including Hood Canal), Gulf of Georgia, San Juan Islands and Straight of Juan de Fuca east of the mouth of the Sekiu River - bag limit H - open entire year except for special provisions in WAC 220-56-195.

(2) Strait of Juan de Fuca from the Sekiu River to a line from Tatoosh Island Light to Bonilla Point - bag limit F - open entire year.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 - bag limit F - open on the Saturday nearest to May 1 through October 31.

(4) Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty) - bag limit F - open entire year.

(5) Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) - bag limit F - open entire year.

NEW SECTION

WAC 220-56-195 CLOSED AREAS—SALT-WATER SALMON ANGLING. It shall be unlawful to take, fish for or possess salmon from those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, and northerly of the State Highway 532 Bridge between Camano Island and the mainland from April 16 through June 15.

NEW SECTION

WAC 220-56-200 SALMON ANGLING UNLAWFUL FROM COMMERCIAL VESSELS. It shall be unlawful to take, fish for or possess salmon for personal use by angling from any vessel engaged in any type of commercial fishing or having commercially caught food fish aboard.

NEW SECTION

WAC 220-56-205 HOOK REGULATIONS—FRESHWATER SALMON ANGLING. (1) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater and must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank.

(2) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(3) No leads, weights or sinkers may be attached below the lure or less than 12 inches above the lure.

(4) It shall be unlawful to take, fish for or possess salmon in the areas listed below with nonbuoyant lures unless they meet the requirements for nonbuoyant lures as defined in subsection (1).

Columbia River - From marker one mile upstream from mouth of Spring Creek at Ringold Pond downstream to the Richland-Pasco Highway 410 Bridge; and, during the period September 1 through October 15, those north bank Columbia River waters below Spring Creek National Fish Hatchery, from boundary marker at Broughton Mill east to the Federal boundary marker located downriver from the Spring Creek fishway.

Capitol Lake
Carbon River
Coweeman River
Cowlitz River upstream from the mouth of the Toutle River
Dungeness River
Elokom River
Grays River
Green River (King County—August 1 through November 30)
Humptulips River (September 15 through December 31)

Icicle River (Saturday preceding Memorial Day through June 30)

Kalama River upstream from Interstate 5 Bridge

Klickitat River

Lewis River (North Fork)

Lewis River (East Fork) upstream from Interstate 5 Bridge

Naselle River

North Nemah River

Salmon Creek (Clark County)

Samish River

Sammamish River (Slough)

Satsop River upstream from the mouth of Cook Creek

Stillaguamish River

Toutle River

Toutle River (North Fork)

Washougal River

White Salmon River (September 1 through October 15)

Willapa River

Wind River

(5) Effective April 1, 1981, it shall be unlawful to take, fish for or possess salmon in any freshwater areas of the state with nonbuoyant lures unless they meet the requirements for nonbuoyant lures as defined in subsection (1) of this section.

NEW SECTION

WAC 220-56-210 FLY FISHING—SALMON. It is unlawful for any person to fish for or take salmon in or from waters restricted to fly fishing only by use of any metal, plastic, or wooden lure, plug, spinner, or spinner fly, or to use tackle where a weight of any kind is attached externally to either the line or the leader. Fixed spool reels and/or monofilament lines may not be used in fishing those waters restricted to fly fishing only. Under this regulation, monofilament line may be used for backing and leader, provided this backing is attached to not less than twenty-five feet of conventional fly line at the terminal end and the leader is not less than four feet nor more than fifteen feet in length, nor more than twelve pounds in breaking strength. Any type of angling whereby the fly is cast directly from the reel shall be prohibited.

Lawful fly sizes shall not exceed 1/2 inch when measured from the outside of the shank of the hook directly across the gap of the hook to the point.

Thread, feathers, hackle, and yarn are to be used as decorations on the hook, and a minimum of half the shank of the hook is to be covered by this decoration. Metallic colored tape, tinsel, mylar or beadeyes may be used as an integral design of the fly pattern, but not as an additional weight to the fly itself.

NEW SECTION

WAC 220-56-215 UNLAWFUL POSSESSION OF SNAGGED SALMON. It shall be unlawful to possess salmon taken for personal use from freshwater areas that were not hooked inside the mouth or on the head.

NEW SECTION

WAC 220-56-220 SALMON EGGS—UNLAWFUL ACTS. It shall be unlawful to remove eggs from any salmon for the purpose of using or preserving them for bait without retaining the carcass of the fish from which they were removed.

NEW SECTION

WAC 220-56-225 SALMON ANGLING HOURS—FRESHWATER. It shall be unlawful to take, fish for or possess salmon for personal use in all freshwater areas with the exception of the Columbia River, Chehalis River, Snake River, Willapa River and the Duwamish River downstream of the First Avenue South Bridge from one hour after official sunset to one hour before official sunrise.

NEW SECTION

WAC 220-56-235 POSSESSION LIMITS—BOTTOMFISH. It shall be lawful, unless otherwise provided, for any one person to take in any one day in the state of Washington the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish.

(1) Lingcod:

(a) Coastal (punch card areas 1-3 and area 4 west of a line projected from Tatoosh Island Light to Bonilla Point) - 3 fish;

(b) All other open areas - 2 fish.

(2) All species of greenling and rockfish, Pacific cod, and walleye pollock: 15 fish in the aggregate of all species but not to exceed 10 rockfish in salmon punch card areas 5 through 13.

(3) All other bottomfish: No limit.

NEW SECTION

WAC 220-56-240 POSSESSION LIMITS—OTHER FOOD FISH. It shall be lawful, unless otherwise provided, for any one person to take in any one day or possess at any one time in the state of Washington the following quantities and sizes of food fish for personal use:

(1) Sturgeon: 3 fish not less than 36 inches nor more than 72 inches in length.

(2) Smelt: 20 pounds.

(3) Herring: 20 pounds.

(4) All other food fish: No limit.

NEW SECTION

WAC 220-56-245 BAG AND POSSESSION LIMITS—HALIBUT. It shall be unlawful, unless otherwise provided, to take, fish for or possess more than two Pacific halibut in any one day. The possession limit shall not exceed one daily bag limit of fresh halibut.

NEW SECTION

WAC 220-56-250 LINGCOD—AREAS AND SEASONS. It shall be unlawful to take, fish for or possess lingcod for personal use during the areas and seasons herein provided:

(1) Coastal area (salmon punch card areas 1 through 3 and that portion of area 4 west of a line projected from Tatoosh Island Light to Bonilla Point) – open the entire year.

(2) Salmon punch card areas 5, 6, 7, 8, that portion of area 9 north of a line between Liplip Point and Bush Point, and that portion of area 4 east of a line projected from Tatoosh Island Light to Bonilla Point – April 15 through November 30.

(3) All other areas closed the entire year.

NEW SECTION

WAC 220-56-255 HALIBUT—SEASON. It shall be unlawful to take, fish for or possess halibut for personal use by angling except from March 1 through October 31.

NEW SECTION

WAC 220-56-260 BOTTOMFISH—LAWFUL GEAR. It shall be lawful to take, fish for and possess bottomfish taken for personal use with jigger gear having not more than three hooks.

NEW SECTION

WAC 220-56-265 BAITFISH—LAWFUL GEAR. It shall be lawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use with rake, hand dip net gear not exceeding 36 inches across the bag frame and jigger gear having not more than three treble or nine single hooks. Baitfish jigger gear as defined herein is considered as one lure.

NEW SECTION

WAC 220-56-270 SMELT—AREAS AND SEASONS. Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers. Puget Sound and the Strait of Juan de Fuca are open the entire year except they are closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except jigger gear.

NEW SECTION

WAC 220-56-275 SMELT—UNLAWFUL ACTS. It shall be unlawful for any person taking smelt for personal use to fail to retain the first 20 pounds of smelt caught.

NEW SECTION

WAC 220-56-280 CARP—LAWFUL GEAR. It shall be lawful to take, fish for and possess in any quantity carp taken for personal use by angling or spearing or with bow and arrow.

NEW SECTION

WAC 220-56-285 SHAD AND STURGEON—AREAS AND SEASONS. It shall be lawful the entire year to take, fish for and possess sturgeon and shad for personal use by angling in those waters lying within one mile below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC.

NEW SECTION

WAC 220-56-290 STURGEON ANGLING HOURS. It shall be unlawful to take, fish for or possess sturgeon for personal use in all freshwater areas from one hour after official sunset to one hour before official sunrise.

NEW SECTION

WAC 220-56-295 STURGEON—UNLAWFUL ACTS. It shall be unlawful to possess in the field or transport for personal use any sturgeon from which either the head or tail or both have been removed.

NEW SECTION

WAC 220-56-300 STURGEON—AREA—BONNEVILLE DAM. It shall be lawful to take, fish for and possess sturgeon by angling from within 600 feet of the spillway at Bonneville Dam of the Washington shore: PROVIDED, That it shall be unlawful to use powered drone boats within the area lying upstream from the downstream powerline crossing between the Washington shore and Bradford Island, thence on a direct line through the most westerly steel mooring dolphin in the navigation channel to the Oregon shore.

NEW SECTION

WAC 220-56-305 STURGEON—SNAKE RIVER. It shall be lawful to take, fish for and possess sturgeon as provided in WAC 220-56-285: PROVIDED, That in Washington waters of the Snake River upstream from the powerline crossing below the U.S. 12 Bridge at Clarkston, it shall be unlawful for anglers to retain any sturgeon and those hooked must be immediately released and returned to the water.

NEW SECTION

WAC 220-56-310 SHELLFISH—POSSESSION LIMITS. It shall be lawful unless otherwise provided for any one person to take in any one day or possess for personal use at any one time the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams:

(a) All areas except Willapa Bay, seven pounds in the aggregate not to exceed a count of forty clams.

(b) Willapa Bay – clams and borers five pounds in the aggregate.

(c) Willapa Bay – twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

- (5) Oysters: 18 oysters.
- (6) Rock scallops: 12 scallops.
- (7) Sea scallops: 12 scallops (over 4 inches).
- (8) Common or pink scallops: 20 pounds or 10 quarts in the shell.
- (9) Shrimp: 10 pounds or 10 quarts in the shell.
- (10) Octopus: 2 octopus.
- (11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.
- (12) Crawfish: 10 pounds in the shell.
- (13) Squid: 10 pounds or 5 quarts.
- (14) Sea cucumbers: 25 sea cucumbers.
- (15) Red sea urchins: 18 sea urchins.
- (16) Purple sea urchins: 18 sea urchins.
- (17) Green sea urchins: 36 sea urchins.
- (18) Dungeness crabs: 6 male crabs.
- (19) Red crabs: 18 crabs.
- (20) Blue mussels and sea mussels: 10 pounds in the shell.

NEW SECTION

WAC 220-56-315 CRABS, SHRIMP, CRAWFISH—GEAR. It shall be lawful to take, fish for and possess crabs, shrimp, and crawfish taken for personal use by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell: PROVIDED, That it shall be unlawful to use more than two ring nets, two shellfish pots or one ring net and one shellfish pot at any one time.

NEW SECTION

WAC 220-56-320 SHELLFISH GEAR—UNLAWFUL ACTS. (1) It shall be unlawful for the owner or operator of any personal-use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the name and address of the operator.

(2) It shall be unlawful for any person using shellfish traps for personal-use shellfishing to allow said traps to become uncovered by water.

(3) It shall be unlawful to take, fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

(4) It shall be unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The top, bottom, and at least one-half of the area of the sides of the shellfish pots shall have the minimum mesh size defined below.

(b) The minimum mesh size for shrimp pots is defined as a square or rectangular mesh such that the inside

distance between any knot or corner and each adjacent knot or corner shall be no less than 7/8-inch: PROVIDED, That the shortest inside diagonal of each mesh shall be no less than 1-1/8 inches.

NEW SECTION

WAC 220-56-325 SHRIMP—AREAS AND SEASONS. It shall be unlawful to take, fish for or possess shrimp taken for personal use except from May 15 through September 15: PROVIDED, That all waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge and Carr Inlet inside and northerly of a line projected from Penrose Point to Green Point shall remain closed except as specifically provided for by emergency regulation.

NEW SECTION

WAC 220-56-330 CRAB—AREAS AND SEASONS. It shall be lawful to take, fish for and possess male crabs taken for personal use in any area the entire year: PROVIDED, That it shall be unlawful to take, fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear for crab in Puget Sound from April 15 through May 25.

NEW SECTION

WAC 220-56-335 CRAB—UNLAWFUL ACTS. (1) It shall be unlawful for any person to take, fish for or possess for personal use any female Dungeness crabs, and it shall be unlawful to take, fish for or possess any male Dungeness crabs which measure less than 6 inches horizontally across the back (caliper measurement) immediately in front of the points.

(2) It shall be unlawful to possess in the field any crab or parts thereof without retaining the back shell.

NEW SECTION

WAC 220-56-340 GENERAL PROVISIONS—CLAMS, COCKLES, MUSSELS—GEAR. It shall be lawful to take, dig for and possess clams, cockles, and mussels taken for personal use by hand or with hand-operated forks, picks, mattocks and shovels, and with cylindrical cans or tubes: PROVIDED, That when used for digging razor clams, the opening of these cans or tubes be either circular or elliptical; with the circular can/tube having a minimum outside diameter of 4 inches and the elliptical can/tube having a minimum dimension of 4 inches long and 3 inches wide outside diameter.

NEW SECTION

WAC 220-56-345 CLAMS, OYSTERS—CULLING PROHIBITED. It shall be unlawful for any person to destroy oysters or hardshell clams taken from their natural beds by sorting and culling them on land or shore and leaving the culled oysters or hardshell clams there to die; but in all cases the culled oysters or hardshell clams must be returned to their beds.

NEW SECTION

WAC 220-56-350 **HARDSHELLS, COCKLES, MUSSELS—AREAS AND SEASONS.** (1) It shall be lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year: **PROVIDED**, That it shall be unlawful to take, dig for or possess such shellfish taken for personal use:

(a) West of the tip of Dungeness Spit from April 1 through October 31.

(b) Garrison Bay: All state- and federally-owned tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed to clam digging the entire year. Those tidelands north of the above-described boundary marker are open to harvest the entire year.

(c) All state-owned tidelands at Camano Island State Park from the most northerly launch ramp southeast to the most southeasterly boundary shall be closed to the personal-use harvest of all clams from January 1, 1980 through December 31, 1981.

(d) From that portion of the Sequim Bay State Park public beach from the launch ramp northwest to the park boundary through December 31, 1980.

(e) Saltwater State Park—All state-owned tidelands at Saltwater State Park shall be closed to the personal-use harvest of all species of clams from June 16 through December 31.

(f) Twanoh State Park—All state-owned tidelands at Twanoh State Park shall be closed to the personal-use harvest of all species of clams from June 16 through December 31.

(g) Shine Tidelands—A 1.5-acre plot (160'x400') located 1/4 mile north of the west approach to the former Hood Canal Floating Bridge shall be closed to clam digging the entire year.

(h) Fry Cove, Thurston County Parks—A 1-acre gravel plot (290'x140') located 1/4 mile north of Fry Cove on Eld Inlet shall be closed to clam digging the entire year.

(2) It shall be lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year; and from the Pacific Ocean beaches from November 1 through March 31.

NEW SECTION

WAC 220-56-355 **CLAMS—UNLAWFUL ACTS.** (1) It shall be unlawful for any person digging hardshell clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene. Broken clams must be retained as part of the bag limit.

(2) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

NEW SECTION

WAC 220-56-360 **RAZOR CLAMS—AREAS AND SEASONS.** It shall be unlawful to take, dig for or possess razor clams taken for personal use from Pacific Ocean beaches in Razor Clam Areas 1, 2, and 3: **PROVIDED**, That:

(1) From January 1 through March 15, it is lawful to dig 24 hours per day.

(2) From March 16 through June 30, it is unlawful to dig except from 12 midnight to 12 noon daily.

(3) It is unlawful to dig during the months of July, August, and September.

(4) From October 1 through December 31, it is lawful to dig 24 hours per day.

NEW SECTION

WAC 220-56-365 **RAZOR CLAMS—UNLAWFUL ACTS.** It shall be unlawful to return any razor clams to the ocean beaches in a mutilated condition, and all razor clams taken for personal use shall be retained by the digger as a part of his possession limit.

NEW SECTION

WAC 220-56-370 **RAZOR CLAMS—DISABILITY PERMITS.** It shall be lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit signed by the director and is physically present with the digger on the site where such digging occurs and both the disabled person and the digger are licensed to dig razor clams for personal use under chapter 75.25 RCW. Such permit may be obtained by providing to the director written certification from a licensed physician that said person is physically unable to dig razor clams.

NEW SECTION

WAC 220-56-375 **OYSTERS AND SCALLOPS—GEAR.** It shall be lawful to take, fish for and possess oysters and scallops taken for personal use by hand or with any hand-operated instrument.

NEW SECTION

WAC 220-56-380 **OYSTERS—AREAS AND SEASONS.** It shall be unlawful to take, fish for or possess oysters taken for personal use from the waters of the state from July 15 through September 15: **PROVIDED**, That:

(1) It shall be unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) All state-owned tidelands at the Hoodsport Salmon Hatchery are closed to personal-use harvest of oysters through December 31, 1980. All federally-owned tidelands at Seal Rock Forest Service campground are closed to personal-use harvest of oysters through March 31, 1981. All state-owned tidelands at Twanoh State Park shall be closed to personal-use harvest of oysters from June 16 through December 31.

(3) It shall be unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

(4) It shall be lawful for private beach owners to harvest oysters for their own personal use from their own tidelands.

NEW SECTION

WAC 220-56-385 OYSTERS—UNLAWFUL ACTS. Oysters taken for personal use from the waters or beaches of the state of Washington must be shucked before removing oysters from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which originally taken and it shall be unlawful for any person to fail to do so.

NEW SECTION

WAC 220-56-390 SQUID, OCTOPUS. It shall be lawful to take, fish for and possess squid taken for personal use by hand or with hand dip net gear, and octopus may be taken by hand or any instrument which will not penetrate or mutilate the body.

NEW SECTION

WAC 220-56-400 ABALONE. It shall be unlawful to possess in the field any abalone taken for personal use which has the shell removed.

NEW SECTION

WAC 220-56-405 SEA URCHINS. It shall be lawful to take, fish for and possess sea urchins for personal use with any hand-operated instrument which does not penetrate the shell.

NEW SECTION

WAC 220-56-410 SEA CUCUMBERS. It shall be lawful to take, fish for and possess sea cucumbers for personal use with any hand-operated instrument which does not penetrate the animal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 220-56-010 DEFINITIONS.
- (2) WAC 220-56-013 DEFINITIONS—BAG LIMIT CODE DEFINITIONS.
- (3) WAC 220-56-019 DEFINITIONS—RIVER MOUTH DEFINITIONS.
- (4) WAC 220-56-020 DEFINITIONS—LAWFUL AND UNLAWFUL PROVISIONS.
- (5) WAC 220-56-021 DEFINITIONS—HOOK REGULATIONS—FRESH WATER ANGLING.
- (6) WAC 220-56-022 DEFINITIONS—SPECIAL FISHERY—ELDERLY AND HANDICAPPED PERSONS.
- (7) WAC 220-56-023 SALMON CATCH RECORD CARDS.

(8) WAC 220-56-030 DEFINITIONS—POSSESSION LIMITS—FOOD FISH OTHER THAN SALMON.

(9) WAC 220-56-040 DEFINITIONS—SHELLFISH—POSSESSION LIMITS.

(10) WAC 220-56-050 GENERAL PROVISIONS.

(11) WAC 220-56-060 GENERAL PROVISIONS—PERSONAL USE FISHERY—AREAS AND SEASONS—SALMON.

(12) WAC 220-56-063 GENERAL PROVISIONS—SALTWATER SEASONS AND BAG LIMITS.

(13) WAC 220-56-064 SPECIAL PROVISIONS—SALTWATER SEASONS AND BAG LIMITS.

(14) WAC 220-56-065 PERSONAL-USE FISHERY—AREAS AND SEASONS—OTHER FOOD FISH AND SHELLFISH.

(15) WAC 220-56-070 GENERAL PROVISIONS—SMELT—AREAS AND SEASONS.

(16) WAC 220-56-071 GENERAL PROVISIONS—HALIBUT—SEASON.

(17) WAC 220-56-072 GENERAL PROVISIONS—SHAD AND STURGEON AREAS AND SEASONS.

(18) WAC 220-56-073 GENERAL PROVISIONS—STURGEON—SNAKE RIVER.

(19) WAC 220-56-074 GENERAL PROVISIONS—STURGEON—AREA—BONNEVILLE DAM.

(20) WAC 220-56-080 GENERAL PROVISIONS—CLAMS—AREAS AND SEASONS.

(21) WAC 220-56-082 GENERAL PROVISIONS—CRAB—AREAS AND SEASONS.

(22) WAC 220-56-084 GENERAL PROVISIONS—SHRIMP—AREAS AND SEASONS.

(23) WAC 220-56-086 GENERAL PROVISIONS—OYSTERS—AREAS AND SEASONS.

(24) WAC 220-56-088 GENERAL PROVISIONS—SHELLFISH GEAR—UNLAWFUL.

(25) WAC 220-56-090 GENERAL PROVISIONS—SEA CUCUMBERS.

(26) WAC 220-56-092 GENERAL PROVISIONS—SEA URCHINS.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-120 BEAR RIVER. Bag limit ((€)) A - July 1((=)) through October 31: Downstream from the old stringer bridge at the lime quarry to Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-125 BIG BEEF CREEK. ((Bag limit D - July 1 through November 30)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-130 BOGACHIEL RIVER. Bag limit ((€)) A - July 1 through October 31: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-135 CALAWAH RIVER. Bag limit ((€)) A - July 1 through October 31: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-140 CHEHALIS RIVER. Bag limit A - open entire year: Downstream from markers approximately 1/2-mile upstream from the Porter Bridge to the Union Pacific Railroad Bridge in Aberdeen. All chinook salmon over 28 inches caught upstream from the mouth of the Satsop River must be released. ~~((From August 15 through September 15, all chinook salmon over 28 inches caught downstream from the mouth of the Satsop River must be released.))~~

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag limit A - ~~((open entire year))~~ June 1 through December 31: Downstream from Chief Joseph Dam to the Richland-Pasco Highway 12 Bridge ~~((with the exception of))~~. From October 15 through December 31, chinook salmon over 28 inches taken upstream from a marker at Ringold Wasteway must be released. The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam to a point 400 feet below the spawning channel discharge stream.

(c) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream line of these dams to a point 1,000 feet downstream.

(d) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 1,500 feet downstream.

(e) Jackson (Moran) Creek - waters within 500 feet of the mouth.

(2) Waters downstream from the Richland-Pasco Highway 12 Bridge to Bonneville Dam: Bag limit A - January 1 through March 31; Closed April 1 through May 31; Bag limit C - June 1 through August 7; Bag limit A - August 8 through December 31. The following are closed waters:

(a) McNary Dam - waters between the upstream line of McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - from the upstream line of John Day Dam to markers approximately 3,000 feet downstream, except that fishing is permitted up to 400 feet below the fishway entrance from the Washington shore.

(c) The Dalles Dam - from the upstream line of The Dalles Dam to the upstream side of the Interstate Bridge at The Dalles, except that fishing is permitted up to 400 feet below the fishway entrance from the Washington shore.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish & Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(3) Bag limit A - open August 1 through March 31; closed April 1 through May 31; Bag limit C - June through July 31: That portion downstream from Bonneville Dam to the Megler-Astoria Bridge, with the exception of the following closed waters:

Waters between the upstream line of Bonneville Dam and the downstream power line crossing between the Washington shore and Bradford Island, thence on a direct line through the westernmost steel mooring dolphin in the navigation channel to the Oregon shore provided that it shall be lawful to fish from the Washington shore to within 600 feet of the spillway dam, with bait-lure presentation restricted to rod-and-reel casting only. All other modes of terminal gear transport to set baits are prohibited.

(4) Waters downstream from the Megler-Astoria Bridge to a line projected true north and south through Buoy 10; Bag limit F during those times after August 1 that the waters of the Pacific Ocean are open to salmon angling. At all other times the bag limit shall be the same as that in effect for Columbia river waters between Bonneville Dam and the Megler-Astoria Bridge. The possession limit of fresh salmon shall not exceed two daily bag limits. Additional salmon may be possessed in a frozen or processed form.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-165 COPALIS RIVER. Bag limit ((€)) A - July 1 through November 30: Downstream from the Carlisle Bridge.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-175 COWLITZ RIVER. (1) Bag limit A - Open entire year: Downstream from markers 400 feet below the Cowlitz Salmon Hatchery Barrier Dam to the mouth. ~~((Daily bag and possession limits are as follows:~~

~~(a) January 1 through July 31 - the daily bag and possession limit shall be 12 salmon not less than 10 inches, not more than three of which may exceed 24 inches in length.~~

~~(b) August 1 through December 31 - the daily bag and possession limit shall be 12 salmon not less than 10 inches, not more than two of which may exceed 24 inches in length.))~~

During the period October 1 through December 31, chinook salmon over 28 inches taken upstream from the highway bridge at Castle Rock must be released. Salmon angling from boats is prohibited in those open waters between the markers below the barrier dam and the mouth of Mill Creek.

(2) Bag limit C – November 1 through December 31: From the confluence of the Muddy Fork and Ohanapecosh Rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-190 DESCHUTES RIVER. Bag limit B – July 1 through November 30: Upstream from ((Old Highway bridge 99 located immediately upstream from Tumwater Falls)) Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to the Old Highway 99 Bridge immediately upstream from Tumwater Falls. Female chinook salmon must be released.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-220 DUWAMISH RIVER. (1) Bag limit B – ((May 26)) Saturday preceding Memorial Day through November 30: Upstream from the First Avenue South Bridge to the Highway 405 Bridge.

(2) Bag limit H – open the entire year: Downstream from the First Avenue South Bridge.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-235 ELOKOMIN RIVER. (1) Bag limit A – September 1 through December 31: Downstream from mouth of the the West Fork.

(2) ((Bag limit A – September 1 through December 31: Downstream from)) Closed from a point 100 feet above the upper hatchery rack to the Elokomin Salmon Hatchery Bridge located 400 feet below the upper hatchery rack. Closed from the department of fisheries temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in river. ((Chinook salmon over 28 inches must be released:))

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-250 GRAYS RIVER. Bag limit A – September 1 through December 31 ((=)): Open from mouth to 7000-line bridge. ((Chinook salmon over 28 inches must be released:)) West Fork Grays River closed to salmon angling.

AMENDATORY SECTION (Amending Order 78-8, filed 2/21/78)

WAC 220-57-255 GREEN RIVER (COWLITZ COUNTY). (1) Bag limit A – September 1 through November 30 ((=)): Upstream from salmon hatchery intake. ((Chinook salmon over 28 inches must be released:))

(2) Bag limit A – September 1 through December 31 – downstream from salmon hatchery intake to the mouth is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring no more than 1/2 inch between shank and point. ((Chinook salmon over 28 inches must be released:))

(3) That portion of the Green River 400 feet above to 400 feet below the barrier dam at the Toutle Salmon Hatchery is closed to the taking of salmon the entire year.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-260 GREEN RIVER (KING COUNTY). (1) Bag limit B – ((May 26)) Saturday preceding Memorial Day through July 31: Downstream from markers 400 feet below City of Tacoma headworks dam to Highway 405 Bridge.

(2) Bag limit B – August 1 through November 30: Downstream from the Porter Bridge (Auburn Eighth Street NW Bridge) to Highway 405 Bridge.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-270 HOH RIVER. ((Waters)) (1) Bag limit A – Saturday preceding Memorial Day through October 31: Downstream from a marker approximately a quarter mile above Highway 101 Bridge to the National Park boundary at Oil City((:

May 26 through September 15 – special bag limit: Six salmon per day not less than 10 inches, not more than one of which may exceed 24 inches.

September 16 through October 31 – Bag limit C)).

(2) Bag limit C – ((May 26)) Saturday preceding Memorial Day through October 31: Upstream from a marker approximately one-quarter mile above Highway 101 Bridge to the National Park Boundary near the confluence of the South Fork.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-290 ICICLE RIVER. Bag limit A – ((May 26)) Saturday preceding Memorial Day through June 30: Downstream from a point 600 feet below the Leavenworth National Fish Hatchery rack to mouth of Icicle River.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-300 JOHNS RIVER. (1) Bag limit ((€)) A – July 1 through January 31: Downstream from old M&B Logging Camp Bridge at upper boundary of Johns River Game Range to Highway 105 Bridge.

(2) Bag limit F – ((September 15 through August 15)) open entire year: Downstream from Highway 105 Bridge.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-310 KALAMA RIVER. (1) Bag limit A - ~~((May 26))~~ Saturday preceding Memorial Day through November 30: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point.

(2) Bag limit A - ~~((May 26))~~ Saturday preceding Memorial Day through November 30: Downstream from the mouth of Summers Creek to the markers at the Kalama Falls (Upper) Salmon Hatchery.

(3) Bag limit A - open the entire year: Downstream from ~~((markers at Italian Creek))~~ a point 1,000 feet below the fishway at the upper salmon hatchery, with the following exception: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pump-house (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be open for fly fishing only.

~~((September))~~ October 1 through December 31: Chinook salmon over 28 inches caught in the area downstream from ~~((markers at Italian Creek))~~ a point 1,000 feet below the fishway at the upper salmon hatchery to the natural gas pipeline must be released.

(4) During the time the department of fisheries temporary rack is installed just below the Modrow Bridge, that portion of the river from the rack, downstream 400 feet will be closed to angling.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-315 KLICKITAT RIVER. (1) Bag limit A - ~~((open the entire year =))~~ June 1 through December 31 ~~((=))~~: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth.

(2) Bag limit C - July 1 through ~~((October 31))~~ November 30 - downstream from the Lydel Bridge to the Fisher Hill Bridge approximately 1-1/2 miles above the mouth.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-319 LEWIS RIVER. (1) Mainstem - bag limit A - open entire year: Downstream from East Fork to mouth.

(2) East Fork:

(a) Bag limit A - open entire year: Downstream from the LaCenter Bridge.

(b) Bag limit A - July 1 through November 30: Downstream from Lucia Falls to the LaCenter Bridge. From October 1 through November 30 chinook salmon over 28 inches must be released.

(3) North Fork:

(a) Bag limit A - January 1 through September 30: Downstream from overhead power lines below Ariel Dam.

(b) Bag limit A - open entire year: From markers approximately 700 feet upstream from the salmon hatchery building to East Fork.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-335 NASELLE RIVER. ~~((=))~~ Bag limit A - July 1 through January 31 ~~((=))~~: Downstream from the Big Hill Bridge to Highway 101 Bridge. ~~((Chinook salmon over 28 inches must be released.))~~

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-340 NEMAH RIVER. (1) Middle Nemah, Bag limit C - July 1 through October 31.

(2) North Nemah - bag limit A - July 1 through November 30: Downstream from lower bridge on dead end Lower Nemah Road to markers 1/2 mile downstream from the Highway 101 Bridge. Chinook salmon over 28 inches must be released.

(3) South Nemah - bag limit C - July 1 through October 31: Downstream from the confluence of the Middle Nemah to its mouth.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-345 NISQUALLY RIVER. Bag limit B - July 1 through January 31: Downstream from military tank-crossing bridge located one mile upstream from the mouth of Muck Creek. ~~((Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in 1979.))~~

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-370 PUYALLUP RIVER. Bag limit B - July 1 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge. ~~((Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in 1979.))~~

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-385 QUILLAYUTE RIVER. Bag limit A - May ~~((5))~~ 4 through October 31: Outside the boundaries of the Quillayute Indian Reservation. ~~((Salmon over 24 inches caught after September 30 must be released.))~~

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-400 SALMON RIVER (JEFFERSON COUNTY). Bag limit C - October 1 through October 31: Downstream from the Q 1800 Road Bridge; outside the boundaries of the Quinault Indian Reservation and Olympic National Park.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-405 SAMISH RIVER. Bag limit B - ~~((October 15))~~ September 1 through November 30: Downstream from ~~((Highway 99))~~ Interstate 5 Bridge to a line running north across the river from the Gun Club Dock located approximately 200 yards downstream from Samish Island Bridge.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-415 SATSOP RIVER. Bag limit A - July 1 through January 31: Downstream from the bridge at Schafer State Park on East Fork. Chinook salmon over 28 inches in length must be released.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-435 SKYKOMISH RIVER. Bag limit B - ~~((August))~~ July 1 through December 31: Downstream from the confluence of North and South Forks. ~~((Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in 1979:))~~

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-440 SMITH CREEK (PACIFIC COUNTY). (1) Bag limit A - July 1 through October 31 ~~((=))~~: From mouth to a marker located approximately one mile upstream.

(2) Bag limit ~~((D))~~ C - July 1 through October 31 ~~((=))~~: Downstream from Highway 101 Bridge to marker approximately one mile upstream from the mouth.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-450 SNOHOMISH RIVER. Bag limit B - July 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie Rivers. ~~((Chinook salmon over 28 inches must be released:))~~

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-455 SNOQUALMIE RIVER. Bag limit B - July 1 through ~~((November 30: Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in 1979:))~~ December 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-460 SOLEDUCK RIVER. Bag limit A - May ~~((5))~~ 4 through October 31: Downstream from ~~((the mouth of Spring Creek))~~ Concrete pump station at Soleduck Hatchery. ~~((Salmon over 24 inches caught after September 30 must be released:))~~

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-473 TILTON RIVER. Bag limit A - ~~((May 26))~~ Saturday preceding Memorial Day through November 30.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-480 TOUTLE RIVER. (1) Bag limit A - open entire year: Downstream from mouth of North Fork.

~~((October 1 through December 31 - chinook salmon over 28 inches must be released:))~~

(2) North Fork - bag limit A - ~~((May 26))~~ Saturday preceding Memorial Day through December 31: Downstream from Weyerhaeuser Railroad Bridge above Green River mouth to the South Fork. ~~((During the period October 1 through December 31, chinook salmon over 28 inches must be released:))~~

September 1 through October 31 - taking of salmon from the area between the Weyerhaeuser Railroad Bridge and the Cook Road Bridge is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring no more than 1/2 inch between shank and point.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-485 TUCANNON RIVER. Bag limit C - ~~((from the third Sunday in May))~~ Saturday preceding Memorial Day through June 30: Downstream from the U.S. Forest Service Bridge at Wooten Forest Camp. It is unlawful to use any type of gaff hook or similar device to aid in the taking of salmon in the Tucannon.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77)

WAC 220-57-495 WASHOUGAL RIVER. (1) Bag limit A - January 1 through October 15: Downstream from Steel Bridge. From October 1 through October 15 chinook salmon over 28 inches must be released.

(2) Bag limit A - October 16 through December 31: Downstream from bridge at Salmon Falls to mouth. Chinook salmon over 28 inches must be released.

(3) "Washougal River - Special Fishing Area": Waters from markers 50 feet upstream from the fisheries department salmon hatchery rack, upstream to the barrier dam are open to salmon fishing from September 18 through December 31. This special fishery shall be limited to persons who are 65 years of age or older, blind, or otherwise disabled. Persons wishing to participate in this fishery must have proof of their age or disablement in their possession while fishing. Daily bag limit: six salmon 10 inches or more in length. Possession limit: two daily bag limits in any form. The first six salmon caught, regardless of where they are hooked (inside or outside their mouth), must be retained. In this special fishing area, legal fishing gear shall be limited to one hand-held

rod to which may be attached not more than one hook (or one lure with one hook attached). This one hook shall not have more than three points, and the maximum distance between shank and points is not to exceed 1/2 inch.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-505 WHITE SALMON RIVER. Bag limit A - open entire year: Downstream from points 1,200 feet north of Highway 14 Bridge. (Little) White Salmon River (Drano Lake): Bag limit A - August 1 through April 30: Downstream from markers on point of land downstream and across from Federal salmon hatchery. ((Chinook salmon over 28 inches must be released from May 1 through December 31.))

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-510 WILLAPA RIVER. (1) Bag limit A - July 1 through January 31 ((=)): Downstream from Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek, to the Highway 101 Bridge. ((Chinook salmon over 28 inches must be released.))

(2) Bag limit A - October 15 through January 31 ((=)): Downstream from mouth of Forks Creek to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek. Chinook salmon over 28 inches must be released.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57-515 WIND RIVER. ((~~(1) Bag limit A - January 1 through May 31: Downstream from markers 400 feet below Wind River Fishway No. 1 (Shippard Falls) to the mouth:~~

~~((2)) Bag limit ((A)) C - ((May 26)) Saturday preceding Memorial Day through October 31: Beginning 1-1/2 river miles upstream from the High Bridge to the south boundary of Section 36, Township 4 North, Range 7-1/2 East as posted (about 2-1/2 miles). Fly fishing only. Legal angling tackle is limited to single-hook artificial flies measuring no more than 1/2 inch between the shank and point.~~

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76)

WAC 220-57-525 WYNOOCHEE RIVER. (1) Bag limit A - Saturday preceding Memorial Day through July 31: Open except for the following closed waters: Downstream from Wynoochee Dam to 400 feet below the fish barrier dam.

(2) Bag limit A - ((July)) August 1 through January 31 ((=)): Downstream from the mouth of Schafer Creek. Chinook salmon over 28 inches must be released.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-360 OZETTE RIVER.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-005 AMERICAN LAKE (PIERCE COUNTY). Bag limit I - April ((22)) 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-010 ARMSTRONG LAKE (SNOHOMISH COUNTY). Bag limit I - April ((22)) 20 through September ((3)) 1.

NEW SECTION

WAC 220-57A-012 BAKER LAKE (WHATCOM COUNTY). Bag limit I - April 20 through October 31.

NEW SECTION

WAC 220-57A-017 BIG LAKE (SKAGIT COUNTY). Bag limit I - open entire year.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-040 CUSHMAN LAKE (MASSON COUNTY). Bag limit I - April ((22)) 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-065 DUCK LAKE (GRAYS HARBOR COUNTY). Bag limit I - April ((22)) 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-080 GOODWIN LAKE (SNOHOMISH COUNTY). Bag limit I - April ((22)) 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-095 HICKS LAKE (THURSTON COUNTY). Bag limit I - April ((22)) 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-115 MERIDIAN LAKE (KING COUNTY). Bag limit I - April ((22)) 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-120 MERWIN LAKE (RESERVOIR). Bag limit I - April ((22)) 20 through November 30.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-135 ROESIGER LAKE. Bag limit I - April ((22)) 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-150 SERENE LAKE (SNOHOMISH COUNTY). ((Bag limit I - April 22 through October 31)) Closed to salmon angling entire year.

NEW SECTION

WAC 220-57A-152 SHANNON RESERVOIR (SKAGIT COUNTY). Bag limit I - April 20 through October 31.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-155 SHOECRAFT LAKE (SNOHOMISH COUNTY). Bag limit I - April ((22)) 20 through September ((3)) 1.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-185 WILDERNESS LAKE (KING COUNTY). Bag limit I - April ((22)) 20 through September ((3)) 1.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79)

WAC 220-57A-190 WYNOOCHEE RESERVOIR (GRAYS HARBOR COUNTY). Bag limit I - April ((22)) 20 through October 31.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 220-105-010 SALMON ANGLING LICENSE.
- (2) WAC 220-105-015 SALMON ANGLING LICENSE VALIDATION STAMP.
- (3) WAC 220-105-020 VALIDATION DATE.
- (4) WAC 220-105-025 FRESH AND SALTWATER ANGLING.
- (5) WAC 220-105-030 SALMON ANGLING LICENSE DEALER.
- (6) WAC 220-105-035 SALMON ANGLING LICENSE DISTRIBUTION AGENT.
- (7) WAC 220-105-040 BLIND PERSON.
- (8) WAC 220-105-045 LICENSE ISSUING PROCEDURES.
- (9) WAC 220-105-046 BOND REQUIREMENTS.
- (10) WAC 220-105-047 STAMP SALES REPORTING AND FEE REMITTANCES.
- (11) WAC 220-105-050 FREE LICENSE ISSUING PROCEDURE.

(12) WAC 220-105-055 DUTIES OF A SALMON ANGLING LICENSE DEALER.

(13) WAC 220-105-060 VALID LICENSE REQUIRED.

(14) WAC 220-105-065 STAMP REDEMPTION.

WSR 80-03-065

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 27, 1980]

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 adding a 30 minute parking restriction on the south side of SR 542 from 0.14 mile west of the Razor Hone Creek Bridge WPS, MP 51.95 to 0.01 mile west of the Razor Hone Creek Bridge WPS, MP 52.08, a distance of 0.13 mile, amending WAC 468-42-542;

that such agency will at 10:00 a.m., Monday, April 14, 1980, in the Board Room, 1D9, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, April 14, 1980, in the Board Room, 1D9, 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 April 14, 1980, and/or orally at 10:00 a.m., Monday, April 14, 1980, Board Room, 1D9, Highway Administration Building, Olympia, Washington.

Dated: February 27, 1980
By: V. W. Korf
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-542 STATE ROUTE 542. (1) Deming vicinity. Parking is prohibited on the south side of State Route 542 from its junction with State Route 9 at Mile Post 14.57 easterly to Mile Post 14.61, a distance of 0.04 mile.

(2) Kendall vicinity. Parking is prohibited on the north side of State Route 542 from the junction with Wheeler Road, Mile Post 22.91, to 0.08 mile east of Wheeler Road, Mile Post 22.99, a distance of 0.08 mile.

(3) Mount Baker vicinity. Parking is limited to a maximum of 30 minutes when road and/or weather conditions warrant, as follows:

(a) On the south side of State Route 542 from 0.13 mile east of Church Mountain Road (six-mile chain-up area), Mile Post 38.89 to 0.30 mile east of Church Mountain Road, Mile Post 39.06, a distance of 0.17 mile.

(b) On the south side of State Route 542 from 2.10 miles east of Bridge No. 542-37 East Pavement Seat (nine-mile chain-up area), Mile Post 43.31, to 2.18 miles east of Bridge No. 542-37 East Pavement Seat, Mile Post 43.39, a distance of 0.08 mile.

(c) On the south side of State Route 542 from 0.34 mile west of Nooksack River Bridge West Pavement Seat (Shuksan chain-up area), Mile Post 46.21, to 0.16 mile west of Nooksack River Bridge West Pavement Seat, Mile Post 46.39, a distance of 0.18 mile.

(d) On both sides of State Route 542 from 0.16 mile east of Bagley Creek Bridge East Pavement Seat (Bagley chain-up area), Mile Post

49.33, to 0.31 mile east of Bagley Creek Bridge East Pavement Seat, Mile Post 49.48, a distance of 0.15 mile.

(e) On both sides of State Route 542 from 0.19 mile east of Galena Creek Bridge East Pavement Seat (Verona chain-up area), Mile Post 50.58, to 0.32 mile east of Galena Creek Bridge East Pavement Seat, Mile Post 50.71, a distance of 0.13 mile.

(f) On the south side of State Route 542 from 0.14 mile west of the Razor Hone Creek Bridge West Pavement Seat (Upper Razor Hone chain-up area), Mile Post 51.95, to 0.01 mile west of the Razor Hone Creek Bridge West Pavement Seat, Mile Post 52.08, a distance of 0.13 mile.

(4) Mount Baker Loop. Parking is prohibited on State Route 542, Mount Baker Loop, as follows:

(a) On both sides of State Route 542 from Mile Post 52.97 in a general southwesterly direction to Mile Post 53.97 at the easternmost intersection with State Route 542 Loop Road in the vicinity of the Mount Baker ski area, a distance of 1.0 mile.

(b) Along the southwest shoulder of State Route 542 from Mile Post 54.47 to Mile Post 54.55, the westernmost intersection with State Route 542 Loop Road, a distance of 0.08 mile.

(c) Along the west shoulder of the State Route 542 Loop Road from Mile Post 54.55, which is the westernmost junction with State Route 542, in a northerly and westerly direction for a distance of 900 feet.

(5) Glacier vicinity. Parking is prohibited along both shoulders of State Route 542 from Mile Post 34.58 northeasterly to Mile Post 34.78, a distance of 0.20 mile.

(6) Mount Baker Lodge vicinity. Parking is prohibited for all vehicles from 7:00 p.m. to 7:00 a.m. on both shoulders of the Mount Baker Loop on State Route 542, Mile Post 53.97 to Mile Post 54.89, with the exception of the right shoulder from Mile Post 54.47 to Mile Post 54.72, on which parking is prohibited at any time under subsections 3(b) and 3(c) of this section.

WSR 80-03-066

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Order 50—Filed February 27, 1980]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington 98504, the annexed rules relating to adding a 30 minute parking restriction on the south side of SR 542 from 0.14 mile west of the Razor Hone Creek Bridge WPS, MP 51.95 to 0.01 mile west of the Razor Hone Creek Bridge WPS, MP 52.08, a distance of 0.13 mile, amending WAC 468-42-542.

I, W. A. Bulley, 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 current practice of motorists leaving their vehicles in this chain-up area for extended periods is saturating the area. Other motorists are left with no safe place to install chains before proceeding up Mt. Baker on SR 542. This is causing an immediate problem that must be resolved.

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

This rule is promulgated pursuant to RCW 46.61.570 which directs that the Department of Transportation has authority to implement the provisions of RCW 46.61.570.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 27, 1980.

By V. W. Korf
Deputy Secretary

AMENDATORY SECTION (Amending DOT Order 10 & Comm. Order 1, Resolution 13, filed 12/20/78)

WAC 468-42-542 STATE ROUTE 542. (1) Deming vicinity. Parking is prohibited on the south side of State Route 542 from its junction with State Route 9 at Mile Post 14.57 easterly to Mile Post 14.61, a distance of 0.04 mile.

(2) Kendall vicinity. Parking is prohibited on the north side of State Route 542 from the junction with Wheeler Road, Mile Post 22.91, to 0.08 mile east of Wheeler Road, Mile Post 22.99, a distance of 0.08 mile.

(3) Mount Baker vicinity. Parking is limited to a maximum of 30 minutes when road and/or weather conditions warrant, as follows:

(a) On the south side of State Route 542 from 0.13 mile east of Church Mountain Road (six-mile chain-up area), Mile Post 38.89 to 0.30 mile east of Church Mountain Road, Mile Post 39.06, a distance of 0.17 mile.

(b) On the south side of State Route 542 from 2.10 miles east of Bridge No. 542-37 East Pavement Seat (nine-mile chain-up area), Mile Post 43.31, to 2.18 miles east of Bridge No. 542-37 East Pavement Seat, Mile Post 43.39, a distance of 0.08 mile.

(c) On the south side of State Route 542 from 0.34 mile west of Nooksack River Bridge West Pavement Seat (Shuksan chain-up area), Mile Post 46.21, to 0.16 mile west of Nooksack River Bridge West Pavement Seat, Mile Post 46.39, a distance of 0.18 mile.

(d) On both sides of State Route 542 from 0.16 mile east of Bagley Creek Bridge East Pavement Seat (Bagley chain-up area), Mile Post 49.33, to 0.31 mile east of Bagley Creek Bridge East Pavement Seat, Mile Post 49.48, a distance of 0.15 mile.

(e) On both sides of State Route 542 from 0.19 mile east of Galena Creek Bridge East Pavement Seat (Verona chain-up area), Mile Post 50.58, to 0.32 mile east of Galena Creek Bridge East Pavement Seat, Mile Post 50.71, a distance of 0.13 mile.

(f) On the south side of State Route 542 from 0.14 mile west of the Razor Hone Creek Bridge West Pavement Seat (Upper Razor Hone chain-up area), Mile Post 51.95, to 0.01 mile west of the Razor Hone Creek Bridge West Pavement Seat, Mile Post 52.08, a distance of 0.13 mile.

(4) Mount Baker Loop. Parking is prohibited on State Route 542, Mount Baker Loop, as follows:

(a) On both sides of State Route 542 from Mile Post 52.97 in a general southwesterly direction to Mile Post 53.97 at the easternmost intersection with State Route 542 Loop Road in the vicinity of the Mount Baker ski area, a distance of 1.0 mile.

(b) Along the southwest shoulder of State Route 542 from Mile Post 54.47 to Mile Post 54.55, the westernmost intersection with State Route 542 Loop Road, a distance of 0.08 mile.

(c) Along the west shoulder of the State Route 542 Loop Road from Mile Post 54.55, which is the westernmost junction with State Route 542, in a northerly and westerly direction for a distance of 900 feet.

(5) Glacier vicinity. Parking is prohibited along both shoulders of State Route 542 from Mile Post 34.58 northeasterly to Mile Post 34.78, a distance of 0.20 mile.

(6) Mount Baker Lodge vicinity. Parking is prohibited for all vehicles from 7:00 p.m. to 7:00 a.m. on both shoulders of the Mount Baker Loop on State Route 542, Mile Post 53.97 to Mile Post 54.89, with the exception of the right shoulder from Mile Post 54.47 to Mile Post 54.72, on which parking is prohibited at any time under subsections 3(b) and 3(c) of this section.

WSR 80-03-067
EMERGENCY RULES
DEPARTMENT OF GAME
[Order 93—Filed February 28, 1980]

Be it resolved by the undersigned, Ralph W. Larson, Director, Washington State Department of Game, that I repeal at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to the closure of Snohomish and Stillaquamish watersheds and adjacent marine waters to the taking of steelhead trout by treaty Indians, WAC 232-32-117.

I, Ralph W. Larson, find an emergency exists and that the foregoing order repealing emergency rule WAC 232-32-117, adopted on an emergency basis on Director's Order No. 87, Notice No. WSR 80-02-048 filed with the Code Reviser on January 15, 1980, 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 and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data exchanged between the Department of Game and the Tulalip Tribe indicate that additional harvestable numbers of steelhead trout may remain in the Snohomish and Stillaquamish watersheds and adjacent marine waters.

Recision of WAC 232-32-117 effective immediately will allow Tulalip treaty fishermen the opportunity to harvest their share of those remaining harvestable steelhead trout.

Such rule is therefore repealed as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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 February 28, 1980.

Ralph W. Larson
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-32-117 CLOSURE OF
SNOHOMISH AND
STILLAQUAMISH WATER-
SHEDS AND ADJACENT
MARINE WATERS TO THE
TAKING OF STEELHEAD
TROUT BY TREATY
INDIANS

WSR 80-03-068
ADOPTED RULES
COMMISSION ON EQUIPMENT
[Order 80-2-1-70—Filed February 28, 1980]

Be it resolved by the Commission on Equipment, acting at General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to regulation 320, trailer hitches and drawbars.

This action is taken pursuant to Notice No. WSR 80-02-092 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Commission on Equipment as authorized in RCW 46.37.005 and 46.37.320.

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

APPROVED AND ADOPTED February 15, 1980.

By Lt. R. C. Dale
Secretary

AMENDATORY SECTION (Amending Chapter 204-990, Regulation No. 320 (Repealed))

~~((STATE COMMISSION ON EQUIPMENT
REGULATION NO. 320~~

~~AMENDMENT TO THE RULES AND
REGULATIONS OF THE STATE COMMISSION~~

~~ON EQUIPMENT RELATING TO "TRAILER HITCHES AND DRAWBARS"~~

Pursuant to the authority granted by chapter 46.36 RCW, section 11.06, entitled "Trailer Hitches and Drawbars," being a part of the Vehicle Inspection Manual known as Regulation No. 18, relating to vehicle equipment and the proper adjustment thereof, adopted by the State Commission on Equipment April 15, 1948, is hereby amended to read as follows:

~~SECTION 11.06 TRAILER HITCHES AND DRAWBARS~~

~~11.061 Trailer Hitches shall be divided into two (2) general classifications:~~

- ~~(1) Passenger-car-trailer couplings.~~
- ~~(2) Commercial-vehicle-trailer couplings.~~

~~PASSENGER-CAR-TRAILER-COUPINGS~~

~~11.062 Definition—The term passenger-car trailer is intended to refer to all types of trailers which are towed by the conventional passenger car (except buses). The following recommendations apply only to passenger-car trailers that are drawn by passenger cars and on which the coupling or couplings are located at the rear of the body of the towing vehicle. This Regulation is intended primarily for ball-and-socket, ring-and-pintle, and clevis-and-pin types of coupling. It should not be construed as a limitation to these three (3) basic types alone, but will apply to any draft means designed to serve this purpose.~~

~~11.063 Coupling Nomenclature—The following have been adopted for uniformity in the terms used for the component parts of the trailer-coupling mechanism:~~

- ~~(1) The HITCH is that part of the connecting mechanism, including the coupling platform, which is attached to the towing vehicle.~~
- ~~(2) The COUPLING is that part of the connecting mechanism by which the connection is actually made and including the supporting mechanism back to the trailer frame.~~

~~11.064 Passenger-Car-Trailer Classifications:~~

~~Class A—All types of passenger-car-utility trailers with a gross weight not to exceed 2000 pounds.~~

~~Class B—All types of passenger-car trailers with a gross weight of 2000 pounds and not to exceed 5000 pounds.~~

~~Class C—All types of passenger-car trailers with a gross weight of 5000 pounds and not to exceed 10,000 pounds.~~

~~11.065 Coupling Classifications—There shall be three (3) sizes of couplings to cover all passenger-car trailers:~~

~~Number 1—Trailer coupling with a minimum ball diameter of 1-7/8 inches to be used for Class A trailers.~~

~~Number 2—Trailer coupling with a minimum ball diameter of 2 inches to be used for Class B trailers.~~

~~Number 3—Trailer coupling with a minimum ball diameter of 2-5/16 inches to be used for Class C trailers.~~

~~Strength ratings for the various coupling classifications shall conform to current SAE strength ratings for passenger-car couplings.~~

~~11.066 Hitch—The hitch and coupling platform shall be of such design as to conform to the minimum strength requirements of coupling classification. Where a ball-and-socket type of coupling is used, the ball must conform to the minimum load ratings of the mating coupling (SAE Specifications).~~

~~11.067 Location of Hitch—Attachment to towing-car bumpers is limited to Class A trailers unless suitable means are provided for stiffening the bumper bar and transferring stress loading to the frame through the bumper brackets or by direct connection to the frame.~~

~~11.068 Rear License Plate Not To Be Obscured—The hitch and coupling platform attached to the rear of a motor vehicle shall not obscure the rear license number plate displayed on such vehicle.~~

~~11.069 Provision for Safety—Couplings in all classes shall be equipped with a manually operated mechanism so adapted as to prevent disengagement of the unit while in operation. In addition to this positive locking mechanism, the hitch shall be so designed that it can be disconnected regardless of the angle of the trailer to the towing vehicle. In addition to the prescribed couplings there shall be a safety chain coupling used to cause the trailer to follow substantially in the course of the towing vehicle and to prevent the trailer drawbar from dropping to the ground in the event of failure of the coupling.~~

~~11.070 Single-Wheel-Utility Trailers—Single-wheel-utility-trailer hitches shall be connected directly to the bumper of the towing passenger car. Single-wheel-utility trailers shall not be required to be equipped with a safety chain. The hitch bolts or pins shall be securely fastened with lock nuts, cotter keys, or safety wire when such type of trailer is attached to the rear of a passenger-carrying vehicle.~~

~~COMMERCIAL-VEHICLE-TRAILER COUPLINGS~~

~~11.071 Commercial-Vehicle-Trailer Couplings—Commercial-vehicle-trailer coupling devices and towing methods shall be those prescribed in Sections 193.70 and 193.71 of the Interstate Commerce Commission Revised Motor Carrier Safety Regulations effective July 1, 1952, and are hereby made a part of this Regulation.~~

~~Dated at Olympia, Washington, this 1st day of July, 1953, and effective immediately.~~

STATE COMMISSION ON EQUIPMENT

_____/s/ James A. Pryde
 FILED
 AUGUST 13, 1953 JAMES A. PRYDE, Chief
 EARL COE Washington State
 SECRETARY OF STATE Patrol, Chairman
 _____/s/ W. A. Bugge
 _____ W. A. BUGGE, Director
 _____ State Department of
 _____ Highways
 Approved as to form: _____/s/ Della Urquhart
 _____ DELLA URQUHART,
 _____ Director
 _____ State Department of
 _____ Licenses
 _____/s/ Cyrus A. Dimmick
 _____ Cyrus A. Dimmick
 Assistant Attorney General))

WSR 80-03-069
ADOPTED RULES
COMMISSION ON EQUIPMENT
 [Order 80-02-2-70—Filed February 28, 1980]

Be it resolved by the Commission on Equipment, acting at General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to standards for vehicle connecting devices and towing methods, chapter 204-70 WAC.

This action is taken pursuant to Notice No. WSR 80-02-092 filed with the code reviser on January 23, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Commission on Equipment as authorized in RCW 46.37.005 and 46.37.320.

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

APPROVED AND ADOPTED February 15, 1980.
 By Lt. R. C. Dale
 Secretary

Chapter 204-70

Standards for Vehicle Connecting Devices and Towing Methods

NEW SECTION

WAC 204-70-010 PROMULGATION. By authority of RCW 46.37.005 and RCW 46.37.320, the State Commission on Equipment hereby adopt the following regulations pertaining to vehicle connecting devices and towing methods.

NEW SECTION

WAC 204-70-020 PURPOSE. The purpose of this regulation is to provide this state with a uniform minimum requirement for motor vehicle connecting devices and towing methods. It is designed to increase highway safety by reducing towing and hitch-related accidents. This regulation is not intended to cover the fifth wheel type of connecting device or towing method. Pintle hook type devices shall also be excluded from this chapter, except that the safety chain requirements shall apply.

NEW SECTION

WAC 204-70-030 SCOPE. (1) The scope of this regulation is directed to the regulation of trailer hitches and towing devices, towing methods, testing methods, certification requirements, installation, compliance and other requirements as herein defined in these regulations.

(2) After the effective date of this regulation, no primary connecting system used for drawing a trailer or semi-trailer having a gross vehicle weight of 10,000 pounds or less upon the public highways of this state shall be sold, offered for sale, or installed for service unless it is a type approved by the commission. The safety chain requirements of this chapter shall apply to all primary coupling systems designed for towing trailers and semi-trailers having a gross vehicle weight of 10,000 pounds or less regardless of the date of installation of such primary coupling system. Accordingly, the commission establishes this regulation relating to vehicle connecting arrangements used for drawing trailers by mechanical power on the public highways. This regulation is not for those arrangements used for drawing another vehicle by means of a tow truck, semi-trailer with a fifth wheel type hitch, or wrecker unless coupled by ball and coupler.

NEW SECTION

WAC 204-70-040 DEFINITIONS. (1) The term "commission" as hereinafter referred to within this regulation shall mean the State Commission on Equipment.

(2) "Chain Attaching Means" means the bolt, hook, pin, hole, eye, clevis, bracket, bar, or any other device mounted on and used for anchoring or attaching safety chains to the towed or towing vehicle or hitch.

(3) "Coupling" means that part of the primary connecting system normally mounted on the trailer, such as a socket, by which the connection is actually made and including the supporting attachment to the trailer frame.

(4) "Family of Hitches" means a series of hitches produced by a single manufacturer which have similar traits and characteristics in common with each other. Each regulated manufacturer shall determine which hitches may be appropriately included in a particular family, subject to review by the commission. The necessary criteria which all hitches included within a family must exhibit are as follows:

- (a) similarity of design,
 - (b) similar materials of construction,
 - (c) similar means of attachment to the towing vehicle,
- and

(d) similar strength and performance of characteristics.

(5) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the vehicle manufacturer as the loaded weight of a single vehicle.

(6) "Hitch," defined for specific uses under (a) and (b) below, generally means that part of the primary connecting system normally mounted on the towing vehicle, including a ball-support platform and those components which are attached to the towing vehicle.

(a) "Weight Distributing Hitch" means a mechanical device that connects the trailer to the towing vehicle, and by means of a leverage applied on both trailer and car structures or axles, when properly adjusted, distributes the imposed vertical load at the hitch and coupling connection between the structures of axles of towing vehicle and trailer. The towing vehicle thus loaded tends to retain a level position with respect to the road.

(b) "Weight Carrying Hitch" means a mechanical and/or structural device that connects the trailer to the towing vehicle, and that does not employ features designed to redistribute the load imposed at the hitch and coupling connection. Weight carrying hitches may be designed for bolting or other attachment to the towing vehicle frame, unitized body, bumper structure, or to a combination of these or other points which meet the requirements of WAC 204-70-060(3) and Table 2.

(7) "Maximum Gross Trailer Weight (MGTW)" means the weight of the trailer plus the weight of all cargo, consumables, and equipment loaded on the trailer when in an actual underway towing condition.

(8) "Maximum Vertical Load on Hitch (Tongue Weight)" means the vertical downward static force exerted on the hitch by the coupling at the point of connection of coupling and hitch, with weight distribution features or devices, if any, deactivated. Tongue weight is measured at the trailer coupling, with the trailer on a level surface (detached from the hitch), and with trailer consumables and cargo in maximum loaded conditions.

(9) "Primary Connecting System" means the combination of devices and their attaching structures that are normally utilized to maintain the connection between towing vehicle and trailer during towing operations. This includes, but is not limited to, the ball-and-socket type of connection or draft means. Note: This does not include a safety chain, which is part of a secondary system normally utilized only upon failure of the primary connection, nor does it include weight distributing or sway control features or devices whose function is accessory to the maintenance of the towing vehicle-trailer connection.

(10) "Safety Chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system. The term "safety chains" includes not only chains, cable, or wire ropes, or equivalent flexible member meeting the strength requirements of Table 3 and approved by the commission, but also any splice, clamp, socket, snap, eye, ring, thimble, pin, or other fastening device or forming method which is

part of the assembly of any such flexible tension member.

(11) "Responsible Manufacturer" shall mean that person who manufactures a hitch or hitch component either for resale or for sale where it is not actually installed by the manufacturer.

(12) "Responsible Installer" shall mean a person who installs a pre-manufactured hitch where no custom fabricating is done.

(13) "Custom Installer" shall mean that person who custom fabricates a hitch which is installed at the place of fabrication.

Nothing in this section is intended to preclude hitch installers from engaging in the activities covered in definitions (11), (12), and (13) above in any combination.

NEW SECTION

WAC 204-70-050 LIGHT SERVICE DEVICES AND SYSTEMS. These are for use with trailers not exceeding 10,000 pounds gross vehicle weight rating. This includes, but is not limited to, such types as the utility, boat, camping, travel and other trailers which are normally towed by the conventional passenger car, or similarly constructed vehicle or light-duty truck. This section is intended basically for the ball-and-socket type of primary connecting system, but is not necessarily limited to this type alone.

(1) Trailer Classification

(a) Class 1—Trailers, with a gross weight (trailer weight including load) not exceeding 2,000 pounds.

(b) Class 2—Trailers, with a gross weight (trailer weight including load) over 2,000 pounds, but not exceeding 3,500 pounds.

(c) Class 3—Trailers, with a gross weight (trailer weight including load) over 3,500 pounds, but not exceeding 5,000 pounds.

(d) Class 4—Trailers, with a gross weight (trailer weight including load) over 5,000 pounds, but not exceeding 10,000 pounds.

(2) Couplings

(a) Coupling Classification. There shall be four major strength classifications, or designations of couplings. The designation shall be based on the maximum gross trailer weight (MGTW) the coupling is qualified to tow. The No. 1 couplings shall be used for towing Class 1 trailers; No. 2 couplings for Class 2 or smaller trailers; No. 3 couplings for Class 3 or smaller trailers; and No. 4 couplings for Class 4 or smaller trailers. This is not intended to limit the number or variety of couplings in a given class or designation.

(b) Coupling Ultimate Strength. Each coupling and hitch ball, when subjected to static bench tests in a rigid, nonyielding test fixture, shall withstand the test loads specified in WAC 204-70-99001 Table 1 without incurring failure. For purposes of this regulation, failure occurs at the point at which the coupling or ball will accept no additional test load.

(c) Coupling and Hitch Ball Test Procedure. A new coupling or ball shall be used for each mode of load application. Each type of test load is to be applied individually to one component at a time, utilizing a nonyielding

test fixture similar in design to the typical test fixture illustrated in Figure 1. When testing a coupling, a hardened ball shall be used; when testing a ball, a hardened coupling shall be used.

(d) Attachment of Couplings. Each coupling is to be mounted to the trailer attaching member by bolting, welding or riveting in such manner that the towing loads are safely and adequately transferred to that member.

(e) Provisions for Safety.

(i) Each coupling, regardless of classification or designation, must be equipped with a manually operated mechanism so adapted as to prevent disengagement of the unit while in operation. In addition to this positive locking mechanism, the coupling shall be so designed that the trailer can be disconnected from the towing vehicle regardless of the angle of the trailer to the towing vehicle.

(ii) Each hitch ball shall be equipped and installed with a lock washer or equivalent device, and each replacement hitch ball shall be marketed with a lock washer or equivalent device with instructions as to proper installation provided by the responsible manufacturer.

NEW SECTION

WAC 204-70-060 HITCHES. (1) Hitch Rating. Hitches shall be rated by the maximum gross trailer weight (MGTW) and the maximum vertical load on hitch (tongue weight) each is qualified to tow.

(2) Hitch Strength Requirements. Each hitch, when subjected to a static bench test, shall conform to the minimum strength requirements contained in Table 2.

(3) Attachment of Hitch. Each hitch shall be attached to the structural member or members of the towing vehicle in such a manner that the tension, compression, and transverse thrust loads shown in Table 2 are transferred to the towing vehicle without residual distortion or failure of either the attachment or the vehicle structure which would affect the safe towing of trailers as defined in Table 2.

(4) Maximum Vertical Load on Hitch (Tongue Weight). The weight load carried by the hitch at its connection with the trailer coupling shall not, when on a level surface, exceed the maximum tongue weight load recommended by the manufacturer for the hitch.

NEW SECTION

WAC 204-70-070. SAFETY CHAINS AND ATTACHING MEANS REQUIRED. (1) Strength Requirements. Each safety chain and each attaching means shall meet strength requirements as shown in WAC 204-70-99004, Table 3, and defined in WAC 204-70-040.

(2) Installation and Connections. The means of attachment of safety chains shall be located equally distant from and on opposite sides of the longitudinal centerline of the towing vehicle and of the trailer. Each means of attachment shall not be common with or utilize fasteners common with a ball or coupling. No welding operation shall be performed on a safety chain subsequent to its manufacture, including the direct welding of a safety chain link to the towed or towing vehicles.

Safety chains shall be so connected that the slack for each length of chain between trailer and towing vehicle is the same and is not more than necessary to permit the proper turning of the vehicles. When passing forward to the towing vehicle, safety chains must be crossed in such a manner as to prevent the tongue from dropping to the ground and to maintain connection in the event of failure of the primary connecting system. See Figure 3. WAC 204-70-99005.

(a) Every towed vehicle shall be coupled to the towing vehicle by means of two safety chains, cables, or wire ropes in addition to the regular drawbar, tongue, or other connection. Safety chains, cables, or equivalent devices may be attached to permanently installed hitch components if the components meet the strength requirements of WAC 204-70-99004, Table 3.

(b) Safety chain connections shall not be made to the hitch ball or to a ball mount designed to be readily removable when not in use.

NEW SECTION

WAC 204-70-080 IDENTIFICATION. (1) Device and Component Marking. Each coupling and each hitch shall be legibly and permanently marked (so as to be visible to consumers and any regulatory authority viewing the coupling and hitch as installed on a vehicle) on at least one hitch component or related component marketed with the hitch, as shown below. When hitch components (except hitch balls and their hardware) are marketed separately, the following markings must also appear on at least one of the components in the package or marketing unit.

(a) Manufacturer's or distributor's name, initials, trademark, trade name, or code symbol. (Code symbol shall mean one assigned and approved by appropriate regulatory authority.)

(b) Model number, part number, or style; and, for couplings only, the class.

(c) Maximum Gross Trailer Weight (MGTW) to be drawn.

(d) Maximum vertical load on hitch (tongue weight) to be imposed on the ball or other points of connection.

(e) The symbol V-5. Note: Placement of the symbol V-5 on any coupling or any hitch indicates certification of compliance of the product on which the symbol is placed with all requirements contained in VESC Regulation V-5.

(2) Hitch Ball Marking. Each hitch ball sold for use in primary connecting system shall be permanently and legibly marked to show both the spherical diameter of the ball; e.g., 1-7/8", 2", etc., and the maximum gross trailer weight (MGTW) which it is designed to draw.

(3) Labelling. Each crate, box, or other container in which a coupling or hitch is packed shall be imprinted or labelled to display at least the same information required in WAC 204-70-080(1) for marking, except that the maximum gross trailer weight (MGTW) to be drawn must be shown for each coupling regardless of class. Further, the year, make, and model of each vehicle on which a hitch may be installed and meet the requirements of this regulation shall be shown but may be shown on an enclosed sheet, or sheets, separate from the

imprintation, or labelling, or on hitch manufacturer's application tables which are kept available at the location where the device or system is sold, either for resale or for use. However, the provision contained in the preceding sentence shall not apply to hitches adaptable to a large number of vehicles and designated to be a universal type.

NEW SECTION

WAC 204-70-090 IDENTIFICATION, INSTALLATION, MAINTENANCE, AND COMPLIANCE.

(1) Marking and Labelling. Each vehicle connecting device, method, or system shall be marked and labelled as required by WAC 204-70-080 and WAC 204-70-100(2). The marking and labelling shall show the responsible manufacturer (see (3) of this section.) A pressure sensitive label will be acceptable if of a weather-resistant type which cannot be removed without destroying or defacing it.

(2) Installation and Maintenance.

(a) Manufacturer, Packager, Seller. The responsible manufacturer or seller of a vehicle primary connecting device or system shall provide with the device, or with devices making up or used in the system, clear and complete consumer instructions for use, maintenance and repair; and, where the device or system is not actually installed by the dealer, installation instructions, in accordance with the requirements of this regulation, and proper instruction of the purchaser, or owner, in use and care.

(b) Owner, Lessor, Lessee, Borrower. Each owner or lessor shall keep his connecting devices, and systems in good condition, maintained, repaired, and rebuilt in accordance with manufacturer's instructions and recommendations. Each owner or lessor who leases or lends a connecting device or system, shall properly instruct the lessee, or recipient, in the safe and proper use and care for the device(s), or system. Each lessee or borrower shall use and maintain the device, method or system in accordance with the instructions of the lessor or lender. For the purposes of this regulation any person who rents a trailer shall be considered to be a lessor.

(c) No person shall put into use or continue in use a device or system on which the marking required in WAC 204-70-090(1) has been removed, altered, obliterated, disfigured, or otherwise damaged so as to prevent identification of the device(s), method(s) or system(s).

(3) Compliance with Requirements. Each manufacturer shall be responsible for the performance ability of the device(s) or system which he manufactures for use by a prospective owner, lessee, or borrower. Where a manufacturer, packager, or seller assembles or packages (unites, collects, aggregates) for use by a prospective owner, lessee, or borrower a device or system from parts, subassemblies or assemblies made or assembled by others, such manufacturer, packager, or seller (person, firm, association or corporation) shall be deemed responsible for the performance of the device(s) or system which he assembles or packages. For the purpose of this section, each manufacturer, packager, or seller described in the preceding two sentences shall be known as the "responsible manufacturer."

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 204-70-100 CERTIFICATION AND/OR TESTING. (1) Each responsible manufacturer shall certify to the commission or to an equipment approval program or other agency designated by the commission that each of his devices or systems, when installed in accordance with his published instructions (including instructions of manufacturers of weight distributing hitches for use by local installers who fabricate the undercar attachments means for such hitches), complies with and meets the requirements of this regulation. Such certification, shall be corroborated by submission of a properly executed Product and Certification Test Report form containing test results and required certifications, accompanied by photographs of the test site and equipment and a concise description of the test methodology followed. This report shall be submitted on forms approved by the Commission. To demonstrate compliance with this regulation, the necessary tests shall be conducted by or supervised by an approved certified laboratory or an approved certified testing organization, and the officer or employee of the approved certified testing organization who personally conducted or supervised the testing shall execute the appropriate certification statement contained in the Product and Certification Test Report.

(2) Registration. No vehicle connecting device or system shall be sold within the state of Washington unless the responsible manufacturer has registered his product with the commission, has furnished the commission one copy of instructions for installation (as applicable), use, maintenance and repair, and has stated the maximum towing capacity of his product in terms of the maximum gross trailer weight (MGTW) to be drawn, as measured in accordance with the provisions of WAC 204-70-050 and WAC 204-70-060. There shall be imprinted on each copy of instructions provided with the device or otherwise furnished to the owner the following statement: "This product complies with Regulation V-5." The responsible manufacturer of light Service Class 1 connecting devices or systems for trailers not exceeding 2,000 pounds gross weight who produces not more than five (5) such devices or systems in one calendar year must produce a product which complies with all applicable requirements of this regulation, except the registration requirements of this subsection.

(3) In lieu of the registration required in WAC 204-70-100(2), vehicle connecting devices or systems shall be considered to be registered if they appear as an approved device in the American Association of Motor Vehicle Administrators' "Approved Vehicle Devices Handbook": Provided, however, that such testing conducted for the approval found the device to be in full conformance with VESC Regulation V-5.

(4) Custom Installer Conditional Exemption From Certification, Testing and Registration. Hitch installers are required to insure that hitches (as defined in section WAC 204-70-040(6)) manufactured and installed by

them meet the requirements of this regulation, except that such hitches are conditionally exempt from the certification, testing and registration provisions of sections WAC 204-70-100(1), (2), and (3). To qualify for this exemption, hitches must be manufactured and installed by the same installer. Hitches so exempted may not be marked with the symbol V-5, but must meet all other identification provisions of section WAC 204-70-080, and, in addition, must be permanently marked or labelled with the legend, "Installer Manufactured," in a manner approved by the commission. The commission reserves the right, in its discretion, in the event of a failure or a suspected failure of a hitch, to require testing of a comparable hitch of the same family fabricated by the

manufacturer of the suspected hitch to demonstrate compliance with the strength regulations of this chapter.

NEW SECTION

WAC 204-70-120 EFFECTIVE DATE. This chapter shall become effective on April 1, 1980 for components manufactured on or after that date. The effective date for all components sold in the state of Washington, regardless of the date of manufacture, shall be April 1, 1981.

NEW SECTION

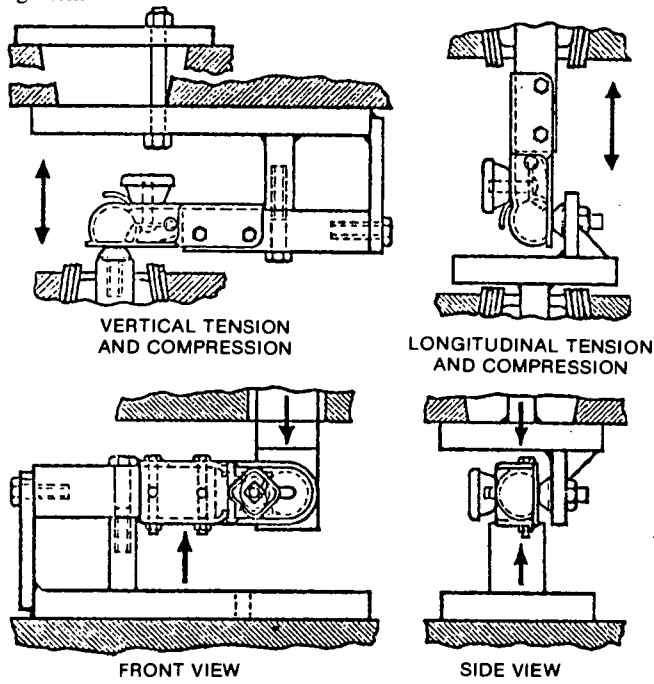
WAC 204-70-99001 TABLE 1.

LIGHT SERVICE DEVICES
BREAKING STRENGTH FOR COUPLINGS AND BALLS

Trailer Classification	Trailer Couplings Designation	Minimum Ball Diameter-Inches (where Ball-type hitch is used)	Minimum Breaking Point Requirements	Pounds
Class 1 (2,000 lbs. or less MGTW)	No. 1	1 7/8	Longitudinal tension:	6,000
			Longitudinal compression:	6,000
			Transverse thrust:	2,000
			Vertical tension:	2,500
			Vertical compression:	2,500
Class 2 (2,001 thru 3,500 lbs. MGTW)	No. 2	2	Longitudinal tension:	10,500
			Longitudinal compression:	10,500
			Transverse thrust:	3,000
			Vertical tension:	4,500
			Vertical compression:	4,500
Class 3 (3,501 thru 5,000 lbs. MGTW)	No. 3	2	Longitudinal tension:	15,000
			Longitudinal compression:	15,000
			Transverse thrust:	4,000
			Vertical tension:	7,000
			Vertical compression:	7,000
Class 4 (5,001 thru 10,000 lbs. MGTW)	No. 4	Ball & Bolt shall be of such size and strength as to conform to the minimum breaking strength requirements of the mating coupling required for the specific load of Class 4 trailer	Longitudinal tension:	MGTW x 3
			Longitudinal compression:	MGTW x 3
			Transverse thrust:	MGTW x 1
			Vertical tension:	MGTW x 1.3
			Vertical compression:	MGTW x 1.4

NEW SECTION

WAC 204-70-99002 Figure 1. Typical Coupler and Ball Test Fixture Arrangement



NOTE: TEST FIXTURE BARS TO BE SOLID AND FIT SNUGLY INSIDE OF HOUSING CHANNELS

NEW SECTION

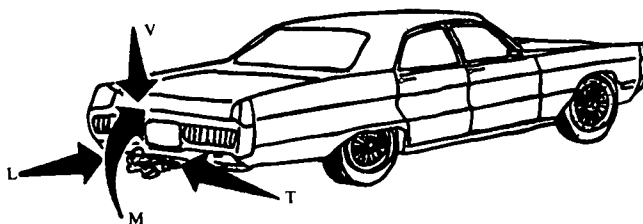
WAC 204-70-99003

HITCH TEST FORCES*

STEP	WEIGHT CARRYING HITCH		WEIGHT DISTRIBUTING HITCH	
	Force	Direction	Force	Direction
a	$V = .47R + 480$ $L = .47R + 480$	Downward Compressive	$V = .045R + 1650$ $M = 51,000$	Downward See Figure 2
b	$L = .23R + 1530$ $V = .15R$	Tensile Downward	$L = .067R + 2070$ $V = .15R$	Tensile Downward
c	$L = .23R + 1530$ $V = .15R$	Compressive Downward	$L = .067R + 2070$ $V = .15R$	Compressive Downward
d	$T = .20R + 500$	Leftward	$T = .20R + 500$	Leftward
e	$T = .20R + 500$	Rightward	$T = .20R + 500$	Rightward
f	Not Applicable	Not Applicable	$M = 93.2X + 21000$ $V = .15R$	See Figure 2 Downward

V = Vertical Force (lbs.)
 L = Longitudinal Force (lbs.)
 T = Transverse Force (lbs.)
 M = Spring Bar Moment (inch-lbs.)
 R = Hitch Rating in Terms of MGTV (lbs.) (Maximum Gross Trailer Weight)
 X = Hitch Rating for Maximum Vertical Load on Hitch (lbs.) (Tongue Weight)
 ** = Leveling Force Couple

(2) Figure 2



(3) Footnotes to Table 2 and Figure 2.

(a) When a hitch is to be tested:

(i) Assemble the hitch in its normal configuration as recommended by the hitch manufacturer.

(ii) Attach the hitch to a non-yielding restraining fixture. The hitch-to-fixture attaching means must be the same as the normal hitch-to-car attaching means recommended by the hitch manufacturer.

(iii) The points of hitch-to-fixture attachment must be located in the same positions as the hitch-to-car attachment point locations recommended by the hitch manufacturer.

(iv) Attach a ball to the ball support platform in the manner recommended by the hitch manufacturer.

(b) Hitch Test Force Applications. With the hitch attached to the test fixture as specified in footnote (a), apply the forces designated in Table 2, in any sequence, as follows:

(i) Apply the specified downward vertical force concurrently with the specified compressive longitudinal force or spring bar moment.

(ii) Apply the specified tensile longitudinal force concurrently with the specified downward vertical force.

(iii) Apply the specified compressive longitudinal force concurrently with the specified downward vertical.

(iv) Apply the specified leftward transverse force.

(v) Apply the specified rightward transverse force.

(vi) For hitches with weight distributing capability, apply the specified spring bar, or leveling moment, (leveling force couple) concurrently with the specified downward vertical force.

All forces in steps (i) through (iii) are to be applied along an axis which intersects the center of the ball. All forces are to be applied with an onset rate of not more

than 150 pounds per second, and maintained at the maximum specified force level for at least five seconds.

(c) Each hitch, when tested as specified above, shall be capable of withstanding the forces applied in accordance with footnote (b) without causing permanent deformation of the ball platform, such that the final position of the ball axis shall not depart more than five degrees from its original, nominally vertical position.

NEW SECTION

WAC 204-70-99004 (1) Table 3.

LIGHT SERVICE DEVICES - MINIMUM STRENGTHS OF SAFETY CHAINS AND ATTACHING MEANS*

Trailer Classification	Minimum Longitudinal Load, Tension, Pounds (See WAC 204-70-99005, Figure 3)	
	Each Safety Chain	Each of Two Chain Attaching Means
Class 1	2,000	2,000
Class 2	3,500	3,500
Class 3	5,000	5,000
Class 4**	MGTW	MGTW

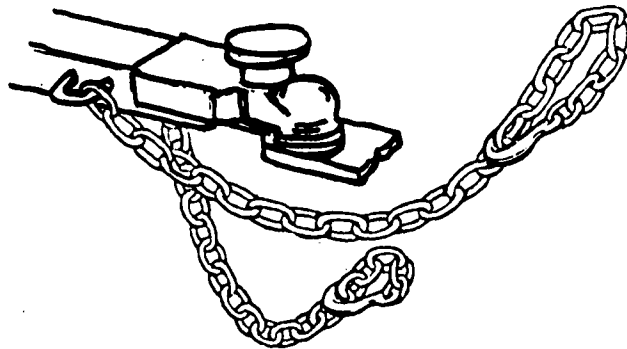
* Load shown shall be applied in the same manner as would prevail if the trailer were being towed by the safety chain in a straight ahead direction.

Safety chain and attaching points and hardware shall withstand load shown without breaking.

** MGTW means the Maximum Gross Trailer Weight, pounds, which is to be towed.

NEW SECTION

WAC 204-70-99005 Figure 3. Typical Double Safety Chain Installation.



WSR 80-03-070

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 79-35—Filed February 28, 1980]

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 motor vehicle emission inspection, adopting chapter 173-422 WAC.

This action is taken pursuant to Notice No. WSR 80-01-054 filed with the code reviser on December 19, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.120.120 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 February 27, 1980.

By Elmer C. Vogel
Deputy Director

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 80-03-071

ADOPTED RULES

**DEPARTMENT OF ECOLOGY
AND AIR POLLUTION**

[Order DE 79-36—Filed February 29, 1980]

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 Ambient Air Quality Standards For Carbon Monoxide, Ozone and Nitrogen Dioxide, adopting chapter 173-475 WAC; Carbon Monoxide Standards, repealing chapter 18-32 WAC; Photochemical Oxidant—Hydrocarbons—Nitrogen Dioxide, repealing chapter 18-46 WAC.

This action is taken pursuant to Notice No. WSR 80-01-114 filed with the code reviser on January 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.080, 70.94.331, 70.120.030 and 70.120.120 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 February 27, 1980.
By Elmer C. Vogel
Deputy Director

**Chapter 173-475 WAC
AMBIENT AIR QUALITY STANDARDS FOR
CARBON MONOXIDE, OZONE, AND NITRO-
GEN DIOXIDE**

WAC

- 173-475-010 Purpose.
- 173-475-020 Definitions.
- 173-475-030 Air Quality Standards.
- 173-475-040 Measurement Methods.
- 173-475-050 Reporting Of Data.

NEW SECTION

WAC 173-475-010 PURPOSE. These rules implement chapter 70.94 RCW, the Washington State Clean Air Act, and chapter 163, Laws of 1979 1st ex. sess. The purpose of this chapter is to set statewide air quality standards for carbon monoxide, ozone, and nitrogen dioxide.

NEW SECTION

WAC 173-475-020 DEFINITIONS. (1) "Air quality standard" means an established concentration, exposure time, or frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(2) "Ambient air" means the surrounding outside air.

(3) "Department" means the state department of ecology.

(4) "National air monitoring stations (NAMS)" means fixed monitoring stations operated by the state and local air pollution control agencies to meet national monitoring objectives. The stations are a subset of the SLAMS network and are sited with emphasis on urban and multi-source areas.

(5) "State and local air monitoring stations (SLAMS)" means stations designed to meet any of four basic monitoring objectives:

(a) To determine highest concentrations expected to occur;

(b) To determine representative concentrations in areas of high population density;

(c) To determine the impact on ambient air pollution levels of significant sources or source categories; and

(d) To determine general background concentration levels.

(6) "Special purpose monitoring stations (SPMS)" means monitoring stations operated by state and local air pollution control agencies to supplement the SLAMS network in order to increase the overall effectiveness of the state's monitoring efforts.

NEW SECTION

WAC 173-475-030 AIR QUALITY STANDARDS. (1) Carbon monoxide in the ambient air as measured at a SPMS designated by the department for the purpose of determining compliance with air quality

standards, or at any NAMS or SLAMS, shall not exceed the following values:

(a) Nine parts per million (ten milligrams per cubic meter) eight-hour average concentration not to be exceeded more than once per year at any location where people would be exposed to such concentrations for eight consecutive hours or more. Compliance shall be based on data that begins and ends on a clock hour. There shall be no overlapping of hours in any violation period. A maximum of three violations can occur in any one day.

(b) Thirty-five parts per million (forty milligrams per cubic meter) one-hour average concentration not to be exceeded more than once per year at any location where people would be exposed to such concentrations for one hour or more. Compliance shall be determined from data that begins on a clock hour.

(2) Ozone in the ambient air as measured at a SPMS designated by the department for the purpose of determining compliance with this air quality standard, or at any NAMS or SLAMS, shall not exceed 0.12 parts per million (two hundred and thirty-five milligrams per cubic meter) hourly concentration on more than 1.0 days per calendar year as determined under the following conditions:

(a) Three calendar years of data shall be used in determining compliance with this standard. If three years of data are not available, a minimum of one calendar year must be used;

(b) All hourly measurements must start on the clock hour; and

(c) All daily maximum hourly averages not available for a year shall be accounted for by use of the following equation:

$$e = v + v/n (N-n-z)$$

e = the estimated number of potential times the allowed concentrations are exceeded for the year.

N = the number of required monitoring days in the year.

n = the number of days that valid data was available.

v = the number of days that readings have exceeded compliance level.

z = the number of days that readings are assumed to be less than the level of the standard. If a day should be included is based on whether the daily maximum one-hour reading on both the preceding day and the following day do not exceed 0.09 ppm ozone.

(3) Nitrogen dioxide. The annual arithmetic mean of nitrogen dioxide readings in the ambient air measured at a SPMS designated by the department for the purpose of determining compliance with this air quality standard, or at any NAMS or SLAMS, shall not exceed 0.05 parts per million (one hundred micrograms per cubic meter).

NEW SECTION

WAC 173-475-040 MEASUREMENT METHODS. Measurements for determining compliance with WAC 173-475-030 shall be made by equipment and procedures approved by and on file with the department.

All methods and procedures shall be available to the public upon request.

NEW SECTION

WAC 173-475-050 REPORTING OF DATA. Local and regional air pollution control agencies shall notify the department of all occurrences which exceed the applicable standards for carbon monoxide, ozone, or nitrogen dioxide. Notification shall be made quarterly and shall include:

(a) Location of monitoring sites by address and UTM coordinates;

(b) Date and time of each violation;

(c) Concentrations recorded; and

(d) Method of sampling used.

REPEALER

Chapter 18-32 of the Washington Administrative Code is repealed in its entirety as follows:

(1) WAC 18-32-009 PREAMBLE.

(2) WAC 18-32-010 DEFINITIONS.

(3) WAC 18-32-020 AIR QUALITY STANDARD.

(4) WAC 18-32-030 AIR QUALITY OBJECTIVE.

(5) WAC 18-32-040 METHOD OF MEASUREMENT.

(6) WAC 18-32-050 REPORTING OF DATA.

(7) WAC 18-32-060 METHOD OF DETERMINATION AND REPORTING FOR CONTINUOUS INFRARED ANALYSIS.

(8) WAC 18-32-990 APPENDIX A—SUGGESTED METHOD OF ASSEMBLY.

(9) WAC 18-32-99001 APPENDIX B—SUGGESTED CONSTRUCTION.

REPEALER

Chapter 18-46 of the Washington Administrative Code is repealed in its entirety as follows:

(1) WAC 18-46-010 PREAMBLE.

(2) WAC 18-46-020 DEFINITIONS.

(3) WAC 18-46-030 AIR QUALITY STANDARDS.

(4) WAC 18-46-040 MEASUREMENT.

(5) WAC 18-46-050 REPORTING OF DATA.

WSR 80-03-072

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed February 29, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, 28B.30.125 and 28B.30.150, that the Board of Regents of Washington State University, intends to adopt, amend, or repeal rules concerning prohibition of discriminatory practices;

that such institution will at 12 noon, April 14, 1980, in the Wilson Compton Union Building, Pullman Campus, Washington State University, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., April 28, 1980, in the University Towers Hotel, N.E. 45th and Brooklyn Avenue N.E., Seattle, WA.

The authority under which these rules are proposed is RCW 28B.30.125 and 28B.30.050[28B.30.150].

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 15, 1980, and/or orally at 12 noon, April 14, 1980, Wilson Compton Union Building, Pullman Campus, Washington State University.

Dated: February 26, 1980

By: Wallis Beasley
Executive Vice President

AMENDATORY SECTION (Amending Order 77-2, filed 8/3/77)

WAC 504-20-005 DISCRIMINATION PROHIBITED. ((The state of Washington has prohibited)) Discrimination on the basis of race, national origin, creed, age, sex, sexual preference, marital status, ((and)) or ((handicaps:)) handicap is prohibited at Washington State University. The University is committed to full support of ((these state laws and policies)) this rule, and the State Human Rights Law (RCW Chapter 49.60) and will take corrective and/or ((punitive)) disciplinary action against individuals or groups which deprive ((the individual)) other persons of civil rights, educational ((and)) or employment opportunities, housing, or ((which)) in any way impede((s)), hinder((s)), delay((s)), or restrict((s)) ((the individual's)) any person's membership, rights, privileges, or subsequent full participation in any activities of recognized university organizations in violation of this rule. ((t))This rule as it pertains to sex does not obligate male or female living groups, such as fraternities and sororities or similar organizations, to pledge or initiate members of the opposite sex, nor obligate the university to permit cohabitation of unmarried males and females in university housing.))

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.

WSR 80-03-073

**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**
[Memorandum, Chairman—February 29, 1980]

The Forest Practices Board of the State of Washington will hold a special public meeting on April 22, 1980 at 9 a.m. in Room 301, Public Lands Building, Olympia, Washington.

The business to be transacted is the consideration of amending or adding new sections to the Forest Practices Regulations, Title 222 WAC.

The last special public meeting of the Forest Practices Board (See WSR 79-12-087) was limited to consideration of amendments to Class III and Class IV regulations, WAC 222-16-050, and to consideration of other changes necessary to the implementation of the Class III and Class IV amendments. The Board, at its April 22, 1980 meeting, will expand the area of its consideration to changes to any of the Forest Practices Regulations, Title 222 WAC.

This special meeting may be continued and adjourned from time to time and place to place until completion of business.

WSR 80-03-074

**NOTICE OF PUBLIC MEETINGS
LIQUOR CONTROL BOARD**
[Memorandum, Chairman—February 28, 1980]

This is to notify you pursuant to RCW 42.30.070 that the Washington State Liquor Control Board has changed its schedule of regular meetings and beginning April 9, 1980 will conduct its regular meetings on Wednesday morning of each week except on holidays, commencing at 9:30 a.m., at its offices located on the fifth floor in the Capitol Plaza Building, Olympia, Washington.

WSR 80-03-075

**ADOPTED RULES
DEPARTMENT OF AGRICULTURE
(Noxious Weed Control Board)**
[Order 11, Resolution 11—Filed February 29, 1980]

Be it resolved by the State Noxious Weed Control Board, acting at General Administration Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to a proposed noxious weed list comprising the names of those plants which are found to be injurious to crops, livestock, or other property, amending WAC 16-750-010.

This action is taken pursuant to Notice No. WSR 80-01-058 filed with the code reviser on December 20, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 17.10 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 29, 1980.

By Franklin F. White
Chairman

AMENDATORY SECTION (Amending Order 10, Resolution 10, filed 5/10/78)

WAC 16-750-010 PROPOSED NOXIOUS WEED LIST. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the Noxious Weed Control Board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

ENGLISH OR COMMON NAME BOTANICAL OR SCIENTIFIC NAME

Perennial weeds	
Baby's Breath ((Barberry, European)) ((Bermudagrass))	Gypsophila paniculata ((Berberis vulgaris)) ((Cynodon dactylon))
Bindweed, field ((Bindweed, hedge)) ((Blackberry, evergreen))	Convolvulus arvensis ((Convolvulus sepium)) ((Rubus laciniatus))
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western ((Bulrush, spotted)) ((Buttercup, creeping)) ((Carnelthorn))	Pteridium aquilinum ((Scirpus validus)) ((Ranunculus repens)) ((Athyrium filix-femina))
Canada Thistle ((Chicory))	Cirsium arvense ((Cichorium intybus))
Dalmation Toadflax ((Dock)) ((Dogbane, hemp)) ((Fieldcress, Austrian)) ((Foxtail Barley))	Linaria dalmatica ((Rumex spp.)) ((Apocynum cannabinum)) ((Rorippa austriaca)) ((Hordium jubatum))
Gorse ((Groundcherry, longleaf)) ((Henbane, black))	Ulex europaeus ((Physalis longifolia)) ((Hyoscyamus niger))
Hoary Cress or White Top ((Horsetail, field))	Cardaria draba ((Equisetum arvense))
Johnsongrass	Sorghum halepense
Knapweed, diffuse	Centaurea diffusa
Knapweed, Russian ((Larkspur))	Centaurea repens ((Delphinium spp.))
Leafy Spurge ((Lupine)) ((Milkweed, showy))	Euphorbia esula ((Lupinus spp.)) ((Asclepias speciosa))
Nightshade, bitter ((Nutsedge, purple))	Solanum dulcamara ((Cyperus rotundus))
Nutsedge, yellow	Cyperus esculentus
Oxeye Daisy ((Leucanthemum))	Chrysanthemum <u>leucanthemum</u>
Pepperweed, perennial ((Plantain)) ((Povertyweed)) ((Quackgrass)) ((Ragweed, western)) ((Reed-canarygrass))	Lepidium latifolium ((Plantago spp.)) ((Iva axillaris)) ((Agropyron repens)) ((Ambrosia psilostachya)) ((Phalaris arundinacea))
St. Johnswort	Hypericum perforatum
Scotch Broom ((Sorrel, red))	Cytisus scoparius ((Rumex acetosella))
Sowthistle, perennial ((Spurge, spotted))	Sonchus arvensis ((Euphorbia maculata))
Tansy, common	Tanacetum vulgare
Waterhemlock, western	Cicuta douglasii
Watermilfoil, Eurasian ((Whitetop, hairy)) ((Wormwood, absinth))	Myriophyllum spicatum ((Cardaria pubescens)) ((Artemisia absinthium))
Yellow Toadflax	Linaria vulgaris
Biennial Weeds	
((Bull-Thistle)) ((Carrot, wild))	((Cirsium vulgare)) ((Daucus carota))
Houndstongue	Cynoglossum officinale
Knapweed, spotted	Centaurea maculosa
Plumeless Thistle	Carduus acanthoides
Poison Hemlock	Conium maculatum
Rush skeletonweed ((Sage, Mediterranean))	Chondrilla juncea ((Salvia aethiops))
Scotch Thistle	Onopordum acanthium
Tansy Ragwort	Senecio jacobaea
Annual Weeds	
((Barnyard-Grass)) ((Blucgrass, annual))	((Echinochloa crusgalli)) ((Poa annua))
Cocklebur	Xanthium spp.
Dodder ((Field-Pennycress))	Cuscuta spp. ((Thlaspi arvense))

ENGLISH OR COMMON NAME BOTANICAL OR SCIENTIFIC NAME

Goatgrass, jointed ((Halogeton))	Aegilops cylindrica ((Halogeton glomeratus))
Hemp (Marijuana) ((Horse-nettle)) ((Horseweed (marestail))	((Cannabis)) Cannabis sativa ((Solanum carolinense)) ((Conyza canadensis))
Kochia ((Meadowfoxtail, Pacific))	Kochia scoparia ((Alopecurus myosuroides))
Medusahead ((Mustard, wild)) ((Nightshade, silverleaf))	Taeniatherum asperum ((Brassica kaber)) ((Solanum elaeagnifolium))
Puncturevine ((Purslane, common)) ((Rattlebox)) ((St. Johnswort))	Tribulus terrestris ((Portulaca oleracea)) ((Crotalaria sagittalis)) ((Hypericum perforatum))
Sandbur, longspine ((Smartweed, swamp)) ((Sorghum)) ((Wild-oat))	Cenchrus longispinus ((Polygonum coccineum)) ((Sorghum spp.)) ((Avena fatua))
Yellow Starthistle	Centaurea solstitialis

WSR 80-03-076

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed February 29, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning the procedure and forms to be used when existing life insurance is to be replaced by new life insurance. The proposed rules are based upon the model regulation adopted by the National Association of Insurance Commissioners on December 6, 1978. Changes may be made before final adoption;

that such agency will at 2 p.m., Tuesday, April 15, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Wednesday, April 23, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060 to effectuate RCW 48.30.090, 48.30.100 and 48.30.180.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 16, 1980, and/or orally at 2 p.m., Tuesday, April 15, 1980, in the Insurance Commissioner's Office, Insurance Building, Olympia, Washington 98504.

Dated: February 29, 1980

By: Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-23-400 PURPOSE. The purpose of this regulation is:

- (1) To regulate the activities of insurers and agents with respect to the replacement of existing life insurance;
- (2) To protect the interests of life insurance policyowners by establishing minimum standards of conduct to be observed in the replacement or proposed replacement of existing life insurance by:

- (a) Assuring that the policyowner receives information with which a decision can be made in his or her own best interest;
- (b) Reducing the opportunity for misrepresentation and incomplete disclosures; and
- (c) Establishing penalties for failure to comply with the requirements of this regulation.

NEW SECTION

WAC 284-23-410 DEFINITION OF REPLACEMENT. "Replacement" means any transaction in which new life insurance is to be purchased, and it is known or should be known to the proposing agent, or to the proposing insurer if there is no agent, that by reason of such transaction, existing life insurance has been or is to be:

- (1) Lapsed, forfeited, surrendered, or otherwise terminated;
- (2) Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;
- (3) Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;
- (4) Reissued with any reduction in cash value; or
- (5) Pledged as collateral or subjected to borrowing, whether in a single loan or under a schedule of borrowing over a period of time for amounts in the aggregate exceeding twenty-five percent of the loan value set forth in the policy.

NEW SECTION

WAC 284-23-420 OTHER DEFINITIONS. (1) "Cash dividend" means the current illustrated dividend which can be applied toward payment of the gross premium.

(2) "Conservation" means any attempt by the existing insurer or its agent to continue existing life insurance in force when the existing insurer has received a Comparative Information Form as required by WAC 284-23-450(3)(d) of this regulation from a replacing insurer. A conservation effort does not include such routine administrative procedures as late payment reminders, late payment offers or reinstatement offers.

(3) "Direct-response sales" means any sale of life insurance where the insurer does not utilize an agent in the sale or delivery of the policy.

(4) "Existing insurer" means the insurance company whose policy is or will be changed or terminated in such a manner as described within the definition of "replacement".

(5) "Existing life insurance" means any life insurance in force including life insurance under a binding or conditional receipt or a life insurance policy that is within an unconditional refund period, but excluding life insurance obtained through the exercise of a dividend option.

(6) "Generic name" means a short title which is descriptive of the premium and benefit patterns of a policy or a rider.

(7) "Replacing insurer" means the insurance company that issues a new policy which is a replacement of existing life insurance.

(8) "Sales proposal" means individualized, written sales aids of all kinds, excluding Comparative Information Forms and policy summaries, which are used by an insurer, agent or broker in comparing existing life insurance to proposed life insurance in order to recommend the replacement or conservation of existing life insurance. Sales aids of a generally descriptive nature, which are maintained in the insurer's advertising compliance file, shall not be considered a sales proposal within the meaning of this definition.

NEW SECTION

WAC 284-23-430 EXEMPTIONS. Unless otherwise specifically included, this regulation shall not apply to:

- (1) Annuities;
- (2) Individual credit life insurance;
- (3) Group life insurance, group credit life insurance, and life insurance policies issued in connection with a pension, profit-sharing or other benefit plan qualifying for tax deductibility of premiums, provided, however, that as to any plan described in this subsection, full and complete disclosure of all material facts shall be given to the administrator of any plan to be replaced;
- (4) Variable life insurance under which the death benefits and cash values vary in accordance with unit values of investments held in a separate account;

(5) An application to the existing insurer that issued the existing life insurance when a contractual change or conversion privilege is being exercised;

(6) Existing life insurance that is nonconvertible term life insurance policy which will expire in five years or less and cannot be renewed; or

(7) Proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company.

NEW SECTION

WAC 284-23-440 DUTIES OF AGENTS. (1) Each agent shall submit to the replacing insurer with or as part of each application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A signed statement as to whether or not the agent knows replacement is or may be involved in the transaction.

(2) Where a replacement is involved, the agent shall:

(a) Present to the applicant, not later than at the time of taking the application, a "Notice Regarding Replacement of Life Insurance" in the form as described in WAC 284-23-500 and 284-23-510 whichever is applicable, or other substantially similar form approved by the commissioner. The notice must be signed by and left with applicant.

(b) Present to the applicant, not later than at the time of taking the application, a Comparative Information Form as described in WAC 284-23-530. (Substantially equivalent forms may be used with the prior approval of the commissioner.) If more than one existing life insurance policy is to be replaced, a separate Comparative Information Form is to be provided for each such policy or separate information is to be provided in the Comparative Information Form for each such policy, and a summary of all the separate policy information to the extent possible must be included. The agent must include in the Comparative Information Form all of the information required to be in that form, except that information concerning the existing life insurance policy that cannot be obtained from that policy itself. The Comparative Information Form must be signed by the agent and the applicant and a copy left with the applicant.

(c) Leave with the applicant the original or a copy of all sales proposals used for presentation to the applicant.

(d) Submit to the replacing insurer with the application, a copy of the "Notice Regarding Replacement of Life Insurance" signed by the applicant, a copy of the Comparative Information Form signed by the agent and the applicant, and a copy of all sales proposals used for presentation to the applicant.

(3) Each agent who uses a sales proposal when conserving existing life insurance shall:

(a) Leave with the applicant the original or a copy of all sales proposals used in the conservation effort; and

(b) Submit to the existing insurer a copy of all sales proposals used in the conservation effort.

NEW SECTION

WAC 284-23-450 DUTIES OF REPLACING INSURERS. Each replacing insurer shall:

(1) Inform its field representatives of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance:

(a) A statement signed by the applicant as to whether or not such insurance will replace existing life insurance; and

(b) A statement signed by the agent as to whether or not he or she knows replacement is or may be involved in the transaction.

(3) Where a replacement is involved:

(a) Require from the agent with the application for life insurance a copy of the "Notice Regarding Replacement of Life Insurance" signed by the applicant, a copy of the Comparative Information Form signed by the agent and the applicant, and a copy of all sales proposals used for presentation to the applicant.

(b) Verify the substantial accuracy of information concerning the proposed policy furnished to the applicant in the Comparative Information Form. If the information concerning that policy is not substantially accurate, the replacing insurer must obtain a Comparative Information Form signed by the agent and the applicant which includes substantially accurate information before it can begin to process the application for the proposed policy.

(c) Unless otherwise modified by the provisions of WAC 284-23-450(3)(e) or (f), furnish to the applicant a policy summary in accordance with the provisions of the Life Insurance Solicitation Regulation.

(d) Send to the existing insurer a verified Comparative Information Form as required by WAC 284-23-450(3)(a) and (b) within three working days of the date the application and a substantially accurate Comparative Information Form are received at its home or regional office, or the date its policy is issued, whichever is sooner.

(e) Delay, if it is not also the existing insurer, the issue of its policy for twenty days after it sends the existing insurer a copy of the policy summary, unless it provides in its "Notice Regarding Replacement of Life Insurance" and in either its policy or in a separate written notice that is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty days commencing from the date of delivery of the policy, and it sends the policy summary required by this section to the existing insurer within three working days of the date its policy is issued, in which event the replacing insurer may issue its policy immediately.

(f) Provide, if it is also the existing insurer, the policyowner a policy summary for the new policy prepared in accordance with WAC 284-23-450(3)(c), prior to accepting the applicant's initial premium or premium deposit, unless the replacing insurer provides in its "Notice Regarding Replacement of Life Insurance" and in either its policy or in a separate written notice that is delivered with the policy that the applicant has a right to an unconditional refund of all premiums paid, which right may be exercised within a period of twenty days commencing from the date of delivery of the policy, in which event, the replacing insurer must furnish the policy summary at or prior to delivery of the policy.

(g) Maintain copies of the "Notice Regarding Replacement of Life Insurance", the verified Comparative Information Form, the policy summary, and all sales proposals used, and a replacement register, cross indexed, by replacing agent and existing insurer to be replaced, for at least three years or until the conclusion of the next succeeding regular examination by the insurance department of its state or domicile, whichever is later.

NEW SECTION

WAC 284-23-460 DUTIES OF INSURERS WITH RESPECT TO DIRECT-RESPONSE SALES. Each insurer shall:

(1) Inform its responsible personnel of the requirements of this regulation.

(2) Require with or as part of each completed application for life insurance a statement signed by the applicant as to whether or not insurance will replace existing life insurance.

(3) Where no replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved:

At the time the policy is mailed to the applicant, include a "Notice Regarding Replacement of Life Insurance" in a form substantially as described in WAC 284-23-520.

(4) Where a replacement is proposed by an insurer in the solicitation of a direct-response sale and a replacement is involved:

(a) Request from the applicant with or as part of the application a list of all existing life insurance to be replaced. Such existing life insurance shall be identified by name of insurer.

(b) If the applicant furnishes the names of the existing insurers, then the replacing direct-response insurer shall mail the applicant a "Notice Regarding Replacement of Life Insurance" in a form substantially as described in WAC 284-23-520 within three working days after receipt of the application and shall comply with all of the provisions of WAC 284-23-450(3)(e), (f) and (g), except that it need not meet the requirements of this regulation concerning Comparative Information Forms and need not maintain a replacement register required by WAC 284-23-450(3)(g).

(c) If the applicant does not furnish the names of the existing insurers, then the replacing direct-response insurer shall at the time the policy is mailed to the applicant, include a "Notice Regarding Replacement of Life Insurance" in a form substantially as described in WAC 284-23-520.

NEW SECTION

WAC 284-23-470 DUTIES OF THE EXISTING INSURER. Each existing insurer shall inform its responsible personnel of the requirements of this regulation. Each existing insurer, or such insurer's agent, that undertakes a conservation effort shall:

(1) Within twenty days from the date the Comparative Information Form required by WAC 284-23-450(3)(d) is received, either furnish the policyowner with the Comparative Information Form received from the replacing insurer and include in it all of the information concerning the existing life insurance that was not completed and correct any information that was inaccurately completed by the replacing agent, or furnish the policyowner with a policy summary for the existing life insurance. Such policy summary shall be completed in accordance with the provisions of the Life Insurance Solicitation Regulation, except that information relating to premiums, cash values, death benefits and dividends, if any, shall be computed from the current policy year of the existing life insurance. The policy summary shall include the amount of any outstanding policy indebtedness, the sum of any dividend accumulations or additions, and may include any other information that is not in violation of any regulation or statute. Life insurance cost index and equivalent level annual dividend figures need not be included in the policy summary. If index figures are included in the policy summary, the policyowner must receive written notification at the time the policy summary is delivered that such figures should only be used for comparing the relative costs of similar policies.

(2) Furnish the replacing insurer with a copy of the fully completed Comparative Information Form or the policy summary for the existing life insurance within three working days of the date that the fully completed Comparative Information Form or the policy summary is sent by the existing insurer to either its agent or directly to the policyowner.

(3) Maintain a file containing the following:

(a) Comparative Information Forms required by WAC 284-23-450(3)(d) and policy summaries required by WAC 284-23-450(3)(e) received from replacing insurers; and

(b) Copies of fully completed Comparative Information Forms or Policy Summaries prepared pursuant to WAC 284-23-470(1), and all sales proposals used to conserve the existing life insurance.

This material shall be indexed by replacing insurer and held for three years or until the conclusion of the next regular examination conducted by the insurance department of its domicile, whichever is later.

NEW SECTION

WAC 284-23-480 PENALTIES. (1) Any insurer, agent, representative, officer or employee of such insurer failing to comply with the requirements of this regulation shall be subject to such penalties as may be appropriate under the insurance laws of Washington.

(2) This regulation does not prohibit the use of additional material other than that which is required that is not in violation of this regulation or any other Washington statute or regulation.

(3) Policyowners have the right to replace existing life insurance after indicating in or as part of the applications for life insurance that such is not their intention; however, patterns of such action by policyowners who purchase the replacing policies from the same agent shall be deemed prima facie evidence of the agent's knowledge that replacement was intended in connection with the sale of those policies, and such patterns of action shall be deemed prima facie evidence of the agent's intent to violate this regulation.

NEW SECTION

WAC 284-23-490 EFFECTIVE DATE, SUPERSEDES PRIOR REGULATION. This regulation, WAC 284-23-400 through 284-23-530, is effective, 1980, and may be used with respect to life insurance replacements occurring on and after that date, in lieu of compliance with the "Revised Replacement Regulation," WAC 284-30-100 through 284-30-200. As of, 1980, this regulation shall supersede the "Revised Replacement Regulation," and must be used with respect to all life insurance replacements occurring on and after such date.

NEW SECTION

WAC 284-23-500 FORM TO BE USED WHERE THE EXISTING AND PROPOSED POLICIES ARE WRITTEN BY DIFFERENT COMPANIES.

(Name, address and telephone number of the insurance company)

IMPORTANT NOTICE REGARDING REPLACEMENT OF LIFE INSURANCE

Our agent is recommending to you that you purchase a life insurance policy from us. In connection with this purchase, you have indicated either as a result of his recommendation or at your own initiative, that you may terminate or change your existing policy issued by another insurance company or that you may obtain a loan from that company against your policy to pay premiums on the proposed policy. Any of these actions is a replacement of life insurance. This notice must be given to you, along with a form including preliminary information comparing the proposed policy with your existing policy to be replaced. Please read this notice and the Comparative Information Form carefully.

Whether it is to your advantage to replace your existing insurance coverage, only you can decide. It is in your best interest, however, to have adequate information before a decision to replace your present coverage becomes final so that you may understand the essential features of the proposed policy and of your existing insurance coverage.

To this end, we are required to give you a Policy Summary including complete information on the proposed policy no later than when that policy is delivered to you. In addition, we are required to notify the insurance company that issued your existing policy. That company may then furnish you with additional information concerning your existing policy. You may want to contact that company or its agent for further information and advice or discuss your purchase with other advisors. The information you receive will be of value to you in reaching a final decision.

If either the proposed policy or the existing insurance you intend to replace is a participating policy, you should be aware that dividends may materially reduce the cost of insurance and are an important factor to consider. Dividends, however, are not guaranteed.

You should also recognize that a policy which has been in existence for a period of time may have certain advantages to you over a new policy. If the policy coverages are basically similar, the premiums for a new policy may be higher because rates increase as your age increases. Under your existing policy, the period of time during which the issuing company could contest the policy because of a material misstatement or omission on your application, or deny coverage for death caused by suicide, may have expired or may expire earlier than it will under the proposed policy. Your existing policy may have options which are not available under the policy being proposed to you or may not come into effect under the proposed policy until a later time during your life. Also, your proposed policy's cash values and dividends, if any, may grow slower initially because the company will incur the cost of issuing your new policy. On the other hand, the proposed policy may offer advantages which are more important to you.

If you are considering borrowing against your existing policy to pay the premiums on the proposed policy, you should understand that in the event of your death, the amount of any unpaid loan, including unpaid interest, will be deducted from the benefits of your existing policy thereby reducing your total insurance coverage.

After we have received your application and notified the other insurance company you will have twenty days from the date the proposed policy is delivered to you to cancel the policy issued on your application and receive back all payments you made to us.

* * * * *

(Alternate paragraph if 20-day money-back guarantee is not provided.)

We are required by state regulation to delay the issuance of the policy for which you are making application for twenty days from the date on which we send your existing insurer notification that their policy will be replaced.

* * * * *

CAUTION

If, after studying the information made available to you, you decide to replace the existing life insurance with our life insurance policy, you

are urged not to take action to terminate or alter your existing life insurance coverage until after you have been issued the new policy, examined it and found it to be acceptable to you. If you should terminate or otherwise materially alter your existing coverage and fail to qualify for the life insurance for which you have applied, you may find yourself unable to purchase other life insurance or able to purchase it only at substantially higher rates.

I have received and read a copy of this Replacement Notice.

(Signed) Date

NEW SECTION

WAC 284-23-510 FORM TO BE USED WHERE THE EXISTING AND PROPOSED POLICIES ARE WRITTEN BY THE SAME COMPANY.

(Name, address and telephone number of the insurance company)

IMPORTANT NOTICE REGARDING REPLACEMENT OF LIFE INSURANCE

Our agent is recommending that you purchase a life insurance policy from us. In connection with this purchase, you have indicated either as a result of his recommendation or at your own initiative, that you may terminate or change your existing policy issued by our company or that you may obtain a loan from our company against your existing policy to pay premiums on the proposed policy. Any of these actions is a replacement of life insurance. This notice must be given to you, along with a Comparative Information Form which includes preliminary information comparing the proposed policy with your existing policy to be replaced. Please read this notice and the Comparative Information Form carefully.

Whether it is to your advantage to replace your existing insurance coverage, only you can decide. It is in your best interest, however, to have adequate information before a decision to replace your present coverage becomes final so that you may understand the essential features of the proposed policy and of your existing insurance coverage.

To this end, we are required to give you a Policy Summary including complete information on the proposed policy no later than when the policy is delivered to you. In addition, we will, at your request, furnish you additional information concerning your existing policy. You may want to discuss your purchase with other advisors. The information you receive will be of value to you in reaching a final decision.

If either the proposed policy or the existing insurance you intend to replace is a participating policy you should be aware that dividends may materially reduce the cost of insurance and are an important factor to consider. Dividends, however, are not guaranteed.

You should also recognize that a policy which has been in existence for a period of time may have certain advantages to you over a new policy. If the policy coverages are basically similar, the premiums for a new policy may be higher because rates increase as your age increases. Under your existing policy, the period of time during which our company could contest the policy because of a material misstatement or omission on your application, or deny coverage for death caused by suicide, may have expired or may expire earlier than it will under the proposed policy. Your existing policy may have options which are not available under the policy being proposed to you or may not come into effect under the proposed policy until a later time during your life. Also, your proposed policy's cash values and dividends, if any, may grow slower initially because the company will incur the cost of issuing your new policy. On the other hand, the proposed policy may offer advantages which are more important to you.

If you are considering borrowing against your existing policy to pay the premiums on the proposed policy, you should understand that in the event of your death, the amount of any unpaid loan, including unpaid interest, will be deducted from the benefits of your existing policy thereby reducing your total insurance coverage.

(Additional paragraph if twenty-day money-back guarantee is provided.)

After we have issued your policy, you will have twenty days from the date the new policy is delivered to you to cancel the policy issued on your application and receive back all payments you made to us.

CAUTION

If, after studying the information made available to you, you do decide to replace the existing life insurance with our company with a new life insurance policy issued by our company, you are urged not to take action to terminate or alter your existing life insurance coverage until after you have been issued the new policy, examined it and have found it acceptable to you. If you should terminate or otherwise materially alter your existing coverage and fail to qualify for the life insurance for which you have applied, you may find yourself unable to purchase other life insurance or able to purchase it only at substantially higher rates.

I have received and read a copy of this Replacement Notice.

(Signed) Date

NEW SECTION

WAC 284-23-520 FORM TO BE USED REGARDING REPLACEMENT IN A DIRECT-RESPONSE SALE.

(Name, address and telephone number of the insurance company)

IMPORTANT NOTICE REGARDING REPLACEMENT OF LIFE INSURANCE

You have indicated that you intend to replace an existing life insurance policy or policies in connection with the purchase of our life insurance policy. As a result, we are required to send you this notice. Please read it carefully.

Whether it is to your advantage to replace your existing insurance coverage, only you can decide. It is in your best interest, however, to have adequate information before a decision to replace your present coverage becomes final so that you may understand the essential features of the proposed policy and your existing insurance coverage.

You may want to contact your existing life insurance company or its agent for additional information and advice or discuss your purchase with other advisors. The information you receive should be of value to you in reaching a final decision.

If either the proposed policy or the existing insurance you intend to replace is a participating policy, you should be aware that dividends

NEW SECTION

WAC 284-23-530 FORM FOR COMPARATIVE INFORMATION.

(Name, address and telephone number of insurance company)

COMPARATIVE INFORMATION FORM

Name of Proposed Insured _____ Address _____ Date of Birth _____

GENERAL INFORMATION

EXISTING LIFE INSURANCE

PROPOSED LIFE INSURANCE

Name of Company
Policy Number
Basic Policy Generic Name
Name of Basic Policy
Rider 1; Generic Name
Rider 2; Generic Name
Rider 3; Generic Name
Issue Age
Date of Issue
Contestable Period Expires
Suicide Clause Expires

may materially reduce the cost of insurance and are an important factor to consider. Dividends, however, are not guaranteed.

You should recognize that a policy which has been in existence for a period of time may have certain advantages to you over a new policy. If the policy coverages are basically similar, the premiums for a new policy may be higher because rates increase as your age increases. Under your existing policy, the period of time during which the issuing company could (contest the policy because of a material misrepresentation or omission concerning the medical information requested in your application, or)* deny coverage for death caused by suicide, may have expired or may expire earlier than it will under the proposed policy. Your existing policy may have options which are not available under the policy being proposed to you or may not come into effect under the proposed policy until a later time during your life. Also, your proposed policy's cash values and dividends, if any, may grow slower initially because the company will incur the cost of issuing your new policy. On the other hand, the proposed policy may offer advantages which are more important to you.

If you are considering borrowing against your existing policy to pay the premiums on the proposed policy, you should understand that in the event of your death, the amount of any unpaid loan, including unpaid interest, will be deducted from the benefits of your existing policy thereby reducing your total insurance coverage.

(Additional paragraph if direct-response insurer's solicitation proposes replacement, and a twenty-day money-back guarantee is provided by the insurer.)

After we have issued your policy, you will have twenty days from the date the new policy is received by you to notify us you are cancelling the policy issued on your application and you will receive back all payments you made to us.

You are urged not to take action to terminate or alter your existing life insurance coverage until you have been issued the new policy, examined it and have found it acceptable to you.

*Use bracketed language only when the application asks health questions.

PREMIUM DATA/DEATH BENEFITS	PREMIUM MODE: AMOUNT	AGE PAY-ABLE TO	DEATH BENEFIT	AGE BENEFIT CEASES	PREMIUM MODE: AMOUNT	AGE PAY-ABLE TO	DEATH BENEFIT	AGE BENEFIT CEASES
Basic Policy	\$		\$		\$		\$	
Rider 1	\$		\$		\$		\$	
Rider 2	\$		\$		\$		\$	
Rider 3	\$		\$		\$		\$	
Accidental Death Benefit	\$		\$		\$		\$	
Option to Purchase Additional Insurance	\$		\$	(Option Ages:_____)	\$		\$	(Option Ages:_____)
Waiver of Premium Benefit	\$		\$xxx		\$		\$xxx	
Disability Income Benefit	\$		\$xxx	(Monthly Income:_____)	\$		\$xxx	(Monthly Income:_____)
Total Current Premium	\$							

CASH VALUES/DIVIDENDS	*GUARANTEED CASH VALUE	*DIVIDENDS	*GUARANTEED CASH VALUE	*DIVIDENDS
Currently (last policy anniversary)	\$	\$	\$	\$
1 year hence	\$	\$	\$	\$
5 years hence	\$	\$	\$	\$
10 years hence	\$	\$	\$	\$
At age 65	\$	\$	\$	\$
		*Current Death Benefit of Div. Adds	\$	
		*Current Cash Value of Div. Adds	\$	
		*Current Accum. Div.	\$	
		*Current Policy Loan	\$	
		Maximum Policy Loan Interest Rate _____%	Maximum Policy Loan Interest Rate _____%	

*Dividends are based on the current (19____) scale. *Dividends are based on the current (19____) scale.

Dividends, policy loan and certain guaranteed cash value information concerning your existing insurance may not be known to our agent. Dividends are not guaranteed. However, they may materially reduce the cost of insurance and are an important factor to consider. Thus, if dividends or other figures have been omitted from this Comparative Information Form, you should not reach a final decision to replace your existing insurance until you have them. You may obtain the omitted figures from the company that issued your existing policy. We will notify that company of your intent to replace your existing policy.

AGENT'S STATEMENT

1. The primary reasons for my recommending the proposed replacement of existing life insurance by new life insurance are:*

2. My recommendations as to the existing insurance is that it be:

- .. Not Changed .. Lapsed .. Surrendered
- .. Reduced Paid-Up .. Extended Term

Other (Explain)

Borrowed Upon (Explain and state the amount to be borrowed)

3. The existing life insurance does not meet the insured/buyer's needs for insurance because:*

.....

*Specific reasons must be given. For example, if you believe the existing life insurance cannot meet the insured/buyer's needs, you must specify why you think it does not.

INSTRUCTIONAL NOTES FOR AGENT

1. Existing life insurance must be identified by name of insurer and the policy number. In the event that a policy number has not been assigned by the existing insurer, alternative identification information such as an application or receipt number must be shown.

2. If the premium for the basic policy or any rider or benefit changes, indicate the changes; attach schedule, if necessary.

3. If the death benefit for the basic policy or any rider or benefit changes, indicate the changes; attach schedules, if necessary.

4. If the premium for benefits is not separable from the premium for the basic policy, insert "Included" in Basic Policy Premium.

5. If more than one existing life insurance policy is to be replaced, a separate Comparative Information Form is to be provided for each such policy, or separate information is to be provided in one Comparative Information Form for each such policy, and a summary of all the separate policy information must also be included to the extent possible.

AGENT'S CERTIFICATION

I hereby certify that prior to taking an application for a policy, I have provided the applicant with the Notice Regarding Replacement of Life Insurance and that the information in this Comparative Information Form is true and correct to the best of my knowledge and belief.

.....
 (Signature of Agent) (Date)

I have received and read a copy of this Comparative Information Form.

.....
 (Signature of Applicant) (Date)

WSR 80-03-077
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed February 29, 1980]

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 Examinations—Minimum qualifications waived or modified—Examinations modified, amending WAC 356-22-130;

that such agency will at 10:00 a.m., Thursday, April 10, 1980, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, April 10, 1980, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 10:00 a.m., Thursday, April 10, 1980, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: February 28, 1980

By: Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order #120, filed 5/12/78)

WAC 356-22-130 EXAMINATIONS—MINIMUM QUALIFICATIONS WAIVED OR MODIFIED—EXAMINATIONS MODIFIED. (1) Upon the written request of the appointing authority, the Director of Personnel may waive or modify the minimum qualifications for a class to fill a vacant position on a one-examination basis only when (a) there is an incomplete register following recent recruiting; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the Director of Personnel determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The Director of Personnel may admit to an examination an applicant who does not technically meet the published minimum qualifications if the Director determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The Director of Personnel may modify or substitute, for a handicapped applicant, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the handicap of the individual to be tested when, in the judgment of the Director, all or portions of the examination constitute an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the handicap.

(4) When a development plan established and administered by the Division of Human Resource Development is available for a specific classification, confirmed completion of this Class Development Plan (CDP) admits the applicant to the examination for that class.

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 80-03-078
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 80-4—Filed March 3, 1980]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	WAC 296-24-023	Preservation of records. Identical to 29 CFR 1910.20, OSHA.
Amd	WAC 296-62-060	Control requirements in addition to those specified. Add preservation of records, identical to 29 CFR 1910.20 OSHA.

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 the state must use the emergency rule to be as effective as the federal regulations relating to record keeping, and to be in accordance with the agreement between the state and OSHA.

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 March 3, 1980.

By James T. Hughes
 Director

NEW SECTION

WAC 296-24-023 PRESERVATION OF RECORDS. (1) *Scope and application.* This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(2) *Definitions.* (a) "Employee exposure record" – a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(b) "Employee medical record" – a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

- (i) The results of medical examinations and tests;
- (ii) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(iii) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(3) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(4) Availability of records. The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(5) Effective date. This emergency rule shall become effective upon filing with the Code Reviser.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-060 CONTROL REQUIREMENTS IN ADDITION TO THOSE SPECIFIED. (1) In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the ((workman)) worker whether provided herein or not.

(2) Preservation of records. (a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions. (i) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

- (A) The results of medical examinations and tests,
- (B) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees, and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This emergency rule shall become effective upon filing with the Code Reviser.

WSR 80-03-079
ADOPTED RULES
BOARD OF HEALTH
[Order 194—Filed March 3, 1980]

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 residential treatment facilities for psychiatrically impaired children and youth, new chapter 248-23 WAC.

This action is taken pursuant to Notice No. WSR 80-01-096 filed with the code reviser on 12/31/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34-.08 RCW).

APPROVED AND ADOPTED February 13, 1980.

By Irma Goertzen

Chairman

John B. Conway

Robert H. Barnes

Ida B. Chambliss

Ronald A. Jacobus

John A. Beare MD

Secretary

Chapter 248-23 WAC
RESIDENTIAL TREATMENT FACILITIES FOR PSYCHIATRICALY IMPAIRED CHILDREN AND YOUTH

NEW SECTION

WAC 248-23-001 DEFINITIONS. (1) "Abuse" means injury, sexual abuse or negligent treatment or maltreatment of a child or adolescent by a person who is legally responsible for the child's/adolescent's welfare under circumstances which indicate that the child's/adolescent's health, welfare and safety is harmed thereby. (RCW 26.44.020.)

Person "legally responsible" shall include a parent or guardian or a person to whom parental responsibility has been delegated (e.g., teachers, providers of residential care, providers of day care).

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

(b) "Emotional abuse" means verbal behavior, harassment or other actions which may result in emotional

or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility, to act in its behalf in the overall management of the residential treatment facility.

(3) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(4) "Child psychiatrist" means a psychiatrist who has specialization in the assessment and treatment of children and youth with psychiatric impairments. This individual shall be certified in child psychiatry by the board of psychiatry and neurology or board eligible.

(5) "Client" means an individual child or youth who is living in a residential treatment facility for the purpose of receiving treatment and/or other services for a psychiatric impairment.

(6) "Clinical staff" means mental health professionals who have been appointed by the governing body of a residential treatment facility to practice within the parameters of the clinical staff bylaws as established by the governing body of that residential treatment facility.

(7) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact of a harmful or potentially harmful nature regardless of whether or not damage is actually inflicted.

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

(9) "Dietician" means a person who is eligible for membership in the American dietetic association.

(10) "Discipline" means actions taken by personnel and staff to encourage the establishment of habits of self-control or to regulate unacceptable client behavior. The individualized treatment plan shall define both of these.

(11) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), verifying it with the physician's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(12) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(13) "Governing body" means the individual or group which is legally responsible for operation and maintenance of the residential treatment facility.

(14) "Individualized treatment plan" means a written statement of care to be provided to a client based upon assessment of his/her strengths, assets, interests, and problems. This statement shall include short and long-term goals with an estimated time frame stipulated, identification of the process for attaining the goals and a

discharge plan. When possible, this statement shall be developed with participation of the client.

(15) "Mental health professional" means those individuals described in RCW 71.05.020 and WAC 275-55-100.

(16) "Multidisciplinary treatment team" means a group comprised, when indicated, of individuals from various clinical services, to include medicine, psychiatry, psychology, social work, nursing, occupational and recreational therapies, dietary, pharmacy, education, speech, and hearing. Members of this group shall assess, plan, implement, and evaluate treatment for clients under care.

(17) "Neglect" means negligent treatment or maltreatment or an act of omission which evinces a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a child's/adolescent's health, welfare, and safety. (RCW 26.44.020.)

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for client level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

(18) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as part of the residential treatment facility;

(b) Addition(s) to or conversions of existing building(s) to be used as part of the residential treatment facility;

(c) Alteration(s) or modification(s) other than minor alteration(s) to a residential treatment facility or to a facility seeking licensure as a residential treatment facility.

"Minor alteration(s)" means any structural or functional modification(s) within the existing residential treatment facility which does not change the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in chapter 248-16 WAC.

(19) "Occupational therapist" means a person eligible for certification as a registered occupational therapist by the American occupational therapy association.

(20) "Occupational therapy services" means activities directed toward provision of ongoing evaluation and treatment which will increase the client's ability to perform those tasks necessary for independent living, including daily living skills, sensory motor, cognitive and psychosocial components.

(21) "Owner" means an individual, firm, or joint stock association or the legal successor thereof who operates residential treatment facilities for psychiatrically impaired children, whether owning or leasing the premises.

(22) "Pharmacist" means a person who is licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(23) "Physician" means a doctor of medicine or a doctor of osteopathy licensed to practice in the state of Washington.

(24) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his/her professional practice, as defined by Washington state statutes for legitimate medical purposes. (RCW 18.64.011.)

(25) "Psychiatric impairment" means severe emotional disturbance corroborated by clear psychiatric diagnosis provided that one or more of the following symptomatic behaviors is exhibited:

(a) Bizarreness, severe self-destructiveness, schizophrenic ideation, chronic school failure, or other signs or symptoms which are the result of gross, ongoing distortions in thought processes;

(b) School phobias, suicide attempts, or other signs or symptoms associated with marked severe or chronic affective disorders as defined in the most recent edition of "American Psychiatric Association Diagnostic and Statistical Manual;"

(c) Chronic sexual maladjustment, history of aggressive unmanageability including violent, chronic, grossly maladaptive behaviors which are associated with (a) or (b) above.

(26) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is certified by the American board of psychiatry and neurology.

(27) "Psychological services" means activities directed towards the provision of interpretation, review and supervision of psychological evaluations; treatment services; participation in admission and discharge; diagnostic formulation; consultation and research.

(28) "Psychologist" means a person who is licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW with training in child clinical psychology.

(29) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(30) "Recreational therapist" means a person with a bachelor's degree with a major or option in therapeutic recreation or in recreation for ill and handicapped or a bachelor's degree in a related field with equivalent professional experience.

(31) "Recreational therapy services" means those activities directed toward providing assessment of a client's current level of functioning in social and leisure skills and implementation of treatment in areas of deficiency.

(32) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place or facility designed and organized to provide twenty-four hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(33) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting volitional body movement.

(34) "Scheduled drugs" means those drugs, substances, or immediate precursors listed in Scheduled I through V, Article II, RCW 69.50.201, State Uniform Controlled Substance Act, as now or hereafter amended.

(35) "Self-administration of medication" means that a client administers or takes his/her own medication from a properly labeled container: PROVIDED, That the facility maintains the responsibility for seeing that medications are used correctly and that the client is responding appropriately.

(36) "Shall" means that compliance with regulation is mandatory.

(37) "Should" means that compliance with a regulation or standard is suggested or recommended but not required.

(38) "Social work services" means "professional social work services" which includes activities and/or services which are performed to assist individuals, families, groups or communities in improving their capacity for social functioning or in effecting changes in their behavior, emotional responses or social conditions.

(39) "Social worker" means a person with a master's degree in social work obtained from an accredited school of social work.

(40) "Special services" means clinical and rehabilitative activities and/or programs which shall include but not be limited to: Laboratory, radiology and anesthesiology services; education and vocational training; speech, language, hearing, vision, dentistry, and physical rehabilitation.

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 248-23-010 LICENSURE. Residential treatment facilities shall be licensed under chapter 71.12 RCW, private establishments. Chapter 248-23 WAC establishes minimum licensing standards for the safety, adequate care and treatment of clients who are residents in a residential treatment facility.

(1) Application for license.

(a) An application for a residential treatment facility license shall be submitted on forms furnished by the department. Applications shall be signed by the legal representative of the owner.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of such information as to the identity of each officer and director of the corporation, if the program is operated by a legally incorporated entity, profit or nonprofit, and of each partner, if the program is a legal partnership.

(2) Disqualified applicants.

(a) Each and every individual named in an application for a residential facility license shall be considered separately and jointly as applicants, and if anyone is deemed

disqualified/unqualified by the department in accordance with the law or these rules and regulations, a license may be denied, suspended or revoked. A license may be denied, suspended or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW or with rules and regulations promulgated pursuant thereto, and, in addition, for any of the following:

- (i) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;
- (ii) Permitting, aiding or abetting the commission of an illegal act on the premises of the residential treatment facility;
- (iii) Cruelty, abuse, neglect or assault, or indifference to the welfare of any client;
- (iv) Misappropriation of the property of the client; and
- (v) Failure or inability to exercise fiscal accountability and responsibility toward the individual client, the department, or the business community.

(b) Before granting a license to operate a residential treatment facility, the department shall consider the ability of each individual named in the application to operate the residential treatment facility in accordance with the law and with these regulations. Individuals who have previously been denied a license to operate a health care or child care facility in this state or elsewhere, or who have been convicted civilly or criminally of operating such a facility without a license, or who have had their license to operate such a facility suspended or revoked, shall not be granted a license unless, to the satisfaction of the department, they affirmatively establish clear, cogent and convincing evidence of their ability to operate the residential treatment facility, for which the license is sought, in full conformance with all applicable laws, rules and regulations.

(3) Visitation and examination of the residential treatment facility by the department to ascertain compliance with this chapter and chapter 71.12 RCW shall occur as necessary and at least one time each twelve months.

(4) Denial, suspension or revocation of license. Upon finding, as a result of an inspection, that a facility has failed or refused to comply with the requirements of chapter 71.12 RCW and these rules and regulations, the department may, if the interests of the clients so demand, issue a written notification letter to the applicant or licensee giving notice of intent to deny a license application or to suspend or revoke a license thirty days after the date of mailing. This letter shall be followed by a denial, suspension or revocation letter provided the applicant or licensee does not within thirty days from the date of mailing of the department's notice of intent to reject, revoke or suspend a license make written application to the department for a hearing. Upon receipt of such an application to the department, the department shall fix a time for such hearing and shall give the applicant or licensee a notice of the time fixed for such hearing. Procedures governing hearings under these regulations shall be in accord with procedures set out in chapter 248-08 WAC, especially WAC 248-08-700 through 248-08-740. All hearings conducted under

these regulations shall be deemed to be contested cases within the meaning of chapter 34.04 RCW.

(5) Submission of plans. The following shall be submitted with an application for license: PROVIDED, HOWEVER, That when any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes which are not on file need to be submitted.

(a) A plot plan showing street, driveways, water and sewage disposal systems, the location of buildings on the site and grade elevations within ten feet of any building in which clients are to be housed.

(b) Floor plans of each building in which clients are to be housed. The floor plans shall provide the following information:

- (i) Identification of each client's sleeping room by use of a lettering or numbering system, or some equivalent mechanism of identification;
 - (ii) The usable square feet of floor space in each room;
 - (iii) The clear window glass area in each client's sleeping room;
 - (iv) The height of the lowest portion of the ceiling in any client's sleeping room;
 - (v) The floor elevations referenced to the grade level.
- (6) Posting of license. A license for the residential treatment facility shall be posted in a conspicuous place on the premises.

(7) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations.

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, which designate the functions of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:

- (i) Plot plans;
- (ii) Plans for each floor of the building(s) which designate the function of each room and show all fixed equipment and the planned location of beds and other furniture in client's sleeping rooms;
- (iii) Interior and exterior elevations, building sections and construction details;
- (iv) A schedule of floors, wall and ceiling finishes, and the types and sizes of doors and windows;

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

(vi) Specifications which fully describe workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of clients as construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. When indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only those changes which have been approved by the department may be incorporated into a construction project. In all cases, modified plans or addenda on changes which are incorporated into the construction project shall be submitted for the department's file on the project even though it was not required that these be submitted prior to approval.

(8) Exemptions. The state board of health may, in its discretion, exempt a residential treatment facility from complying with parts of these rules pursuant to the procedures set forth in WAC 248-08-595.

(9) Compliance with other regulations.

(a) Rules and regulations adopted by the Washington state fire marshall under provisions of RCW 71.12.485 which are found in Title 212 WAC apply.

(b) If there is no local plumbing code, the uniform plumbing code of the international association of plumbing and mechanical officials shall be followed.

(c) Compliance with these regulations does not exempt a residential treatment facility from compliance with local and state electrical codes or local zoning, building and plumbing codes.

(10) Transfer of ownership. The ownership of a residential treatment facility shall not be transferred until the transferee has been notified by the department that the transferee's application for a license has been approved. Change in administrator shall be reported to the department.

NEW SECTION

WAC 248-23-020 ADMINISTRATION. (1) Governing body.

(a) The residential treatment facility shall have a governing body which shall establish and adopt personnel policies; written policies for the admission, care, safety and treatment of clients; bylaws, rules and regulations for the responsible administrative and clinical staffs.

(b) The governing body shall be responsible for the provision of personnel, facilities, equipment, supplies and special services necessary to meet the needs of clients.

(c) The governing body shall appoint an administrator who shall be responsible for implementing the policies adopted by the governing body.

(d) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority and relation of positions within the facility.

(2) Personnel.

(a) There shall be sufficient qualified personnel to provide the services needed by the clients and to maintain the residential treatment facility.

(b) There shall be a current written job description for each position classification.

(c) There shall be a personnel record system and a current personnel record for each employee to include application for employment, verification of education or training when required, a record of verification of a valid, current license for any employee for whom licensure is required, and an annually documented performance evaluation.

(d) A planned, supervised and documented orientation shall be provided for each new employee.

(e) There shall be ongoing in-service education which affords each employee the opportunity to maintain and update competencies needed to perform assigned duties and responsibilities. Cardiopulmonary resuscitation training and review shall be provided.

(f) Volunteer services and activities, when provided shall be coordinated by a qualified member of the facility staff.

(i) There shall be appropriate documented orientation and training provided for each volunteer in accordance with the job to be performed.

(ii) There shall be supervision and periodic written performance evaluation of volunteers who have contact with clients, by qualified staff.

(3) Research and human subjects review committee. When research is proposed or conducted which directly involves clients, there shall be a documented multidisciplinary initial and continuing review process. The purpose of this review shall be to protect rights of the clients with acceptance or rejection and continuing review for the duration of the study.

NEW SECTION

WAC 248-23-030 CLIENT CARE SERVICES.

(1) The residential treatment facility shall have written policies regarding admission criteria and treatment methods. The admission of clients shall be in keeping with the stated policies and shall be limited to clients for whom the facility is qualified by staff, services, and equipment to give adequate care.

(2) Acceptance of a client for admission and treatment shall be based upon an assessment and intake procedure that determines the following:

(a) A client requires treatment which is appropriate to the intensity and restrictions of care provided by the programs; and/or

(b) The treatment required can be appropriately provided by the program(s) or program component(s); and

(c) Alternatives for less intensive or restrictive treatment are not available.

(3) Treatment and discharge planning.

(a) An initial treatment plan shall be developed for each client upon admission.

(b) The multidisciplinary treatment team shall develop an individualized treatment plan for each client within fourteen days of admission to the facility.

(i) This plan shall be developed following a complete client assessment which shall include, but not be limited to assessment of physical, psychological, chronological age, developmental, family, educational, social, cultural, environmental, recreational, and vocational needs of the clients.

(ii) The individualized treatment plan shall be written and interpreted to the client, guardian, and client care personnel.

(iii) There shall be implementation of the individualized treatment plan by the multidisciplinary treatment team with written review and evaluation at least one time each thirty days. Modifications in the treatment plan shall be made as necessary. Implementation and review shall be evidenced in the clinical record.

(iv) The individualized treatment plan shall include a written discharge plan developed and implemented by the multidisciplinary treatment team.

(v) The individualized treatment plan shall be included in the clinical record.

(4) A written plan shall be developed describing the organization of clinical services. This plan shall address the following:

(a) Medical services.

(i) A comprehensive health assessment and medical history shall be completed and recorded by a physician within five working days after admission unless a comprehensive health assessment and history have been completed within thirty days prior to admission and records are available to the residential treatment facility.

(ii) A complete neurological evaluation shall be completed when indicated.

(iii) A physician member of the clinical staff shall be responsible for the care of any medical condition that may be present during residential treatment.

(iv) Orders for medical treatment shall be signed by a physician.

(v) There shall be a physician on call at all times to advise regarding emergency medical problems. Provisions shall be made for emergency medical services when needed.

(vi) A psychiatric evaluation shall be completed and documented by a psychiatrist within thirty days prior or fourteen days following admission.

(vii) If there is not a child psychiatrist on the staff, there shall be a child psychiatrist available for consultation.

(b) Psychological services. There shall be a psychologist with documented evidence of skill and experience in working with children and youth available either on the clinical staff or by consultation, responsible for planning and reviewing psychological services and for developing a written set of guidelines for psychological services.

(c) Nursing service. There shall be a registered nurse, with training and experience in working with psychiatrically impaired children and youth, on staff as a full-time or part-time employee who shall be responsible for all nursing functions.

(d) Social work services. There shall be a social worker with experience in working with children and youth on staff as a full-time or part-time employee who shall

be responsible for social work functions and the integration of these functions into the individualized treatment plan.

(e) Special services.

(i) There shall be an educational/vocational assessment of each client with appropriate educational/vocational programs developed and implemented or assured on the basis of that assessment.

(ii) Special services shall be provided by qualified persons as necessary to meet the needs of the clients.

(f) Occupational therapy services. There shall be an occupational therapist available who has experience in working with psychiatrically impaired children and youth responsible for occupational therapy functions and the integration of these functions into treatment.

(g) Recreational therapy services. There shall be a recreational therapist available who has had experience in working with psychiatrically impaired children and youth responsible for the recreational therapy functions and the integration of these functions into treatment.

(h) Food and dietary services.

(i) Food and dietary services shall be provided and managed by a person knowledgeable in food service.

(ii) Dietary service shall incorporate the services of a dietician in order to meet the individual nutritional needs of clients.

(iii) All menus shall be written at least one week in advance, approved by a dietician, and retained for one year.

(iv) There shall be client-specific physician orders for therapeutic diets served to clients. Therapeutic diets shall be prepared and served as prescribed. A current therapeutic diet manual approved by the dietician shall be used for planning and preparing therapeutic diets.

(v) Meals and nourishment shall provide a well balanced diet of good quality food in sufficient quantity to meet the nutritional needs of children and youth. Unless contraindicated, the dietary allowances of the food and nutrition board of the national research council adjusted for age, sex, and activity shall be used. Snacks of a nourishing quality shall be available as needed for clients.

(vi) Food service sanitation shall be governed by chapter 248-84 WAC, "food service sanitation."

(5) Other client safety and care requirements.

(a) Disciplinary policies and practices shall be stated in writing.

(i) Discipline shall be fair, reasonable, consistent, and related to the behavior of the client. Discipline, when needed, shall be consistent with the individualized treatment plan.

(ii) Abusive, cruel, hazardous, frightening, or humiliating disciplinary practices shall not be used. Seclusion and restraints shall not be used as punitive measures. Corporal punishment shall not be used.

(iii) Disciplinary measures shall be documented in the clinical record.

(b) Assault, abuse and neglect. Clients shall be protected from assault, abuse and neglect. Suspected or alleged incidents of nonaccidental injury, sexual abuse, assault, cruelty or neglect to a child or adolescent shall

be reported to a law enforcement agency or to the department.

Reporting requirements for suspected incidents of child abuse and/or neglect shall comply with chapter 26.44 RCW.

(i) Staff and/or practitioners legally obligated to report suspected abuse or neglect include licensed practical nurses, registered nurses, physicians and their assistants, podiatrists, optometrists, chiropractors, dentists, social workers, psychologists, pharmacists, professional school personnel, and employees of the department.

(ii) Orientation material shall be made available to the facility personnel, clinical staff and/or consultants informing practitioners of their reporting responsibilities and requirements. Appropriate local police and department phone numbers shall be available to personnel and staff.

(iii) When suspected or alleged abuse is reported, the clinical record shall reflect the fact that an oral or written report has been made to the child protective services of the department or to a law enforcement agency. This note shall include the date and time that the report was made, the agency to which it was made and the signature of the person making the report. Contents of the report need not be included in the clinical record.

(iv) Conduct conforming with reporting requirements of this section or chapter 26.44 RCW shall not be deemed a violation of the confidential communication privileges of RCW 5.60.060 (3) and (4) and 18.83.110.

(c) Allowances, earnings, and expenditures shall be accounted for by the facility. When a client is discharged, he/she may be permitted to take the balance of his/her money or be fully informed about the transfer of his/her money to another facility or other transfer as permitted by state or federal law.

(d) Clients shall not be used to carry the responsibility for basic housekeeping and maintenance of the facility and equipment. Assigned tasks may be performed insofar as they are appropriate and are a part of the individualized treatment plan. Work assignments shall be adequately supervised and there shall be documentation of the work as part of the treatment program. Work assignments shall be appropriate to the age, physical and mental condition of the client.

(e) Written policy statements and procedures shall describe client rights as specified in WAC 275-55-170, 275-55-200(1), 275-55-260, and 275-55-270.

(f) There shall be current written policies and orders signed by a physician to guide the action of facility personnel when medical emergencies or a threat to life arise and a physician is not present.

(i) Medical policies shall be reviewed as needed and at least biennially and approved in writing by representatives of the medical, nursing, and administrative staffs.

(ii) There shall be current transfer agreement with an acute care general hospital. Medical and related data shall be transmitted with the client in the event of a transfer.

(g) Written policies and procedures shall address notification of legal guardian or next of kin in the event of a serious change in the client's condition, transfer of a

client to another facility, elopement, death, or when unusual circumstances warrant.

(h) There shall be written policies and procedures addressing safety precautions to include:

(i) Smoking by personnel, clients, visitors, and others within the facility.

(ii) Provision for immediate emergency access to sleeping rooms, toilets, showers, bathrooms, or any other rooms occupied by clients.

(iii) Use and monitoring of seclusion rooms and restraints in accordance with WAC 275-55-280(2) (o), (p) (i) through (iv).

(iv) Availability and access to emergency supplies and equipment to include airways, bag resuscitators and other equipment as identified in the emergency medical policies.

(v) Summoning of internal or external resource agencies or persons, e.g., poison center, fire department, police.

(vi) Systems for routine preventative maintenance, checking and calibration of electrical, biomedical, and therapeutic equipment with documentation of the plan and dates of inspection.

(vii) Fire and disaster plans which include a documentation process and evidence of rehearsals on a regular basis.

(viii) Immediate actions or behaviors of facility staff when client behavior indicates that he/she is assaultive, out of control, or self-destructive. There shall be documentation that rehearsals of staff occur on a regular basis.

(i) There shall be written policies and procedures governing actions to be taken following any accident or incident which may be harmful or injurious to a client which shall include documentation in the clinical record.

(j) There shall be written policies addressing transportation of clients which shall include consideration of the following:

(i) When transportation is provided for clients in a vehicle owned by the facility, the vehicle shall be in safe operating condition as evidenced by preventive maintenance records.

(ii) Authorization of all drivers of vehicles transporting clients by administration of the facility. Drivers shall possess a current driver's license.

(iii) Observation of maximum safe vehicle driving capacity. Seat belts or other safety devices shall be provided for and used by each passenger.

(iv) Conditions under which clients may be transported in nonfacility-owned vehicles.

NEW SECTION

WAC 248-23-040 PHARMACEUTICAL SERVICES. (1) The facility shall have an agreement with a pharmacist to provide the services called for in the following paragraphs and to advise the facility on matters relating to the practice of pharmacy, drug utilization, control, and accountability.

(2) There shall be written policies and procedures approved by a physician and pharmacist addressing the

procuring, prescribing, administering, dispensing, storage, transcription of orders, use of standing orders, disposal of drugs, self-administration of medication, control or disposal of drugs brought into the facility by clients, and recording of drug administration in the clinical record.

(a) There shall be written orders signed by a physician or by another legally authorized practitioner acting within the scope of his/her license for all medications administered to clients. There shall be an organized system which ensures accuracy in receiving, transcribing, and implementing orders for administration of medications.

(b) Drugs shall be dispensed by persons licensed to dispense drugs. Drugs shall be administered by persons licensed to administer drugs.

(c) Drugs brought into the facility for client use while in the facility shall be specifically ordered by a physician.

(i) These drugs shall be checked by a pharmacist prior to administration to determine proper identification of the drug and lack of deterioration of the drug.

(ii) The facility is responsible for the control and appropriate use of all drugs administered or self-administered within the facility.

(d) There shall be provision for procurement, labeling, and storage of medications, drugs and chemicals.

(i) Drugs ordered or prescribed for specific clients shall be procured by individual prescription.

(ii) The services of the pharmacist and the pharmacy shall be such that medications, supplies and individual prescriptions are provided without undue delay.

(iii) Medication containers within the facility shall be clearly and legibly labeled with the medication name (generic and/or trade), strength and expiration date, (if available).

(iv) Medications, poisons and chemicals kept anywhere in the facility shall be plainly labeled and stored in a specifically designated, secure, well-illuminated cabinet, closet or store room and made accessible only to authorized persons. External medications shall be separated from internal medications.

(v) Poisonous external chemicals, caustic materials and drugs shall show appropriate warning or poison labels and shall be stored separately from all other drugs.

(3) The facility shall have a current drug reference readily available for use by clinical staff and treatment team members.

NEW SECTION

WAC 248-23-050 **INFECTION CONTROL.** (1) There shall be written policies and procedures addressing infection control and isolation of clients (should isolation be necessary and medically appropriate for an infectious condition).

(2) There shall be reporting of communicable disease in accordance with WAC 248-100-075 and 248-100-080 as now or hereafter amended.

(3) There shall be a current system for reporting, investigating and reviewing infections among clients and personnel and for maintenance of records on such infections.

(4) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When the skin test is negative (less than ten millimeters induration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exceptions and specific requirements are as follows:

(a) Those with positive skin tests (as defined above) shall have an annual screening in the form of a chest x-ray.

(b) Those with positive skin tests whose chest x-rays show no sign of active disease at least three years after the first documented positive skin test shall be exempted from further annual testing.

(c) Those with positive skin tests who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing and chest x-rays.

(d) A record of test results, x-rays or exemptions to such shall be kept by the facility.

(5) Employees with communicable diseases in an infectious stage shall not be on duty.

NEW SECTION

WAC 248-23-060 **CLINICAL RECORDS.** (1) The residential treatment facility shall have a well defined clinical record system, adequate and experienced staff, adequate facilities, equipment and supplies necessary to the development, maintenance, security, control, retrieval, analysis, use and preservation of client care data. There shall be a person responsible for the clinical record system who has demonstrated competency and experience or training in clinical record administration.

(2) The client records and record system shall be documented and maintained in accordance with recognized principles of clinical record management.

(3) The residential treatment facility shall have current policies and procedures related to the clinical record system which shall include the following:

(a) The establishment of the format and documentation expectations of the clinical records for each client.

(b) Access to and release of data in clinical records. Policies shall address confidentiality of the information contained in records and release of information in accordance with RCW 71.05.390 and WAC 275-55-260.

(4) There shall be an adequate clinical record maintained for each client which is readily accessible to members of the treatment team. Each entry in the clinical record shall be legible, dated and authenticated.

(5) There shall be a systematic method for identifying the clinical record of each client.

(6) Entries in the clinical record shall be made on all diagnostic and treatment procedures and other clinical events. Entries shall be in ink, typewritten, or on a computer terminal.

(7) Diagnosis, abbreviations and terminology shall be consistent with the most recent edition of the "American

Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders" and "International Classification of Diseases."

(8) Clinical records shall include identifying information, assessments by the multidisciplinary treatment team, regular progress notes by members of the multidisciplinary treatment team, individualized treatment plans and a discharge summary.

(9) There shall be a master client index.

(10) Procedures related to retention, preservation, and final disposal of clinical records and other client care data shall include the following:

(a) Each client's clinical record shall be retained and preserved for a period of no less than five years, or for a period of no less than three years following the date upon which the client obtained the age of eighteen years, or five years following the client's most recent discharge, whichever is the longer period of time.

(b) A complete discharge summary, by a member of the clinical staff, and reports of tests related to the psychiatric condition of each client shall be retained and preserved for a period of no less than ten years or for a period of no less than three years following the date upon which the patient obtained the age of eighteen years, or ten years following the client's most recent discharge, whichever is the longer period of time.

(c) Final disposal of any client clinical record(s), indices or other reports which permit identification of the individual shall be accomplished so that retrieval and subsequent use of data contained therein are impossible.

(d) In the event of transfer of ownership of the residential treatment facility, client clinical records, indices and reports shall remain in the facility and shall be retained and preserved by the new operator of the facility in accordance with subsections above.

(e) If the residential treatment facility ceases operation, it shall make arrangements for preservation of its clinical records, reports, indices, and client data in accordance with subsections above. The plans for such arrangements shall have been approved by the department prior to cessation of operation.

NEW SECTION

WAC 248-23-070 PHYSICAL ENVIRONMENT. (1) The residential treatment facility shall provide a safe, clean environment for clients, staff, and visitors.

(2) The residential treatment facility shall be accessible to physically handicapped persons.

(3) Client sleeping rooms.

(a) Each sleeping room shall be directly accessible from a corridor or a common use activity room or an area for clients.

(b) Sleeping rooms shall be outside rooms with a clear glass window area of approximately one-eighth of the usable floor area. Windows shall be shatter-proof and of the security type. This may be an operating security type window.

(c) No room more than three feet six inches below grade shall be used for the housing of clients. There shall be a minimum of ninety square feet of usable floor

space in a single bedroom and multi-client rooms shall provide not less than eighty square feet of floor area per bed. The maximum capacity of a sleeping room shall be two clients. There shall not be less than seven and one-half foot ceiling height over the required floor area.

(d) There shall be provision for visual privacy from other clients as needed. This may be achieved through program assuring privacy in toileting, bathing, showering and dressing.

(e) Each client shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within or convenient to his/her room. There shall be provision in the room or elsewhere for secure storage of client valuables.

(f) Each client shall have access to his/her room except when contraindicated by the determination of the treatment team staff.

(g) Each client shall be provided a bed at least thirty-six inches wide or appropriate to the special needs and size of the client with a cleanable, firm mattress and cleanable or disposable pillow.

(h) Sufficient room furnishings shall be provided and maintained in a clean and safe condition.

(i) Client beds shall be spaced so that they do not interfere with entrance, exit or traffic flow within the client's room. Client rooms shall be of a dimension and conformation allowing not less than three feet between beds.

(4) Each client-occupied floor of the facility shall provide one toilet and sink for each five clients or any fraction thereof. There shall be one bathing facility for each five clients or fraction thereof. If there are more than five clients, separate toilet and bathing facility for each sex are required. Privacy shall be assured.

(5) Adequate lighting shall be provided in all areas of the residential treatment facility.

(a) An adequate number of electrical outlets shall be provided to permit use of electrical fixtures appropriate to the needs of the program. These outlets shall be of a tamper-proof type.

(b) General lighting shall be provided for sleeping rooms. There shall be an electrical wall switch located at the door of each sleeping room to control one built-in light fixture within the room.

(c) Emergency lighting equipment, such as flashlights or battery-operated lamps, shall be available and maintained in operating condition.

(6) Ventilation.

(a) Ventilation of all rooms used by clients or personnel shall be sufficient to remove objectionable odors, excessive heat or condensation.

(b) Inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors or contaminants originate shall be provided with mechanical exhaust ventilation.

(7) There shall be an adequate supply of hot and cold running water under pressure which conforms with the standards of the state board of health, chapter 248-54 WAC.

(a) The hot water temperature at bathing fixtures used by clients shall be automatically regulated and shall not exceed one hundred twenty degrees Fahrenheit.

(b) There shall be hot water at a temperature of one hundred forty degrees Fahrenheit available for laundry equipment and dishwashing.

(c) There shall be devices to prevent backflow into the water supply system from fixtures where extension hoses or other cross-connections may be used.

(8) Linen and laundry.

(a) An adequate storage area and supply of clean linen, washcloths and towels shall be available for client use.

(b) At least one laundry room with washer and dryer located in an area separate from the kitchen and dining area shall be available.

(c) Soiled laundry/linen storage area and sorting areas shall be in a well-ventilated area physically separated from the clean linen handling area, the kitchen and the eating areas.

(9) Within the facility, at least one private area shall be provided for the visiting of clients and visitors.

(10) An adequate number of rooms shall be provided for group and individual therapy.

(a) These rooms shall be enclosed and reasonably sound-proofed as necessary to maintain confidentiality.

(b) When seclusion or maximum security rooms are required by program(s), at least one seclusion room intended for short-term occupancy, which provides for direct supervision by the treatment team staff shall be provided.

(i) Seclusion rooms and furnishings shall be designed to provide maximum security for clients.

(ii) Seclusion rooms shall have provisions for natural or artificial light and may be inside or outside rooms.

(iii) There shall be window lights in doors or other provisions for direct visibility of a client at all times during occupancy.

(iv) Seclusion rooms shall provide fifty square feet of floor space, exclusive of fixed equipment, with a minimum dimension of six feet.

(11) When physical examinations of clients are done on a regular basis within the facility, there should be an examination room available which provides privacy and adequate light. A handwashing facility and soap dispenser shall be available.

(12) When medical and nursing supplies and equipment are washed, disinfected, stored or handled within the facility, there shall be utility and storage areas which shall be designed and equipped for these functions providing for segregation of clean and sterile supplies and equipment from those that are contaminated.

(13) Housekeeping facilities.

(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting.

(b) Sewage, garbage, refuse and liquid wastes shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition or nuisance.

(14) The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by clients during the coldest weather conditions ordinarily encountered in the geographical location of the residential treatment facility.

(15) There shall be an area provided for secure storage of client records and for privacy of authorized personnel to read and document in the client records.

(16) There shall be a dining room(s) or area(s) large enough to provide table service for all clients. Appropriate furnishings shall be provided for dining.

(a) If a multipurpose room is used for dining and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without their interference with one another.

(b) At least forty square feet per bed shall be provided for the total combined area which is utilized for dining, social, educational, recreational activities and group therapies.

(17) There shall be at least one "nonpay" telephone readily accessible in the event of fire or other emergencies. There shall be a telephone which is readily available for use of clients (located so that privacy is possible).

(18) A safely maintained outdoor recreation area shall be available for use of clients.

WSR 80-03-080

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-13—Filed March 3, 1980]

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 field monitoring has shown that set net fishing in this area at this time targets on Pacific Cod and that no commercial quantities of dogfish are present. This regulation is necessary to preserve Pacific cod stocks which cannot support this type of fishery.

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 March 3, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-48-09600D SETNET - DOGFISH, CLOSED AREA Notwithstanding the provisions of WAC 220-48-096, effective 12:00 midnight, March 6, 1980, until further notice, it shall be unlawful to take, fish for, or possess dogfish or other species of bottomfish, taken with set net gear, for commercial purposes, in that portion of Marine Fish-Shellfish Area 26B west of a line projected true north from Agate Point and that portion of Marine Fish-Shellfish Area 26C north of a line projected true east from Point Bolin.

WSR 80-03-081**ADOPTED RULES****BOARD OF PILOTAGE COMMISSIONERS**

[Order 79-6, Resolution 79-6—Filed March 4, 1980]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington, that it does promulgate and adopt the annexed rules relating to general rule and information about the board; Effective date and validity; Quorum defined; Licensing of pilots; Examination of pilots; Details and Requirements of new applications; Details and requirements of renewal applications; limitations on new pilots; period of incapacitation; Mileage on Puget Sound and adjacent inland waters; Tariffs, Puget Sound and adjacent waters; Tariffs, Grays Harbor and Willapa Bay; Hearings before the board; The annual report of the board; Puget Sound pilots transportation schedule; Retirement fund contribution; and the Grays Harbor pilotage rates and tariffs.

This action is taken pursuant to Notice No. WSR 80-01-102 filed with the code reviser on 1/2/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 which directs that the Board of Pilotage Commissioners has authority to implement the provisions of chapter 88.16 RCW.

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

APPROVED AND ADOPTED February 14, 1980.

By Richard A. Berg
Chairman

AMENDATORY SECTION (Amending Order 78-2, Resolution 78-2, filed 8/23/78)

WAC 296-11-001 GENERAL RULE AND INFORMATION. The chairperson of the board of pilotage commissioners is the secretary of transportation of the state of Washington or the secretary's designee. Information regarding the Pilotage Act, complaints and other matters coming under the provisions of the Pilotage Act and the board's rules and regulations may be obtained by contacting the chairperson or the board's secretary in person or in writing at the Office of the

Board of Pilotage Commissioners, Pier 52, Seattle, Washington 98104. All public documents in the custody of the board may be obtained upon request made to the chairperson of the Board of Pilotage Commissioners, Pier 52, Seattle, Washington 98104.

Any matter filed with the chairperson and/or the secretary will be brought to the attention of the board at its next regular meeting, the date of which is the ((first)) second Thursday of each month. Persons desiring to do so may also attend the board meetings, which are held at Pier 52, Seattle, Washington.

The purpose and scope of activity of the board of pilotage commissioners ((is)) are set out in chapter 88.16 RCW and ((is)) are as follows:

Scope: (1) Puget Sound pilotage district.

(2) Grays Harbor ((and Willapa Bay)) pilotage district.

Purpose: (((+))) The purpose of the board of pilotage commissioners is to prevent the loss of human lives, loss of property and vessels and to protect the marine environment by maintenance of a competent and efficient pilotage service on the state's waters. To accomplish this end the board examines proficiency of potential pilots, licenses pilots, regulates pilots, enforces the use of pilots, sets pilotage rates, receives and investigates reports of accidents involving pilots, keeps records of various matters affecting pilotage and fulfills other responsibilities enumerated in chapter 88.16 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-11-002 EFFECTIVE DATE AND VALIDITY.

AMENDATORY SECTION (Amending Order 79-5, Resolution 79-5, filed 10/18/79)

WAC 296-116-080 LICENSING OF PILOTS ((AND LIMITATIONS)). (1) No person shall be licensed by the board unless he has ((complied with the requirements of the pilotage act and the rules and regulations of the board. The examining committee shall consist of the board of pilotage commissioners. They shall examine applicants for a state license as provided in the pilotage act and the rules and regulations of the board)) applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; (c) tug and tow boat assist observation trips; and (d) the pilotage training program, if applicable.

(((2))) The majority of the entire board shall pass on the licensing of a ((state)) pilot((-Att)) and licenses shall be signed by the chairperson ((of the board)). ((Licenses shall be issued by the board after successful completion by applicants of the pilotage examination, prescribed familiarization trips and other requirements of the board, including, in the case of Puget Sound applicants, satisfactory completion of a training program. The training program shall commence after an applicant has passed the examination and shall require applicants

to pilot vessels under the supervision of Puget Sound pilots with more than ten years experience. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information before the board and decide whether the applicant should be licensed. Applicants shall pilot under such supervision for a minimum period of six months during which they shall have at least 100 assignments.

(3) The initial license issued by the board to a pilot who has successfully completed his examination and training program shall not authorize such pilot to perform pilotage services on any vessel of a size of 25,000 gross tons or more for the first year that such licensee becomes an active pilot. During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such periods of limitation.) All applicants shall have and display a United States government masters license and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, an applicant must pass a written and oral examination given and graded by the board. The board shall hold examinations at such times as will ensure the maintenance of an efficient and competent pilotage service. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. The board may, in an emergency, call for an immediate examination of applicants who have an application on file with the board.

(a) The examination may be taken by all qualified applicants who:

(i) have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause);

(ii) have tendered an examination fee of one hundred dollars which will be applied to his first year license fee if successful and shall be returned to the applicant if he is unable to sit for the examination; and

(iii) have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.

(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain

to the pilotage district for which the examination is being given:

(i) rules of the road as set forth in United States Government Publications;

(ii) aids to navigation;

(iii) courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;

(iv) cable crossing areas;

(v) dredged channel widths and depths;

(vi) bridge signals - width, regulations, and closed periods;

(vii) ship handling, docking and undocking problems, use of towboats and anchors, and seamanship;

(viii) Vessel Traffic System regulations where applicable;

(ix) ranges for determining compass error;

(x) channel ranges;

(xi) engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(xii) operation and use of marine radar, including rapid plotting techniques;

(xiii) calculation of currents and tides;

(xiv) pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(xv) prohibited areas, restricted areas, and explosive anchorages;

(xvi) use of navigational and bridge instruments;

(xvii) anchorage locations;

(xviii) duties of pilot;

(xix) relationship between pilot and master;

(xx) location and meaning of storm warning signals;

(xxi) meaning of one and two flag signals;

(xxii) United States government public health quarantine regulations;

(xxiii) harbor regulations;

(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;

(xxv) chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.

(3) After successful completion of the examination, the board shall determine the number of familiarization trips which the applicant will have to make pursuant to RCW 88.16.090. Familiarization trips are ship movements over specified routes on which the applicant observes the route and the actions of the licensed pilot on board.

(4) After ((issuance of a pilotage license for pilots in the Puget Sound Pilotage District)) successful completion of familiarization trips, the board shall specifically assess ((their)) the experience of the applicant with respect to tug and tow boat assists to vessel movements. If necessary, the board shall require that applicants make a certain number of observation trips aboard tug or tow boats prior to ((commencing duty as a Puget Sound pilot)) entering the training program, if applicable, or prior to being licensed if no training program is required.

(5) ((Subsections (2) and (4) of this section shall not apply to applicants for pilotage licenses who have passed the pilotage examination prior to October 15, 1979.)) After passing the examination, and completing familiarization trips and tug and tow boat assist observations, applicants for the Puget Sound Pilotage District must enter and successfully complete a training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than ten years experience. After every such assignment the supervisory pilots shall fill out, on a form provided by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Applicants shall pilot under such supervision for a minimum period of six months during which they shall have at least one hundred assignments.

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR ((AND WILLAPA BAY)) PILOTAGE DISTRICT. ((The board of pilotage commissioners shall review and publish a tariff listing rates to be charged for the pilotage of vessels on Grays Harbor and Willapa Bay and computed on the basis of vessel tonnage and draft and supply such tariffs to operators and pilots upon request. Such tariff shall contain all rates then in effect as adopted by the board. Such tariff rate shall cover from sea buoy to destination or vice versa.)) The following rates shall become effective on April 1, 1980

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$26.11 per meter (or \$7.97 per foot) and the tonnage charge shall be \$.0686 per net registered ton. The minimum net registered tonnage charge is \$261.00. The charge for an extra vessel (in case of tow) is \$163.00.

Boarding Fee:

Per each boarding/deboarding from a boat..... \$50.00

NOTE: The boarding fee is to finance the purchase of the pilot boat "Chehalis". When the boat is fully amortized, the boarding fee will be terminated.

Harbor Shifts:

For each shift from dock to dock,

CLASSIFICATION OF PILOTAGE SERVICE RATE

dock to anchorage, anchorage to dock, or anchorage to anchorage 163.00
Delays per hour 43.00
Cancellation charge (pilot only) 65.00
Cancellation charge (pilot boat only)..... 261.00

Travel Allowance:

Boarding or deboarding a vessel off Grays Harbor entrance 40.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$200 for each day or fraction thereof, and the travel expense incurred.

Bridge Transit:

Charge for each bridge transited 85.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 60 days of invoice will be assessed at 1% per month late charge. At least a four hour notice shall be given for an arrival, sailing, or change of ETA or ETD.

NEW SECTION

WAC 296-116-082 LIMITATIONS ON NEW PILOTS. The initial license issued by the board to a pilot applicant shall not authorize such pilot to perform pilotage services on any vessel of a size of 25,000 gross tons or more for the first year that such licensee becomes an active pilot. During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such periods of limitation.

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-110 DETAILS AND REQUIREMENTS OF RENEWAL APPLICATION. All applications for renewal of licenses shall be submitted in writing to the board at least thirty days prior to the expiration date of the license, and be accompanied by a certified check payable to the state treasurer in the amount of the annual license fee. All applicants for renewal of licenses shall be required to display their currently applicable United States government license with radar endorsement issued by the United States Coast Guard. ((Applicants shall be required to produce evidence satisfactory to the board that they are proficient in the use of marine radar.))

AMENDATORY SECTION (Amending Order 2-68, filed 11/1/68)

WAC 296-116-130 PERIOD OF INCAPACITATION. (1) Any pilot who is physically incapacitated as a pilot for a period ~~((on))~~ of ninety ~~((90))~~ days or more shall not return to service as an active pilot until he has passed a physical examination by a physician designated by the board.

(2) In the event a pilot fails to pass such physical examination, he shall have the right to a further examination by a medical commission composed of the board's physician, a physician selected by the pilot, and a third physician to be selected by these two physicians. ~~((The decision by a majority of the members of the commission shall be final.))~~

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

WAC 296-116-320 RETIREMENT FUND CONTRIBUTION. With respect to \$750 per month for a full-time pilot and \$375 per month for a half-time pilot retirement fund contributions:

(1) Each active pilot member of the Puget Sound Pilots Association shall make a retirement fund contribution of \$750 per month for a full-time pilot and \$375 per month for a half-time pilot for retirement purposes which shall be accumulated and payable upon death or retirement only, and shall be deposited in a joint account in the name of the individual pilot and Puget Sound Pilots, in a qualified public depository approved for the purpose by the ~~((commission))~~ board: PROVIDED, HOWEVER, The ~~((commission))~~ board grants further authority, subject to the following withdrawal limitations, for a portion or all of the retirement fund contributions for pilots on and after July 18, 1975, to be placed into trust programs limited to interest bearing notes ~~((or))~~, interest bearing accounts, investments, and accumulations of money in short-term money funds, and participation in Bank Pooled Bond Funds. These investments would be for self-employed individuals, so as to qualify said programs under applicable federal laws for deferral of income benefits and other personal advantages. Funds may also be put in fixed income accounts designed to comply with HR-10 Self-Employed Individuals Tax Retirement Act of 1962, as amended by the Employee Retirement Income Security Act of 1974, when such trust plans are submitted to the ~~((commission))~~ board for prior approval. Participation in such approved self-employment retirement plans shall be conditioned upon the following:

(a) Once established these plans shall not be terminated except upon the death or retirement of the participating pilot.

(b) Each participating pilot shall issue to the trustee of the self-employment retirement plan signed instructions directing the trustee to give advance notice to the office of the chairperson of the Board of Pilotage Commissioners of any application for distribution or termination of an established self-employment retirement plan. Any pilot, or any person acting on behalf of said pilot's estate, making such an application for distribution

or termination at any time other than upon the event of death or retirement of the pilot, shall be directed by the ~~((commission))~~ board to withdraw such application.

(c) Should a pilot have not elected retirement prior to age 70 1/2, said pilot shall be permitted to receive a distribution in whatever form he elects, under the provisions of his self-employment retirement plan, thereby complying with the mandatory distribution requirements of the above-mentioned retirement laws, provided that any and all funds so distributed be immediately deposited into a joint account in the name of the individual pilot and Puget Sound Pilots, in a qualified public depository approved for the purpose by the ~~((commission))~~ board, and thereafter withdrawn only upon actual death or retirement.

(d) It is to be understood by any pilot electing to direct contributions toward these self-employed plans and trust programs, that such activity is at their own financial choosing and the general approval by the ~~((commission))~~ board for such arrangement is not to be taken as any kind of recommendation or positive approval by the ~~((commission))~~ board as to these types of programs. This contribution of \$750 per month for a full-time pilot and \$375 per month for a half-time pilot shall be derived from the pilot's gross revenues.

(2) On quarterly reports required under RCW 88.16.110, the pilot shall state for the preceding quarter the total retirement fund contribution received, through that quarter and shall itemize all withdrawals or payments from such fund. Further, the pilot shall reflect what portion of his retirement funds, on a quarterly basis, have been diverted into KEOGH approved investment retirement plans.

(3) All persons hereafter licensed by the board to pilot on the waters of Puget Sound under the provisions of the Pilotage Act, chapter 88.16 RCW shall be deemed to have agreed to and be bound by the foregoing.

(4) These regulations have been enacted pursuant to the Board of Pilotage Commissioners' authority to fix rates of pilotage as set forth hereinabove. Failure to comply with any aspect of these regulations controlling the use of the \$750 per month for a full-time pilot and \$375 per month for a half-time pilot contribution amount granted for retirement purpose shall result in disciplinary action pursuant to RCW 88.16.120 and such violation may be charged as a misdemeanor pursuant to RCW ~~((88-17-150))~~ 88.16.150.

REPEALER

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

- (1) WAC 296-116-040 QUORUM DEFINED.
- (2) WAC 296-116-090 EXAMINATION OF PILOTS (PUGET SOUND AND ADJACENT INLAND WATERS).
- (3) WAC 296-116-095 EXAMINATION OF PILOTS (GRAYS HARBOR OR WILLAPA BAY).
- (4) WAC 296-116-100 DETAILS AND REQUIREMENTS OF NEW APPLICATIONS (PUGET SOUND AND ADJACENT INLAND WATERS).

- (5) WAC 296-116-105 DETAILS AND REQUIREMENTS OF NEW APPLICATIONS (GRAYS HARBOR OR WILLAPA BAY).
- (6) WAC 296-116-160 MILEAGE ON PUGET SOUND AND ADJACENT INLAND WATERS.
- (7) WAC 296-116-180 TARIFFS, PUGET SOUND AND ADJACENT INLAND WATERS.
- (8) WAC 296-116-190 HEARINGS.
- (9) WAC 296-116-210 ANNUAL REPORT.
- (10) WAC 296-116-220 EFFECTIVE DATE AND VALIDITY.
- (11) WAC 296-116-310 PUGET SOUND PILOTS TRANSPORTATION SCHEDULE.
- (12) WAC 296-116-351 PILOTAGE RATES FOR GRAYS HARBOR AND WILLAPA BAY PILOTAGE DISTRICT.

WSR 80-03-082
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 49.17.040, 49.17.050, 49.17.240 and chapters 43.22 and 42.30 RCW, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the amending of chapter 296-24 WAC relating to general safety and health standards and adopting new section WAC 296-24-023; Amending chapter 296-54 WAC relating to Safety standards-Logging operation; Adopting WAC 296-306-147 relating to storage and handling of metal irrigation piping; Amending chapter 296-62 WAC relating to occupational health standards and adopting WAC 296-62-07349 and 296-62-07510; Repealing WAC 296-62-07335, 296-62-900, 296-62-901, 296-62-902, 296-62-903, 296-62-904, 296-62-905, 296-62-907 and 296-62-908.

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., Tuesday and if needed Wednesday, April 29 and 30, 1980, in the Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Monday, June 9, 1980,

in the Director's Office, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.17.040, 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 April 24, 1980, and/or orally beginning at 9:30 a.m., Tuesday and if needed Wednesday, April 29 and 30, 1980, Conference Room, General Administration Building, Olympia, Washington 98504.

Dated: March 4, 1980

By: James T. Hughes
 Director

NEW SECTION

WAC 296-24-023 PRESERVATION OF RECORDS. (1) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(2) Definitions.

(a) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(b) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(i) The results of medical examinations and tests;

(ii) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(iii) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(3) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(4) Availability of records. The employer shall make available, upon request, to the director, department of labor and industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(5) Effective date. This standard shall become effective thirty days after filing with the code reviser.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-08103 REQUIREMENTS FOR A MINIMAL ACCEPTABLE PROGRAM. (1) Written standard operating procedures governing the selection and use of respirators shall be established.

(2) Respirators shall be selected on the basis of hazards to which the worker is exposed.

(3) The user shall be instructed and trained in the proper use of respirators and their limitations.

(4) Where practicable, the respirators should be assigned to individual workers for their exclusive use.

(5) Respirators shall be regularly cleaned and disinfected. Those issued for the exclusive use of one worker (~~should~~) shall be cleaned after each day's use, or more often if necessary. Those used by more than one worker shall be thoroughly cleaned and disinfected after each use.

(6) Respirators shall be stored in a convenient, clean, and sanitary location.

(7) Respirators used routinely shall be inspected during cleaning. Worn or deteriorated parts shall be replaced. Respirators for emergency use such as self-contained devices shall be thoroughly inspected at least once a month and after each use.

(8) Appropriate surveillance of work area conditions and degree of employee exposure or stress shall be maintained.

(9) There shall be regular inspection and evaluation to determine the continued effectiveness of the program.

(10) Persons should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. The local physician (~~should~~) shall determine what health and physical conditions are pertinent. The respirator user's medical status should be reviewed periodically (for instance, annually).

(11) Approved or accepted respirators shall be used. The respirator furnished shall provide adequate respiratory protection against the particular hazard for which it is designed in accordance with standards established by competent authorities.

NOTE: (~~The U.S. Department of Interior, Bureau of Mines, and the U.S. Department of Agriculture are recognized as such authorities. Although respirators listed by the U.S. Department of Agriculture continue to be acceptable for protection against specified pesticides, the U.S. Department of the Interior, Bureau of Mines, is the agency now responsible for testing and approving pesticide respirators.~~) The agency responsible for testing and approving respirators is the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-08107 AIR QUALITY. (1) Compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration shall be of high purity. Oxygen shall meet the requirements of the United States Pharmacopoeia for medical or breathing oxygen. Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G-7.1-1966. Compressed oxygen shall not be used in supplied-air respirators or in open circuit self-contained breathing apparatus that have previously used compressed air. Oxygen shall not be used with air line respirators.

(2) Breathing air may be supplied to respirators from cylinders or air compressors.

(a) Cylinders shall be tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR Part 178) dated October 1, 1972.

(b) The compressor for supplying air shall be equipped with necessary safety and standby devices, described in this item. A breathing air-type compressor shall be used. Compressors shall be constructed and situated so as to avoid entry of contaminated air into the system and suitable in-line air purifying sorbent beds and filters installed to further assure breathing air quality. A receiver of sufficient capacity to enable the respirator wearer to escape from a contaminated atmosphere in event of compressor failure, and alarms to indicate compressor failure and overheating shall be installed in the system. If an oil-lubricated compressor is used, it shall have a high-temperature (~~or~~) and carbon monoxide alarm(~~or both. If only a high-temperature alarm is used, the air from the compressor shall be frequently tested for carbon monoxide to insure that it meets the specifications in (1) of this section~~).

(3) Air line couplings shall be incompatible with outlets for other gas systems to prevent inadvertent servicing of air line respirators with nonrespirable gases or oxygen.

(4) Breathing gas containers shall be marked in accordance with American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1-1954; Federal Specification BB-A-1034a, June 21, 1968, Air, Compressed for Breathing Purposes; or Interim Federal Specification GG-B-00675b, April 27, 1965, Breathing Apparatus, Self-Contained.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-08109 USE OF RESPIRATORS. (1) Standard procedures shall be developed for respirator use. These shall include all information and guidance necessary for their proper selection, use, and care. Possible emergency and routine uses of respirators shall be anticipated and planned for.

(2) The correct respirator shall be specified for each job. The respirator type is usually specified in the work procedures by a qualified individual supervising the respiratory protective program. The individual

issuing them shall be adequately instructed to insure that the correct respirator is issued. Each respirator permanently assigned to an individual should be durably marked to indicate to whom it was assigned. This mark shall not affect the respirator performance in any way. The date of issuance should be recorded.

(3) Written procedures shall be prepared covering safe use of respirators in dangerous atmospheres that might be encountered in normal operations or in emergencies. Personnel shall be familiar with these procedures and the available respirators.

(a) In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen-deficient atmosphere, at least one additional man shall be present. Communications (visual, voice, or signal line) shall be maintained between both or all individuals present. Planning shall be such that one individual will be unaffected by any likely incident and have the proper rescue equipment to be able to assist the other(s) in case of emergency.

(b) When self-contained breathing apparatus or hose masks with hazardous are used in atmospheres immediately dangerous to life or health, standby men must be present at the nearest fresh air base with suitable rescue equipment.

(c) Persons using air line respirators in atmospheres immediately hazardous to life or health shall be equipped with safety harnesses and safety lines for lifting or removing persons from hazardous atmospheres or other and equivalent provisions for the rescue of persons from hazardous atmospheres shall be used. A standby man or men with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(4) Respiratory protection is no better than the respirator is use, even though it is worn conscientiously. Random inspections shall be conducted by a qualified individual to assure that respirators are properly selected, used, cleaned, and maintained.

(5) For safe use of respirator, it is essential that both supervisors and workers be properly instructed in its selection, use, and maintenance and shall be instructed by persons trained to so instruct. Training shall provide the men an opportunity to handle the respirator, have it fitted properly, test its face-piece-to-face seal, wear it in normal air for a long familiarity period, and, finally, to wear it in a test atmosphere.

(a) The employer shall provide fitting instructions including demonstrations and practice in how the respirator should be worn, how to adjust it, and how to determine if it fits properly. Respirators shall not be worn when conditions prevent a good face seal. Such conditions (~~may be~~) affecting a respirator-to-face seal shall include, but are not limited to, a growth of beard, sideburns, a skullcap that projects under the facepiece, or temple pieces on glasses. Also, the absence of one or both dentures can seriously affect the fit of a facepiece. The worker's diligence in observing these factors shall be evaluated by periodic check. To assure the proper protection, the facepiece shall be checked by the wearer each time he puts on the respirator. This may be done by following the manufacturer's facepiece fitting instructions.

(b) Providing respiratory protection for individuals wearing corrective glasses is a serious problem. A proper seal cannot be established if the temple bars of eye glasses extend through the sealing edge of the full facepiece. As a temporary measure, glasses with short temple bars or without temple bars may be taped to the wearer's head. Wearing of contact lenses in contaminated atmospheres with a respirator shall not be allowed. Systems have been developed for mounting corrective lenses inside full facepieces. When a workman must wear corrective lenses as part of the facepiece, the facepiece and lenses shall be fitted by qualified individuals to provide good vision, comfort, and a gas-tight seal.

(c) If corrective spectacles or goggles are required, they shall be worn so as not to affect the fit of the facepiece. Proper selection of equipment will minimize or avoid this problem.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-82515 TWO-POINT SUSPENSION SCAFFOLDS (SWINGING SCAFFOLDS). (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of 3/4-inch manila rope or the equivalent shall serve as a secondary means of anchorage, installed at right angles to the face of the building whenever possible and secured to a structurally sound portion of the building.

(5) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch nominal lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches nominal lumber in height. Wire mesh shall be installed in accordance with WAC 296-24-82503(17).

(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to WAC 296-24-82503(22).

(7) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(9) On suspension scaffolds designed for a working load of 500 pounds no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(10) Where acid solutions are used, fiber ropes are not permitted unless acid-proof.

(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(12) The platform of every two-point suspension scaffold shall be one of the following types:

(a) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with seven-eighth inch tenons mortised into the side stringers at least seven-eighth inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighth inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D-17.

(b) Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(c) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- and 6-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart. (See table D-17.)

TABLE D-17
SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14&16	18&20	22&24	28&30
Side Stringers, minimum cross section (finished sizes):					
At ends (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x2 3/4	x2 3/4	x3	x3	x3 1/2
At middle (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x3 3/4	x3 3/4	x4	x4 1/4	x5
Reinforcing strip (minimum)					
	A 1/8x7/8-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs					
	Rungs shall be 1 1/8-in. minimum diameter with at least 7/8-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	1/4 in.	1/4 in.	1/4 in.	1/4 in.	1/4 in.
Flooring, minimum finished size (in.)					
	1/2	1/2	1/2	1/2	1/2
	x2 3/4	x2 3/4	x2 3/4	x2 3/4	x2 3/4

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-82521 BOATSWAIN'S CHAIRS. (1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

((TABLE D-17
SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14&16	18&20	22&24	28&30
Side Stringers, minimum cross section (finished sizes):					
At ends (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x2 3/4	x2 3/4	x3	x3	x3 1/2
At middle (in.)	1 3/4	1 3/4	1 3/4	1 3/4	1 3/4
	x3 3/4	x3 3/4	x4	x4 1/4	x5
Reinforcing strip (minimum)					
	A 1/8x7/8-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs					
	Rungs shall be 1 1/8 in. minimum diameter with at least 7/8 in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	1/4 in.	1/4 in.	1/4 in.	1/4 in.	1/4 in.
Flooring, minimum finished size (in.)					
	1/2	1/2	1/2	1/2	1/2
	x2 3/4	x2 3/4	x2 3/4	x2 3/4	x2 3/4

(3) Seat slings shall be of at least 3/8-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(4) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first-grade manila rope or equivalent strength synthetic-fiber rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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)) five 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, parabuckled 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) Machine 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) New area or setting – a location of operations when both the loading station and the yarder are moved.

(80) Pass line – a small line threaded through a block at the top of the spar to assist the high climber.

((80)) (81) 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)) (82) 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)) (83) 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)) (84) 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)) (85) Receding line – the line on a skidder or slackline comparable to the haulback line on a yarder.

((85)) (86) Reload – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.

((86)) (87) Rollway – any place where logs are dumped and they roll or slide to their resting place.

((87)) (88) R.O.P.S. – Roll over protection structure.

((88)) (89) Rub tree – a tree used to guide a turn around a certain area.

((89)) (90) Running line – any line which moves.

((90)) (91) SAE – Society of automotive engineers.

((91)) (92) Safety factor – the ratio of breaking strength to a safe working strength or loading.

((92)) (93) Safety glass – a type of glass that will not shatter when broken.

((93)) (94) Sail block – a block hung inverted on the sail guy to hold the tong block in proper position.

((94)) (95) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.

((95)) (96) Shall – a requirement that is mandatory.

((96)) (97) Shear log – a log placed in a strategic location to divert passage of objects.

((97)) (98) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.

((98)) (99) Signal person – the person designated to give signals to the machine operator.

((99)) (100) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.

((100)) (101) Skidder – a machine or animal used to move logs or trees to a landing.

((101)) (102) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.

((102)) (103) Skyline – the line suspended between two points on which a block or carriage travels.

((103)) (104) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.

((104)) (105) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.

((105)) (106) Snag – a dead standing tree or a portion thereof. (See Danger tree)

((106)) (107) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.

((107)) (108) Spar – a device rigged for highlead, skyline or slackline yarding.

((108)) (109) Spar tree – (See Spar).

((109)) (110) Speeder – a small self-powered vehicle that runs on a railroad track.

((110)) (111) Spike – a long heavy nail similar to a railroad spike.

((111)) (112) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.

((112)) (113) Square lead – the angle of 90 degrees.

((113)) (114) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

((114)) (115) 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)) (116) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.

((116)) (117) Strap – any short piece of line with an eye or "D" in each end.

((117)) (118) Strawline – a small line used for miscellaneous purposes.

((118)) (119) 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)) (120) Strip – a definite location of timber on which one or more cutting crews work.

((120)) (121) Swamping – the falling or cutting of brush around or along a specified place.

((121)) (122) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

((122)) (123) Swing cut – a back cut in which the holding wood on one side is cut through.

((123)) (124) Tail block – the haulback block at the back end of the show.

((124)) (125) Tail hold – an anchor used for making fast any line or block.

((125)) (126) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

((126)) (127) 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)) (128) Tong line block – the block hung in a boom through which the tong line operates.

((128)) (129) Tongue – a device used to pull and/or steer a trailer.

((129)) (130) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.

((130)) (131) Tower – (See Portable spar or tower).

((131)) (132) Tractor – a machine of wheel or track design used in logging.

((132)) (133) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

((133)) (134) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.

((134)) (135) 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)) (136) 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)) (137) Tree pulling – a method of falling trees in which the tree is pulled down with a line.

((137)) (138) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

((138)) (139) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.

((139)) (140) "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)) (141) WAC – Washington Administrative Code.

((141)) (142) Waistline – that portion of the haulback running between the corner block and the tail block.

((142)) (143) Wrapper – a cable assembly or chain used to contain a load of logs.

((143)) (144) Wrapper rack – barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

((144)) (145) Yarder – a machine with a series of drums used to yard logs. (See Donkey)

((145)) (146) Yarding – the movement of logs from the place they are felled to a landing.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

(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 in a new area or setting, 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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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

PERMISSIBLE NOISE EXPOSURES

Duration per day Hours	Sound Level dBA**
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 highly visible hard hats and/or 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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-517 CAMPS. ~~((H))~~ 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.))~~

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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. After May 1, 1980, 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 five or more passengers shall be equipped with stretchers, two blankets, and 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 pick-up 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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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. On blind curves, 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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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 at idle or 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 except by an experienced person.

(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 down slope from the logs or trees, shall be prohibited.

(46) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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 at idle or shutoff. Where terrain or brush creates a hazardous condition, the power saw motor shall be shutoff 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))~~ (18) Hand-held files shall be equipped with a handle.

~~((20))~~ (19) Only experienced cutters shall buck windfalls.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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) When using radio, 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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-539 CLIMBING EQUIPMENT AND PASS-LINE. (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, it is recommended that 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) Long or short 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))~~ (19) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.

~~((21))~~ (20) Tools used by the climber, except the power saw, shall be safely secured to his belt when not in use.

~~((22))~~ (21) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.

~~((23))~~ (22) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

~~((24))~~ (23) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

~~((25))~~ (24) When used, passline fair-leads shall be kept in alignment and free from fouling at all times.

~~((26))~~ (25) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

~~((27))~~ (26) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

~~((28))~~ (27) 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))~~ (28) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

~~((30))~~ (29) 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))~~ (30) 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))~~ (31) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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 guylines 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 guylines attachment.
- (h) Metal spar guylines safety straps or equivalent devices shall be equal to the strength of the guylines.
- (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 guylines 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. Guylines 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 guylines 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 guylines eyes shall be tucked at least three times.
- (o) Extensions to guylines shall be:
- (i) Equal in strength to the guylines 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 guylines.
- (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 guylines 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 guylines 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 guylines 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 strawline 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 Forged	Required Other Material	Minimum Space Between Clips
3/8 to 5/8 inch	3	4	3-3/4 inches
3/4 inch	4	5	4-1/2 inches
7/8 inch	4	5	5-1/4 inches
1 inch	5	6	6 inches
1-1/8 inch	6	6	6-3/4 inches
1-1/4 inch	6	7	7-1/2 inches
1-3/8 inch	7	7	8-1/4 inches
1-1/2 inch	7	8	9 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 chokers 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 immediately when splice or other work is completed. Stumps shall be used whenever possible for splicing.

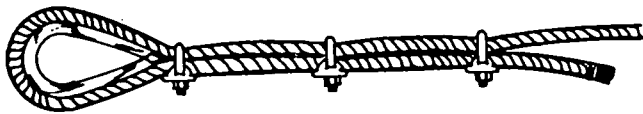
PUT CLIPS ON RIGHT



RIGHT



WRONG



WRONG

Figure No. 2

Clips should be spaced at least six rope diameters apart to get the maximum holding power and should always 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 applied. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied, a clip fastening has only about eighty percent (80%) of the strength of the rope and far less than that when on wrong.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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, unless used to secure end of rolled eye.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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:))~~ A minimum distance of thirty-six-inch clearance 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. 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 unimpaired 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.~~

((+6)) Logging machines shall not be operated until all guards have been installed, safety devices activated and maintenance equipment removed.

((+7)) (16) Stationary logging machines shall be securely anchored to prevent movement of the machine while yarding or skidding.

((+8)) (17) 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.)

((+9)) (18) Such units shall not be tied to any part of the ((~~trailing~~) ~~unit~~) tractor, when they are being moved on truck and trailer units.

((+10)) (19) Logs shall not be moved, swung or held over any persons.

((+11)) (20) 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.

((+12)) (21) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

((+13)) (22) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

((+14)) (23) 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.

((+15)) (24) 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.

((+16)) (25) Broken or defective glass shall be removed and replaced.

((+17)) (26) 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.

((+18)) (27) 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.

((+19)) (28) 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.

((+20)) (29) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

((+21)) (30) 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.

((+22)) (31) 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.

((+23)) (32) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

((+24)) (33) All obstructions which may reach the operator while moving machines, shall be removed.

((+25)) (34) Only shackles with threaded pins shall be used for connecting moving rigging.

((+26)) (35) Anchors used for moving power units shall be carefully chosen and must be stable.

((+27)) (36) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haulback whenever possible.

((+28)) (37) 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.

((+29)) (38) 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.

((+30)) (39) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

((+31)) (40) 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.

((+32)) (41) 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.

((+33)) (42) 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.

((+34)) (43) 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.

((+35)) (44) 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.

((+36)) (45) 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.

((+37)) (46) 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.)

((+38)) (47) 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.)."

((+39)) (48) Vehicles equipped with ROPS or FOPS as required in subsections ((+34)) (43) and ((+30)) (47) 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."

((+40)) (49) 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.

((+41)) (50) 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))~~ (51) 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.)~~

(52) (a) All bidirectional machines, such as rollers, compactors, front-end loaders, log stackers, log loaders, bulldozers, shovels, and similar equipment, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(b) No employer shall permit earthmoving, compacting, or yarding equipment, which has an obstructed view to the rear, to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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))~~ working in the chutes. 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.

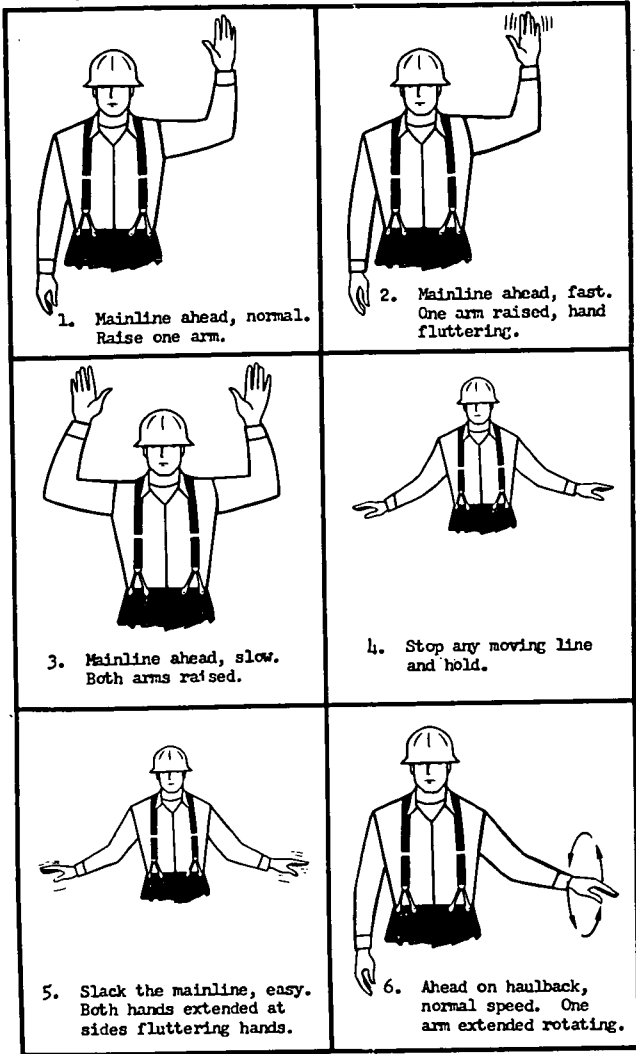
(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

(20) Landings shall be free of root wads, limbs, tops, etc., that constitute a safety hazard.

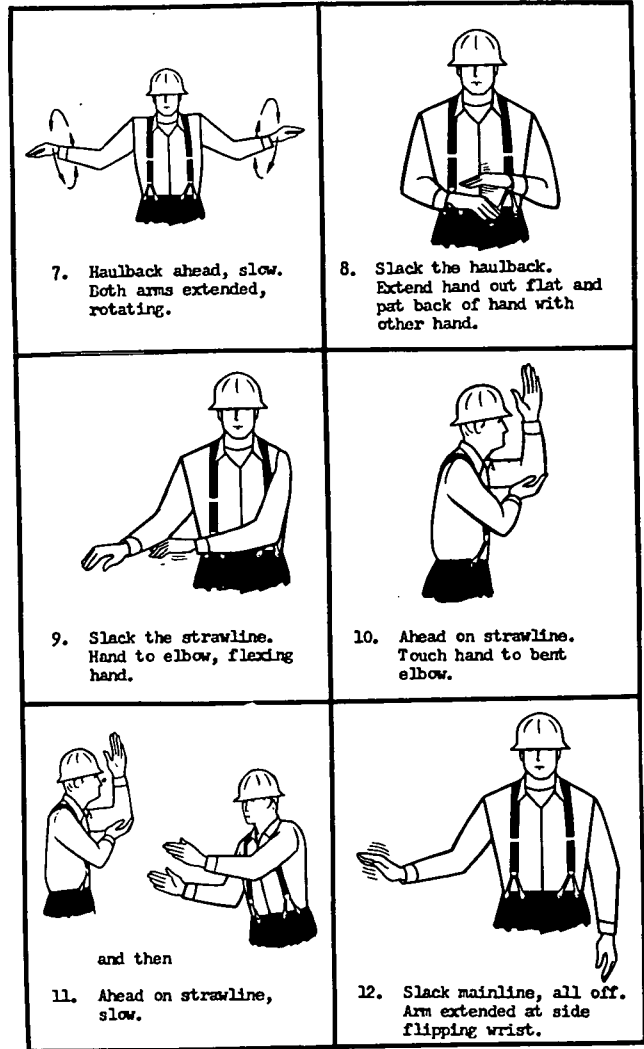
(21) When shorter logs are yarded in the same turn with long sticks, the shorter logs shall be landed and chokers released before the long stick choker is released.

NOTE: See Figures No. 4-A and 4-B for Standard Hand Signals for High Lead Logging.

STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING



STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING



AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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 ((imm)) in 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:

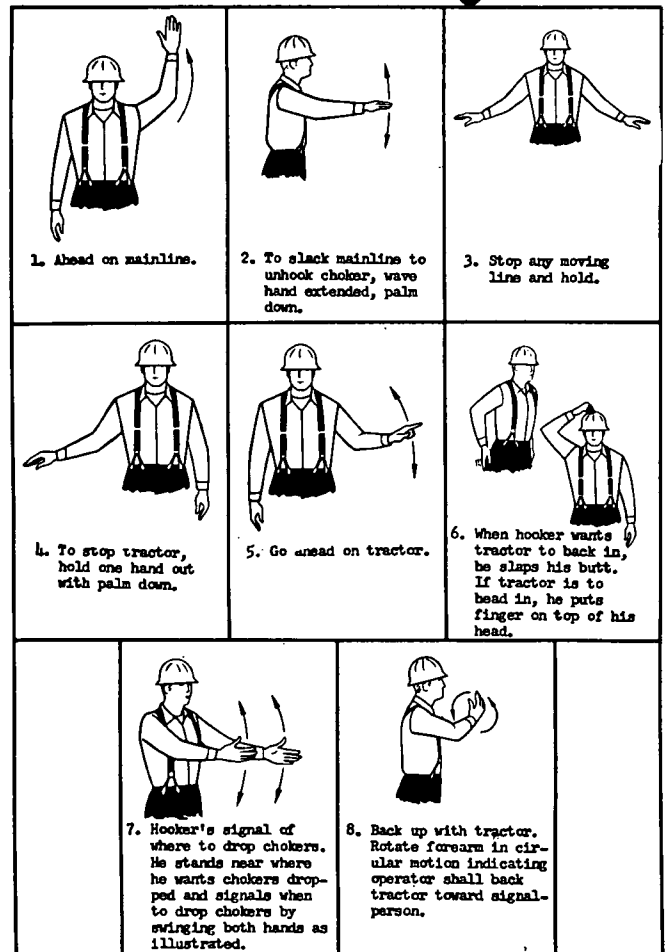
(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE Technical Report J319b.

(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



AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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 clearance((s)) 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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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) Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. Stake extensions shall be secured by safety chains or other devices to prevent their accidental displacement.

(3) 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)) (4) 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)) (5) 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)) (6) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

((6)) (7) 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)) (8) 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)) (9) Deformed or defective stakes, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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. If vision is impaired or restricted to the rear, 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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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~~) piece of railroad equipment in operation, 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 derailer, 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 by hand signal.
- 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 (oooooo) Danger of runaway.
- Unnecessary use of whistle is prohibited.

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.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

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.)) The federal communications commission rules require that assigned call letters be used in conjunction with voice communications.

(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,

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-060 CONTROL REQUIREMENTS IN ADDITION TO THOSE SPECIFIED. (1) In those cases where no acceptable standards have been derived for the control of hazardous conditions, every reasonable precaution shall be taken to safeguard the health of the ((workman)) worker whether provided herein or not.

(2) Preservation of records.

(a) Scope and application. This section applies to each employer who makes, maintains or has access to employee exposure records or employee medical records.

(b) Definitions.

(i) "Employee exposure record" - a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

(ii) "Employee medical record" - a record which contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

(A) The results of medical examinations and tests;

(B) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(C) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

(c) Preservation of records. Each employer who makes, maintains, or has access to employee exposure records or employee medical records shall preserve these records.

(d) Availability of records. The employer shall make available, upon request, to the Director, Department of Labor and Industries, or his designee, all employee exposure records and employee medical records for examination and copying.

(e) Effective date. This standard shall become effective thirty days after filing with the code reviser.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11021 OPEN SURFACE TANKS. (1) General.

(a) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(b) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(2) Classification of open-surface tank operations. (a) Open-surface tank operations shall be classified into 16 classes, numbered A-1 to D-4, inclusive.

(b) Determination of Class. Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(c) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (ppm), or in milligrams of mist per cubic meter of air (mg/m³), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in WAC 296-62-075 through 296-62-07515.

(d) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34-1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest ppm or mg/m³) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A of (2)(e) of this section.)

(e) Hazard potential shall be determined from Table 16, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a ((Threshold Limit Value-(TLV))) Permissible Exposure Limit (PEL) in ppm or a mist with a TLV in mg/m³, the TLV indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

NOTE A:

$$\frac{c_1}{((TLV_1)) \text{ PEL}} + \frac{c_2}{((TLV_2)) \text{ PEL}} + \frac{c_3}{((TLV_3)) \text{ PEL}} + \dots + \frac{c_N}{((TLV_N)) \text{ PEL}} > 1$$

where:

c = Concentration measured at the operation in ppm.

TABLE 16
DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group		
	Gas or vapor (ppm)	Mist (mg/m ³)	Flash point (in degrees F.)
A.....	0-10	0-0.1
B.....	11-100	0.11-1.0	Under 100
C.....	101-500	1.1-10	100-200
D.....	Over 500	Over 10	Over 200

(f) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of:

(i) The temperature of the liquid in the tank in degrees Fahrenheit;

(ii) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(iii) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(iv) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table 17, Note 2.) Gassing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (See Table 17, Note 3).

(g) Rate of evolution shall be determined from Table 17. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

TABLE 17
DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION¹

Rate	Liquid temperature, °F	Degrees below boiling point	evapora-tion ²	Relative Gassing ³
1.....	Over 200	0-20	Fast.....	High
2.....	150-200	21-50	Medium.....	Medium
3.....	94-149	51-100	Slow.....	Low
4.....	Under 94	Over 100	Nil.....	Nil

NOTE 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carry out of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedures are average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

NOTE 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in Industrial and Engineering Chemistry, vol. 27, p. 1169, (3) where time for 100—percent evaporation is as follows: Fast: 0-3 hours; Medium: 3-12 hours; Slow: 12-50 hours; Nil: more than 50 hours.

NOTE 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) Ventilation. Where ventilation is used to control potential exposures to workers as defined in (2)(c) of this section, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(4) Control requirements. (a) Control velocities shall conform to Table 18 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(b) All tanks exhausted by means of hoods which;

(i) Project over the entire tank;

(ii) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(iii) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(iv) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE 18 - CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ Paragraph (4)(iii)	Canopy hood ² (See Sub-paragraph (4)(iv)) (See Sub-Paragraph (4)(iii))	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2	100	150	150	Do not use	Do not use
A-3 (Note ²), B-1, B-2, and C-1	75	100	100	125	175
B-3, C-2, and D-1 (Note ³)	65	90	75	100	150
A-4 (Note ²), C-3, and D-2 (Note ³)	50	75	50	75	125
B-4, C-4, D-3 (Note ³), and D-4	General room ventilation required.				

¹ See Table 19 for computation of ventilation rate.

² Do not use canopy hood for Hazard Potential A processes.

³ Where complete control of hot water is desired, design as next highest class.

(c) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table 19 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table 19.

(i) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(A) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(B) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

(C) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(D) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a manner as to significantly interfere with the performance of the exhaust hood.

TABLE 19 - MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table)	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ³				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0

Hood along one side or two parallel sides of tank when one hood is against a wall or baffle.²

Also for a manifold along tank centerline.³

50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300

Hood along one side or two parallel sides of free standing tank not against wall or baffle.

50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

¹ It is not practicable to ventilate across the long dimension of a tank whose ratio W/L exceeds 2.0.

It is understandable to do so when W/L exceeds 1.0. For circular tanks with lateral exhaust along up the circumference use W/L = 1.0 for over one-half the circumference use W/L = 0.5.

² Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

³ Use W/L as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.

Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is not back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyORIZED systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(E) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(d) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(e) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 percent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) Spray cleaning and degreasing. Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the

discharge of spray. Spray painting operations are covered in WAC 296-62-11019.

(6) Control means other than ventilation. Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with (2) of this section.

(7) System design. (a) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(b) The capacity required in (7)(a) of this section shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

- (i) Entrance losses into the hood.
- (ii) Resistance to airflow in branch pipe including bends and transformations.
- (iii) Entrance loss into the main pipe.
- (iv) Resistance to airflow in main pipe including bends and transformations.

(v) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.

(vi) Resistance in outlet duct and discharge stack.

(c) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(d) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) Operation. (a) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the airflow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(b) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(c) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) Personal protection. (a) All employees working in and around open surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(b) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(c) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(d) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(e) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. (See WAC 296-24-078.)

(f) When, during emergencies as described in (11)(e) of this section, workers must be in areas where concentrations of air contaminants are greater than the limit set by (2)(c) of this section, or oxygen concentrations are less than 18 percent, they shall be required to wear respirators adequate to reduce their exposure to a level below these limits, or to provide adequate oxygen. Such respirators shall also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators shall meet the applicable provisions of chapter 296-24 WAC and shall be selected by a competent industrial hygienist or other technically qualified source. Respirators shall be used in accordance with the applicable provisions of chapter 296-24 WAC, and persons who may require them shall be trained in their use.

(g) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(h) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chance of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(i) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. (See WAC 296-24-12009.)

(j) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(k) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) Special precautions for cyanide. Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) Inspection, maintenance, and installation. (a) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(b) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(c) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such

tank, appropriate tests of the atmosphere shall be made to determine if the limits set by (2)(c) of this section are exceeded, or if the oxygen concentration is less than 18 percent.

(d) If the tests made in accordance with (11)(c) of this section indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(e) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with (9)(f) of this section, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(f) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with (9)(f) of this section. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) Vapor degreasing tanks. (a) In any vapor degreasing tank equipped with a condenser and vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(b) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

(c) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(d) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) Scope. (a) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(b) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(c) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in subsection (1)(b) and (1)(c) of this section.

(b) This section does not apply to exposures which result solely from the processing, use, and handling of ((products fabricated from polyacrylonitrile (PAN) where objective data is reasonably relied upon as to one of the following conditions)) the following materials:

(i) ((That the material to be processed is not capable of releasing AN resulting in airborne concentrations in excess of (1.0 ppm; or 0.5 ppm; or 0.1 ppm), under the expected conditions of processing, use and handling which will cause the greatest possible release)) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers; ((or))

(ii) ((That the material to be processed is not a latex or other liquid mixture and does not contain more than (XX) ppm by weight, residual AN; or)) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight (8)-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) ((That the material to be processed is not a latex or other liquid mixture and will not be heated or melted during the fabrication process)) Solid materials made from and/or containing AN which will not be heated above 170 F during handling, use, or processing.

((Where the processing, use, and handling of products fabricated from PAN are exempted under this subsection, the employer shall maintain records of the objective data supporting that exemption, as provided in subsection (17) of this section.))

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" - acrylonitrile monomer, chemical formula $CH_2=CHCN$.

(b) "Action level" - a concentration of AN of ((1 ppm; or 0.5 ppm; or 0.1 ppm) averaged over any)) as an eight (8)-hour ((period)) time-weighted average.

(c) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Director" - the Director of Labor and Industries, or his authorized representative.

(e) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(f) "Polyacrylonitrile" or "PAN" - polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits. (a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of ((two (2) parts; or one part; or two-tenths (0.2) part)) acrylonitrile per million parts of air (2 ppm; or 1 ppm; or 0.2 ppm;)) as an eight (8)-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of ((10 ppm; or 5 ppm; or 1 ppm)) as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies. (a) Use. Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-62-07341 ACRYLONITRILE. (1) Scope and application.

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring. (a) General. (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infrared gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas. (a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance. (a) Engineering and work practice controls. (i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program. (i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, or any affected employee or representative.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection. (a) General. The employer shall assure that respirators are used where required pursuant to this section to reduce employee exposure to within the permissible exposure limits and in emergencies. Compliance with the permissible exposure limits may not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement feasible engineering and work practice controls; or

(ii) In work operations such as maintenance and repair activities in which the employer establishes that engineering and work practice controls are not feasible; or

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(b) Respirator selection. (i) Where respiratory protection is required under this section, the employer shall select and provide at no cost to the employee, the appropriate type of respirator from Table I and shall assure that the employee wears the respirator provided.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use	Respirator Type
(a) Less than or equal to 10 x permissible exposure limits.	(1) Any chemical cartridge respirator with organic vapor cartridge(s) and half-mask; or (2) Any supplied air respirator with half-mask.
(b) Less than or equal to 50 x permissible exposure limits.	(1) Any organic vapor gas mask; or (2) Any supplied air respirator with full facepiece; or

Concentration of AN or Condition of Use	Respirator Type
(c) Less than or equal to 2,000 x permissible exposure limits.	(3) Any self-contained breathing apparatus with full facepiece. (1) Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d) Less than or equal to 10,000 x permissible exposure limits.	(1) Supplied air respirator and auxiliary self-contained full facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e) Emergency entry into unknown concentration of firefighting.	(1) Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape.	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(ii) The employer shall select respirators from those approved for use with AN by the National Institute for Occupational Safety and Health under the provisions of WAC 296-24-081.

(c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(ii) Where air-purifying respirators (chemical cartridge or canister-type gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or at the beginning of each shift, whichever occurs first. A label shall be attached to the cartridge or canister to indicate the date and time at which it is first installed on the respirator.

(iii) The employer shall allow each employee who uses a filter respirator (cartridge or canister) to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of the filter elements necessary for this purpose.

(iv) Employees who wear respirators shall be allowed to wash their faces and respirator facepieces to prevent potential skin irritation associated with respirator use.

(9) Emergency situations. (a) Written plans. (i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees. (i) Alarms. Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Evacuation. Employees not engaged in correcting the emergency shall be restricted from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment. (a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a work shift and that an employee whose protective clothing becomes wet with liquid AN or PAN removes that clothing promptly to avoid skin contact with the liquid AN or PAN. Protective clothing shall be removed only in change rooms as required by subsection (14)(a) of this section.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(v) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vi) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) Housekeeping. (a) Surfaces. (i) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where liquid AN and PAN are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-24-12009 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) Change rooms. The employer shall provide clean change rooms in accordance with WAC 296-24-12011.

(b) Showers. (i) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(c) Lunchrooms. (i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) Medical surveillance. (a) General. (i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those non-specific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other

central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest x-ray.

(iv) Further tests of the intestinal tract, including fecal occult blood and proctosigmoidoscopy, on all workers 40 years of age or older, and to any other affected employees for whom, in the opinion of the physician, such testing would be appropriate.

(c) Periodic examinations. (i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for pre-placement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training. (a) Training program. (i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C⁽¹⁾;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(17) Recordkeeping. (a) Objective data for exempted operations. (i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The results of testing and analysis of the material being processed;

(D) A description of the operation exempted; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records, as required by this section, be made available, upon request, for examination and copying to the affected employee, former employee, or designated representative.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the director.

(18) Observation of monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

- (A) To receive an explanation of the measurement procedures;
- (B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and
- (C) To record the results obtained.

(19) Effective date. This standard will become effective 30 days after it is filed with the Code Reviser.

- *⁽¹⁾ Appendices printed in addition to this section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11015 ABRASIVE BLASTING. (1) Definitions. (a) "Abrasive" means a solid substance used in an abrasive blasting operation.

(b) "Abrasive-blasting respirator" means a continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.

(c) "Blast cleaning barrel" means a complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts ((of) to the action of an automatic blast spray.

(d) "Blast cleaning room" means a complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(e) "Blasting cabinet" means an enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(f) "Clean air" means air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(g) "Dust collector" means a device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(h) "Exhaust ventilation system" means a system for removing contaminated air from a space, comprising two or more of the following elements (i) enclosure or hood, (ii) duct work, (iii) dust collecting equipment, (iv) exhauster, and (v) discharge stack.

(i) "Particulate-filter respirator" means an air purifying respirator, commonly referred to as a dust or a fume respirator, which removes most of the dust or fume from the air passing through the device.

(j) "Respirable dust" means airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(k) "Rotary blast cleaning table" means an enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(l) "Abrasive blasting" means the forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(2) Dust hazards from abrasive blasting. (a) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. The composition and toxicity of the dust from these sources shall be considered in making an evaluation of the potential health hazards.

(b) The concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker shall be kept below the levels specified in WAC 296-62-075 through 296-62-07515.

(c) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1-1961 (NFPA 91-1961), and American National Standard Electrical Code, C1-1968 (NFPA 70-1968). The blast nozzle shall be bonded and grounded to prevent the build-up of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide, NFPA 68-1954.

(3) Blast-cleaning enclosures. (a) Blast-cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air will be maintained at all openings in the enclosure, during the blasting operation.

(i) All air inlets and access openings shall be baffled or so arranged that by the combination of inward air flow and baffling the escape of abrasive or dust particles into an adjacent work area will be minimized and visible spurts of dust will not be observed.

(ii) The rate of exhaust shall be sufficient to provide prompt clearance of the dust-laden air within the enclosure after the cessation of blasting.

(iii) Before the enclosure is opened, the blast shall be turned off and the exhaust system shall be run for a sufficient period of time to remove the dusty air within the enclosure.

(iv) Safety glass protected by screening shall be used in observation windows, where hard deep-cutting abrasives are used.

(v) Slit abrasive-resistant baffles shall be installed in multiple sets at all small access openings where dust might escape, and shall be inspected regularly and replaced when needed.

(A) Doors shall be flanged and tight when closed.

(B) Doors on blast-cleaning rooms shall be operable from both inside and outside, except that where there is a small operator access door, the large work access door may be closed or opened from the outside only.

(4) Exhaust ventilation systems. (a) The construction, installation, inspection, and maintenance of exhaust systems shall conform to the principles and requirements set forth in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, and ANSI Z33.1-1961.

(i) When dust leaks are noted, repairs shall be made as soon as possible.

(ii) The static pressure drop at the exhaust ducts leading from the equipment shall be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation. Whenever an appreciable change in the pressure drop indicates a partial blockage, the system shall be cleaned and returned to normal operating condition.

(b) In installations where the abrasive is recirculated, the exhaust ventilation system for the blasting enclosure shall not be relied upon for the removal of fines from the spent abrasive instead of an abrasive separator. An abrasive separator shall be provided for the purpose.

(c) The air exhausted from blast-cleaning equipment shall be discharged through dust collecting equipment. Dust collectors shall be set

up so that the accumulated dust can be emptied and removed without contaminating other working areas.

(5) Personal protective equipment. See applicable provisions of chapter 296-24 WAC.

(a) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators:

(i) When working inside of blast-cleaning rooms, or

(ii) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or

(iii) Where concentrations of toxic dust dispersed by the abrasive-blasting may exceed the limits set in WAC 296-62-075 through 296-62-07515 and the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(b) Particulate filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as cleanup, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved for protection against the specific type of dust encountered.

(i) Dust-filter respirators may be used to protect the operator of outside abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicities.

(ii) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(c) A respiratory protection program as defined and described in applicable provisions of chapter 296-24 WAC, shall be established wherever it is necessary to use respiratory protective equipment.

(d) Refer to applicable provisions of chapter 296-24 WAC for operators personal protective equipment.

(6) Operational procedures and general safety. Dust shall not be permitted to accumulate on the floor or on ledges outside of an abrasive-blasting enclosure, and dust spills shall be cleaned up promptly. Aisles and walkways shall be kept clear of steel shot or similar abrasive which may create a slipping hazard.

(7) Scope. This paragraph applies to all operations where an abrasive is forcibly applied to a surface by pneumatic or hydraulic pressure, or by centrifugal force. It does not apply to steam blasting, or steam cleaning, or hydraulic cleaning methods where work is done without the aid of abrasives.

AMENDATORY SECTION (Amending Order 78-10, filed 6/28/78)

WAC 296-62-07345 1,2-DIBROMO-3-CHLOROPROPANE.

(1) Scope and application. This section applies to all occupational exposures to 1,2-dibromo-3-chloropropane (DBCP), Chemical Abstracts Service Registry Number 96-12-8, except that this section does not apply to exposure to DBCP which results solely from the application and use of DBCP as a pesticide.

(2) Definitions applicable to this section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane.

(c) "Director" - the Director of Labor and Industries, or his authorized representative.

(3) Permissible exposure limits. (a) Inhalation. (i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of $(\frac{1}{10})$ 1 part((s)) DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 50 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Exposure monitoring. (a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor, within thirty days of the effective date of this section, each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency. (i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (5) shall be conducted.

(e) Employee notification. (i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(6) Methods of compliance. The employer shall control employee exposures to airborne concentrations of DBCP to within the permissible exposure limit, and shall protect against employee exposure to eye or skin contact with DBCP by engineering controls, work practices and personal protective equipment.

(a) Engineering controls. The employer shall develop and implement, as soon as possible, feasible engineering controls to reduce the airborne concentrations of DBCP to within the permissible exposure limits.

(b) Work practices. The employer shall examine each work area in which DBCP is present and shall institute, as soon as possible, work practices to reduce employee exposure to DBCP. The work practices shall be described in writing and shall include, among other things, the following mandatory work practices:

(i) Limiting access to work areas where DBCP is present to authorized personnel only;

(ii) Prohibiting smoking and the consumption of food and beverages in work areas where DBCP is present; and

(iii) Establishing good maintenance and housekeeping practices including the prompt cleanup of spills, repair of leaks, and the practices required in subsection (9) of this section.

(c) Respiratory protection. Where engineering and work practice controls are not sufficient to reduce employee exposures to airborne concentrations of DBCP to within the permissible exposure limits, the employer shall provide at no cost to the employee, and assure that employees wear respirators in accordance with subsection (7) of this section.

(d) Engineering and work practice control plan. (i) Within ninety days of the effective date of this section, the employer shall develop a written plan describing proposed means to reduce employee exposures to DBCP to the lowest feasible level solely by means of engineering and work practice controls.

(ii) Written plans required under subsection (6)(d) shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or designated representative of employees.

(7) Respirators. (a) Required use. The employer shall assure that respirators are used where required under this section to reduce employee exposure to within the permissible exposure limits, and in emergencies.

(b) Respirator selection. (i) Where respirators are used to reduce employee exposures to within the permissible exposure limit and in emergencies, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table I and shall assure that the employee wears the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of WAC 296-24-081.

TABLE I

RESPIRATORY PROTECTION FOR DBCP

RESPIRATORY PROTECTION

Concentration not greater than:

100 ppb:

Any chemical cartridge respirator with pesticide cartridge(s).
Any supplied-air respirator.
Any self-contained cartridge breathing apparatus.

500 ppb:

A chemical cartridge respirator with full facepiece and pesticide cartridge(s).
A gas mask with full facepiece and pesticide canister.
Any supplied-air respirator with full facepiece, helmet or hood.
Any self-contained breathing apparatus with full facepiece.

5,000 ppb:

A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.

20,000 ppb:

A Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode, or with full facepiece, hood or helmet operated in continuous flow mode.

Greater than 20,000 ppb or entry and escape from unknown concentrations:

A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure or continuous flow mode and an auxiliary self-contained breathing apparatus operated in pressure-demand or positive pressure mode.

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

Firefighting:

A self-contained breathing apparatus with full facepiece operated in pressure-demand or other positive pressure mode.

(c) Respirator program. (i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-081.

(ii) Where air-purifying respirators (chemical cartridge or gas mask) are used, the air-purifying canister or cartridge(s) shall be replaced prior to the expiration of their service life or the beginning of each shift, whichever occurs first.

(iii) Employees who wear respirators shall be allowed to wash their face and respirator facepiece to prevent potential skin irritation associated with respirator use.

(8) Protective clothing and equipment. (a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC 296-24-07501 and 296-24-07801 to protect the area of the body which may come in contact with DBCP.

(b) Cleaning and replacement. (i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required

by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) The employer shall assure that the employee removes all protective clothing and equipment at the completion of a workshift.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (13)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(9) Housekeeping. (a) Surfaces. (i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (13)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(10) Hygiene facilities and practices. Hygiene facilities shall be provided and practices implemented in accordance with the requirements of WAC 296-24-12009.

(11) Medical surveillance. (a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. Within 30 days of the effective date of this section or time of initial assignment, and whenever exposure to DBCP, the employer shall provide a medical examination including at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genitourinary tract, testicle size, and body habitus including the following tests:

- (A) Sperm count;
- (B) Complete urinalysis (U/A);
- (C) Complete blood count; and
- (D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made:

- (A) Serum multiphasic analysis (SMA 12);
- (B) Serum testosterone;
- (C) Serum follicle stimulating hormone (FSH);
- (D) Serum luteinizing hormone (LH).

(c) Information provided to the physician. The employer shall provide the following information to the examining physician:

- (i) A copy of this standard and its appendices;
- (ii) A description of the affected employee's duties as they relate to the employee's exposure;
- (iii) The level of DBCP to which the employee is exposed; and

(iv) A description of any personal protective equipment used or to be used.

(d) Physician's written opinion. (i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;

(C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(12) Employee information and training. (a) Training program. (i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C⁽¹⁾;

(B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators;

(D) The purpose and description of the medical surveillance program required by subsection (11) of this section; and

(E) A review of this standard.

(b) Access to training materials. (i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(13) Signs and labels. (a) General. (i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs. (i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels. (i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(14) Recordkeeping. (a) Exposure monitoring. (i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory worn, if any; and

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for the effective period of this standard.

(b) Medical surveillance. (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (11) of this section.

(ii) This record shall include:

(A) A copy of the physician's written opinion.

(B) Any employee medical complaints related to exposure to DBCP;

(C) A copy of the information provided the physician as required by subsection (11)(c) of this section; and

(D) A copy of the employee's work history.

(iii) The employer shall assure that this record be maintained for the effective period of this standard.

(c) Availability. (i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) The employer shall assure that employee exposure monitoring records required by this section be made available upon request, for examination and copying to the affected employee or former employee, and their designated representatives.

(iii) The employer shall assure that employee medical records required to be maintained by this section be made available, upon request, for examination and copying to the affected employee or former employee, or to a physician designated by the affected employee or former employee or designated representative.

(15) Observation of monitoring. (a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (5) of this section.

(b) Observation procedures. (i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(C) Record the results obtained.

(16) Effective date. This standard will become effective 30 days after it is filed with the Code Reviser.

*⁽¹⁾ Appendices printed in addition to this section, and information contained therein is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

NEW SECTION

WAC 296-62-07349 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry as defined or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 $\mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" Metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than $30 \mu\text{g}/\text{m}^3$.

(5) Method of compliance.

(a) Engineering and work practice controls. The employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I. Failure to achieve exposure levels without regard to respirators is sufficient to establish a violation of this provision.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(3)	3	10
Secondary lead production . . .	(3)	3	5
Lead-acid battery manufacturing (3)	(3)	2	5
Nonferrous foundries	(3)	1	5
Lead pigment manufacturing . .	(3)	3	5
All other industries	(3)	Not Applicable	1

¹Includes ancillary activities located on the same worksite.

²Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved.

³On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon the effectiveness of this section.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the $50 \mu\text{g}/\text{m}^3$ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 µg/m³ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II

RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ² ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

¹Respirators specified for high concentrations can be used at lower concentrations of lead.

²Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform quantitative face fit tests at the time of initial fitting and at least semiannually thereafter for each employee wearing negative pressure respirators. The test shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, hats, and shoes or disposable shoe coverlets; and
- (iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over $200 \mu\text{g}/\text{m}^3$ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(d) through (9)(f) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above $40 \mu\text{g}/100 \text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below $40 \mu\text{g}/100 \text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or $6 \mu\text{g}/100 \text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds $40 \mu\text{g}/100 \text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above $40 \mu\text{g}/100 \text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employer may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all Appendices;

(bb) A description of the affected employee's duties as they relate to the employee's exposure;

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(dd) A description of any personal protective equipment used or to be used;

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(aa) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $80 \mu\text{g}/100 \text{g}$ of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $70 \mu\text{g}/100 \text{g}$ of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the

employee's blood lead level is at or above 60 $\mu\text{g}/100\text{ g}$ of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 $\mu\text{g}/100\text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(aa) For an employee removed due to a blood lead level at or above 80 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60 $\mu\text{g}/100\text{ g}$ of whole blood;

(bb) For an employee removed due to a blood lead level at or above 70 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50 $\mu\text{g}/100\text{ g}$ of whole blood;

(cc) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100\text{ g}$, or due to an average blood lead level at or above 50 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood;

(dd) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(aa) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(bb) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;
(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and
(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.
(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Upon request, the employer shall make environmental monitoring, biological monitoring, and medical removal records available to affected employees, former employees or their authorized employee representatives for inspection and copying.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective

clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

- (A) Receive an explanation of the measurement procedures;
- (B) Observe all steps related to the monitoring of lead performed at the place of exposure; and
- (C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing, lead pigment manufacturing and nonferrous foundry industries - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07501 AIRBORNE CONTAMINANTS. (1) ~~((Threshold limit values))~~ Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, a small percentage of workers may experience discomfort from some substances at concentrations at or below the ~~((threshold))~~ permissible limit, a smaller percentage may be affected more seriously by aggravation of a pre-existing condition or by development of an occupational illness.

(2) ~~((Threshold limit values))~~ Permissible exposure limits refer to time-weighted concentrations for an 8-hour workday within a 40-hour workweek.

(a) The time-weighted average exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{C_a T_a + C_b T_b + \dots + C_n T_n}{8}$$

where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time T where the concentration remains constant.

T is the duration in hours of the exposure at the concentration C.

The value of E shall not exceed the 8-hour time-weighted average limit in Table 1, 2 or 3 for the material involved.

(3) Methods of compliance:

~~(a) To achieve compliance with these standards, ((administrative or engineering controls must first be determined and implemented whenever feasible))~~ the employer shall determine and implement feasible administrative or engineering controls.

~~(b) When ((such)) administrative or engineering controls are not feasible to achieve full compliance, ((protective equipment, or any other protective measures, shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section))~~ they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls.

~~(c) Whenever full compliance cannot be achieved by the use of feasible administrative or engineering controls, approved respiratory protection shall be used in accordance with WAC 296-24-081 through 296-24-08113.~~

~~(d) Any control equipment or technical measure utilized for ((this)) the purpose of complying with WAC 296-62-07501(3) must be approved for each particular use by a competent industrial hygienist or other technically qualified person. ((Whenever respirators are used, their use shall comply with the applicable provisions of chapter 296-24 WAC.))~~

~~(e) Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to WAC 296-62-07501(3), and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to be sent to the department.~~

~~(4) ((Time-weighted averages permit excursions above the limit provided they are compensated by equivalent excursions below the limit during the workday. The degree of permissible excursion is related to the magnitude of the threshold limit value of a particular substance as given in Appendix D. These permissible excursions apply only to Table 1 and Table 3. The relationship between threshold limit and permissible excursion is a rule of thumb and in certain cases may not apply. The amount by which threshold limits may be exceeded for short periods without injury to health depends upon a number of factors such as the nature of the contaminant, whether very high concentrations - even for short periods - produce acute poisoning, whether the effects are cumulative, the frequency with which high concentrations occur, and the duration of such periods. All factors must be taken into consideration in arriving at a decision as to whether a hazardous condition exists.))~~ An employee's exposure to any substance in Table 1, 2 and 3, the name of which is not preceded by a "C", shall not exceed the excursion level limit which is computed by multiplying the appropriate factor below times the 8-hour time-weighted average for that substance in the applicable table.

PEL > 0-1	(ppm or mg/M ³), Excursion Factor = 3
PEL > 1-10	(ppm or mg/M ³), Excursion Factor = 2
PEL > 10-100	(ppm or mg/M ³), Excursion Factor = 1.5
PEL > 100-1000	(ppm or mg/M ³), Excursion Factor = 1.25
PEL > 1000	(ppm or mg/M ³), Excursion Factor = 1

(5) ~~((Threshold))~~ Permissible limits are based on the best available information from industrial experience, from experimental human and animal studies, and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance; protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of stress may form the basis for others.

(6) The limits based on physical irritation shall be considered no less binding than those based on physical impairment. There is increasing evidence that physical irritation may initiate, promote or accelerate physical impairment through interaction with other chemical or biologic agents.

(7) In spite of the fact that serious injury is not believed likely as a result or exposure to the ~~((threshold))~~ permissible limit concentrations, the best practice is to maintain concentrations of all atmospheric contaminants as low as is practical.

(8) These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a technically qualified person. ~~((They are not intended for use, or for modification for use, (a) as a relative index of hazard or toxicity, (b) in the evaluation or control of community air pollution or air pollution nuisances, (c) in estimating the toxic potential of continuous uninterrupted exposures, (d) as proof or disproof of an existing disease or physical condition.))~~

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07503 CEILING VS TIME-WEIGHTED AVERAGE LIMITS. (1) Although the time-weighted average concentration provides the most satisfactory, practical way of monitoring airborne agents for compliance with the limits, there are certain substances for which it is inappropriate. In the latter group are substances which are predominantly fast acting and whose ~~((threshold))~~ permissible limit is based on this particular response. Substances with this type of response are controlled by a ceiling "C" limit that shall not be exceeded. It is implicit in these definitions that the manner of sampling to determine compliance with the limits for each group must differ; a single brief sample, that is applicable to a "C" limit, is not appropriate to the time-weighted limit; here, a sufficient number of samples are needed to ~~((permit))~~ determine a time-weighted average concentration throughout a complete cycle of operations or throughout the work shift.

(2) Whereas the ceiling limit places a definite boundary which concentrations shall not be permitted to exceed, the time-weighted average limit requires an explicit limit to the excursions that are permissible above the listed values. The magnitude of these excursions ~~((may be pegged to the magnitude of the threshold limit by an appropriate factor shown in Appendix D, with the exception of the substances in Table 22[-]. It should be noted that the same factors are used in making a judgment whether to include or exclude a substance for a "C" listing))~~ are limited by an appropriate factor shown in WAC 296-62-07501(4).

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07505 "SKIN" NOTATION. Listed substances followed by the designation "Skin" refer to the potential contribution to the overall exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. Vehicles can alter skin absorption. ~~((This attention-calling designation is intended to suggest appropriate))~~ Measures for the prevention of cutaneous absorption so that the ~~((threshold))~~ permissible limit is not invalidated shall be taken.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07507 MIXTURES. Special consideration shall be given ~~((also))~~ to ~~((the application of the TLVs in))~~ assessing the health hazards ~~((which may be))~~ associated with exposure to mixtures of two or more substances. In case of a mixture of air-contaminants an employer shall compute the equivalent exposure as follows:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots + \frac{C_{(n)}}{L_n}$$

Where:

E_m is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that contaminant, from Table 1, 2, or 3.

The value of E_m shall not exceed unity (1).

~~((A brief discussion of basic considerations involved in developing threshold limit values for mixtures, and methods for their development, amplified by specific examples are given in Appendix C-))~~

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07509 NUISANCE DUSTS. (1) In contrast to fibrogenic dusts which cause scar tissue to be formed in lungs when inhaled in excessive amounts, so-called "nuisance" dusts have a long history of little adverse effect on lungs and do not produce significant organic disease or toxic effect when exposures are kept under reasonable control. The nuisance dusts have also been called (biologically) "inert" dusts, but the latter term is inappropriate to the extent that there is no dust which does not evoke some cellular response in the lung when inhaled in sufficient amount. However, the lung-tissue reaction caused by inhalation of nuisance dusts has the following characteristics:

(a) The architecture of the air spaces remains intact,

(b) Collagen (scar tissue) is not formed to a significant extent,

(c) The tissue reaction is potentially reversible.

(2) Excessive concentrations of nuisance dusts in the workroom air may seriously reduce visibility ~~((iron-oxide))~~, may cause unpleasant deposits in the eyes, ears and nasal passages ~~((Portland-Cement dust))~~, or cause injury to the skin or mucous membranes by chemical or mechanical action per se or by the rigorous skin cleansing procedures necessary for their removal.

(3) A ~~((threshold))~~ permissible limit of 10 milligrams per cubic meter ~~((or 30 million particles per cubic foot))~~, of total dust < 1% SiO₂, ~~((which ever is less,))~~ is mandatory for substances in these categories and for which no specific ~~((threshold))~~ permissible limits have been assigned. This limit, for a normal workday, does not apply to brief exposures at higher concentrations. Neither does it apply to those substances which may cause physiologic impairment at lower concentrations but for which a threshold limit has not yet been adopted. ~~((Some "inert" particulates are given in Appendix E-))~~

NEW SECTION

WAC 296-62-07510 TOTAL PARTICULATE. Total particulate exposure shall not exceed a permissible limit of 10 milligrams per cubic meter (mg/M³) of air. The use of this 8-hour time-weighted-average exposure limit does not preclude the application of other applicable limits in WAC 296-62-075 through 296-62-07515. Nor does it preclude the use of WAC 296-62-060 when substances not specifically listed in Table 1, 2, and 3 are found to require a lower limit. This section does, however, limit the combined total concentration of all particulate contaminants whether or not specifically listed in Tables 1, 2 and 3.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07511 SIMPLE ASPHYXIANTS. "Inert" gases or vapors. A number of gases and vapors when present in high concentrations in air act primarily as simple asphyxiants without other significant physiologic effects. A ~~((TLV))~~ PEL may not be ~~((recommended))~~ established for each simple asphyxiant because the limiting factor is the available oxygen. The minimal oxygen content shall be 18 percent by volume under normal atmospheric pressure (equivalent to a partial pressure, pO₂ of 135 mm Hg). Atmospheres deficient in O₂ do not provide adequate warning and most simple asphyxiants are odorless. Several simple asphyxiants present an explosion hazard. Account shall be taken of this factor in limiting the concentration of the asphyxiant. ~~((Specific examples are listed in Appendix F-))~~

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-07513 PHYSICAL FACTORS. It is recognized that such physical factors as heat, ultraviolet and ionizing radiation, humidity, abnormal pressure and the like may place added stress on the body so that the effects from exposure at a ~~((threshold))~~ permissible limit may be altered. Most of these stresses act adversely to increase the toxic response of a substance. Although most ~~((threshold))~~ permissible limits have built-in safety factors to guard against adverse effects to moderate deviations from normal environments, the safety factors of most substances are not of such a magnitude as to take care of gross deviations.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS. Chemical agents shall be controlled in such a manner that the workers

exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values - alphabetical)) ((order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Abate	—	10
((**)) Acetaldehyde	((f))200(f))	((f))360(f))
Acetic acid	10	25
((**)) Acetic anhydride	((f))5(f))	((f))20(f))
Acetone	1,000	2,400
Acetonitrile	40	70
((2-Acetyl amino flourene-skin	—	A²)
Acetylene	((F —))	—
	Simple	Asphyxiant
Acetylene dichloride, see 1,2- Dichloroethylene	—	—
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
((Acrylonitrile—Skin	20	45)
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
((*)C Allyl glycidyl ether (AGE)	((f))10(f))	((f))45(f))
Allyl propyl disulfide	2	12
Alundum (Al ₂ O ₃)	—	((E)) 10
((4-Aminodiphenyl—skin	—	A¹)
		((See note-b))
2-Aminoethanol, see Ethanolamine	—	—
2-Aminopyridine	0.5	2
((**)) Ammonia	((f))50(f))	((f))35(f))
((*) Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin	—	0.5
Antimony & Compounds (as Sb)	—	0.5
ANTU (alpha Naphthyl thiourea)	—	0.3
Argon	((F —))	—
	Simple	Asphyxiant
Arsenic & Compounds (as As) which are exempt from WAC 296-62-07347	—	0.5
Arsine	0.05	0.2
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
((**)) Benzene	—	A¹)
((Benzidine—Skin	—	A¹)
		((See note-b))
p-Benzoquinone, see Quinone	—	5
Benzoyl peroxide	—	5
Benzyl chloride	1	5
((**)) Beryllium	—	A¹)
		((See note-b))
Biphenyl, see Diphenyl	—	—
Boron oxide	—	10
Boron tribromide	1	10
Boron trifluoride	1	3
C Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan	—	—
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cello- solve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO ₃)— Skin	—	0.1
n-Butyl glycidyl ether (BGE)	50	270
Butyl mercaptan	0.5	1.5
p-tert-Butyl-toluene	10	60
((**)) Cadmium dust	—	A¹)

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values - alphabetical)) ((order)) Substance	ppm (See note a)	mg/M ³ (See note b)
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	((E)) 10
((Calcium arsenate	—	f))
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin [®])	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
((**)) Carbon disulfide	—	—
Carbon monoxide	50	55
((**)) Carbon tetrachloride	—	—
Cellulose (paper fiber)	—	((E)) 10
		0.5
Chlordane—Skin	—	0.5
Chlorinated camphene—Skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroaceto-phenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (Monochlorobenzene)	75	350
o-Chlorobenzylidene (malononitrile) malononitrile (OCBM)—Skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodiphenyl (42% Chlorine)— Skin	—	1
Chlorodiphenyl (54% Chlorine)— Skin	—	0.5
1-Chloro,2,3-epoxy-propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
((Chloroethylene, see Vinyl chloride)	—	—
((**))C Chloroform (Trichloromethane)	((f))50(f))	((f))240(f))
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-bu- tadiene)—Skin	25	90
((**)) Chromic acid	—	—
Chromium, sol. chromic, chromous salts as Cr.	—	0.5
((**)) Metal & insol. salts	((A¹)	((f))3)
	((See note-a))	
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	((A ¹)	0.2
	((See note-a))	
Colbalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
((*) Corundum (Al₂O₃)	—	((E))
		10
((**)) Cotton Dust (raw)	—	((f))1(f))
Crag [®] herbicide	—	10
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin	—	5
Cyanogen	10	—
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane—Skin	0.05	0.3
Demeton [®] —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4- methyl-2-pentanone)	50	240

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

(Threshold Limit) (Values - alphabetical) (order)) Substance	ppm (See note a)	mg/M ³ (See note b)
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon—skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom[R]	—	3
(***)2-N-Dibutylamino-ethanol—Skin	2	14
Dibutyl phosphate	1	5
Dibutylphthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
(***)Dichlorobenzidine—skin	—	A ¹)
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
(***)1,1-Dichloroethane	((f))100((g))	((f))400((g))
1,2-Dichloroethylene	200	790
(***)C Dichloroethyl ether—Skin	((f))15((g))	((f))90((g))
Dichloromethane, see Methylene-chloride	—	—
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-Dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin	—	1
Dieldrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
(*)C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
(***)Diisobutyl ketone	((f))50((g))	((f))290((g))
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
(***)Dimethylaminoazo-benzene	—	A ²)
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (N-Dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl(;-)-1,2-dibromo-2,2-dichloroethyl phosphate, see DiBrom	—	—
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
(***)Dimethylsulfate—Skin	((f))1((g))	((f))5((g))
Dinitrobenzene (all isomers)—Skin	—	1
Dinitro-o-cresol—Skin	—	0.2
Dinitrotoluene—Skin	—	1.5
(***)Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenylamine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether—Skin	100	600
Di-sec(-), octyl phthalate (Di-2-ethylhexylphthalate)	—	5
Emery	—	((E)) 10
Endosulfan (Thiodan[R])—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5
1,2-Epoxypropane, see Propylene oxide	—	—

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

(Threshold Limit) (Values - alphabetical) (order)) Substance	ppm (See note a)	mg/M ³ (See note b)
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	((F-----)) Simple	Asphyxiant
Ethanthiol, see Ethylmercaptan	—	—
Ethanolamine	3	6
(***)2-Ethoxyethanol—Skin	((f))200((g))	((f))740((g))
2-Ethoxyethylacetate (Cellulosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amylyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethylbutyl ((keton) ketone) (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	((F-----)) Simple	Asphyxiant
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
(***)Ethyene dibromide	—	—
(***)Ethyene dichloride	—	—
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2	—
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1-Dichloroethane	—	—
n-Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	—	2.5
(***)Fluorine	((f))0.1((g))	((f))0.2((g))
Fluorotrichloromethane	1,000	5,600
(*)C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
(***)Furfuryl alcohol	((f))50((g))	((f))200((g))
((Gasoline B ²))	—	—
Glass, fibrous or dust (See note e)	—	((E)) 10
Glycerin mist	—	((E)) 10
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol	—	—
Graphite, (Synthetic)	—	((E)) 10
Guthion[R], see Azinphosmethyl	—	—
Gypsum	—	((E)) 10
Hafnium	—	0.5
Helium	((F-----)) Simple	Asphyxiant
Heptachlor—Skin	—	0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin	—	0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	((F-----)) Simple	Asphyxiant
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values -alphabetical)) ((order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
(((Hydrogen sulfide)))		
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
((*)Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
(((Isophorone)))		
Isopropyl acetate	10	55
Isopropyl alcohol	250	950
Isopropylamine	400	980
(((Isopropylether)))	5	12
Isopropyl glycidyl ether (IGE)	250	1,050
Kaolin	50	240
Ketene	—	10
((Lead and its inorganic com- pounds	—	0.2)
((Lead arsenate	—	0.15))
Limestone	—	((E))
Lindane	—	10
Lithium hydride	—	0.5
L.P.G. (Liquified petroleum gas)	1,000	0.025
Magnesite	—	10
Magnesium oxide fume	—	10
Malathion—Skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Marble	—	((E))
(((Mercury)))		10
(((Mercury (alkyl)))		
((Mesityl oxide	25	100))
Methane	—	((F)))
Methanethiol, see Methyl mercaptan		
Methoxychlor	—	10
2-Methoxyethanol—skin (Methyl cellosolve)	25	80
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl 2-cyanoacrylate	2	8
Methyl isoamyl ketone	100	475
Methyl (n-amyl) ketone (2- ((Heptanone)) Heptanene)	100	465
(((Methyl bromide—Skin)))	15	60
Methyl butyl ketone, see 2-Hexanone		
Methyl cellosolve—skin, see 2-Methoxyethanol		
Methyl cellosolve acetate—Skin, see Ethylene glycol monomethyl ether acetate		
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
(((Methylcyclohexanol)))	((+100))	((+470))
(((o-Methylcyclohexanone—Skin)))	((+100))	((+460))

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

((Threshold Limit)) ((Values -alphabetical)) ((order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Methylcyclopentadienyl manganese tricarbonyl (as Mn)—skin	0.1	0.2
Methyl demeton—Skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone		
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone		
Methyl isocyanate—Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion—skin	—	0.2
Methyl propyl ketone, see 2-Pentanone		
C Methyl silicate	5	30
C α-Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
(((Methylene chloride)))		
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	10
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
((β-Naphthylamine	—	A ¹))
Neon	((F)))	((See note b))
Nickel carbonyl	Simple 0.001	Asphyxiant ((A ¹ 0.007))
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine—Skin	—	0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin	—	1
((4-Nitrodiphenyl	—	A ¹))
Nitroethane	100	((See note a))
Nitrogen	((F)))	310
C Nitrogen dioxide	Simple 5	Asphyxiant 9
Nitrogen trifluoride	10	29
C Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
((n-Nitrosodimethylamine	—	A ²))
(Dimethyl nitrosoamine)—Skin	5	30
Nitrotoluene—Skin	—	30
Nitrotrichloromethane, see Chloropicrin		
Nitrous Oxide	((F)))	
Octachloronaphthalene—Skin	Simple	Asphyxiant 0.1
Octane	400	1,900
Oil mist, particulate	—	5
((Oil mist, vapor	B ²	(See note f))
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin	—	0.5
Parathion—Skin	—	0.1
Penta borane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentaerythritol	—	((E))
Pentane	500	10
2-Pentanone	200	700
(((Perchloroethylene)))		
Perchloromethyl mercaptan	0.1	0.8

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

(Threshold Limit) (Values—(alphabetical)) (order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Perchloryl fluoride ((Petroleum Distillates (naphtha))	3 B¹	14 (See note g)
Phenol—Skin	5	19
p-Phenylene diamine—Skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether—Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	10	60
Phenylhydrazine—Skin	5	22
Phenothiazine—skin	—	5
Phosdrin (Mevinphos ^[R])—Skin	—	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorus pentachloride	—	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin	—	0.1
Pival ^[R] (2-Pivalyl-1,3- indandione)	—	0.1
Plaster of Paris	—	((E)) 10
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls		
((Polytetrafluoroethylene decom- position products		B¹
Propane		((F))
	Simple	Asphyxiant
((β-Propiolactone		A²
Propargyl alcohol—Skin	1	—
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2- Dichloropropane)	75	350
(*)Propylene glycol monomethyl ether	100	360
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene		
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin	—	1.5
Rhodium, Metal fume and dusts, as Rh	—	0.1
Soluble salts	—	0.001
Ronnel	—	10
(*)Rosin Core Solder, pyrolysis pro- ducts (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	((E)) 10
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	((E)) 10
Silver, metal and soluble com- pounds	—	0.01
Sodium fluoroacetate (1080)— Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	((E)) 10
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
((***Styrene		(See note g)
Sucrose	—	((E)) 10
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

(Threshold Limit) (Values—(alphabetical)) (order)) Substance	ppm (See note a)	mg/M ³ (See note b)
Systox, see Demeton ^[R]	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP—Skin	—	0.2
((Teflon^[R] decomposition pro- ducts		B¹
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2- difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2- difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
((***Tetrachloroethylene		(See note h)
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenyl- methylnitramine)—Skin	—	1.5
Thallium (soluble compounds)— Skin (as Tl)	—	0.1
Thiram ^[R]	—	5
Tin (inorganic compounds, except SnH ₄ and SnO ₂) as Sn	—	2
Tin (organic compounds)—skin (as Sn)	—	0.1
Tin oxide	—	((E)) 10
Titanium dioxide	—	((E)) 10
((***Toluene		(See note h)
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene		
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform		
1,1,2-Trichloroethane—Skin	10	45
((***Trichloroethylene		(See note h)
Trichloromethane, see Chloroform		
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro-1,2,2- trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenyl- methylnitramine, see Tetryl		
Trinitrotoluene—Skin	—	1.5
Triorthocresyl phosphate	—	0.1
Triphenyl phosphate	—	3
Tungsten & Compounds, as W		
Soluble	—	1
Insoluble	—	5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Vanadium (V ₂ O ₅), as V Dust	—	0.5
(*)C Vanadium (V ₂ O ₅), as V Fume	—	0.05
Vinyl acetate	10	30
((Vinyl benzene, see Styrene))		
(*)Vinyl bromide	250	1,100
((Vinyl chloride		510
Vinylamide, see Acrylonitrile)		
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance (Threshold Limit) (Values alphabetical) (order))	ppm (See note a)	mg/M ³ (See note b)
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

- (1972 Addition
Intended Changes
See Table 2))
- a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.
 - b) Approximate milligrams of substance per cubic meter of air.
 - d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.
 - e) <5-7 μm in diameter.
 - f) As sampled by method that does not collect vapor.
 - g) According to analytically determined composition.
 - h) For control of general room air, biologic monitoring is essential for personal control.

((NOTE: See Notice of Intended Changes (for 1972) in Appendix G:))

+ TABLE 2
((f))(See note a)(t))

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Benzene (Z37.4-1969)	10 ppm	25 ppm	50 ppm	10 minutes.
Beryllium and beryllium compounds (Z37.29-1970)	2 μg/M ³	5 μg/M ³	25 μg/M ³	30 minutes.
Cadmium dust (Z37.5-1970)	0.2 mg/M ³	0.6 mg/M ³		
Carbon disulfide (Z37.3-1968)	20 ppm	30 ppm	100 ppm	30 minutes.
Carbon Tetrachloride (Z37.17-1967)	10 ppm	25 ppm	200 ppm	5 minutes in any 4 hours.
Ethylene dibromide (Z37.31-1970)	20 ppm	30 ppm	50 ppm	5 minutes.
Ethylene dichloride (Z37.21-1969)	50 ppm	100 ppm	200 ppm	5 minutes in any 3 hours.
Methylene Chloride (Z37.3-1969)	500 ppm	1,000 ppm	2,000 ppm	5 minutes in any 2 hours.
Organo (alkyl) mercury (Z37.30-1969)	0.01 mg/M ³	0.04 mg/M ³		
Styrene (Z37.15-1969)	100 ppm	200 ppm	600 ppm	5 minutes in any 3 hours.
Trichloroethylene (Z37.19-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 2 hours.
Tetrachloroethylene (Z37.22-1967)	100 ppm	200 ppm	300 ppm	5 minutes in any 3 hours.
Toluene (Z37.12-1967)	200 ppm	300 ppm	500 ppm	10 minutes.
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable exposure occurs.

+ TABLE 2
((f))(See note a)(t))

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration

Mercury (Z37.8-1971) 0.05 mg/M³ 0.1 mg/M³

Chromic acid and chromates (Z37.7-((+97+))1973) 0.1mg/M³ ((θ+)) 0.3 mg/M³

Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

+ TABLE 3
((DUSTS)) PARTICULATES

Substance	Mppcf (See note e)	mg/M ³
Silica:		
Crystalline: (See note f)		
Quartz (respirable)	((300))	10mg/M ³ m
	((%SiO ₂ +10))	%SiO ₂ +2
Quartz (total dust)		30mg/M ³
		%SiO ₂ +3
Cristobalite: Use 1/2 the value calculated from the count or mass formulae for quartz.		
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	((20))	80mg/M ³
		%SiO ₂
Silicates (less than 1% crystalline silica):		
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction less than 5% SiO ₂)		2.4mg/M ³
		or
For more than 5% SiO ₂		10mg/M ³
		%SiO ₂ +2
Inert or Nuisance Dust:		
Respirable fraction	((15))	5mg/M ³
Total dust	((30))	10mg/M ³
Total Particulates (less than 1% quartz)		10mg/M ³
Respirable fraction		5mg/M ³

NOTE: Conversion factors—
mppcf X 35.3 = million particles per cubic meter
= particles per c.c.

e Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

m Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M³ in the table for coal dust is 4.5 mg/M³.

AMENDATORY SECTION (Amending Order 77-12, filed 7/11/77)

WAC 296-62-07517 ASBESTOS. (1) Definitions. For the purpose of this section, (a) "Asbestos" means chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite.

(b) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.

(2) Permissible Exposure to Airborne Concentrations of Asbestos Fibers. (a) ~~((The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed five fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.~~

~~(b) Standard effective July 1, 1976-))~~ The 8-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

~~((c))~~ (b) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of 10 fibers, longer than 5 micrometers, per cubic centimeter of air, as determined by the method prescribed in (5) of this section.

(3) Methods of compliance. (a) Engineering methods. (i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in (2) of this section.

(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(iii) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in (2) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (3)(a)(ii) of this section.

(b) Work practices. (i) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in (2) of this section, unless the usefulness of the product would be diminished thereby.

(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in (2) of this section.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with (4)(b)(iii) of this section and with special clothing in accordance with (4)(c) of this section.

(4) Personal Protective Equipment. (a) Compliance with the exposure limits prescribed by (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by (3) of this section.

(ii) In work situations in which the methods prescribed in (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by (2) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by (4)(a)(i), (ii), or (iii) of this section, and both are practicable, personnel rotation shall be preferred and used.

(b) Where a respirator is permitted by (4)(a)(i), (ii), or (iii) of this section, it shall comply with the applicable provisions of chapter 296-24 WAC.

(i) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in (4)(b)(ii) or (iii) of this section shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than 10 times those limits.

(ii) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in (4)(b)(iii) of this section, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed 10 times, but not 100 times, those limits.

(iii) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in (2) of this section, when the ceiling or the 8-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed 100 times those limits.

(iv) Establishment of a respirator program. (A) The employer shall establish a respirator program in accordance with the requirements of ~~((the American National Standards Practices for Respiratory Protection, ANSI Z88.2-1969, which is incorporated by reference herein))~~ chapter 296-24 WAC.

(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(c) Special clothing: The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed the ceiling level prescribed in (2)((c)) (b) of this section.

(d) Change rooms: (i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in (2) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering: (A) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(B) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (4)(d) of this section to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in (2) of this section.

(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with (7)(b) of this section.

(5) Method of Measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) (4 millimeter objective) with phase contrast illumination.

(6) Monitoring. (a) Initial determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with (3) of this section.

(b) Personal monitoring. (i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than 6 months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by (2) of this section.

(c) Environmental monitoring. (i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the 8-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (6)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than 6 months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in (2) of this section.

(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this paragraph and shall have access to the records thereof.

(7) Caution Signs and Labels. (a) Caution signs. (i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers are reasonably expected to be released or where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing (~~excessive concentrations of~~) airborne asbestos fibers.

(ii) Sign specifications. The warning signs required by (7)(a)(i) of this section shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Asbestos _____	1" Sans Serif, Gothic or Block.
Dust Hazard _____	3/4" Sans Serif, Gothic or Block.
Avoid Breathing Dust _____	1/4" Gothic.
Wear Assigned Protective Equipment _____	1/4" Gothic.
Do Not Remain In Area Unless Your Work Requires It _____	1/4" Gothic.
Breathing Asbestos Dust May Be Hazardous To Your Health _____	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(b) Caution labels. ~~((a))~~ (i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers (~~in excess of the exposure limits prescribed in (2) of this section~~) will be released.

(ii) Label specifications. The caution labels required by (7)(b)(i) of this section shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Asbestos Fibers

Avoid Creating Dust

Breathing Asbestos Dust May Cause

Serious Bodily Harm

(8) Housekeeping. (a) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers (~~if, with their dispersion, there would be an excessive concentration~~).

(b) Waste disposal. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, (~~which may produce in any reasonably foreseeable use, handling, storage, processing, disposal, or transportation airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in (2) of this section~~) shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(c) Deterioration. Friable asbestos or friable asbestos containing material which has become damaged or deteriorated shall be contained, treated, or replaced.

(9) Recordkeeping. (a) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by (6) of this section. Records shall be maintained for a period of at least 20 years and shall be made available upon request to the Director of the Department of Labor and Industries.

(b) Employee access. Every employee and former employee shall have reasonable access to any record required to be maintained by (9)(a) of this section, which indicates the employee's own exposure to asbestos fibers.

(c) Employee notification. Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in (2) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(10) Medical Examinations. (a) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this section.

(b) Preplacement. The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(c) Annual examinations. Every employer shall provide or make available on an annual basis, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(d) Termination of employment. The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}).

(e) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past 1-year period.

(f) Medical records. (i) Maintenance. Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least 20 years.

(ii) Access. The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the director of the Department of Labor and Industries, the Assistant Secretary of Labor for Occupational Safety and Health, the director of NIOSH, to authorized physicians and medical consultants

of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection and any other medical information related to occupational exposure to asbestos fibers.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-09005 NONIONIZING RADIATION. Workmen shall be protected from exposure to hazardous levels of nonionizing radiations.

(1) Introduction. Biological responses in the various sections of the electro-magnetic spectrum are different. In certain instances there are also different responses within any segment of the spectrum, such as the infrared. Experience and experimentation have been sufficient to permit the establishment of certain standards which can be used to promote a healthful working environment.

(2) Microwaves.

(a) Definitions.

(i) "Partial body irradiation" shall mean the case in which part of the body is exposed to the incident electromagnetic energy.

(ii) "Radiation protection standard" means radiation level which shall not be exceeded.

(iii) "Symbol" means the overall design, shape, and coloring of the microwave radiation sign shown in figure 2.

(iv) "Whole body irradiation" shall mean the case in which the entire body is exposed to the incident electromagnetic energy or in which the cross section of the body is smaller than the cross section of the incident radiation beam.

(b) Radiation protection standard.

(i) For normal environmental conditions and for incident electromagnetic energy of frequencies from 10 megahertz to 100 gigahertz, the radiation protection standard is 10 mW/cm.² (milliwatt per square centimeter) as averaged over any possible 0.1-hour period. This means the following:

Power density: 10mW/cm.² for periods of 0.1-hour or more.

Energy density: 1mW-hr/cm.² (milliwatt hour per square centimeter) during any 0.1-hour period.

This standard applies whether the radiation is continuous or intermittent.

(ii) These formulated standards pertain to both whole body irradiation and partial body irradiation. Partial body irradiation must be included since it has been shown that some parts of the human body (e.g., eyes, testicles) may be harmed if exposed to incident radiation levels significantly in excess of these levels.

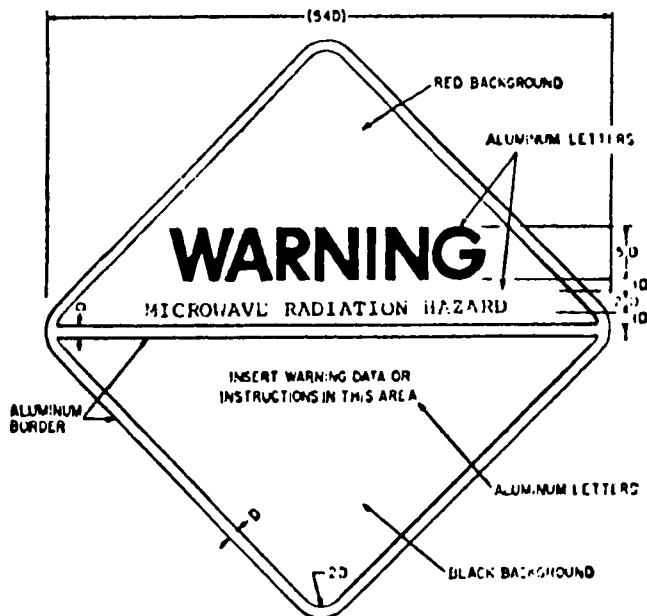
(c) Warning symbol.

(i) The warning symbol for microwave radiation hazards shall consist of a red isosceles triangle above an inverted black isosceles triangle, separated and outlined by an aluminum color border. The words "Warning—Microwave Radiation Hazard" shall appear in the upper triangle. See Figure 2.

(ii) American National Standard Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1-1953, shall be used for color specification. All lettering and the border shall be of aluminum color.

(iii) The inclusion and choice of warning information or precautionary instructions is at the discretion of the user. If such information is included it shall appear in the lower triangle of the warning symbol.

NOTE: Subsection (2) does not apply to the deliberate exposure of patients by, or under the direction of, practitioners of the healing arts.



1. Place handling and mounting instructions on reverse side.
2. D = Scaling Unit.
3. Lettering: Ratio of letter height to thickness of letter lines.

Upper triangle:	5 to 1 Large
	6 to 1 Medium
Lower triangle:	4 to 1 Small
	6 to 1 Medium
4. Symbol is square, triangles are right-angle isosceles.

FIG. 2
Microwave Radiation Hazard Warning Symbol

(3) ~~((Threshold Limit Value))~~ Permissible exposure limits.

(a) These ~~((threshold))~~ exposure limit values refer to levels of physical agents and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. They are based on the best available information from experimental studies. Because of wide variations in individual susceptibility, exposure of an occasional individual, at, or even below, the ~~((threshold))~~ permissible limit may not prevent annoyance, aggravation of a pre-existing condition, or physiological damage.

(b) ~~((Threshold limit values))~~ Permissible exposure limits refer to levels of exposure for an 8-hour workday within a 40-hour week. Exceptions are those limits which are given a ceiling value "C".

(c) These limits should be interpreted and applied only by a technically qualified person.

(d) Ceiling value. There are some physical agents which produce physiological response from short intense exposure and whose ~~((threshold))~~ permissible limit is more appropriately based on this particular response. Physical agents with this type of response are best controlled by a ceiling "C" limit which is a maximum level of exposure which shall not be exceeded.

(4) 6943Å Lasers. ~~((†))~~ Eye protection.

~~((†))~~ (a) The ~~((threshold limit values))~~ permissible exposure limits for exposure of the eye refer to levels of laser energy at the cornea under conditions to which nearly all workers may be exposed without adverse effects. These ~~((threshold limit values))~~ permissible exposure limits shall be used in the control of exposures to the eye from Q-Switched, and Non-Q-Switched laser energy at 6943Å.

~~((††))~~ (b) The values apply to direct illumination or specular reflected laser energy (6943Å) at the cornea and do not apply to laser energy at any other wave length or operational mode.

Energy Density
Joules/sq.
centimeter

Mode	Energy Density Joules/sq. centimeter
Q-Switched (1 nanosecond - 1 microsecond)	1 X 10 ^{-7*}
Non-Q-Switched (1 microsecond - 0.1 sec. pulse)	1 X 10 ^{-6*}

*Ceiling Value

(5) Continuous wave lasers. ((†)) Eye protection.

((††)) (a) The ((threshold-limit-values)) permissible exposure limits for exposure of the eye refer to levels of laser energy at the cornea under conditions to which nearly all workers may be exposed without adverse effects. These ((threshold-limit-values)) permissible exposure limits shall be used in the control of exposures to the eye from continuous wave laser energy in the 4000Å to 7500Å region of the spectra.

((†††)) (b) The values apply to direct illumination or specular reflected continuous wave laser energy (4000Å to 7500Å) at the cornea and do not apply to laser energy at any other wave length or operational mode.

Power Density
Watt/sq.
centimeter

Mode	Power Density Watt/sq. centimeter
Continuous Wave (>0.1 sec.)	1 X 10 ^{-5*}

*Ceiling Value

(6) Lasers. ((†)) Skin protection.

((††)) (a) The ((threshold-limit-values)) permissible exposure limits for exposure of the skin to levels of laser energy in the visible, near infrared, and infrared portions of the spectra are under conditions which it is believed nearly all workers may be exposed without adverse effects.

((†††)) (b) These values shall be used in the control of exposure to pulsed and continuous wave laser energy.

((††††)) (c) The notation "SKIN PROTECTION" refers to the potential risk of exposure of the skin to laser energy. These limits are not directly related to, or part of, the ((threshold-limit-value)) permissible exposure limit for eye protection and are intended to suggest that appropriate control measures may be necessary to prevent damage to the skin.

((†††††)) (d) The values apply to the maximum intensity of laser energy incident on the skin (excluding eyes) in the visible, near infrared and infrared wave lengths.

Mode	Power Density Watt/sq. centimeter
Pulsed	0.1 Joules/sq. centimeter* (Energy Density)
Continuous Wave	1.0 Watts/sq. centimeter* (Power Density)

*Ceiling Value

(7) Ultraviolet radiation.

(a) These ((threshold-limit-values)) permissible exposure limits refer to ultraviolet radiation in the spectral region between 200 and 400 nanometer (nm) and represent conditions under which it is believed that nearly all workers may be repeatedly exposed without adverse effect. These values for exposure of the eye or the skin apply to ultraviolet radiation from arcs, gas, and vapor discharges, and incandescent sources, but do not apply to ultraviolet lasers or solar radiation. These levels should not be used for determining exposure of photosensitive individuals to ultraviolet radiation. These values shall be used in the control of exposure to continuous sources where the exposure relation shall not be less than 0.1 sec.

(b) The ((threshold-limit-value)) permissible exposure limit for occupational exposure to ultraviolet radiation incident upon skin or eye

where irradiance values are known and exposure time is controlled are as follows:

(i) For the near ultraviolet spectral region (320 to 400 nanometer (nm)) total irradiance incident upon the unprotected skin or eye shall not exceed milliwatt/sq. centimeter for periods greater than 10³ seconds (approximately 16 minutes) and for exposure times less than 10³ seconds shall not exceed one Joules/sq. centimeter.

(ii) For the actinic ultraviolet spectral region (200 - 315 nm), radiant exposure incident upon the unprotected skin or eye shall not exceed the values given in Table 4 within an 8-hour period.

(iii) To determine the effective irradiance of a broadband source weighted against the peak of the spectral effectiveness curve (270 nanometer(nm)), the following weighting formulas shall be used.

$$E_{\text{eff}} = \sum (E-\text{Lambda}) (S-\text{Lambda}) (\Delta-\text{Lambda})$$

Where:

E_{eff} = effective irradiance relative to a monochromatic source at 270nm

$E-\text{Lambda}$ = spectral irradiance in Watts/sq. centimeter/nanometer.

$S-\text{Lambda}$ = relative spectral effectiveness (unitless)

$\Delta-\text{Lambda}$ = band width in nanometers

(iv) Permissible exposure time in seconds for exposure to actinic ultraviolet radiation incident upon the unprotected skin or eye may be computed by dividing 0.003 Joules/sq. centimeter by (superscript E_{eff}) in Watts/sq. centimeter. The exposure time may also be determined using Table 5 which provides exposure times corresponding to effective irradiances in $\mu\text{W}/\text{cm}^2$.

TABLE 4

Wavelength nanometer	((FLV)) PEL millijoules/sq. centimeters	Relative Spectral Effectiveness S Lambda
200	100	0.03
210	40	0.075
220	25	0.12
230	16	0.19
240	10	0.30
250	7.0	0.43
254	6.0	0.5
260	4.6	0.65
270	3.0	1.0
280	3.4	0.88
290	4.7	0.64
300	10	0.30
305	50	0.06
310	200	0.015
315	1000	0.003

TABLE 5

DURATION OF EXPOSURE PER DAY	EFFECTIVE IRRADIANCE $E_{\text{EFF}} (\mu\text{W}/\text{CM}^2)$
8 hrs.	0.1
4 hrs.	0.2
2 hrs.	0.4
1 hr.	0.8
1/2 hr.	1.7
15 min.	3.3
10 min.	5
5 min.	10
1 min.	50
30 sec.	100
10 sec.	300
1 sec.	3,000
0.5 sec.	6,000
0.1 sec.	30,000

TABLE 6

Densities and Transmissions (in Percent); also Tolerances in Densities and Transmissions of Various Shades of Glasses for Protection Against Injurious Rays

(Shades 3 to 8, inclusive, are for use in goggles, shades 10 to 14, inclusive, for welder's helmets and face shields)

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "Optical Density" which is now "Part 1", (2) "Total Visible Luminous Transmittance" and "Maximum total Infrared" which are now "Part 2", (3) "Maximum Ultraviolet Transmission" which is now "Part 3", and (4) "Recommended Uses" which is now "Part 4". These columns were all positioned side by side. In the new WAC format these are split up into four separate tables.]

TABLE 6—Part 1

Shade No.	Optical Density		
	Minimum O.D.	Standard O.D.	Maximum O.D.
3.0	.64	.857	1.06
4.0	1.07	1.286	1.49
5.0	1.50	1.714	1.92
6.0	1.93	2.143	2.35
7.0	2.36	2.572	2.78
8	2.79	3.000	3.21
9	3.22	3.429	3.63
10	3.64	3.857	4.06
11	4.07	4.286	4.49
12	4.50	4.715	4.92
13	4.93	5.143	5.35
14	5.36	5.571	5.78

TABLE 6—Part 2

Shade No.	Total Visible Luminous Transmittance			Maximum total Infrared %
	Maximum %	Standard %	Minimum %	
3.0	22.9	13.9	8.70	9.0
4.0	8.51	5.18	3.24	5.0
5.0	3.16	1.93	1.20	2.5
6.0	1.18	.72	.45	1.5
7.0	.44	.27	.17	1.3
8	.162	.100	.062	1.0
9	.060	.037	.023	.8
10	.0229	.0139	.0087	.6
11	.0085	.0052	.0033	.5
12	.0032	.0019	.0012	.5
13	.00118	.00072	.00045	.4
14	.00044	.00027	.00017	.3

TABLE 6—Part 3

Shade No.	Maximum Ultraviolet Transmission			
	313mu %	334mu %	365mu %	405mu %
3.0	.2	.2	.5	1.0
4.0	.2	.2	.5	1.0
5.0	.2	.2	.2	.5
6.0	.1	.1	.1	.5
7.0	.1	.1	.1	.5
8	.1	.1	.1	.5
9	.1	.1	.1	.5
10	.1	.1	.1	.5
11	.05	.05	.05	.1
12	.05	.05	.05	.1
13	.05	.05	.05	.1
14	.05	.05	.05	.1

TABLE 6—Part 4

Shade No.	Recommended Uses
3.0	Glare of reflected sunlight from snow, water, sand, etc., stray light from cutting and welding metal pouring and work around furnaces and foundries.
4.0	Light acetylene cutting and welding; light electric spot welding.
5.0	Light acetylene cutting and welding; light electric spot welding.
6.0	Acetylene cutting and medium welding; arc welding up to 30 amperes.
7.0	Acetylene cutting and medium welding; arc welding up to 30 amperes.
8	Heavy acetylene welding; arc cutting and welding between 30 and 75 amperes.
9	Heavy acetylene welding; arc cutting and welding between 30 and 75 amperes.
10	Arc cutting and welding between 75 and 200 amperes.
11	Arc cutting and welding between 75 and 200 amperes.
12	Arc cutting and welding between 200 and 400 amperes.
13	Arc cutting and welding between 200 and 400 amperes.
14	Arc cutting and welding above 400 amperes.

- a. American Standard Safety Code for the Protection of Heads, Eyes, and Respiratory Organs.
- b. Standard density is defined as the logarithms (base 10) of the reciprocal of the transmission. Shade number is determined by the density according to the relations:

$$\text{Shade number} = 7/3 \text{ density} + 1 \text{ with tolerances as given in the table.}$$

NOTE: Safety glasses are available with lenses which protect the eyes against ultraviolet radiation.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-09011 OCCUPATIONAL NOISE EXPOSURE.
 (1) Workman shall be protected against the effects of exposure to noise which exceeds the permissible noise exposure shown in Table 7 of this section.

(2) ~~((Threshold Limit Values))~~ Permissible exposure limits. These ~~((threshold limit values))~~ permissible exposure limits refer to sound pressure levels that represent conditions under which it is believed that nearly all workers may be repeatedly exposed without adverse effect on their ability to hear and understand normal speech. The medical profession has defined hearing impairment as an average hearing threshold level in excess of 25 decibels (ANSI S3.6-1969) at 500, 1000, and 2000 Hz, and the limits which are given have been established to prevent a hearing loss in excess of this value. These values shall be used as a standard in the control of noise exposure.

TABLE 7
Permissible Noise Exposures

Duration per day Hours	Sound Level dBA**
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.

(3) Continuous or intermittent. The sound level shall be ~~((determined by))~~ measured with a sound level meter, ((meeting the standards)) conforming as a minimum to the requirements of the American National Standards Institute ANSI S1.4 1971, Type 2, and ((operating on the A-weighting network with)) set to an A-weighted slow ((meter)) response or with an audiodosimeter of equivalent accuracy and precision. The unit of measurement shall be decibels Re 20 micropascals A-weighted. Duration of exposure shall not exceed that shown in Table 7.

These values apply to total time of exposure per working day regardless of whether this is one continuous exposure or a number of short-term exposures but does not apply to impact or impulsive type of noises.

(4) Intermittent exposure. When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect shall be considered, rather than the individual effect of each. If the sum of the following fractions:

$$\frac{C_1}{T_1} + \frac{C_2}{T_2} + \dots + \frac{C_n}{T_n}$$

exceeds unity, then, the mixed exposure shall be considered to exceed the ~~((threshold limit value))~~ permissible exposure limits, C₁ indicates the total time of exposure at a specified noise level, and T₁ indicates the total time of exposure permitted at that level. Noise exposures of less than 90 dBA do not enter into the above calculations.

(5) Impulsive or impact noise. Impulsive or impact noise shall be those variations in noise levels which involve maxima at intervals greater than one second. Where the intervals are less than ~~((+))~~ one second, it shall be considered continuous. All impact and impulsive noise measurements should be made on the C-weighting network of a sound level meter in conjunction with an impact noise analyzer or oscilloscope. Exposure to impulsive or impact noise should not exceed 140 decibels peak sound pressure level (ceiling value).

(6) Methods of compliance.

(a) When employees are subjected to sound levels exceeding those listed in Table 7, feasible administrative or engineering controls shall be utilized. ~~((if such controls fail to reduce sound levels within the levels of Table 7, personal protective equipment shall be provided and used to reduce sound levels of the table. Insert-type ear protectors shall be initially fitted by a person trained in this procedure:))~~ Upon request, the employer shall prepare and submit a written compliance plan to the director. This plan must include a description of the manner in which compliance will be achieved with respect to Table 7 and shall include proposed abatement methods, anticipated completion dates, and provision for progress reports to the department.

(b) Personal hearing protective equipment shall be provided and used whenever the sound levels prescribed in subsections (3), (4), or (5) of this section are exceeded.

(i) The employer shall assure that personal protective equipment is worn by each affected employee.

(ii) Insert-type protectors, other than self-fitted malleable plugs, shall be individually fitted by a trained person.

(iii) Employees shall be instructed in the care and use of personal protective equipment.

(7) In all cases where the sound levels exceed the values shown in Table 7 of this section, it is recommended that workmen whose duties may subject them to these potentially harmful noise levels be provided with an audiometric examination at the time of employment and at reasonable intervals thereafter not exceeding an 18-month period.

(8) Workmen employed in areas where the sound level is above the level deemed to be safe should cooperate in an audiometric testing program. Workmen shall be informed of the test results by an authorized person.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-11001 DEFINITION. Ventilation shall mean the provision, circulation or exhausting of air into or from an area or space.

(1) "Local exhaust ventilation" shall mean the mechanical removal of contaminated air from the point where the contaminant is being generated or liberated.

(2) "Dilution ventilation" means inducing and mixing uncontaminated air with contaminated air in such quantities that the resultant mixture in the breathing zone will not exceed the ~~((Threshold Limit Value (TLV)))~~ permissible exposure limits (PEL) specified for any contaminant.

(3) "Exhaust ventilation" means the general movement of air out of the area or confined space by mechanical or natural means.

(4) "Tempered makeup air" means air which has been conditioned by changing its heat content to obtain a specific desired temperature.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14501 DEFINITIONS. (1) "Confined space" means any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubes, vaults and vessels.

(2) Toxic atmospheres are atmospheres having concentrations of airborne chemicals in excess of ~~((Threshold Limit Values))~~ permissible exposure limits as defined in WAC 296-62-075 through 296-62-07517.

(3) Chemical contact agents are defined in WAC 296-62-07003.

(4) Oxygen deficient atmospheres are deemed to exist if the atmosphere at sea level has less than 18% oxygen by volume or has a partial pressure of 135 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions.

(5) Flammable atmospheres are atmospheres in excess of 20% of the lower explosive limit. These are usually toxic as well as flammable.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14507 TOXIC ATMOSPHERES. (1) Atmospheres where contamination is below ~~((Threshold Limit Values))~~ permissible exposure limits as defined in WAC 296-62-075 through 296-62-07517 may be entered without respiratory protection.

(2) Atmospheres where contamination is above the ~~((Threshold Limit Values))~~ permissible exposure limits but below values immediately hazardous to life or health may be entered when respiratory protective equipment as defined in the applicable provisions of chapter 296-24 WAC is properly worn.

(3) Atmospheres immediately hazardous to life may be entered only in the event of emergency and then only when employees are protected by equipment approved for such exposures.

(4) Atmospheres where the toxicity is not known shall require full protection.

(5) Entry into spaces which contain or could contain corrosive chemicals or chemicals which are toxic through skin absorption shall require equipment to prevent skin and/or eye contact.

AMENDATORY SECTION (Amending Order 79-1, filed 1/23/79)

WAC 296-62-14531 EXPOSURE TO COTTON DUST IN COTTON GINS. (1) Scope and Application. This section applies to the control of employee exposure to cotton dust in cotton gins.

(2) Definitions. For the purposes of this section:

(a) "Blow down" - the cleaning of equipment and surface with compressed air.

(b) "Cotton dust" - dust present in the air during the handling or processing of cotton which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, non-cotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods.

(c) "Director" - The Director of the Department of Labor and Industries, or his designated representative.

(3) Work Practices. Each employer shall immediately establish and implement a written program of work practices, which shall minimize cotton dust exposure for each specific job. Where applicable, the following work practices shall be included in the written work practices program:

(a) General. (i) All surfaces shall be maintained as free as practicable of accumulations of cotton dust.

(ii) The employer shall inspect, clean, maintain and repair, all engineering control equipment, production equipment and ventilation systems including power sources, ducts, and filtration units of the equipment, and at a minimum, tape or cover leaks in valves, flashing, elbows, and bands on air lines.

(iii) Cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which most effectively reduces exposure to the lowest level feasible.

(b) Specific. (i) Floors and other accessible surfaces contaminated with cotton dust may not be cleaned by the use of compressed air.

(ii) Cleaning of clothing with compressed air is prohibited.

(iii) Floor sweeping shall be performed by a vacuum or with methods designed to minimize dispersal of dust.

(iv) Compressed air "blow-down" cleaning shall be prohibited, except where alternative means are not feasible. Where compressed air "blow-down" is done, respirators shall be worn by the employees performing the "blow-down," and employees in the area whose presence is not required to perform the "blow-down" shall be required to leave the area during this cleaning operation.

(c) Work practice plan. A written work place plan shall be kept which shall list appropriate schedules for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be made available for inspection by the Director.

(4) Use of Respirators. (a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection.

(b) Use of respirators. Respirators shall be used in the following circumstances:

(i) By workers identified by medical surveillance under subitem (5)(f)(i)(D) of this subsection; or

(ii) During operations such as maintenance and repair activities in which work practice controls are not feasible; or

(iii) In operations specified under subitem (3)(b)(iv) of this subsection.

(c) Availability upon request. Respirators shall be made available upon request, to any employee exposed to cotton dust.

(d) Respirator selection. (i) Where respirators are required under this section, the employer shall select, provide and assure the use of any respirator tested and approved for protection against dust by the National Institute Of Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) Where respirators are required by this subsection, the employer shall provide either any NIOSH approved respirator or at the option of each affected worker, a NIOSH approved powered air purifying respirator with a high efficiency filter.

(e) Respirator program. The employer shall institute a respirator program in accordance with WAC 296-24-08103, 296-24-08107, 296-24-08109 and 296-24-08111.

(f) Respirator usage. (i) The employer shall assure that the respirator used by each employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected by the employee, and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator facepieces to prevent skin irritation associated with respirator use.

(5) Medical Surveillance. (a) General. (i) Each employer who has an operating gin in which cotton dust is present shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a NIOSH approved training course in spirometry.

(b) Initial examinations. For each ginning season, at the time of initial assignment, the employer shall provide each employee who is or may be exposed to cotton dust, with an opportunity for medical surveillance that shall include:

(i) A medical history;

(ii) The standardized questionnaire in Appendix B; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV₁), and the percentage that the measured values of FEV₁ and FVC differ from the predicted values, using the standard tables in Appendix C. The predicted FEV₁ and FVC for blacks shall be multiplied by 0.85 to adjust for ethnic differences.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Mid-season retest. The determinations required under subsection (5)(b) of this section shall be made again for each employee after at least 14 days of employment and before the termination of employment for the season. The determinations shall be made following at least 24 hours or one working day after previous exposure to cotton dust. The pulmonary function tests shall be repeated during the shift, no sooner than four and no more than 10 hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure.

(d) Periodic examinations. (i) The employer shall provide the medical surveillance under this subsection (5) annually.

(ii) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(iii) An employee whose FEV₁ is less than 60 percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its Appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) A description of any personal protective equipment used or to be used; and

(iv) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion. (i) The employer shall obtain and furnish the employee with a copy of the written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests, including any determinations made under subitem (5)(d)(ii) of this section.

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators;

(D) The physician's recommendations for the employee's use of a respirator where dust effects could be suppressed by respirator use;

(E) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnosis unrelated to occupational exposure.

(g) Spanish speaking employees. An employer whose workforce consists of a significant percentage of Spanish speaking workers who cannot communicate effectively in English, shall provide bilingual administration of the medical surveillance requirements, including use of the Spanish questionnaire provided in Appendix B.

(h) Non-duplication of medical surveillance. (i) During any one ginning season, an employer is not required to provide medical surveillance as described in subsection (5) of this section for any employee who can demonstrate that both the background medical surveillance and the mid-season retest required by subsection (5) of this section were administered during that ginning season while in the employment of another gin employer.

(ii) If an employee can demonstrate that the background medical surveillance has been administered but not the mid-season retest, the employer shall provide the mid-season medical retest of subdivision (5)(c) of this section, and comply with provisions of subdivision (5)(d)-(5)(f) of this section. Where the employer is administering only the mid-season retest, the employer shall provide the mid-season retest after at least 14 days of employment in his gin and before termination of employment for the season.

(iii) For purposes of this section, where the employer does not administer any medical surveillance, the employer shall be satisfied that an employee has undergone the medical surveillance required under subdivisions (5)(a) to (5)(c) of this section upon receipt of written notification from the employer who administered the test, or upon receipt by the physician supervising the program, of a copy of the results of medical surveillance.

(6) Employee Education and Training. (a) Training program. (i) Each employer who operates an active gin shall institute a training program for all his employees, prior to initial assignment, and shall assure that each employee is informed of the following:

(A) The specific nature of the operations which could result in exposure to cotton dust;

(B) The measures, including work practices, required by subsection (3) of this section, necessary to protect the employee from excess exposures;

(C) The purpose, proper use and limitations of respirators required by subsection (4) of this section;

(D) The purpose for and a description of the medical surveillance program required by subsection (5) of this section; and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(E) The contents of this standard and its appendices.

(b) Access to training materials. (i) Each employer shall post a copy of this section with its Appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the Director upon request.

(iii) An employer whose workforce consists of a significant percentage of Spanish speaking employees who cannot communicate effectively in English shall provide bilingual administration of the provisions of this section.

(iv) In addition to the information required by subdivision (6)(a), the employer shall include as part of his training program and distribute to employees any materials pertaining to the Washington Industrial Safety and Health Act, the regulations issued pursuant to that Act, and to this cotton dust standard which are made available by the Director.

(7) Signs. (a) The employer shall post the following warning sign in each work area where there is potential exposure to cotton dust:

WARNING:

**COTTON DUST WORK AREA MAY CAUSE ACUTE
OR DELAYED LUNG INJURY (BYSSINOSIS).**

(b) An employer whose workforce consists of a significant percentage of Spanish-speaking employees who cannot communicate effectively in English shall provide bilingual versions of the sign required by subdivision (7)(a) of this section.

(8) Recordkeeping. (a) Medical surveillance. (i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by subsection (5) of this section.

(ii) The record shall include:

(A) The name, social security number and description of the duties of the employee;

(B) A copy of the medical surveillance results including the medical history, questionnaire responses, results of all tests and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) The type of protective devices worn, and length of time worn;

(F) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees: provided that he references the standard in the medical surveillance records of each employee.

(iii) The employer shall maintain this record for at least 10 years.

(b) Availability. (i) The employer shall make available upon request all records required to be maintained by subsection (8) of this section to the Director for examination and copying.

(ii) The employer shall make available an employee's medical records required by this section, for examination and copying, to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employee.

(c) Transfer of records. (i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (8) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the Director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the Director at least three months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.

(9) Effective Date. This emergency rule shall become effective immediately upon filing with the Code Reviser.

(10) Appendices. Appendices to this section are found in the Federal Register, Vol. 43, No. 122, dated 6-23-78, and the corrections in Vol. 43, No. 153, dated 8-8-78; the contents of these appendices are mandatory.

NEW SECTION

WAC 296-306-147 STORAGE AND HANDLING OF METAL IRRIGATION PIPING. (1) Special precautionary training shall be given by the employer to employees in the handling and storage of portable metal irrigation pipe near energized circuits.

(2) Metal irrigation piping shall be stored away from the power line right of way at least the distance of the longest length of pipe being used. This will prevent it from coming in contact with the power line if it is raised in the vertical position.

(3) Signs printed in English and Spanish shall be posted in power line right of ways, warning of the potential electrical hazard of irrigation piping contacting power lines while in the vertical position, and at stand pipes and valves where connections are made.

REPEALER

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

- (1) WAC 296-62-07335 BENZENE
- (2) WAC 296-62-900 NOTE OF APPLICATION OF APPENDICES A THROUGH H
- (3) WAC 296-62-901 APPENDIX A
- (4) WAC 296-62-902 APPENDIX B
- (5) WAC 296-62-903 APPENDIX C
- (6) WAC 296-62-904 APPENDIX D
- (7) WAC 296-62-905 APPENDIX E
- (8) WAC 296-62-906 APPENDIX F
- (9) WAC 296-62-907 APPENDIX G
- (10) WAC 296-62-908 APPENDIX H.

WSR 80-03-083
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed March 4, 1980]

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 supplemental payments for AFDC recipients, new section WAC 388-29-115.

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by March 26, 1980. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, April 9, 1980, 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, April 16, 1980, 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 April 9, 1980, and/or orally at 10:00 a.m., Wednesday, April 9, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia.

Dated: March 4, 1980

By: N. S. Hammond
 Executive Assistant

NEW SECTION

WAC 388-29-115 SUPPLEMENTAL PAYMENTS FOR AFDC RECIPIENTS. (1) Effective February 11, 1980, recipients of AFDC are eligible for a supplemental grant payment whenever the total of their actual income and available cash resources during a payment month are less than eighty percent of the appropriate monthly standard for basic requirements for the size of the assistance unit.

(2) Supplemental payments shall be paid in the amount of the difference between eighty percent of the assistance unit's monthly standard for basic requirements and the actual anticipated net income and available cash resources, for the month in which the supplemental payment is requested.

(3) The following are included in determining total income received and expected to be received, and total cash resources available during the payment month:

- (a) Public assistance payments including any amounts credited against previous overpayments;
- (b) Net earned income prior to thirty dollars plus one-third earnings exemption;
- (c) Indian per capita payments;
- (d) Alaska Native payments;
- (e) CETA incentive payments;
- (f) Youth employment and training allowances and earnings;
- (g) Retroactive public assistance payments resulting from a court order or fair hearing;
- (h) Social security benefits;
- (i) Veterans' benefits;
- (j) Cash compensation to action volunteers;
- (k) Any lump sum;
- (l) Cash on hand;
- (m) Cash in an account available to the recipient during the month of request, to include cash exempted for the purposes of determining eligibility for AFDC and SSI recipients.

(4) Not included as income or resources for purposes of determining eligibility for supplemental payments are the following:

- (a) Relocation assistance;
- (b) Student grants or loans under programs administered by the U.S. commissioner of education;
- (c) Payments to federally sponsored foster grandparents, senior health aids, senior companions, SCORE, or ACE participants;
- (d) Payments made under the federal experimental housing allowance programs;
- (e) Work-related expenses as contained in WAC 388-28-515(4) and (5) and the payment of child care expenses as contained in WAC 388-28-515(7);
- (f) Any adjustments for prior underpayments;
- (g) Assistance paid under Public Law 96-126 federal energy allowance program.

(5) AFDC recipients shall be notified of their right to receive supplemental payments in writing each time they are notified that the department intends to reduce, or suspend their assistance.

(6) Supplemental payments are only paid upon request, and shall be issued within five working days of the request for a supplemental payment.

(7) A request for a supplemental payment must be received within the month for which the payment is requested. A request is received when a recipient provides the CSO with a written statement requesting a supplemental payment, and verifies his/her eligibility for a supplemental payment.

WSR 80-03-084
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1491—Filed March 4, 1980]

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 supplemental payments for AFDC recipients, new section WAC 388-29-115.

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 rules are necessary to implement federal requirements and a court order in the case of *Uber v. Thompson*.

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

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

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

APPROVED AND ADOPTED March 4, 1980.

By N. S. Hammond
Executive Assistant

NEW SECTION

WAC 388-29-115 SUPPLEMENTAL PAYMENTS FOR AFDC RECIPIENTS. (1) Effective February 11, 1980, recipients of AFDC are eligible for a supplemental grant payment whenever the total of their actual income and available cash resources during a payment month are less than eighty percent of the appropriate monthly standard for basic requirements for the size of the assistance unit.

(2) Supplemental payments shall be paid in the amount of the difference between eighty percent of the assistance unit's monthly standard for basic requirements and the actual anticipated net income and available cash resources, for the month in which the supplemental payment is requested.

(3) The following are included in determining total income received and expected to be received, and total cash resources available during the payment month:

(a) Public assistance payments including any amounts credited against previous overpayments;

(b) Net earned income prior to thirty dollars plus one-third earnings exemption;

(c) Indian per capita payments;

(d) Alaska Native payments;

(e) CETA incentive payments;

(f) Youth employment and training allowances and earnings;

(g) Retroactive public assistance payments resulting from a court order or fair hearing;

(h) Social security benefits;

(i) Veterans' benefits;

(j) Cash compensation to action volunteers;

(k) Any lump sum;

(l) Cash on hand;

(m) Cash in an account available to the recipient during the month of request, to include cash exempted for the purposes of determining eligibility for AFDC and SSI recipients.

(4) Not included as income or resources for purposes of determining eligibility for supplemental payments are the following:

(a) Relocation assistance;

(b) Student grants or loans under programs administered by the U.S. commissioner of education;

(c) Payments to federally sponsored foster grandparents, senior health aids, senior companions, SCORE, or ACE participants;

(d) Payments made under the federal experimental housing allowance programs;

(e) Work-related expenses as contained in WAC 388-28-515(4) and (5) and the payment of child care expenses as contained in WAC 388-28-515(7);

(f) Any adjustments for prior underpayments;

(g) Assistance paid under Public Law 96-126 federal energy allowance program.

(5) AFDC recipients shall be notified of their right to receive supplemental payments in writing each time they are notified that the department intends to reduce, or suspend their assistance.

(6) Supplemental payments are only paid upon request, and shall be issued within five working days of the request for a supplemental payment.

(7) A request for a supplemental payment must be received within the month for which the payment is requested. A request is received when a recipient provides the CSO with a written statement requesting a supplemental payment, and verifies his/her eligibility for a supplemental payment.

WSR 80-03-085

ADOPTED RULES

BOARD OF HEALTH

[Order 195—Filed March 4, 1980]

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:

New WAC 248-18-636 Neonatal intensive care unit.

New WAC 248-18-607 Birthing room.

New WAC 248-18-222 Birthing rooms.

This action is taken pursuant to Notice No. WSR 79-12-107 and 80-02-021 filed with the code reviser on 12/5/79 and 1/9/80. 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 declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 13, 1980.

By Irma Goertzen

 Chairman
 John B. Conway

 Robert H. Barnes

 Ida B. Chambliss

 Ronald L. Jacobus

 John A. Beare, MD

 Secretary

NEW SECTION

WAC 248-18-636 NEONATAL INTENSIVE CARE UNIT (NICU). Optional. SHALL MEET REQUIREMENTS IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515).

(1) GENERAL.

(a) TO INCLUDE THE NEONATAL NURSERY ROOM(S) AND ANCILLARY FACILITIES ESSENTIAL TO PROPER FUNCTIONING OF THE UNIT. ANCILLARY FACILITIES FOR THE NICU MAY BE COMBINED WITH ANCILLARY FACILITIES FOR THE NEWBORN NURSERY UNIT PROVIDED THE INFECTION CONTROL PROGRAM REFLECTS CONTROL OF TRAFFIC BETWEEN AND THROUGH THE NEONATAL INTENSIVE CARE UNIT AND NEWBORN NURSERY UNIT.

(b) NEONATAL INFANT STATIONS MAY BE IN SEPARATE, SEGREGATED NURSERY ROOM OF NEWBORN NURSERY UNIT.

(c) EMERGENCY SIGNAL DEVICE IN EACH NEONATAL NURSERY ROOM TO REGISTER ALARM CALL IN AN AREA WHERE NURSING OR MEDICAL ASSISTANCE TO NEONATAL INTENSIVE CARE UNIT IS ALWAYS AVAILABLE.²⁴

(2) LOCATION.

(a) LOCATED NEAR OBSTETRICAL DELIVERY FACILITIES, IF ANY, WITH EASY ACCESS⁴⁷ FROM THE EMERGENCY DEPARTMENT and/or heliport.

(b) LOCATED TO PREVENT TRAFFIC THROUGH THE UNIT.

(3) CAPACITY AND SPACE.

(a) CAPACITY OF EACH NURSERY ROOM NO LESS THAN FOUR INFANT STATIONS, EXCEPT IN ISOLATION ROOMS.

(b) MINIMUM OF 72 SQUARE FEET OF FLOOR AREA FOR EACH INFANT STATION EXCLUSIVE OF FIXED CABINETS AND EQUIPMENT USED FOR FUNCTIONS OTHER THAN DIRECT INFANT CARE. May include aisles and passageways within the neonatal intensive care unit.

(c) CORRIDORS, AISLES AND PASSAGEWAYS WITHIN THE NEONATAL INTENSIVE CARE UNIT SUFFICIENTLY WIDE TO ALLOW FOR

UNIMPEDED MOVEMENT OF EQUIPMENT AND PERSONNEL.²⁴ 5'-0" minimum recommended.

(4) SCRUB-UP AREA.

(a) LOCATED AT ENTRANCES TO THE NEONATAL INTENSIVE CARE UNIT OR NEWBORN NURSERY UNIT IF NICU IS A PART THEREOF.

(b) EQUIPMENT:

(i) ONE SCRUB SINK FOR EVERY EIGHT INFANT STATIONS OR MAJOR FRACTION THEREOF, BUT NO LESS THAN TWO SCRUB SINKS.

(ii) DETERGENT DISPENSER.^{6,24}

(iii) BRUSH OR SPONGE DISPENSER OR EQUIVALENT.⁶

(iv) KNEE, FOOT, ELECTRIC EYE, OR EQUIVALENT⁴¹ FAUCET CONTROLS.

(v) CLEAN STORAGE for clean gowns, masks and nail cleaners.

(vi) WALL CLOCK⁶ WITH SWEEP SECOND HAND OR EQUIVALENT VISIBLE FROM SCRUB-UP AREA.

(c) FACILITIES FOR HANGING OR STORAGE OF OUTER GARMENTS AT OR NEAR SCRUB AREA BUT NOT WITHIN NURSERY ROOMS.

(5) TRAFFIC CONTROL AND COMMUNICATION CENTER.

(a) LOCATED AT MAIN ENTRANCE OF NURSERY UNIT.

(b) EQUIPMENT:

(i) WRITING SURFACES.⁶

(ii) TELEPHONE.

(iii) INTERCOMMUNICATION SYSTEM DESIGNED FOR STAFF COMMUNICATION BETWEEN UNIT ROOMS AND BETWEEN NEONATAL INTENSIVE CARE UNIT AND OTHER AREAS OF THE HOSPITAL.²⁴

(iv) Chart Rack,⁶ REQUIRED IF PATIENT CHARTS ARE TO BE KEPT AT THE COMMUNICATION CENTER.

(v) Dictation equipment.

(vi) Computer stations and terminals.

(6) INFANT STATION.

(a) MINIMUM OF TWELVE ELECTRICAL RECEPTACLES OR SIX DUPLEX RECEPTACLES PER STATION.

(b) MINIMUM OF TWO OXYGEN OUTLETS PER STATION WITH CAPABILITIES TO WARM AND HUMIDIFY OXYGEN PRIOR TO ADMINISTRATION.

(c) MINIMUM OF TWO COMPRESSED AIR⁴⁹ OUTLETS PER STATION.

(d) MINIMUM OF TWO SUCTION OUTLETS PER STATION, three recommended.

(e) CLOSED STORAGE⁶ FOR INDIVIDUAL SUPPLIES AND EQUIPMENT WITHIN EACH INFANT STATION.

(f) ONE LAVATORY WITH GOOSENECK SPOUT AND KNEE OR FOOT FAUCET CONTROL OR EQUIVALENT⁴¹ FOR EVERY FOUR INFANT STATIONS. LOCATED CONVENIENT TO EACH INFANT STATION. DETERGENT DISPENSER.

(g) WORK COUNTER⁶ FOR EACH INFANT STATION WITH PROVISION FOR WRITING SURFACE.

(h) SPACE TO ACCOMMODATE MONITORS.⁶

(i) LIGHTING,⁶ AT LEAST 70 FOOT CANDLES MEASURED AT THE HEIGHT OF THE INFANT STATION OR TREATMENT TABLE.

(j) CLOCK(S) WITH SWEEP SECOND HAND FOR VIEWING FROM EACH INFANT STATION.

(k) X-RAY RECEPTACLE OUTLET(S) OR EQUIVALENT²⁴ and ⁵⁰ AVAILABLE IN EACH NURSERY ROOM.

(7) Isolation Facilities. Optional.²⁴

IF PROVIDED, ALL STANDARDS (a) THROUGH (k) FOR NEONATAL INFANT STATIONS, WAC 248-18-636(6) APPLY.

(8) UTILITY ROOMS. Need not open onto a corridor; may open into NICU.

(a) CLEAN UTILITY ROOM.

EQUIPMENT:

WORK COUNTER.

SINK WITH GOOSENECK SPOUT AND KNEE OR FOOT FAUCET CONTROLS OR EQUIVALENT.⁴¹

STORAGE CABINETS.⁶

REFRIGERATOR.

Freezer.

FORMULA STORAGE.

(b) SOILED UTILITY ROOM.

(i) LOCATED FOR REMOVAL OF SOILED MATERIAL WITHOUT GOING THROUGH CLEAN AREAS OR INFANT CARE AREAS.

(ii) ADEQUATE SPACE FOR COVERED WASTE CONTAINERS, LINEN HAMPERS, CONTAINERS FOR COLLECTION OF USED BOTTLES AND FOR OTHER SMALL AND LARGE EQUIPMENT PRIOR TO ITS CLEANING.

(iii) EQUIPMENT:

WORK COUNTER.

SINK (DOUBLE COMPARTMENT IF WASHING AND RINSING OF SOILED ITEMS TO BE DONE IN THE ROOM). MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER.

STORAGE UNITS, for general cleaning supplies and equipment laboratory centrifuge and other laboratory equipment.

(9) MEDICINE AREA.

(a) May be combined with clean utility room.

(b) EQUIPMENT:

WORK COUNTER.

SINK, (Sink in clean utility room may serve, if properly located).

LOCKED DRUG STORAGE.

REFRIGERATOR.⁶ May be same as for other thermolabile products used for treatment purposes.

(10) HOUSEKEEPING FACILITIES.⁵

(11) Treatment Room.

(a) LOCATION, ADJACENT TO THE INFANT CARE AREAS.

(b) MINIMUM DIMENSION 8 FEET.

MINIMUM OF 80 SQUARE FEET EXCLUSIVE OF DOOR SWING AND FIXED AND MOVABLE CABINETS AND SHELVES.

(c) 4' 0" WIDE DOOR TO ROOM.

(d) EQUIPMENT:

(i) LAVATORY OR SINK WITH GOOSENECK SPOUT AND KNEE OR FOOT FAUCET CONTROLS OR EQUIVALENT⁴¹ DETERGENT DISPENSER.

(ii) RADIANT HEATER⁶ FOR INFANT CARE.

(iii) AT LEAST TWO OXYGEN OUTLETS.

(iv) AT LEAST TWO COMPRESSED AIR OUTLETS.

(v) AT LEAST TWO SUCTION OUTLETS.

(vi) STORAGE FOR CLEAN AND STERILE SUPPLIES AND EQUIPMENT.

(vii) EXAMINATION LIGHT⁶ AT TREATMENT TABLE.

(viii) MINIMUM OF TWELVE ELECTRICAL RECEPTACLES OR SIX DUPLEX RECEPTACLES.

(ix) EMERGENCY SIGNAL DEVICE TO REGISTER ALARM CALL IN AREA WHERE MEDICAL OR NURSING ASSISTANCE IS ALWAYS AVAILABLE.²⁴

(x) X-RAY ELECTRICAL RECEPTACLE OUTLET OR EQUIVALENT.^{24 50}

(12) STORAGE.

(a) Storage area for portable x-ray equipment. REQUIRED IF PORTABLE X-RAY EQUIPMENT TO BE STORED IN NEONATAL INTENSIVE CARE UNIT. May be included in the equipment storage room.

(b) CLEAN EQUIPMENT STORAGE ROOM FOR MAJOR PORTABLE EQUIPMENT WITHIN OR ADJACENT TO THE UNIT.

(13) OFFICE FOR NURSING SUPERVISOR AND/OR HEAD NURSE WITHIN THE UNIT OR IN IMMEDIATE VICINITY.

(14) PARENT EDUCATION FACILITIES.⁴⁸

(a) DEMONSTRATION AND FEEDING AREA.

CUBICLE CURTAINS COMPLETELY SCREENING MOTHERS WHILE BREAST FEEDING OR AN EQUIVALENT MEANS OF PROVIDING FOR COMPLETE PRIVACY WHILE BREAST FEEDING.

(b) EQUIPMENT:

LAVATORY WITH GOOSENECK SPOUT AND KNEE OR FOOT FAUCET CONTROLS OR EQUIVALENT.⁴¹ DETERGENT DISPENSER. May be a lavatory located in other suitable, clean, nearby area.

STORAGE FOR EDUCATIONAL MATERIALS.

(15) CONFERENCE ROOM.⁴⁸ May be used as a multipurpose room, (e.g. parent conferences, medical staff and nurses conferences, reports, etc.).

(16) DOCTORS' SLEEPING ROOM.⁴⁸

May be located outside the unit but in close proximity to the unit.

(17) LOUNGE, TOILET AND LOCKER FACILITIES.

(a) STAFF FACILITIES.

(i) LOCATED TO BE ACCESSIBLE OUTSIDE OR UPON ENTRANCE TO THE UNIT.⁴⁸

(ii) LOCKER, DRESSING ROOM, shower, TOILET AND LOUNGE FACILITIES.⁴⁸

Storage for clean gowns and scrub clothing.

(b) FACILITIES FOR PARENTS OR OTHERS WHO WILL BE CARING FOR AN INFANT.

(i) LOCATED TO BE ACCESSIBLE IMMEDIATELY OUTSIDE OR UPON ENTRANCE TO THE UNIT.

(ii) WAITING AREA OR LOUNGE LOCATED ADJACENT TO NEONATAL INTENSIVE CARE UNIT.

(iii) Provision for personal belongings.⁴⁸

(iv) TOILET AVAILABLE FOR PARENTS.⁴⁸

(v) Public telephone.

(18) MISCELLANEOUS.

(a) FACILITIES FOR X-RAY FILM ILLUMINATION.⁶

(b) ACOUSTICAL TREATMENT OF NURSERY ROOMS TO MINIMIZE NOISE WITHIN THE ROOM.

NOTES:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-718(5) HOUSEKEEPING FACILITIES (JANITORS' AND MAIDS').

⁶May be movable equipment.

⁷See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-710

²⁴In accordance with program.

⁴¹Equivalent when used in reference to faucet controls means a mechanism for operating without the use of hands, wrists or arms.

⁴⁷"Easy access" means on the same floor or readily accessible to elevator services.

⁴⁸May be combined with obstetrical service facilities or other facilities, which are convenient to Neonatal Intensive Care Unit.

⁴⁹Compressed air is filtered air free of oil and other substances, particles, or contaminants.

⁵⁰Equivalent for x-ray receptacle outlet(s) refers to a battery operated self-contained x-ray machine.

NEW SECTION

WAC 248-18-607 BIRTHING ROOM. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) DEFINITION.

"BIRTHING ROOM" MEANS A ROOM DESIGNED, EQUIPPED AND ARRANGED TO PROVIDE FOR CARE OF A WOMAN AND NEWBORN AND TO ACCOMMODATE HER SUPPORT PERSONS DURING THE COMPLETE PROCESS OF VAGINAL CHILDBIRTH (THREE STAGES OF LABOR AND RECOVERY OF WOMAN AND NEWBORN).

(2) NUMBER.

DEPENDENT UPON ANTICIPATED PATIENT DEMAND AND USE.

(3) LOCATION.

SHALL BE LOCATED WITHIN OR CLOSE TO ONE OF THE FOLLOWING: OBSTETRICAL DELIVERY SUITE, COMBINED SURGERY/OBSTETRICAL DELIVERY SUITE, LABOR FACILITIES, NURSING UNIT, OR OTHER SUITABLE NURSING SERVICE PATIENT CARE AREAS.

(a) LOCATED TO PROVIDE PATIENT PRIVACY WITH ACCESS TO ESSENTIAL ANCILLARY FACILITIES.

(b) DIRECTLY ACCESSIBLE FROM CORRIDOR OF OBSTETRICAL SUITE, COMBINED SURGICAL/OBSTETRICAL SUITE, NURSING UNIT OR OTHER SUITABLE NURSING SERVICE AREA.

(c) LOCATED TO PREVENT TRAFFIC THROUGH BIRTHING ROOMS AND TO MINIMIZE ENTRANCE OF ODORS, NOISE AND OTHER NUISANCES.

(d) IF HOSPITAL HAS OBSTETRICAL-NEWBORN SERVICE, LOCATED WITH EASY ACCESS⁴⁷ TO NEWBORN NURSERY.

(4) CAPACITY.

MAXIMUM CAPACITY, ONE WOMAN, HER NEWBORN AND HER SUPPORT PEOPLE.

(5) SPACE.

MINIMUM DIMENSION OF 11'-0" AND MINIMUM AREA OF AT LEAST 160 SQUARE FEET OF USABLE FLOOR SPACE (i.e., EXCLUDES SPACE FOR LAVATORY, WARDROBE OR CLOSET, FIXED OR MOVABLE CABINETS, STORAGE FACILITIES AND ENTRY VESTIBULE). DESIGNED AND ARRANGED TO PROVIDE FOR AT LEAST 4'-0" OF SPACE AT ONE SIDE AND FOOT END OF THE BED. 180 square feet of usable floor space recommended.

(6) Window.⁵³ REQUIRED IF ROOM IS TO BE USED AS A PATIENT ROOM FOR POST-PARTUM CARE FOLLOWING RECOVERY, FOR A PERIOD OF TWENTY-FOUR HOURS OR LONGER.

(7) EQUIPMENT IN BIRTHING ROOM.

(a) LAVATORY WITHIN THE BIRTHING ROOM.

(b) ENCLOSED CLOSET OR LOCKER FOR PATIENT'S AND SUPPORT PERSONS' BELONGINGS WITHIN OR IN THE VICINITY OF BIRTHING ROOM.

(c) OXYGEN AND SUCTION OUTLETS ADJACENT TO HEAD OF BED.

For alteration projects, portable oxygen tanks and portable electrical mechanical suction equipment permitted.

(d) SEPARATE RESUSCITATION FACILITIES (ELECTRICAL RECEPTACLES AND OXYGEN OUTLETS) FOR NEWBORN INFANT(S). For alteration projects may use portable oxygen tanks.

(e) CLOCK⁶ WITH SWEEP SECOND HAND.

(f) CURTAIN OR EQUIVALENT MEANS FOR PROVIDING VISUAL PRIVACY AT CORRIDOR DOOR OPENINGS, INTERIOR RELIGHT PARTITIONS, AND EXTERIOR WINDOWS.

(g) EMERGENCY SIGNAL DEVICE FOR USE OF THE STAFF TO REGISTER AT LOCATION FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE.

(8) TOILETS AND BATHING FACILITIES.

(a) TOILET ROOM SERVING ONE ADJOINING BIRTHING ROOM EXCLUSIVELY PROVIDED

WITH WATER CLOSET (EQUIPPED WITH BED-PAN FLUSHING ATTACHMENT) FOR USE BY THE PATIENT AND HER SUPPORT PERSON(S). IN ALTERATION PROJECTS PROPERLY LOCATED COMMUNAL TOILET ROOMS FOR EXCLUSIVE USE BY OBSTETRICAL PATIENTS IN RATIO OF AT LEAST ONE WATER CLOSET TO EVERY FOUR PATIENTS ARE ACCEPTABLE IN LIEU OF THE ADJOINING TOILET ROOM, PROVIDED OTHER NONPATIENT TOILET FACILITIES ARE AVAILABLE FOR SUPPORT PERSON(S).

(b) Support Person(s) Toilet and Dressing Room. REQUIRED ONLY IF TOILET AND DRESSING FACILITIES ARE REQUIRED BY PROGRAM AND FACILITIES ARE NOT AVAILABLE ADJOINING BIRTHING ROOM(S) OR IN THE DELIVERY SUITE OR COMBINED DELIVERY/OPERATING SUITE. CONVENIENT TO THE BIRTHING ROOM.

(c) SHOWERS IN THE RATIO OF AT LEAST ONE TO EVERY EIGHT BIRTHING ROOMS OR FRACTIONS THEREOF.²⁴ May be combined with showers for other patients.

(9) NURSES' STATION, MEDICINE AREA,⁷ CLEAN AND SOILED UTILITY ROOMS,⁷ AND HOUSEKEEPING FACILITIES.⁵

Not required if birthing room(s) is convenient to such facilities within the delivery suite or combined surgery/delivery suite, labor facilities, nursing unit or suitable nursing service patient care area which has adequate service facilities for necessary functions in properly segregated clean and soiled rooms.

(10) STORAGE FOR LARGE EQUIPMENT.

May be within the birthing room or in a clean room conveniently located to the birthing room.

(11) WHEELCHAIR AND STRETCHER STORAGE.

Not required if birthing room(s) is convenient to adequate storage facilities within the delivery suite or combined surgery/delivery suite, labor facilities, nursing unit or suitable nursing service patient care area.

(12) STAFF FACILITIES FOR MEDICAL AND NURSING STAFFS.

DRESSING ROOM AND TOILET, shower and lounge. STORAGE FOR SCRUB CLOTHING. Not required if birthing rooms are within or near an area which has adequate staff facilities.

NOTES:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-710(5) HOUSEKEEPING FACILITIES (JANITORS' AND MAIDS').

⁶May be movable equipment.

⁷See GENERAL DESIGN REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-710.

²⁴In accordance with the program.

⁴⁷"Easy access" means on the same floor or readily accessible to elevator services.

⁵³See GENERAL DESIGN REQUIREMENTS, WAC 248-18-718(4)(b), WINDOWS.

NEW SECTION

WAC 248-18-222 BIRTHING ROOMS. (1) Definitions.

(a) "Birthing room" means a room designed, equipped and arranged to provide for the care of a woman and newborn and to accommodate her support persons during the complete process of vaginal childbirth (three stages of labor and recovery of woman and newborn).

(b) "Rooming in" means an arrangement for a mother and infant to remain together during the hospital stay with provision for family interaction.

(2) In those hospitals, where labor and birth are planned and permitted to occur in the same room, (by hospital policy), birthing room(s) shall be provided and shall comply with the following regulations:

(a) A birthing room shall be adequate and appropriate to provide the equipment, staff, supplies, emergency procedures and short term rooming in required for the physical and emotional care of a woman, her support person(s), and the newborn during labor, delivery and the immediate post-partum period.

(b) Usable floor area shall be sufficient to accommodate patient, furnishings, staff, her support persons, equipment, and movement necessary for the care of the woman and newborn.

(c) A lavatory equipped with a gooseneck spout and wrist, knee, or foot faucet control shall be located within the birthing room or within the immediate vicinity of the birthing room.

(d) A designated lavatory and water closet shall be conveniently located for use of patient and her support person(s).

(e) A bathing facility shall be available for patient use.

(f) There shall be an enclosed cabinet(s) or cart(s) readily accessible for storage of necessary linens, instruments, supplies, medications and equipment used in the care of the woman and newborn.

(g) There shall be wardrobe unit(s) or closet(s) in the vicinity for the belongings of the patient and her support person(s).

(h) Adequate portable or fixed work surface area shall be maintained for use in the birthing room.

(i) There shall be a nurse signaling device accessible and operating for each patient. There shall be an adequate and appropriate device for use of staff and within reach to summon emergency back-up personnel when needed.

(j) Emergency power for lighting and operation of equipment shall be immediately available.

(k) Floors, walls, cabinets, ceilings and furnishings shall be easily cleanable. Carpets shall not be permitted.

(3) Adequate and appropriate size and type of equipment and supplies for woman and newborn shall be readily available and shall include:

(a) A bed suitable for labor, birth and recovery.

(b) Separate oxygen with flow meters and masks or equivalent for mother and newborn.

(c) Mechanical suction for a woman and De Lee or bulb suction for newborn.

(d) Resuscitation equipment to include resuscitation bags and masks, endotracheal tubes, laryngoscopes and oral airways.

(e) Provision to monitor and maintain optimum body temperature of newborn. A radiant heat source shall be available for unstable newborns. An appropriate newborn incubator shall be available.

(f) Newborn bed.

(g) General lighting source and provision for examination lights.

(h) A clock with a sweep second hand visible from room(s).

(i) Newborn scale.

(j) Provision for soiled linen and waste material which shall be enclosed or covered during transport.

(4) Written operational policy, procedures and means for implementation shall be available and shall include:

(a) Definition of the patients who may be admitted to birthing room(s).

(b) Definition of patients who shall not be admitted to birthing room(s).

(c) Identification of the woman or newborn whose conditions are determined to be inappropriate for continued care in a birthing room(s).

(d) Definition of visitors and support persons who may be admitted to the birthing room(s).

(e) A written plan for consultation, emergency transfer and/or transport of an infant to a newborn nursery or neo-natal intensive care nursery.

(f) A written plan for consultation, emergency transfer and/or transport of a woman to an appropriate obstetrical department or patient care area.

(g) Prophylactic treatment of eyes of the newborn in accordance with RCW 70.24.040, WAC 248-100-295 now or as hereafter amended.

(h) A blood specimen for detection of congenital metabolic disorders immediately prior to discharge or release from the hospital in accordance with RCW 70.83.020, WAC 248-102-010, now or as hereafter amended.

(i) Assignment and utilization of personnel from the birthing room(s) to other areas of the hospital and from other areas of the hospital to the birthing room(s).

(j) Infection control, e.g., screening of visitors/support person(s).

(5) Medical direction and supervision.

(a) The medical services provided in birthing room(s) shall be directed by a physician member(s) of the active medical staff who has experience in obstetrics and the immediate newborn period and whose functions and scope of responsibility shall be as delineated by the medical staff.

(b) Hospital birthing rooms shall be under the supervision of a registered nurse or licensed midwife prepared through education and experience in obstetrical and newborn nursing and family orientation to birthing.

(6) There shall be review and revision of policies, procedures and functions in the birthing room(s) as needed and, in addition, at least one such review every three years by an appropriate interdisciplinary committee, including medical staff and nursing services, with a report

to the executive committee of the medical staff and to the administration.

(7) Record keeping shall include the following:

(a) Adequate and specific notes describing newborn and maternal status during labor, birth and recovery.

(b) Completion of birth certificate.

(c) Verification of initial identification of the newborn.

(d) Documentation that the metabolic screening specimen was obtained and forwarded as specified in RCW 70.83.020, chapter 248-102 WAC, now or as hereafter amended.

(e) Medical records, register(s) and index(es) as described in WAC 248-18-440(3), (6), and (7).

WSR 80-03-086

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed March 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 24B.40.120(11)[28B.40.120(11)], that The Evergreen State College intends to adopt, amend, or repeal rules concerning Parking regulations, WAC 174-116-115; Exit interviews (NDSL recipients), new section under financial obligation of students, WAC 174-162-330; Compensation for sick leave for exempt administrators, WAC 174-112-465;

that such institution will at 11:00 a.m., Thursday, April 17, 1980, in the Board of Trustees Room #3112, Library Building, The Evergreen State College, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, April 17, 1980, in the Board of Trustees Room #3112, Library Building, The Evergreen State College, Olympia.

The authority under which these rules are proposed is RCW 24B.40.120(11)[28B.40.120(11)].

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 10, 1980, and/or orally at 11:00 a.m., Thursday, April 17, 1980, Board of Trustees Room #3112, Library Building, The Evergreen State College.

Dated: February 28, 1980

By: Byron L. Youtz
Vice President and Provost

AMENDATORY SECTION (Amending Order 77-3, filed 12/16/77)

WAC 174-116-115 PARKING PERMIT REGULATIONS. (1) Annual, quarterly and monthly permits shall be in the form of decals permanently affixed to vehicles for which they were issued, which decals may be purchased from the college cashier at the rate of ~~((25.00))~~ thirty dollars a year, ~~((10.00))~~ twelve dollars a quarter, or ~~((5.00))~~ six dollars a month.

(2) Daily permits shall be in the form of date-stamped tickets available at the staffed booth on the parkway at the rate of ~~((5.25))~~ thirty cents each.

(3) Students who reside in college-owned housing shall be issued permits entitling them to park in parking lot F at no cost; residence hall residents may secure permits from the Housing Office.

(4) Contractor and construction employees who work on campus projects shall be granted parking privileges without charge, for specific

campus locations; these employees shall request appropriate permits through the project foremen who may secure them from the Security Office.

(5) Visitor permits will be issued without charge for specific periods when requested at least 24 hours in advance by the appropriate college official. Irregular visitors shall be issued daily permits without charge at the discretion of the individual staffing the parking booth.

(6) Vendors conducting official business with the college may secure parking permits through the Purchasing Office at no cost.

(7) Federal, state, county, city and school district and other governmental personnel on official business in vehicles with tax exempt licenses may park without permits.

(8) Staff members and students who participate in car pools may purchase a single transferable permit, subject to the following instructions: Each vehicle owner within the pool shall complete a "parking permit application" and submit it to the cashier but only one vehicle displaying the car pool decal may park on campus on a given day unless a daily permit is purchased.

NEW SECTION

WAC 174-162-330 EXIT INTERVIEWS. A student who has a national direct student loan has the responsibility to arrange an exit interview with the accounts receivable office upon graduation, withdrawal, or transfer to on-leave status. The exit interview may be conducted in person or, when necessary, by mail.

The registrar shall withhold the diploma and transcripts for any such student pending receipt of confirmation by the accounts receivable office that the required exit interview has been completed.

EXEMPT PERSONNEL WORK HOURS AND LEAVES

NEW SECTION

WAC 174-112-465 COMPENSATION FOR SICK LEAVE FOR EXEMPT ADMINISTRATORS. (1) Applicability.

(a) The provisions of this section apply only to administrative personnel of The Evergreen State College exempt from the classified service; they do not apply to faculty members, or to research, classified, temporary, hourly, or student employees.

(b) The provisions of this section shall first take effect on the day following the close of the next enrollment period declared for long term disability insurance by the state employees' insurance board.

(2) Policy and procedures.

(a) For the purposes of this section only, each exempt administrative employee shall be deemed to have earned and accrued sick leave as follows:

(i) Full-time, twelve month employee: At the rate of eight hours for each month of completed service.

(ii) Employee working less than full time, twelve months: At a rate pro rata to eight hours for each month of completed service as his or her employment schedule bears to a full-time schedule.

(b) Such leave accrual shall be computed from the first of the month of employment for an employee hired from the first through the fifteenth of the month, and from the first of the following month for an employee hired from the sixteenth through the end of the month.

(c) The balance of unused sick leave credits of such an employee accrued at the rate of no more than eight hours per month in another state institution or state agency, shall, upon such employee's changing employment from another state institution of higher education or from a state agency to The Evergreen State College, without a break in service, accrue to the employee.

(d) Evergreen's Director of Personnel shall determine for each exempt administrative employee at the end of each calendar year or at the time of such employee's death or retirement the balance remaining after subtracting from the employee's sick leave credits so accrued the hours of sick leave the employee has used.

(e) Exempt administrative employees shall be eligible to receive monetary compensation for unused accrued sick leave as provided in this section as follows:

(i) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds four hundred eighty hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year for monetary compensation. No sick leave hours may be converted which would reduce the calendar year end balance below four hundred eighty hours. Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary. All

converted hours will be deducted from the employee's sick leave balance.

(ii) An employee who separates from the college on or after September 1, 1979, due to retirement or death, shall be compensated for his or her unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this paragraph (ii), retirement shall not include a "vested out-of-service" employee who leaves funds on deposit with the retirement system.

(f) 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.

(g) An employee who separates from the college for any reason other than retirement or death shall not be paid for accrued sick leave.

(h) A former employee of The Evergreen State College who is re-employed as an exempt administrator within three years of separation from the college shall have his or her formerly accrued sick leave balance, as calculated according to this section, restored for use.

(i) Upon subsequent retirement or death of a retired employee who has returned to employment at The Evergreen State College as an exempt administrator, leave accrued as calculated according to this section since the original retirement minus that taken within the same period may be compensated per the provisions of this section; this restriction shall not apply to other returning employees.

WSR 80-03-087

NOTICE OF PUBLIC MEETINGS PLANNING AND COMMUNITY AFFAIRS AGENCY [Memorandum, Director—March 4, 1980]

Planning and Community Affairs Advisory Council

The Planning and Community Affairs Advisory Council will meet on Thursday, March 27, at 9:30 a.m. in the Planning and Community Affairs Agency conference room, 410 West 5th, in Olympia. For additional information, contact Gary Tusberg, Deputy Director, Planning and Community Affairs Agency, 400 Capitol Center Building, Olympia, Washington 98504, telephone (206) 753-2203.

Energy Conservation Weatherization Advisory Council

The next quarterly meeting of the Energy Conservation Weatherization Advisory Council (ECWAC) will be held at 9:00 a.m. on Wednesday, April 2. The meeting will be held at the Vance Airport Inn, 18220 Pacific Highway South, in Seattle. The Vance is located across from the Sea-Tac Airport. For additional information, contact Merry Kogut, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building, Olympia, Washington 98504, telephone (206) 753-4942 or toll free 1-800-562-5677.

WSR 80-03-088

EMERGENCY RULES PUBLIC DISCLOSURE COMMISSION [Order 80-04—Filed March 4, 1980]

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:

- Amd WAC 390-14-100 List of elected public officials.
- Amd WAC 390-14-110 List of elected public officials—Name not on list, impact.

We, the members of the Public Disclosure Commission, 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 lobbyists employers have relied on financial affairs reports of state elected officials to aid them in filing the report required in RCW 42.17.180 due March 31. The deadline for filing the financial affairs report was changed to April 15 making such reliance impossible.

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

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 February 26, 1980.
By Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 79-05, filed 9/07/79)

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.

In addition, the list shall contain those entities which are reported by those state elected officials pursuant to RCW 42.17.240(1)(g).

This list shall contain the most recent information on file with the commission as of February 15 each year.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-110 LIST OF ELECTED PUBLIC OFFICIALS—NAME NOT ON LIST, IMPACT. (1) The commission has as part of its authority the power to suspend or modify reporting requirements of chapter 42.17 RCW, if it finds after hearing that literal application of the Act would work a manifest hardship, and if it finds that suspension or modification will not frustrate the purpose of the Act.

(2) Upon a hearing of this nature, the commission shall presume the reporting of the name of any elected official as required by the act to be an unreasonable

hardship, if the name of that elected official does not appear on the list compiled pursuant to this chapter.

(3) The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer to report the compensation paid to a corporation, partnership, joint venture, association, union or other entity in which a state elected official or member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) the name of such entity does not appear on the most recent list of state elected officials published by the commission pursuant to WAC 390-14-100, and

(b) the lobbyist employer does not have actual knowledge of such compensation being paid to such entity.

WSR 80-03-089

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 80-03—Filed March 4, 1980]

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:

- Amd WAC 390-24-025 Time for filing financial affairs statement.
- Amd WAC 390-28-040 Hearing to modify reporting, prehearing procedures and requirements.
- Rep WAC 390-20-080 Lobbyists—Termination of registration.

This action is taken pursuant to Notice No. WSR 80-01-115 filed with the code reviser on 1/02/80. 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 February 26, 1980.
By Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-24-025 TIME FOR FILING FINANCIAL AFFAIRS STATEMENT. It shall be the policy of the Public Disclosure Commission to construe the filing requirements of RCW 42.17.240, for elected officials in the following manner: It is the interpretation of the commission that:

(1) Any person holding elected public office, except as exempted by the terms of RCW 42.17.240, and any appointed official and professional staff member listed or

referenced in RCW 42.17.240, and any appointed official required to comply with the reporting requirements of RCW 42.17.240 by any other statute is required to file the Statement of Financial Affairs (~~required by that section~~) if such person holds such public office in the month of January of any year. Such report shall be for the twelve months preceding that month.

(2) Any local elected official whose term of office expires immediately after December 31 shall file a Statement of Financial Affairs for the calendar year which ended on that date.

(3) Any local elected official who resigns his public office prior to the completion of his current term of office shall file a Statement of Financial Affairs covering that portion of the year that he was in office.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-28-040 HEARING TO MODIFY REPORTING—PREHEARING PROCEDURE AND REQUIREMENTS. (1) An applicant must file with the commission a written request for hearing for suspension or modification of reporting requirements.

(2) The request should contain a summary of the applicant's evidence to be submitted at the hearing. In the case of a hearing to suspend or modify the reporting requirements of RCW 42.17.240, the applicant, if he is a candidate for public office, shall complete the form F-1 (reference WAC 390-24-010) to the extent possible. The applicant shall append a statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible. A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement.

(3) The filing of a request for exemption shall not ~~((toH))~~ suspend the reporting requirement of any portion of chapter 42.17 RCW. No such request filed later than three days prior to an applicable reporting date shall be considered~~((;))~~: PROVIDED, That elected public officials requesting an exemption shall file such request no later than the fifteenth ~~((+15th))~~ day of ~~((December))~~ March prior to the ~~((January))~~ April reporting deadline. If an applicant does not file within these time limits, he shall be deemed to have waived any right to an exemption~~((;))~~: PROVIDED, That the commission upon good cause shown may grant a hearing.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 390-20-080 Lobbyists—Termination of Registration

WSR 80-03-090
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed March 4, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

Amd WAC 390-14-100 List of elected public officials.
Amd WAC 390-14-110 List of elected public officials—Name not on list, impact;

that such agency will at 9:00 a.m., Tuesday, April 22, 1980, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, April 22, 1980, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 22, 1980, and/or orally at 9:00 a.m., Tuesday, April 22, 1980, Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

Dated: March 4, 1980
By: Graham E. Johnson
Administrator

AMENDATORY SECTION (Amending Order 79-05, filed 9/07/79)

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.

In addition, the list shall contain those entities which are reported by those state elected officials pursuant to RCW 42.17.240(1)(g).

This list shall contain the most recent information on file with the commission as of February 15 of each year.

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-110 LIST OF ELECTED PUBLIC OFFICIALS—NAME NOT ON LIST, IMPACT. (1) The commission has as part of its authority the power to suspend or modify reporting requirements of chapter 42.17 RCW, if it finds after hearing that literal application of the Act would work a manifest hardship, and if it finds that suspension or modification will not frustrate the purpose of the Act.

(2) Upon a hearing of this nature, the commission shall presume the reporting of the name of any elected official as required by the act to be an unreasonable hardship, if the name of that elected official does not appear on the list compiled pursuant to this chapter.

(3) The commission shall presume it is a manifestly unreasonable hardship for a lobbyist employer to report the compensation paid to a corporation, partnership, joint venture, association, union or other entity in which a state elected official or member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more, if:

(a) the name of such entity does not appear on the most recent list of state elected officials published by the commission pursuant to WAC 390-14-100, and

(b) the lobbyist employer does not have actual knowledge of such compensation being paid to such entity.

WSR 80-03-091
PROPOSED RULES
BOARD OF PHARMACY
 [Filed March 5, 1980]

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 adding new chapter 360-18 WAC Licensing periods and fees; WAC 360-18-010 Licensing periods; WAC 360-18-020 License fees; WAC 360-18-030 Intern registration fee; WAC 360-18-040 Writing of independent medical orders and/or prescriptions by pharmacists prohibited; amending WAC 360-36-010 Uniform Controlled Substances Act and WAC 360-36-230 Registration; repealing WAC 360-25-001 Drug price disclosure implementations delay;

that such agency will at 9:00 a.m., Wednesday, April 9, 1980, in the Yakima Valley Memorial Hospital Auditorium, 2811 Tieton Drive, Yakima, 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, April 9, 1980, in the Yakima Valley Memorial Hospital Auditorium, 2811 Tieton Drive, Yakima, WA.

The authority under which these rules are proposed is chapter 90, Laws of 1979; RCW 69.50.301 and 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 April 9, 1980, and/or orally at 9:00 a.m., Wednesday, April 9, 1980, Yakima Valley Memorial Hospital Auditorium, 2811 Tieton Drive, Yakima, WA.

Dated: March 5, 1980

By: David C. Campbell, Jr.
 Executive Secretary

CHAPTER 360-18
LICENSING PERIODS AND FEES

WAC	
360-18-010	LICENSING PERIODS.
360-18-020	LICENSE FEES.
360-18-030	INTERN REGISTRATION FEE.
360-18-040	WRITING OF INDEPENDENT MEDICAL ORDERS AND/OR PRESCRIPTIONS BY PHARMACISTS PROHIBITED.

NEW SECTION

WAC 360-18-010 LICENSING PERIODS. (1) Effective October 1, 1980, the following are established by the Board of Pharmacy as the licensing periods for each license specified:

(a) Pharmacist licenses will be renewable beginning on February 1 of each year, and will be subject to a penalty fee for renewal after April 1 of each year.

(b) Pharmacy location, CSA (retail), prophylactic (retail pharmacy), pharmacy assistant utilization, shopkeeper and shopkeeper differential hours licenses will be renewable beginning on June 1 of each year and will be subject to a penalty fee for renewal after August 1 of each year.

(c) CSA (sodium pentobarbital), Level A assistant, physician's assistant, wholesaler (full line), wholesaler (OTC only), intern, manufacturer, CSA wholesaler, CSA manufacturer, prophylactic (vending machine), and prophylactic wholesaler licenses will be renewable beginning on October 1 of each year and will be subject to a penalty fee for renewal after December 1 of each year.

(2) Effective until October 1, 1980, the board establishes licensing periods as specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979 which prior provisions are incorporated herein by this reference.

NEW SECTION

WAC 360-18-020 LICENSE FEES. (1) Pursuant to chapter 90, Laws of 1979, the board hereby determines, sets and establishes, effective October 1, 1980, the following fees for licenses issued by the board:

(a) PHARMACY LOCATION, CSA & PROPHYLACTIC	
Original pharmacy fee	\$100.00
Original CSA fee	35.00
Original prophylactic fee	10.00
Original pharmacy assistant utilization fee	25.00
Renewal pharmacy fee	50.00
Renewal CSA fee	25.00
Renewal prophylactic fee	10.00
Renewal pharmacy assistant utilization fee	25.00
Penalty pharmacy fee	100.00
(b) VENDOR	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
(c) PHARMACIST	
Exam fee	75.00
Original license fee	50.00
Renewal fee	25.00
Penalty fee	25.00
Reciprocity fee	150.00
(d) SHOPKEEPER	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
(i) SHOPKEEPER - 6 or fewer drugs	
Original fee	5.00
Renewal fee	5.00
Penalty fee	5.00
(ii) SHOPKEEPER - with differential hours	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
(e) DRUG MANUFACTURER	
Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00
(f) DRUG WHOLESALER - full line	
Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00
(g) DRUG WHOLESALER - OTC only	
Original fee	100.00
Renewal fee	100.00
Penalty fee	100.00
(h) PHARMACY ASSISTANT - Level "A"	
Original fee	10.00
Renewal fee	10.00

(2) Effective until October 1, 1980, the board establishes as licensing fees those amounts specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979, which prior provisions are incorporated herein by this reference.

NEW SECTION

WAC 360-18-030 INTERN REGISTRATION FEE. Pursuant to RCW 18.64.080(3) as amended by chapter 90, Laws of 1979, the board hereby determines that the fee for registration as an intern shall be \$5.00 per year and that the examination fee for registration as an intern shall be \$75.00.

NEW SECTION

WAC 360-18-040 WRITING OF INDEPENDENT MEDICAL ORDERS AND/OR PRESCRIPTIONS BY PHARMACISTS

PROHIBITED. The writing of independent medical orders and/or prescriptions by a pharmacist is prohibited unless and until authorization to do so, as part of the board-approved program, is specifically granted to the pharmacist by the board.

AMENDATORY SECTION (Order No. 151, filed 9/6/79)

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, 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 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)~~) **\$30.00** for a dispensing registration (i.e., pharmacies);
- (b) (~~(\$10.00)~~) **\$25.00** for the annual renewal for dispensing (i.e., pharmacies);
- (c) (~~(\$30.00)~~) **\$50.00** for registration for distributors (i.e., wholesalers);
- (d) (~~(\$25.00)~~) **\$50.00** for the annual renewal for distributors (i.e., wholesalers);
- (e) \$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 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, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the board;
- (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 drug. 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: 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 No. 150, filed 9/6/79)

WAC 360-36-230 REGISTRATION. (1) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on (~~October 31st~~) December 1st 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 II nonnarcotic controlled substances and shall be used only for the acquisition of sodium pentobarbital for animal euthanasia.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 360-25-001 DRUG PRICE DISCLOSURE IMPLEMENTATIONS DELAY.

WSR 80-03-092
PROPOSED RULES
DEPARTMENT OF LICENSING
(Veterinary Board of Governors)
[Filed March 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Veterinary Board of Governors intends to adopt, amend, or repeal rules concerning the adding of new sections WAC 308-150-070, Objectives; WAC 308-150-080, Patient abandonment; WAC 308-150-090, Emergency treatment; WAC 308-150-100, Provision of back-up or alternate veterinary services for clients; WAC 308-150-110, Solicitation and advertisement; WAC 308-150-120, Exercise of professional judgment and skills; WAC 308-150-130, Degree of skills; WAC 308-150-140, Consultation; WAC 308-150-150, Illegal practice; WAC 308-150-160, Cooperation with the board; WAC 308-150-170, Observation of all laws; WAC 308-150-200, Prohibited publicity and advertising; WAC 308-150-220, Honoring of publicity and advertisements; WAC 308-150-240[308-150-230], Prohibited transactions; WAC 308-150-240, Professional notices, letterheads, cards and mailings; WAC 308-151-080, Examination procedures; WAC 308-151-090, Frequency and location of examinations; WAC 308-151-100, Examination results; and repealing WAC 308-150-

101[308-150-010], 308-150-015, 308-150-020 and 308-150-040. (A copy of the proposed rules is shown below, however, changes may be made at the hearing.);

that such agency will at 10:00 a.m., Thursday, April 10, 1980, in the Pioneer Room, Seattle Airport Hilton, 17620 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., Thursday, April 10, 1980, in the Pioneer Room, Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.92.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 10:00 a.m., Thursday, April 10, 1980, Pioneer Room, Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA.

Dated: March 4, 1980

By: Yvonne Braeme
Executive Secretary

NEW SECTION

WAC 308-151-080 EXAMINATION PROCEDURES. (1) All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a recent photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the written test and rescheduled at a later date.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the exam will be expelled from the examination and not allowed to complete it.

(3) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination will be considered grounds for expulsion from the examination.

NEW SECTION

WAC 308-151-090 FREQUENCY AND LOCATION OF EXAMINATIONS. (1) The examination for veterinarians shall be scheduled at such times and places as the director may authorize.

(2) A notification will be sent to the residential address of record of each examination applicant at least fifteen (15) days prior to each applicant's scheduled examination date. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the Division of Professional Licensing of his or her inability to appear for the scheduled exam at least five (5) days before the designated time.

NEW SECTION

WAC 308-151-100 EXAMINATION RESULTS. (1) In order to pass the examination for licensure as a veterinarian, the applicant must attain a minimum grade of:

(a) 70% of the raw score in the national examination, either taken in the state of Washington or offered in another state on the same date as offered in Washington; and

(b) 70% in the Washington state examination. This examination consists of two parts, the state practical examination and the clinical competency examination. In arriving at the passing score, the two parts will be weighted as follows:

(i) The clinical competency examination will constitute 20% of the state examination, and

(ii) The state practical examination will constitute 80% of the state examination.

(2) Applicants who fail either the national examination or the Washington state examination may retake the examination that they failed (national or state) by again completing an application and by submitting the reexamination fee to the Division of Professional Licensing.

NEW SECTION

WAC 308-150-070 OBJECTIVES. The principal objectives of the veterinary profession are to render veterinary service to society, to conserve livestock resources, and to relieve suffering of animals. The veterinarian shall always conduct himself or herself in such a manner to further these objectives.

NEW SECTION

WAC 308-150-080 PATIENT ABANDONMENT. The veterinarian shall always be free to accept or reject a particular patient, but once care is undertaken, the veterinarian shall not neglect the patient, as long as the owner (client) requests and authorizes the veterinarian's services for the particular problem.

NEW SECTION

WAC 308-150-090 EMERGENCY TREATMENT. The veterinarian shall provide minimal treatment to alleviate the suffering of an animal in instances where no services have been requested or authorized by an owner (client), if the animal is presented to the veterinarian's clinic or facility during posted office hours. After-hours emergency treatment is encouraged, but may be accepted or rejected by the veterinarian as determined by his or her professional judgment.

NEW SECTION

WAC 308-150-100 PROVISION OF BACK-UP OR ALTERNATE VETERINARY SERVICES FOR CLIENTS. The veterinarian shall establish a method by which veterinary services shall be available to clients in cases of emergency. The method established may be referral to a cooperating or affiliated veterinarian or veterinary facility, a working arrangement with another veterinarian or any means which will result in availability of veterinary services.

NEW SECTION

WAC 308-150-110 SOLICITATION AND ADVERTISEMENT. The veterinarian shall not solicit clients or advertise fees or services in any manner that is misleading, fraudulent, or deceptive.

NEW SECTION

WAC 308-150-120 EXERCISE OF PROFESSIONAL JUDGMENT AND SKILLS. The veterinarian shall not accept employment under terms and conditions that interfere with the free exercise of the veterinarian's professional judgment or infringe upon the utilization of his or her professional skills.

NEW SECTION

WAC 308-150-130 DEGREE OF SKILLS. The veterinarian owes to his or her patients the highest degree of skill and care. To this end, the veterinarian shall endeavor to keep abreast of new developments in veterinary medicine, surgery and dentistry, and shall constantly endeavor to improve his or her knowledge and skill in the practice of veterinary medicine, surgery and dentistry.

NEW SECTION

WAC 308-150-140 CONSULTATION. The veterinarian shall seek assistance, through consultation with other veterinarians, when it appears that such consultation will enhance the quality of veterinary services. The veterinarian shall be available to the best of his or her ability, to assist, by consultation, other veterinarians.

NEW SECTION

WAC 308-150-150 ILLEGAL PRACTICE. The veterinarian shall safeguard the public and the professional by exposing individuals who attempt to practice illegally by reporting violations of the laws

regulating the practice of veterinary medicine, surgery and dentistry to the proper authorities.

NEW SECTION

WAC 308-150-160 COOPERATION WITH THE BOARD. The veterinarian shall cooperate fully with the veterinary board of governors in the investigation of alleged violations of the laws and regulations governing the practice of veterinary medicine, surgery and dentistry.

NEW SECTION

WAC 308-150-170 OBSERVATION OF ALL LAWS. The veterinarian shall observe all laws, uphold the honor and dignity of the profession, and accept its self-imposed discipline.

NEW SECTION

WAC 308-150-200 PROHIBITED PUBLICITY AND ADVERTISING. A veterinarian shall not, on behalf of himself or herself, his or her partner, associate or any other veterinarian affiliated with his or her office or clinic, use or allow to be used any form of public communications or advertising which:

- (1) is false, fraudulent, deceptive or misleading;
- (2) contains a prediction of future success or guarantees that satisfaction or a cure will result from the performance of professional services;
- (3) refers to secret methods of treatment;
- (4) is not identified as a paid advertisement or solicitation unless it is apparent from the context that it is a paid advertisement or solicitation;
- (5) contains statistical data or other information based on past performance or case reports;
- (6) contains a statement of opinion or representation regarding the quality of professional services which is not susceptible of verification to the public;
- (7) states or implies that a veterinarian is a certified or recognized specialist unless he or she is certified in such specialty by a board recognized by the American Veterinarian Medical Association;
- (8) states or includes prices for veterinary services except as provided in WAC 308-150-210;
- (9) otherwise exceeds the limits of WAC 308-150-210.

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 308-150-210 PERMITTED PUBLICITY AND ADVERTISING. To facilitate the process of informed selection of a veterinarian by potential clients, a veterinarian may advertise the following information provided that the information disclosed by the veterinarian in such advertisement complies with all other ethical standards promulgated by the board. This information may include:

- (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) schools attended with dates of graduation, degrees and other scholastic distinction;
- (5) whether credit cards or other credit arrangements are accepted;
- (6) office and telephone answering service hours;
- (7) a statement of the fixed fee charged for a specific professional service, provided that the description of such service would not be misunderstood or be deceptive and that the statement indicates whether additional fees may be incurred for related professional services which may be required in individual cases;
- (8) A statement of the range of fees for specifically described professional services, provided that there is reasonable disclosure of all relevant variables and considerations affecting the fee so that the statement would not be misunderstood or be deceptive, including, without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

NEW SECTION

WAC 308-150-220 HONORING OF PUBLICITY AND ADVERTISEMENTS. (1) If a veterinarian advertises a fee for a service, the veterinarian must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a veterinarian publishes any fee information authorized under chapter 308-150 WAC, the veterinarian shall be bound by any representation made therein for the periods specified in the following categories:

- (a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.
- (b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.
- (c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year.

NEW SECTION

WAC 308-150-230 PROHIBITED TRANSACTIONS. A veterinarian shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual veterinarian in a news item.

NEW SECTION

WAC 308-150-240 PROFESSIONAL NOTICES, LETTERHEADS, CARDS AND MAILINGS. In his or her use of professional notices, letterheads, cards and mailings, a veterinarian is subject to the same regulations of chapter 308-150 WAC which apply to his or her use of other media.

REPEALER

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

- WAC 308-150-010 NEGLECT OF PATIENTS.
- WAC 308-150-015 ADVERTISEMENT.
- WAC 308-150-020 THIRD PARTY ADVERTISEMENT.
- WAC 308-150-040 TESTIMONIALS.

WSR 80-03-093
PROPOSED RULES
GAMBLING COMMISSION
 [Filed March 5, 1980]

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 proposed rules is shown below, however, changes may be made at the public hearing);

that such agency will at 1:30 p.m., Wednesday, April 9, 1980, in the Hallmark Inn, 3000 Marina Drive, Moses Lake, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Wednesday, April 9, 1980, in the Hallmark Inn, 3000 Marina Drive, Moses Lake, WA.

The authority under which these rules are proposed is RCW 9.46.070(10).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 9, 1980, and/or orally at 1:30

p.m., Wednesday, April 9, 1980, Hallmark Inn, 3000 Marina Drive, Moses Lake, WA.

Dated: March 3, 1980

By: Jeffrey O. C. Lane
Assistant Attorney General

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

WAC 230-02-150 IMMEDIATE FAMILY DEFINED. "Immediate family" means and is limited to, the subject individual's spouse, children, (~~and~~) parents, and grandparents.

NEW SECTION

WAC 230-02-155 GUARDIAN. "Guardian" means and is limited to a person appointed by a court of law as the legal guardian of the subject individual.

AMENDATORY SECTION (Amending Order #65, filed 1-7-77)

WAC 230-20-210 AGE LIMIT FOR BINGO. No person who is under the age of eighteen shall participate, nor shall be allowed to participate in any manner in the operation of any bingo game. No person who is under the age of eighteen years shall play, nor shall be allowed to play in any bingo game, unless that person is accompanied by a member of his immediate family, or guardian, who is not younger than eighteen years of age. For the purposes of this rule, "guardian" means, and is limited to, an individual appointed by a court of law as the legal guardian of the subject person.

It shall be the responsibility of the licensee and of those persons physically operating the bingo game to determine that no unauthorized person is allowed to participate in any manner in the operation of or play in any bingo game: PROVIDED, That the age limit herein set forth shall not apply to bingo games lawfully conducted at an agricultural fair or school carnival.

ALTERNATE

AMENDATORY SECTION (Amending Order #65, filed 1-7-77)

WAC 230-20-210 AGE LIMIT FOR BINGO. No person who is under the age of eighteen shall participate, nor shall be allowed to participate in any manner in the operation of any bingo game. No person who is under the age of eighteen years shall play, nor shall be allowed to play in any bingo game, unless that person is accompanied by a member of his immediate family, or guardian, who is not younger than eighteen years of age. For the purposes of this rule, "guardian" means, and is limited to, an individual appointed by a court of law as the legal guardian of the subject person. For the purposes of this rule, "immediate family" means, and is limited to, the subject individual's spouse, children, parents, and grandparents.

It shall be the responsibility of the licensee and of those persons physically operating the bingo game to determine that no unauthorized person is allowed to participate in any manner in the operation of or play in any bingo game: PROVIDED, That the age limit herein set forth shall not apply to bingo games lawfully conducted at an agricultural fair or school carnival.

WSR 80-03-094
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Filed March 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or repeal rules concerning examination procedure, amending WAC 308-40-101; examination review procedures for dentists, amending WAC 308-40-105; examination review procedures for dental hygienists, amending WAC

308-36-055. (A copy of the proposed rules is shown below, however, changes may be made at the public hearing.);

that such agency will at 10:00 a.m., Friday, April 18, 1980, in the Olympic Room, 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 10:00 a.m., Friday, April 18, 1980, in the Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.29.030 and 18.32.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 18, 1980, and/or orally at 10:00 a.m., Friday, April 18, 1980, Olympic Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: March 3, 1980

By: Joanne Redmond
Assistant Administrator

AMENDATORY SECTION (Order PL 295, filed 1/19/79)

WAC 308-40-101 EXAMINATION PROCEDURE. (1) To be eligible for the dental examination, the applicant must be a graduate from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation of Dental and Dental Auxiliary Educational Programs (C.A.D.D.A.E.P.) which were relevant to accreditation of dental schools and current on January 15, 1977, and has approved all and only those dental schools which were accredited by the C.A.D.D.A.E.P. as of January 15, 1977. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P. O. Box 9649, Olympia, Washington 98504. The application must be completed in every respect, and reach the division of professional licensing in Olympia at least sixty days prior to the examination.

(3) Completed in every respect means that all portions of the application blank are filled out and that included with the application are:

- (a) the required application fee;
- (b) either a notarized copy of the National Board IBM card or a notarized copy of the National Board certificate;
- (c) two photos of the applicant, taken within the year immediately preceding the application, and not over three by three inches in size. (One photo to be attached to the application);
- (d) if not a citizen of or resident alien in the United States, full citizenship or resident alien status must be attained within six years from issuance of the license, or the license will be cancelled;

(4) The only acceptable proof of graduation from an approved dental school is a certified copy of a diploma from such school. An applicant may complete his other application requirements and be scheduled for the examination before he obtains his diploma, but no application will be admitted to the examination unless this certified copy has been received by the division of professional licensing of the department of licensing on or before the first day of the examination.

(5) In case of applicant having previously been in practice, the board requires a sworn statement covering history of practice for a five-year period immediately preceding application for this examination. This statement must accompany the application when returning it to the division of professional licensing.

(6) A fee is required each time an applicant takes or retakes the board examination. Examination fees are not transferable from one applicant to another. Applicants who have paid the fee and do not appear for the next scheduled examination forfeit such fee.

(7) Upon completion of the application for the examination, the division of professional licensing will mail to each applicant one "clinical examination record." It is imperative that the applicant bring this form, unfolded, to the examination as it will be used by the board throughout the practical examination.

(8) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age. Patients should be selected carefully as this is a very important factor of the examination. Be certain that your patient will be present, on time, and will be able to remain at the clinic until the work is completed. An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students are not acceptable as assistants.

(9) Neatness of the operation, cleanliness and care in handling of patients, thoroughness in technique, and quality of work will be considered in the grading. Quality of the work includes recontouring of restorations of approximating teeth to make good contact. All practical work must be done under the rubber dam, including the final check on the finished work. (At least six teeth must be exposed under the rubber dam.) An additional check of the foil restoration will be made after dam removal. Application, cleanliness, and neatness of the rubber dam is part of the consideration when grading.

(10) ~~((Any applicant found attempting to give or receive aid in any manner, either directly or indirectly, will be dismissed from the examination and all work rejected. This provision shall include but is not limited to laboratory procedures.))~~

Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all of his or her work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.

(11) All applicants shall occupy the space assigned to him or her throughout the entire examination.

(12) Under no circumstances may an examination paper be returned to an applicant once it has been turned in as completed.

(13) No persons, other than those directly connected with the examination, shall be admitted to the examination clinical operating and grading areas.

NEW SECTION

WAC 308-40-105 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the practical examination for licensure as a dentist and does not pass the examination will be provided, upon written request, a statement indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for modification of examination results:

(a) a showing of a significant procedural error in the examination process;

(b) evidence of bias, prejudice or discrimination in the examination process;

(c) other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the review of his/her examination may appeal the board's final decision pursuant to the Administrative Procedure Act.

NEW SECTION

WAC 308-36-055 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the practical examination for

licensure as a dental hygienist and does not pass the examination will be provided, upon written request, a statement indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for modification of examination results:

(a) a showing of a significant procedural error in the examination process;

(b) evidence of bias, prejudice or discrimination in the examination process;

(c) other significant errors which result in substantial disadvantages to the applicant.

(3) Any applicant who is not satisfied with the result of the review of his/her examination may appeal the board's final decision pursuant to the Administrative Procedure Act.

WSR 80-03-095

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 80-14—Filed March 5, 1980]

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 returns of upriver spring chinook are expected to be extremely poor in 1980, far below spawning escapement needs. The fishery upstream of Buoy 10 is directed at Columbia River stocks during this period and must be closed to protect the upriver spring chinook.

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 March 5, 1980.

By Gordon Sandison
Director

NEW SECTION

WAC 220-57-16000G COLUMBIA RIVER Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. March 16 through May 31, 1980, it shall

*This become
-065
when filed*

be unlawful to take, fish for or possess salmon for personal use in that portion of the Columbia River downstream from the Richland-Pasco Highway 12 Bridge to a line projected true north and south through Buoy 10 at the mouth of the Columbia River.

NEW SECTION

WAC 220-57-50500B **LITTLE WHITE SALMON RIVER (DRANO LAKE)** Notwithstanding the provisions of WAC 220-57-505, effective 12:01 a.m. March 16 through April 30, 1980, it shall be unlawful to take, fish for or possess salmon for personal use in that portion of the Little White Salmon River (Drano Lake) downstream from the markers on a point of land downstream and across from the federal salmon hatchery.

WSR 80-03-096
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed March 5, 1980]

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., Wednesday, April 16, 1980, in the Department of Fisheries conference room, 115 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views or arguments to this agency in writing to be received by this agency prior to April 11, 1980.

Dated; March 4, 1980
By: Gordon Sandison
Director

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-230 **DESCRIPTION OF CANNERY FISH RECEIVING TICKET.** (1) There is hereby created a cannery fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (j) Dealer's signature: Signature of purchaser or receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish caught inside or outside 3-mile limit: Check one box.
- (m) Catch area: Salmon catch area code.
- (n) Tally space for dealer's use: Used at dealer's discretion.
- (o) Species code: Department of Fisheries' assigned species code.

- (p) Number of fish, species description pounds, and value: Summary information for species landed.
- (q) Work area for dealer's use: Used at dealer's discretion.
- (r) Total amount: Total value of landing.
- (s) 2 1/2% tax: 2 1/2% tax collected.
- (t) ~~((+))~~ 1 1/2% tax: ~~((+))~~ 1 1/2% tax collected.
- (u) 1% tax: 1% tax collected.
- (v) Amount paid: Value paid to seller.
- (2) The cannery fish receiving ticket shall be used for:
 - (a) Deliveries of nontreaty salmon caught in inland waters.
 - (b) Any other delivery of nontreaty salmon where the catch may be easily recorded.
 - (c) Any imports of fresh salmon into the state of Washington.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-232 **DESCRIPTION OF MARINE FISH RECEIVING TICKET.** (1) There is hereby created a marine fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (j) Dealer's signature: Signature of purchaser or receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish caught inside or outside 3-mile limit: Check one box.
- (m) Catch area: Marine fish/shellfish catch area code.
- (n) Physical gear used: Circle the physical gear actually used to catch the fish.
- (o) Tally space for dealer's use: Used at dealer's discretion.
- (p) Species code: Department of Fisheries' species code.
- (q) Species description, pounds of fish, and value: Information for each species landed.
- (r) Total amount: Total value of landing.
- (s) ~~((2 1/2% tax: 2 1/2% tax collected:~~
- (t) ~~((1 1/2% tax: 1 1/2% tax collected:~~
- (u) ~~((+))~~ 1% tax: 1% tax collected.
- (v) ~~((+))~~ (1) Amount paid: Value paid to seller.
- (2) The marine fish receiving ticket shall be used for:
 - (a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.
 - (b) Any imports of fresh marine fish or bottomfish.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-233 **DESCRIPTION OF UTILITY FISH RECEIVING TICKET.** (1) There is hereby created a utility fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
- (e) Gear: Code number or name of specific type of gear used.
- (f) Fisherman's signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (j) Dealer's signature: Signature of purchaser or receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish caught inside or outside 3-mile limit: Check one box.
- (m) Catch area: Marine fish/shellfish catch area code.
- (n) Tally space for dealer's use: Used at dealer's discretion.
- (o) Species code: Department of Fisheries' species code.

- (p) Number of fish, species description, pounds, and value: Information for each species landed.
- (q) Total amount: Total value of landing.
- (r) ~~((2 1/2% tax: 2 1/2% tax collected:~~
- ~~(s) 1 1/2% tax: 1 1/2% tax collected:~~
- ~~((t)))~~ 1% tax: 1% tax collected.
- ~~((t)))~~ (s) Amount paid: Value paid to seller.
- (2) The utility fish receiving ticket shall be used for:
- (a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.
- (b) Any imports of fresh food fish or shellfish that do not include salmon.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-234 DESCRIPTION OF TREATY INDIAN FISH RECEIVING TICKET. (1) There is hereby created a treaty Indian fish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Tribal name: Name of tribe.
- (b) Fisherman: Name of seller or deliverer.
- (c) Identification card number: Treaty Indian identification number.
- (d) Signature: Signature of seller or deliverer.
- (e) Date: Date of landing.
- (f) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (g) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (h) Gear: Code name or number of specific gear type used.
- (i) On-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.
- (j) Off-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.
- (k) ~~((Gear type: Numerical gear code))~~ Physical gear used: Circle physical gear actually used.
- (l) ~~((Number of nets: Number of nets used))~~ Tally space for dealer's use: Used at dealer's discretion.
- (m) Species and description: Species name of fish landed.
- (n) Number of fish, pounds, and value: Information for each species landed.
- (o) Subtotal: Total price of catch landed.
- (p) Tribal tax: Tribal tax collected.
- (q) Total: Total price paid seller or deliverer.
- (2) The treaty Indian fish receiving ticket shall be used for(~~t~~):
- ~~(a))~~ any deliveries of fish caught by treaty Indians exercising a treaty fishing right in established treaty waters.

NEW SECTION

WAC 220-69-23401 DESCRIPTION OF SHELLFISH RECEIVING TICKET. (1) There is hereby created a shellfish receiving ticket form to be prepared, printed, and distributed upon request, by the Department of Fisheries, which shall contain space for the following information:

- (a) Fisherman or owner: Name of seller or deliverer.
- (b) Address: Address of seller or deliverer.
- (c) Boat name: Name or Coast Guard number of landing vessel.
- (d) WDF Boat Registration: Washington Department of Fisheries boat registration number.
- (e) Gear: Code number or name of specific gear used.
- (f) Fisherman's signature: Signature of seller or deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer, and Department of Fisheries' number assigned to dealer.
- (i) Buyer: Name of buyer, and Department of Fisheries' number assigned to buyer.
- (j) Dealer's signature: Signature of purchaser or receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish caught inside or outside 3-mile limit: Check one box.
- (m) Catch area: Marine fish/shellfish catch area code.
- (n) Physical gear used: Circle the physical gear actually used to catch the fish.
- (o) Tally space for dealer's use: Used at dealer's discretion.
- (p) Species code: Department of Fisheries species code.

- (q) Number of fish, species description, pounds, and value: Information for each species landed.
- (r) Total amount: Total value of landing.
- (s) 1% tax: 1% tax collected.
- (t) Amount paid: Value paid to seller.
- (2) The shellfish receiving ticket shall be used for:
- (a) Any nontreaty deliveries of shellfish.
- (b) Any imports of fresh or frozen shellfish.

NEW SECTION

WAC 220-69-25401 REQUIRED INFORMATION ON SHELLFISH RECEIVING TICKET. Entries (a) through (n) and entry (q) of subsection (1) of WAC 220-69-23401 shall be required on each completed shellfish receiving ticket:

PROVIDED, That, a valid license card or duplicate license card issued by the Department of Fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (a) through (f) of subsection (1) of WAC 220-69-23401 except as provided in WAC 220-69-273:

PROVIDED FURTHER, That a valid dealer or buyer card issued by the Department of Fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (h) through (j) of subsection (1) of WAC 220-69-23401 except as provided in WAC 220-69-273.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-260 DISTRIBUTION OF COPIES OF CANNERY FISH RECEIVING TICKET. State of Washington Cannery Fish Receiving Tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the Cannery Fish Receiving Ticket the copies shall be distributed as follows:

- (1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver for their use.
- (2) The State Copy (green) shall be mailed each day to the Department of Fisheries.
- (3) The IPSFC Copy (pink) shall be mailed each day to the IPSFC, P.O. Box 30, New Westminster, B.C.; PROVIDED, That in the event the Fish Receiving Ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, ((or)) 58(;) and 59 the Fish Receiving Ticket shall be mailed each day to the Department of Fisheries with the state copy.
- (4) Dealer Copy #2 (yellow) shall be retained by purchaser or receiver for their use.
- (5) Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-261 DISTRIBUTION OF COPIES OF TROLL FISH RECEIVING TICKETS. State of Washington Troll Fish Receiving Tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the Troll Fish Receiving Ticket, the copies shall be distributed as follows:

- (1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver for their use.
- (2) The State Copy (green) shall be mailed each day to the Department of Fisheries.
- (3) The IPSFC Copy (pink) shall be mailed each day to the IPSFC, P.O. Box 30, New Westminster, B.C.; PROVIDED, That in the event the Fish Receiving Ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, ((or)) 58(;) and 59 the Fish Receiving Ticket shall be mailed each day to the Department of Fisheries with the state copy.
- (4) The Dealer Copy #2 (yellow) shall be retained by purchaser or receiver for their use.
- (5) The Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-264 DISTRIBUTION OF COPIES OF TREATY INDIAN FISH RECEIVING TICKETS. State of Washington Treaty Indian Fish Receiving Tickets shall be made out in quintuplicate (five

copies) at the time of landing. Upon completion of the Treaty Indian Fish Receiving Ticket, the copies shall be distributed as follows:

- (1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver for their use.
- (2) The State Copy (green) shall be mailed each day to the Department of Fisheries.
- (3) The IPSFC Copy (pink) shall be mailed each day to the IPSFC, P.O. Box 30, New Westminster, B.C.; PROVIDED, That in the event the Fish Receiving Ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, ((or)) 58(;) and 59 the Fish Receiving Ticket shall be mailed each day to the Department of Fisheries with the state copy.
- (4) The Tribal Copy (yellow) shall be mailed each day to the Department of Fisheries(;-); PROVIDED, That upon written agreement received by the Department of Fisheries from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisherman's tribe, then that one copy may be so disposed.
- (5) The Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

NEW SECTION

WAC 220-69-26401 DISTRIBUTION OF COPIES OF SHELLFISH RECEIVING TICKET. State of Washington Shellfish Receiving Tickets shall be made out in quadruplicate (four copies) at the time of landing. Upon completion of the Shellfish Receiving Ticket, the copies shall be distributed as follows:

- (1) The Dealer Copy #1 (white) shall be retained by purchaser or receiver of their use.
- (2) The State Copy (green) shall be mailed each day to the Department of Fisheries.
- (3) The Dealer Copy #2 shall be retained by the purchaser or receiver for their use.
- (4) The Fisherman Copy (gold) shall be retained by the seller or deliverer for their use.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-271 DEALER AND BUYER PLATES. (1) Upon lawful application for a wholesale dealer's license, a dealer's plate will be issued by the Department of Fisheries for any ((dealer)) receiver acting as or intending to act as an original ((dealer)) receiver. The ((dealer's)) receiver's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, and Department of Fisheries' dealer number.

(2) Upon lawful application for a wholesale buyer's license or a branch plant license, a buyer's plate will be issued by the Department of Fisheries for any buyer acting or intending to act on the behalf of an original receiver. The buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the dealer's name, dealer's license number, year for which the license is valid, Department of Fisheries' dealer number, buyer name, and Department of Fisheries' buyer number.

AMENDATORY SECTION (Amending Order 78-7, filed 2/17/78)

WAC 220-69-280 FISH RECEIVING TICKET ACCOUNTABILITY. Only Series G ((or)), Series H or Series J state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

- (1) Official state of Washington fish receiving tickets may be ordered free of charge from the Department of Fisheries.
- (2) Fish receiving ticket books shall be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver. All Series G tickets shall be used before using Series H, and all Series H tickets shall be used before using Series J.
- (3) Fish receiving tickets or ticket books shall not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the Department of Fisheries.
- (4) Any purchaser or receiver terminating business shall notify the department of fisheries in writing and shall return all unused fish receiving tickets and ticket books to the Department of Fisheries within 30 days after termination of business.
- (5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, shall be submitted to the Department of Fisheries accompanying, and in sequence with, other fish receiving tickets.

- (6) All fish receiving tickets that are lost, destroyed, or otherwise missing, shall be accounted for in writing to the Department of Fisheries.

**WSR 80-03-097
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
[Filed March 5, 1980]**

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 pilotage rates for the Puget Sound pilotage district;

that such agency will at 9:00 a.m., Thursday, April 10, 1980, in the Conference Room, Washington State Ferries, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place immediately thereafter and in the same location.

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to the hearing and/or orally at the hearing.

Dated: March 5, 1980
By: Walter S. Tabler
Assistant Attorney General

AMENDATORY SECTION (Amending Order 79-4, filed 6/19/79)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on June 1, ((1979)) 1980.

CLASSIFICATION	RATE
Ship Length Overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	\$20.00
Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is to finance the building of the pilot boat Puget Sound and the replacement boat for the pilot boat Pilot. When both boats are fully amortized, the boarding fee will be terminated.	
Harbor Shift - Live Ship (Seattle Port)	LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I
Harbor Shift - Dead Ship	Double LOA Zone I
Dead Ship Towing Charge:	
LOA of tug + LOA of tow + beam of tow	Double LOA Zone
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	
Waterway and Bridge Charges:	
Ships up to 90' beam:	
A charge of \$((81-00)) 83.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh	

CLASSIFICATION	RATE
Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((38.00)) <u>39.00</u> per bridge.	
Ships 90' beam and/or over: A charge of \$((108.00)) <u>110.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$((76.00)) <u>78.00</u> per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.	
Compass Adjustment	((108.00)) <u>110.00</u>
Radio Direction Finder Calibration	((108.00)) <u>110.00</u>
Launching Vessels	((162.00)) <u>165.00</u>
Trial Trips, 6 hours or less	((43.00)) <u>44.00</u> per hr.
(Minimum \$((260.00)) <u>265.00</u>)	
Trial Trips, over 6 hours (two pilots)	((87.00)) <u>89.00</u> per hr.
Shilshole Bay — Salmon Bay	((63.00)) <u>64.00</u>
Salmon Bay — Lake Union	((50.00)) <u>51.00</u>
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((63.00)) <u>64.00</u>
Cancellation Charge	LOA Zone I
Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Docking Delay after Anchoring:	((43.00))
Applicable Harbor Shift rate to apply, plus \$((43.00)) <u>44.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((43.00)) <u>44.00</u> per hour for every hour fraction thereof.	
Sailing Delay:	((43.00 per hour))
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((43.00)) <u>44.00</u> for every hour or fraction thereof.	
Slow-Down ((=)): \$((43.00)) <u>44.00</u> per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	((43.00 per hour))
Super Ships ((=)): Additional charge to LOA zone mileage of \$((0.0269)) <u>0.0274</u> a gross ton for all gross tonnage in excess of 20,000 gross tons. In excess of 50,000 gross tons, the charge shall be ((0.0322)) <u>0.0328</u> per gross ton.	
Delayed Arrival — Port Angeles	((43.00)) <u>44.00</u> per hour
(When pilot is ordered and vessel does not arrive within four hours without notification of change of ETA.)	
Transportation to vessels on Puget Sound:	
March Point ((=)) or Anacortes	\$((80.00)) <u>82.00</u>
Bangor	((40.00)) <u>41.00</u>
Bellingham	((88.00)) <u>90.00</u>
Bremerton	<u>20.00</u>
Cherry Point	((97.00)) <u>99.00</u>
Dupont	((47.00)) <u>48.00</u>
Edmonds	<u>20.00</u>
Everett	((30.00)) <u>31.00</u>
Ferndale	((96.00)) <u>98.00</u>
Manchester	((30.00)) <u>31.00</u>
Mukilteo	((30.00)) <u>31.00</u>

CLASSIFICATION	RATE					
Olympia	((60.00)) <u>61.00</u>					
Point Wells	<u>20.00</u>					
Port Gamble	((35.00)) <u>36.00</u>					
Port Townsend	((50.00)) <u>51.00</u>					
Semiahmoo	((109.00)) <u>111.00</u>					
Tacoma	((31.00)) <u>32.00</u>					
Winslow	<u>20.00</u>					
(a) Interport shifts: Transportation paid to and from both points.						
(b) Intraharbor shifts: Transportation to be paid one way only. If intraharbor shift is cancelled, transportation paid one way only.						
(c) Cancellation: Transportation both ways if pilot has started travel.						
Delinquent payment charge: 1% per month after 60 days from first billing.						
Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.						
LOA RATE SCHEDULE The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.						
(LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 499	78	121	210	315	425	553
0-450 - 459	78	121	208	314	422	544
460 - 469	80	123	210	319	428	546
470 - 479	82	126	212	325	431	548
480 - 489	84	128	214	330	434	550
490 - 499	87	130	217	336	439	552
500 - 509	89	133	220	341	442	554
510 - 519	91	136	223	347	446	558
520 - 529	93	140	226	349	451	563
530 - 539	95	143	230	352	457	569
540 - 549	97	146	233	355	465	574
550 - 559	100	149	236	360	469	579
560 - 569	103	153	239	363	473	585
570 - 579	106	156	243	365	478	590
580 - 589	109	159	246	367	482	596
590 - 599	114	162	249	369	487	601
600 - 609	119	166	252	371	493	606
610 - 619	125	169	256	374	498	612
620 - 629	131	172	259	376	504	617
630 - 639	138	175	262	378	509	623
640 - 649	144	179	265	380	514	628
650 - 659	152	182	269	382	520	634
660 - 669	156	185	272	384	525	639
670 - 679	160	188	275	390	531	644
680 - 689	165	192	278	395	536	650
690 - 699	169	195	282	401	542	661
700 - 719	178	201	288	406	552	671
720 - 739	186	208	295	412	563	682
740 - 759	195	217	301	417	574	693
760 - 779	204	225	308	422	585	704
780 - 799	212	234	314	428	596	715
800 - 819	221	243	321	433	606	726
820 - 839	230	251	327	439	617	736
840 - 859	238	260	334	444	628	747
860 - 879	247	269	340	455	639	758
880 - 899	256	277	347	466	650	769
900 - 919	264	286	353	477	661	780
920 - 939	273	295	360	487	671	791
940 - 959	282	303	366	498	682	801
960 - 979	290	312	373	509	693	812
980 - 999	299	321	379	520	704	823
1000 & over	308	329	386	531	715	834

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 499	78	121	210	315	425	553
450 - 459	80	123	212	320	430	555
460 - 469	82	125	214	325	437	557
470 - 479	84	129	216	332	440	559
480 - 489	86	131	218	337	443	561
490 - 499	89	133	221	343	448	563
500 - 509	91	136	224	348	451	565
510 - 519	93	139	227	354	455	569
520 - 529	95	143	231	356	460	574
530 - 539	97	146	235	359	466	580
540 - 549	99	149	238	362	474	585
550 - 559	102	152	241	367	478	591
560 - 569	105	156	244	370	482	597
570 - 579	108	159	248	372	488	602
580 - 589	111	162	251	374	492	608
590 - 599	114	165	254	376	497	613
600 - 609	121	169	257	378	503	618
610 - 619	128	172	261	381	508	624
620 - 629	134	175	264	384	514	629
630 - 639	141	179	267	386	519	635
640 - 649	147	183	270	388	524	641
650 - 659	155	186	274	390	530	647
660 - 669	159	189	277	392	536	652
670 - 679	163	192	281	398	542	657
680 - 689	168	196	284	403	547	663
690 - 699	172	199	288	409	553	677
700 - 719	182	205	294	414	563	684
720 - 739	190	212	301	420	574	696
740 - 759	199	221	307	425	585	707
760 - 779	208	230	314	430	597	718
780 - 799	216	239	320	437	610	729
800 - 819	225	248	327	442	618	741
820 - 839	235	256	334	448	629	751
840 - 859	243	265	341	453	641	762
860 - 879	252	274	347	464	652	773
880 - 899	261	283	354	475	663	784
900 - 919	269	292	360	487	674	796
920 - 939	278	301	367	497	684	807
940 - 959	288	309	373	508	696	817
960 - 979	296	318	380	519	707	828
980 - 999	305	327	387	530	718	839
1000 & over	314	336	394	542	729	851

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 80-03-098
PROPOSED RULES
HORSE RACING COMMISSION
[Filed March 5, 1980]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend or repeal rules concerning the amending of WAC 260-70-090, relating to use of permitted medication; WAC 260-70-100, relating to penalties for violation of permitted medication rules; and WAC 260-70-170, relating to reporting requirements for veterinarians;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, April 25, 1980, in the Yakima Convention Center, 10 North 8th Street, Yakima, WA.

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 21, 1980, and/or orally at 11:00

a.m., Friday, April 25, 1980, Yakima Convention Center, 10 North 8th Street, Yakima, WA.

Dated: March 5, 1980
By: John W. Hough
Assistant Attorney General

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-090 ((PHENYLBUTAZONE)) PERMITTED MEDICATION. ((Phenylbutazone is a)) Horses using permitted medication ((and is)) are subject to all rules governing such medication plus these additional rules:

(1) ~~((No two year old while participating in a race shall carry in its body any phenylbutazone.~~

(2)) No horse while participating in a race shall carry in its body more than 165 micrograms per milliliter of urine of phenylbutazone.

((3)) (2) No horse on a program of ((phenylbutazone)) permitted medication shall be permitted to race without such medication unless authorized to do so by the stewards or their representative.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74)

WAC 260-70-100 PENALTIES RELATING TO ((USE)) MISUSE OF ((PHENYLBUTAZONE)) PERMITTED MEDICATION. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of phenylbutazone in excess of the quantities authorized by WAC 260-70-090 ((but not in such quantity as to interfere with the testing process (in which case phenylbutazone is a prohibited drug and rules relating to prohibited drugs apply))) the stewards shall levy the following penalties against each person found responsible:

((1)) (1) For a first offense within any calendar year, a fine of \$200;

((2)) (2) The second offense, within any calendar year, \$500;

((3)) (3) For a third offense, within any calendar year, license suspension for one year.

If any NSAID is found in the body of a horse which alone or in combination with a second NSAID is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule.

AMENDATORY SECTION (Amending Order 78-1, filed 5/4/78)

WAC 260-70-170 VETERINARIAN REPORT. Every veterinarian who treats a horse upon the approved grounds shall, in writing on a form prescribed by the commission, report to the commission veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the commission veterinarian. Detection of any unreported medication, drug, or substance; or failure to detect any permitted medication, drug or substance by the chief chemist in a test may be grounds for disciplinary action. A list of horses on a ((phenylbutazone)) program of permitted medication shall be kept in the office of the commission and shall be available for public inspection.

**WSR 80-03-099
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 80-3—Filed March 5, 1980]**

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 Lead, identical to 1910.1025 OSHA, WAC 296-62-07349.

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 to prevent material impairment of health or functional capacity to employees exposed to lead in the work environment. Adopting this emergency rule will keep WISHA as effective as OSHA.

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

This rule is promulgated pursuant to RCW 49.17.450[49.17.050] and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 5, 1980.

By James T. Hughes
Director

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register, as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 80-03-100
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed March 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 15.49 RCW, that the Washington State Department of Agriculture intends to adopt, amend or repeal rules concerning seed assessment regulations, amending WAC 16-304-110 and 16-304-130;

that such agency will at 1:30 p.m., Thursday, April 10, 1980, in the Department of Agriculture Conference Room, Yakima, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Wednesday, April 30, 1980, in the Director's office.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 10, 1980, and/or orally at 1:30 p.m., Thursday, April 10, 1980, Department of Agriculture Conference Room, Yakima, Washington.

Dated: March 5, 1980

By: Art G. Losey
Assistant Director

AMENDATORY SECTION (Amending Order No. 1605, filed April 30, 1979)

WAC 16-304-110 ANNUAL SEED INSPECTION CHARGE. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection

charge annually to the department in the amount of 10 cents per one hundred dollars gross annual dollar sales in excess of \$10,000 of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: PROVIDED, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of ((4)) four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the USDA National foundation seed project: PROVIDED FURTHER, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, ((+1978))1980 through June 30, ((+1979))1981 shall be due August 1, ((+1979))1981 and payable by February 1, ((+1980))1982. The assessment fees for the period beginning July 1, ((+1979))1981 through June 30, ((+1980)) 1982 shall be due August 1, ((+1980))1982 and payable by February 1, ((+1981))1983.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of \$10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

AMENDATORY SECTION (Amending Order No. 1571, filed March 31, 1978)

WAC 16-304-130 EFFECTIVE DATES. This regulation is effective through June 30, ((+1980)) 1982. Between January 1, ((+1980)) 1982 and March 1, ((+1980)) 1982 the assessment program shall be reviewed by the Seed Branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of RCW ((+42-32)) 42.30 and 34.04, the Administrative Procedures Acts. The Advisory Committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to ((+verify))verify such funds are being used only for seed quality control activities.

WSR 80-03-101
PROPOSED RULES
BOARD OF HEALTH
[Filed March 5, 1980]

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;

- Rep WAC 248-30-010 Definitions.
- Rep WAC 248-30-020 Purpose.
- Rep WAC 248-30-030 Funding.
- Rep WAC 248-30-040 Allocations.
- Rep WAC 248-30-050 Financial eligibility.
- Rep WAC 248-30-060 Accounting information.
- New WAC 248-30-070 Purpose.
- New WAC 248-30-080 Definitions.
- New WAC 248-30-090 Services.
- New WAC 248-30-100 Reimbursement.
- New WAC 248-30-110 Eligibility.
- New WAC 248-30-120 Fiscal information.

that such agency will at 9:00 a.m., Wednesday, April 9, 1980, in the Spokane Community College, Health Services Building #9, Room 90107, North 2000 Greene Street, 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, April 9,

1980, in the Spokane Community College, Health Services Building #9, Room 90107, North 2000 Greene Street, Spokane, 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 April 9, 1980, and/or orally at 9:00 a.m., Wednesday, April 9, 1980, Spokane Community College, Health Services Building #9, Room 90107, North 2000 Greene Street, Spokane, WA.

Dated: March 5, 1980

By: Byron L. Brown

Assistant Attorney General

Chapter 248-150 WAC
REGULATIONS FOR KIDNEY DISEASE PROGRAM

NEW SECTION

WAC 248-30-070 - PURPOSE. To administer state funds appropriated to assist persons with end stage renal disease to meet the costs of their medical care.

NEW SECTION

WAC 248-30-080 - DEFINITIONS. For the purposes of administering the state kidney disease program the following shall apply:

- (1) "End Stage Renal Disease (ESRD)" shall mean that stage of renal impairment which is virtually always irreversible and permanent, and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life;
- (2) "Patient" shall mean resident of the state with a diagnosis of ESRD;
- (3) "Kidney Center" shall mean those facilities as defined and certified by the federal government to provide ESRD services and which provide the services specified in WAC 248-30-090 and which promote and encourage home dialysis for patients when medically indicated;
- (4) "Affiliate" shall mean a facility, hospital, unit, business or individual which has an agreement with a kidney center to provide specified services to ESRD patients;
- (5) "Department" shall mean the Washington state department of social and health services;
- (6) "State Kidney Disease Program" shall mean state general funds appropriated to the department to assist persons with ESRD to meet the cost of their medical care.

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

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

NEW SECTION

WAC 248-30-090 - SERVICES. Generally the kidney center shall provide directly or through an affiliate all physical facilities, professional consultation, personal instructions, medical treatment and care, drugs, dialysis equipment, and supplies necessary for the carrying out of a medically sound ESRD treatment program. The kidney center shall:

- (1) Provide dialysis treatment for patients with ESRD when medically indicated;
- (2) Provide kidney transplantation treatment for patients with ESRD either directly or by appropriate referral, where this form of therapy is medically indicated;
- (3) Provide treatment for conditions directly related to or as a direct consequence of ESRD;
- (4) Provide training and supervision of medical and supporting personnel and of patients who are eligible for home dialysis, and;
- (5) Provide supplies and equipment for home dialysis.

NEW SECTION

WAC 248-30-100 - REIMBURSEMENT. Reimbursement for services described above shall be made to kidney centers to the extent the legislature has appropriated funds therefore and when documented evidence is submitted to the department showing:

- (1) Services for which reimbursement is requested;
- (2) Certification that the patient has been determined to be financially eligible for the state kidney disease program pursuant to WAC 248-30-110; Except That,
 - (1) Reimbursement for services provided to a patient in a location outside the state shall be limited to a period of two weeks per calendar year; and
 - (2) Reimbursement for services described under WAC 248-30-090, paragraph (3) shall be determined on a case by case basis by the department.

NEW SECTION

WAC 248-30-110 - ELIGIBILITY. The kidney center shall determine and review at least annually the eligibility of an individual patient for the state kidney disease program according to criteria established by the department. Generally a patient shall be considered eligible if he/she has exhausted all resources to meet the costs of ESRD related medical care. Resources shall include:

- (1) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards.
- (2) Savings, property, and other assets;
- (3) Government and private medical insurance programs;
- (4) Vocational rehabilitation and/or other government or private disability insurance or rehabilitation programs.
- (5) Local funds raised for the purpose of providing financial support for a specified ESRD patient.

PROVIDED, that in determining eligibility the following resources shall be exempt:

- (1) A home, which is defined as real property owned by a patient as a place of residence together with the property surrounding and contiguous thereto;
- (2) Household furnishings;
- (3) An automobile; and
- (4) Savings, property or other assets the value of which does not exceed the cost of home dialysis for one year.

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 348-30-120 - FISCAL INFORMATION. Fiscal information shall be provided by the kidney center on the request of the department. Such information shall include:

- (1) Accounting information and documentation sufficient to establish the basis for fees for services and/or charges;
- (2) Sources and amounts of resources for individual patients to verify financial eligibility;
- (3) Evidence that all other available resources have been used before requests for reimbursement from the state kidney disease program are submitted to the department; and
- (4) Such other information as may be required by the department.

REPEALER

The following sections of Washington Administrative code are hereby repealed:

- (1) WAC 248-30-010 DEFINITIONS
- (2) WAC 248-30-020 PURPOSE
- (3) WAC 248-30-030 FUNDING
- (4) WAC 248-30-040 ALLOCATIONS
- (5) WAC 248-30-050 FINANCIAL ELIGIBILITY
- (6) WAC 248-30-060 ACCOUNTING INFORMATION

WSR 80-03-102
PROPOSED RULES
BOARD OF HEALTH
 [Filed March 5, 1980]

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 Childbirth Centers, new chapter 248-29 WAC;

that such agency will at 9:00 a.m., Wednesday, April 9, 1980, in the Spokane Community College, Health Services Building #9, Room 90107, North 2000 Greene Street, 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, April 9, 1980, in the Spokane Community College, Health Services Building #9, Room 90107, North 2000 Greene Street, Spokane, 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 April 9, 1980, and/or orally at 9:00 a.m., Wednesday, April 9, 1980, Spokane Community College, Health Services Building #9, Room 90107, North 2000 Greene Street, Spokane, WA.

Dated: March 5, 1980

By: Byron L. Brown
 Assistant Attorney General

Chapter 248-29 WAC
 CHILDBIRTH CENTERS

NEW SECTION

WAC 248-29-001 PURPOSE. Regulations relating to childbirth centers are hereby adopted pursuant to chapter 18.46 RCW. The purpose of these regulations is to provide health and safety standards for the organization, maintenance and operation of childbirth centers and to set forth procedures for the issuance, denial, suspension and/or revocation of licenses for facilities maintained and operated to provide birth services: PROVIDED, That birth takes place within the birth center.

NEW SECTION

WAC 248-29-010 DEFINITIONS. (1) "Administration of drugs" means an act in which a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container) verifying it with the orders of a practitioner who is legally authorized to prescribe, giving the individual dose to the proper client and properly recording the time and dose given.

(2) "Authenticated or authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(3) "Bathing facility" means a bathtub or shower.

(4) "Birth center or childbirth center" means a type of maternity home which is a house, building, or equivalent, organized to provide facilities and staff to support a birth service provided that the birth service includes or is limited to low risk maternal clients during the intrapartum period.

(5) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support person(s) during the process of vaginal childbirth, (the three stages of labor and recovery of a woman and newborn).

(6) "Birth service" means the prenatal, intrapartum, and postpartum care provided for individuals with uncomplicated pregnancy, labor, and vaginal birth, to include the newborn care during the recovery period.

(7) "Board" means the Washington state board of health.

(8) "Client" means a woman, fetus, and/or newborn receiving care and services provided by a birth center during pregnancy and/or childbirth and recovery.

(9) "Clinical staff" means physicians and midwives appointed by the governing body authority to practice within the birth center and governed by rules approved by the governing body.

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

(11) "Governing body" means the individual or group which is legally responsible for the operation and maintenance of the childbirth center.

(12) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator or suffering from any other condition which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this definition does not include hotels, or similar places furnishing only food and lodging, or simply, domiciliary care; nor does it include clinics, physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which comes under the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come under the scope of chapter 71.12 RCW; nor any other hospital or institution specifically intended for use and the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this definition shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with creed or tenets of any well recognized church or religious denomination.

(13) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

(14) "Low-risk maternal client" means an individual who:

(a) Is in general good health with uncomplicated prenatal course, and participating in ongoing prenatal care;

(b) Is participating in an appropriate education program;

(c) Has no major medical problems;

(d) Has no previous significant obstetrical complications likely to recur, nor previous uterine wall surgery or Caesarean section;

(e) Has parity under six;

(f) Is not a nullipara of greater than thirty-six years of age;

(g) Is not less than sixteen years of age;

(h) Has no significant signs or symptoms of hypertension, toxemia, hydramnios, abruptio placenta, chorioamnionitis, malformed fetus, multiple gestation, intrauterine growth retardation, fetal meconium, fetal distress, alcoholism or drug addiction;

(i) While in active labor, demonstrates no significant signs or symptoms of anemia (hematocrit less than 30), active herpes genitalis, persistent hypertension, placenta praevia, malpositioned fetus, breech;

(j) Is in labor, progressing normally;

(k) Is without prolonged ruptured membranes;

(l) Is not in premature labor nor postmature gestation;

(m) Is appropriate for a setting where anesthesia is limited to local infiltration of the perineum, or a pudendal block, and analgesia is limited.

(15) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women not related by blood or marriage to the operator during pregnancy or during or within ten days after delivery: PROVIDED, HOWEVER, That this chapter shall not apply to any hospital licensed under chapter 70.41 RCW, "Hospital Licensing Rules and Regulations."

(16) "Midwife" means an individual recognized by the Washington state board of nursing as a certified nurse midwife as provided in chapter 18.88 RCW, WAC 308-120-310 or an individual possessing a valid, current license to practice midwifery in the state of Washington as provided in chapter 18.50 RCW.

(17) "New construction" means any of the following started after promulgation of these rules and regulations:

- (a) New buildings to be used as a birth center;
- (b) Addition(s) to an existing building(s) to be used as a birth center;

(c) Alteration(s) or modification(s) other than minor alterations to a birth center or to a building or place that is intending to be licensed as a birth center.

"Minor alterations" means any structural or functional modification within an existing birth center which does not change the approved use of a room or an area. Minor alterations performed under this definition do not require prior approval of the department.

(18) "Personnel" means individual(s) employed by the birth center.

(19) "Physician" means a doctor of medicine or a doctor of osteopathy duly licensed in the state of Washington.

(20) "Registered nurse" means a person licensed under the provision of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW, who is practicing in accordance with the rules and regulations promulgated thereunder.

(21) "Recovery" means that period or duration of time starting at birth and ending with discharge of a client from the birth center or the period of time between the birth and the time a client leaves the premises of the birth center.

(22) "Shall" means compliance is mandatory.

(23) "Should" means a suggestion or recommendation, but not a requirement.

(24) "Support person" means the individual(s) selected or chosen by a maternal client to provide emotional support and to assist her during the process of labor and childbirth.

(25) "Toilet" means a room containing at least one water closet.

(26) "Volunteer" means an individual who is an unpaid worker in the birth center, other than a support person.

(27) "Water closet" means a plumbing fixture for defecation fitted with a seat and a device for flushing the bowl of the fixture with water.

NEW SECTION

WAC 248-29-020 LICENSURE. (1) Application for license—Fee.

(a) An application for a childbirth center license shall be submitted on forms furnished by the department. The application shall be signed by the legal representative of the governing body.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of such information as to the identity of each officer and director of the corporation, if the birth center is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the birth center is operated through a legal partnership.

(c) Each application for license shall be accompanied by a license fee of fifteen dollars plus one dollar per birthing room. No fee shall be required of charitable or nonprofit or government operated birth centers. Upon receipt of the license fee, when required, the department shall issue a child birth center license, if the applicant and the birth center facilities meet the requirements of this chapter.

(2) License renewal—Limitations—Display.

(a) A license, unless suspended or revoked, shall be renewed annually.

(i) Licenses shall expire on the first day of July next succeeding the date of issuance.

(ii) Applications for renewal shall be on forms provided by the department and shall be filed by the department not less than ten days prior to expiration.

(iii) Each application for renewal shall be accompanied by a license fee of twenty-five dollars. No fee shall be required of charitable, nonprofit, or government operated facilities.

(iv) The department shall inspect and investigate each childbirth center as needed and at least annually to determine compliance with standards herein (chapter 249-29 WAC) and applicable standards of chapter 18.46 RCW.

(b) Each license shall be issued only for the premises and persons named. Licenses shall be transferrable or assignable only with written approval by the department.

(c) Licenses shall be posted in a conspicuous place, on the licensed premises.

(3) License—Denial, suspension, revocation. The department may, if the interests of the clients so demand, deny, suspend, or revoke a license when there has been failure or refusal to comply with the requirements established in chapter 248-29 WAC or applicable sections

of chapter 18.46 RCW, in accordance with RCW 18.46.050 and chapter 248-08 WAC.

(4) New construction—Major alterations.

(a) When new construction or major alteration is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations;

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, water, and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, which designate the functions of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to, and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings or major alterations in existing buildings. These shall include:

(i) Plot plans;

(ii) Plans for each floor of the building(s) which designate the function of each room and show all fixed equipment and the planned location of beds and other furniture in patient sleeping rooms;

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

(iv) Schedule of floors, wall, and ceiling finishes, and the types and sizes of doors and windows; plumbing, heating, ventilation, and electrical systems; and

(v) Specifications which fully describe workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of clients as construction work takes place in or near an occupied area.

(d) Construction shall take place in accordance with approved final plans and specifications. Only those changes which have been approved by the department may be incorporated into the construction project. Modified plans, additions, or changes incorporated into the construction project shall be submitted to the department for the department file on the project.

(5) The board may, upon written application, allow an exemption or substituted procedures, materials, or equipment in individual cases when it has been found that such exemption or substitution will not jeopardize the safety, care, and treatment of clients in the particular birth center.

(6) Compliance with other regulations.

(a) Applicable rules and regulations adopted by the Washington state fire marshal under chapter 212-44 WAC, maternity homes, standards for fire protection.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the National Association of Plumbing and Mechanical Officials shall be followed.

(c) Compliance with these regulations does not exempt birth centers from compliance with the local and state electrical codes or local fire, zoning, building, and plumbing codes.

NEW SECTION

WAC 248-29-030 GOVERNING BODY AND ADMINISTRATION. (1) The birth center shall have a governing body which is responsible for overall operation and maintenance of the center.

(2) The governing body shall be responsible for provision of personnel, facilities, equipment, supplies and special services needed to meet the needs of the clients.

(3) The governing body shall adopt policies for the care of clients within or on the premises of the birth center.

(4) The governing body shall appoint an administrator or director who shall be responsible for implementing the policies adopted by the governing body.

(5) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority, and relationship of positions within the birth center.

(6) The governing body shall have the authority and responsibility for appointments and reappointments of clinical staff and ensure that only members of the clinical staff shall admit clients to the birth center.

(a) Each birth center shall have designated physician participation in clinical services.

(b) Each birth center shall have a written policy and program which shall stipulate the extent of physician participation in the services offered.

(c) Each physician and midwife appointed to the clinical staff shall provide evidence of current licensure in the state of Washington.

(d) The clinical staff shall develop and adopt bylaws, rules, and regulations subject to the approval of the governing body, which shall include requirements for clinical staff membership; delineation of clinical privileges and the organization of clinical staff.

NEW SECTION

WAC 248-29-040 PERSONNEL, CLINICAL STAFF AND VOLUNTEERS. (1) There shall be sufficient, qualified personnel and clinical staff to provide the services needed by client(s) and for safe maintenance and operation of the birth center.

(2) There shall be a written job description for each employee position classification within the birth center.

(3) There shall be a personnel record for each employee to include application for employment, verification of education or training, verification of valid, current license for any employee when licensure is required, health record, and an annual written performance evaluation.

(4) A planned, supervised, and documented orientation shall be provided for each new employee and volunteer.

(5) In-service education shall afford each employee the opportunity to maintain and update the competencies needed to perform assigned duties and shall include:

- (a) Infection control policies and procedures;
- (b) Emergency and acute care for neonates and mothers;
- (c) Cardiopulmonary resuscitation; and
- (d) Fire and disaster procedures.

(6) When volunteers are functioning within the birth center, there shall be coordination, supervision, and written evaluation of each volunteer by a qualified employee of the birth center.

(7) A physician certified by the American Board of Obstetrics and Gynecology or a physician who is otherwise qualified, authorized by training and recognized by peers in the community as an experienced, competent practitioner in obstetrics and gynecology shall be immediately available by phone twenty-four hours a day. A written agreement is recommended.

(8) Appropriate personnel and clinical staff of the birth center shall be trained in infant and adult resuscitation. Clinical staff or personnel who have demonstrated ability to perform neonatal resuscitation procedures shall be present during each birth.

(9) A physician or midwife shall be present at each birth. A second person, who is an employee or member of the clinical staff with resuscitation skills shall be immediately available during each birth.

(10) An individual licensed to administer drugs shall be present during each birth.

(11) A written plan and system which provides for employee and clinical staff availability as needed, twenty-four hours per day shall be established and maintained.

(12) Appropriate, qualified personnel and/or clinical staff shall be present in the birth center at all times when clients are present.

NEW SECTION

WAC 248-29-050 BIRTH CENTER POLICIES AND PROCEDURES. Written policies and procedures shall include, but not be limited to:

(1) Definition of a low-risk maternal client who shall be eligible for birth services offered by the birth center.

(2) Definition of a client who shall be ineligible for birth services at the birth center.

(3) Identification and transfer of clients who, during the course of pregnancy, are determined to be ineligible.

(4) Identification and transfer of clients who, during the course of labor or recovery, are determined to be ineligible for continued care in the birth center.

(5) Written plans for consultation, backup services, transfer and transport of a newborn and/or maternal client to a hospital where appropriate care is available.

(6) Written informed consent which shall be obtained prior to the onset of labor and shall include evidence of an explanation by personnel of the birth services offered and potential risks.

(7) Provision for the education of clients, family, and support persons in childbirth and newborn care.

(8) Plans for immediate and long term follow-up of clients after discharge from the birth center.

(9) Registration of birth and reporting of complications and anomalies.

(10) Prophylactic treatment of the eyes of the newborn in accordance with RCW 70.24.040, WAC 248-100-295 as now, or as hereafter, amended.

(11) Metabolic screening of newborns.

(a) Educational materials shall be provided to each client relative to metabolic screening and informed consent for metabolic screening. These materials shall be obtained from the genetics program of the department.

(b) There shall be a mechanism for weekly reporting of all live births to the genetics program of the department on forms provided by the genetics program.

(c) The birth center shall provide each client with instructions and a metabolic screening collection kit, (obtained from the genetics program of the department). There shall be a procedure and/or evidence of a plan for follow-up so that blood samples are collected between the eighth and twelfth day of life.

(d) When parents refuse metabolic screening, there shall be provisions for a signed refusal statement which shall be sent to the genetics program of the department in lieu of the blood sample.

(12) Infection control to include consideration of housekeeping; cleaning, sterilization, sanitization, and storage of supplies and equipment, and health of personnel. Health records for personnel shall include documented evidence of a tuberculin skin test by the Mantoux method unless medically contraindicated. When this skin test is negative, (less than 10mm induration read at 48 to 72 hours) no further tuberculin skin test shall be required. A positive skin test shall consist of 10mm of induration, or greater, read at 48 to 72 hours. Positive reactors shall have a chest X-ray within ninety days of the first day of employment. Exceptions and specifics are as follows:

(a) Those with positive skin tests, (as defined above) shall have an annual screening in the form of a chest X-ray.

(b) Those with positive skin tests whose chest X-rays show no sign of active disease at least two years after the first documented, positive skin test shall be exempted from further annual testing and chest X-rays.

(c) Those with positive skin tests who have completed the recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

(d) A record of test results, X-rays, or exemptions to such, shall be kept by the facility.

(e) Employees with any communicable disease in an infectious stage shall not be on duty.

NEW SECTION

WAC 248-29-060 BIRTH CENTER EQUIPMENT AND SUPPLIES. (1) There shall be adequate and appropriate size and type equipment and supplies maintained for the maternal client and the newborn to include:

(a) A bed suitable for labor, birth, and recovery;

(b) Separate oxygen with flow meters and masks or equivalent;

(c) Mechanical suction and bulb suction (immediately available);

(d) Resuscitation equipment to include resuscitation bags and oral airways; laryngoscopes and endotracheal tubes appropriate for the newborn;

(e) Firm surfaces suitable for resuscitation;

(f) Emergency medications and intravenous fluids with supplies and equipment appropriate for administration;

(g) Fetal monitoring equipment, minimally to include a fetoscope;

(h) Equipment for monitoring and maintaining the optimum body temperature of the newborn. A radiant heat source appropriate for use in warming newborns shall be available. An appropriate newborn incubator should be available;

(i) A clock with a sweep second hand;

(j) Sterile suturing equipment and supplies;

(k) Adjustable examination light;

(l) Containers for soiled linen and waste materials which shall be closed or covered.

(2) There shall be a telephone, or equivalent communication device.

NEW SECTION

WAC 248-29-070 RECORDS. (1) The birth center shall have a defined client record system, policies and procedures which provide for identification, security, confidentiality, control, retrieval, and preservation of client care data and information.

(2) There shall be a health record maintained for each maternal and newborn client to include:

(a) Adequate notes describing the newborn and maternal status during prenatal, labor, birth, and recovery.

(b) Documentation that metabolic screening instructions and specimen collection kits were provided or that the specimen was obtained and forwarded to the genetics program of the department.

(c) Documentation and authentication by clinical staff and birth center personnel who administer drugs and treatments or make observations and assessments.

(3) Entries in the client record shall be typewritten or written legibly in ink.

(4) Documentation and record keeping shall include:

(a) Completion of a birth certificate.

(b) Documentation of orders for medical treatment and/or medication.

NEW SECTION

WAC 248-29-080 PHARMACEUTICALS. (1) There shall be written prescriptions or orders signed by a practitioner legally authorized to prescribe for all drugs administered to clients within the birth center.

(2) There shall be policies and procedures addressing the receiving, transcribing, and implementing of orders for administration of drugs.

(3) Written policies shall be established addressing the type, and intended use of any drug to be used within the facility.

(4) Anesthetic agents other than local anesthetics and pudendal blocks shall not be used.

(5) Drugs shall be administered by personnel or clinical staff licensed to administer drugs.

(6) Drugs, medications, and chemicals kept anywhere in the center shall be clearly labeled with drug name, strength, and expiration date.

(7) Drugs, chemicals, and medications shall be stored and secured in specifically designated cabinets, closets, drawers, or storerooms and made accessible only to authorized persons.

(8) Poisonous chemicals, caustic materials, or drugs shall show appropriate warning or poison labels and shall be stored separately from other drugs. Drugs for external use shall be separated from drugs for internal use.

NEW SECTION

WAC 248-29-090 BIRTH CENTER—PHYSICAL ENVIRONMENT. (1) The birth center shall be maintained to provide a safe and clean environment.

(2) At least one birthing room shall be maintained which is adequate and appropriate to provide for the equipment, staff, supplies, and emergency procedures required for the physical and emotional care of a maternal client, her support person(s), and the newborn during birth, labor, and the recovery period.

(a) Birthing rooms built, modified or altered after July 31, 1980, shall have a gross floor space of 156 square feet or 14.5 square meters and a minimum room dimension of 11 feet.

(b) Birthing rooms shall be located to provide unimpeded, rapid access to an exit of the building which will accommodate emergency transportation vehicles.

(3) Adequate fixed or portable work surface areas shall be maintained for use in the birthing room(s).

(4) Toilet and bathing facilities.

(a) A toilet and lavatory shall be maintained in the vicinity of birthing room.

(b) A bathing facility should be available for client use.

(c) All floor surfaces, wall surfaces, water closets, lavatories, tubs, and showers shall be kept clean and in good repair.

(5) There shall be provisions and facilities for secure storage of personal belongings and valuables of clients.

(6) There shall be provisions for visual privacy for each maternal client and her support person(s).

(7) Hallways and doors providing access and entry into the birth center and birthing room(s) shall be of adequate width and conformation to accommodate maneuvering of ambulance stretchers and wheelchairs.

(8) Water supply. There shall be an adequate supply of hot and cold running water under pressure for human consumption and other purposes which shall comply with WAC 248-54-701 and 248-54-740, rules and regulations of the State Board of Health Regarding Public Water Supplies.

(9) Heating and ventilation.

(a) A safe and adequate source of heat capable of maintaining a room temperature of at least 72 degrees Fahrenheit shall be provided and maintained.

(b) Ventilation shall be sufficient to remove objectionable odors, excessive heat, and condensation.

(10) Lighting and power.

(a) There shall be provisions for emergency lighting.

(b) There shall be general lighting and provision for adequate examination lights in the birthing room.

(11) Linen and laundry.

(a) Soiled linen/laundry storage and sorting areas shall be physically separated from clean linen storage and handling areas, kitchen and eating facilities.

(b) Laundry equipment shall provide hot water at a temperature of 160 degrees Fahrenheit.

(12) Utility, housekeeping, garbage, and waste.

(a) There shall be utility and storage facilities designed and equipped for washing, disinfecting, storing, and other handling of equipment and medical supplies in a manner which ensures segregation of clean and sterile supplies and equipment from those that are soiled and/or contaminated.

(b) All sewage, garbage, refuse and liquid waste shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition.

(13) Food storage and/or preparation.

(a) Food service and catering of food shall not be provided by the facility.

(b) When birth center policy provides for allowing the preparation and/or storage of personal food brought in by the client or families of clients for consumption by that family, there shall be an adequate electric or gas refrigerator capable of maintaining a temperature of 45 degrees Fahrenheit or lower and dishwashing facilities which provide hot water at a temperature of not less than 140 degrees Fahrenheit.

WSR 80-03-103**PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed March 5, 1980]

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 administration of public records for public access and record protection;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 42.17.250 and 42.17.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building,

Washington and Legion, 4th Floor Board Room,
Olympia, Washington.

dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-105-001 PURPOSE. Rules and regulations hereinafter set forth are established pursuant to RCW 42.17.250 through 42.17.320 for the purposes of protecting public records and making them readily accessible to the public.

NEW SECTION

WAC 392-105-003 DESCRIPTION OF ORGANIZATION.

(1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education and its ex officio president. Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into five operating divisions, the office of the deputy superintendent of public instruction and the office of the secretary to the state board of education.

(a) The office of the secretary to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by and reports directly to the superintendent of public instruction.

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the five operating divisions of the agency and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, maintains agency accounts, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation and federal accounts programs.

(d) The division of grants and equity programs is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers federal and state grant programs designed to help the special needs of educationally disadvantaged students and the unique needs of students of indian and bilingual backgrounds. Technical assistance is also provided school districts to achieve equal educational opportunities for all children.

(e) The instructional and professional services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts in the development and evaluation of basic education programs. Specific subject matter curricula, and teacher training programs. State services available to private schools are also coordinated.

(f) The special services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted education programs and pupil personnel services and supervises the federal and state special education programs in the schools and state institutions.

(g) The vocational technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education and community schools programs.

NEW SECTION

WAC 392-105-005 OPERATIONS AND PROCEDURES. The superintendent of public instruction is directly responsible for decisions and policies of the office but has delegated to the deputy superintendent the responsibility of developing and maintaining approved intra-agency operating policies and procedures. Each supervisory position in the agency is provided a policies and procedures manual which is frequently updated. The manual specifies job responsibilities for division and section level managers and describes procedures to be followed in operations that cut across organizational lines.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-010 ACCESS TO PUBLIC RECORDS. (1) All public records as defined by RCW 42.17.020(~~((24))~~) (26) and (~~((25))~~) (28) (~~((including photographs, tapes, and other records as well as written documents))~~) prepared, owned, used, or retained by the superintendent of public instruction shall be available for public inspection and copying during normal office hours in the office where they are located, except for the following:

(a) Personal information in files maintained by the superintendent of public instruction to the extent that disclosure would violate any individual's right to privacy.

(b) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the agency in connection with any agency action.

(c) Records which are relevant to a controversy to which the agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(d) Any other information which is exempt from public inspection under RCW 42.17.310 where disclosure would violate personal privacy or vital government interests.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interests, can be deleted from the specific records sought. No exception shall be construed to permit the nondisclosure of statistical information when such information is not descriptive of any readily identifiable person or persons.

NEW SECTION

WAC 392-105-013 REQUEST TO INSPECT AND COPY.

Requests to inspect, copy and/or mail public records may be made in person, by mailed request or direct telephone communication to the office of the superintendent of public instruction. Requests will be logged and reply offered promptly by the agency. Requests shall reasonably identify the particular public record which is sought.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-015 COPYING AND MAILING. (1) Persons may obtain a copy or copies of any record which may be inspected. The superintendent of public instruction may charge a fee of ten cents per page for (~~((copies))~~) each copy made by agency copy machines. (~~((This charge is the amount necessary to reimburse the agency for its actual costs incident to such copying.))~~)

(2) (~~((When the provision of copies of public records requires computer operations, the superintendent may make appropriate charges for programming and computer costs, which charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request.))~~) Actual mailing costs, if any, may be charged.

(3) Secretarial time, at any hourly rate equivalent to the salary of the employee, may be charged.

(4) When the provision of copies of public records requires computer operations, the superintendent of public instruction may make appropriate charges for programming and computer costs.

(5) The above charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request. Charges may be collected prior to the release of the copies of public records.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-020 PROTECTION OF RECORDS. No records shall be removed from any office of the superintendent of public instruction by anyone other than a staff member or other officially authorized person, unless a receipt for the records signed by the person taking them and giving the address where they will be kept has been approved and signed by the person in charge of the record((s-office)). Staff members in charge of public records in the custody of the superintendent of public instruction comply with provisions in chapter 40.14 RCW relating to the preservation and destruction of public records.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-025 REVIEW OF DENIAL. When an agency staff member believes that a request to inspect a record must be denied, the staff member shall immediately contact his or her supervisor and obtain concurrence from the supervisor before denying inspection. The supervisor shall then promptly issue, or cause to be promptly issued, a written statement as required by RCW 42.17.310(4) and RCW 42.17.320 which shall identify the specific exemption authorizing the withholding of the record (or part) and provide a brief explanation of how the exemption applies to the record withheld. A copy of the statement shall be immediately transmitted to the ((deputy)) superintendent of public instruction or his/her designee.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-105-030 INDEX. The superintendent of public instruction does maintain a current index of public records as required by RCW 42.17.260(2) ((in the records office (office of management services) first floor, Old Capitol Building, Olympia, Washington)). The index identifies agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington.

NEW SECTION

WAC 392-105-035 LIST OF EMPLOYEES AND ELECTED OFFICERS. Pursuant to RCW 42.17.260(5), the superintendent of public instruction or employees of the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law.

WSR 80-03-104**PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

(Filed March 5, 1980)

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 administration of part-time student programs and services. New chapter 392-134 WAC entitled Finance—Apportionment For Part Time Public School Attendance;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.145.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

Chapter 392-134 WAC

FINANCE—APPORTIONMENT FOR PART TIME PUBLIC SCHOOL ATTENDANCE**WAC**

392-134-001	Purposes.
392-134-005	Definitions.
392-134-010	Attendance rights of part-time public school students.
392-134-015	Enrollment practices and conditions.
392-134-020	Provision of educational program to part-time public school students—Reports—Sites.
392-134-025	Apportionment procedures.
392-134-030	Compliance with rules as a condition of apportionment.

NEW SECTION

WAC 392-134-001 PURPOSES. The purposes of this chapter are to implement RCW 28A.41.145 in a constitutional manner and assure equal access to the public common school system by the residents of the state on a part-time attendance basis.

NEW SECTION

WAC 392-134-005 DEFINITIONS. As used in this chapter the term: (1) "Ancillary service" shall mean any co-curricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which pre-school through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities;

(2) "Course" shall mean any instructional curricular service or activity in which pre-school through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance; and

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district;

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools; and

(5) "Private school student" shall mean a student who is enrolled in a private school "full-time" as defined by the private school of attendance.

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 392-134-010 ATTENDANCE RIGHTS OF PART-TIME PUBLIC SCHOOL STUDENTS. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in chapter

392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended.

NEW SECTION

WAC 392-134-015 ENROLLMENT PRACTICES AND CONDITIONS. (1) Requests for part-time attendance shall be processed by a public school only when made by the student, the student's parent(s), or the student's guardian(s); and,

(2) The enrollment of a part-time public school student who otherwise attends a private school shall be conditioned upon the certification by the student or by the student's parent(s) or guardian(s) as may be required by the public school, that:

(a) The student is a private school student; and

(b) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance.

NEW SECTION

WAC 392-134-020 PROVISION OF EDUCATIONAL PROGRAM TO PART-TIME PUBLIC SCHOOL STUDENTS—REPORTS—SITES. (1) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students at the same level and quality as provided by the public school to full-time students;

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physical disability or sickness. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: PROVIDED, That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) Transportation between a part-time public school student's private school and a public school in which he/she is enrolled may not be provided to the student at the expense of a public school district in whole or part: PROVIDED, That the following interschool transportation may be provided at the expense of a public school district:

(a) Transportation which is provided in connection with a part-time student's participation in field trips and special events permitted by subsection (2) above; and

(b) The transportation of part-time public school students which:

(i) Is necessary to comply with a condition to the receipt of federal funds; and

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues.

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 392-134-025 STATE FUNDING PROCEDURES. (1) Public school districts shall maintain a record of the number of hours each part-time public school student is enrolled.

(2) Each district shall report to the superintendent of public instruction as required the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part-time students in the basic enrollment data for state funding purposes.

(3) The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by and at such times as are designated by the superintendent.

NEW SECTION

WAC 392-134-030 COMPLIANCE WITH RULES AS A CONDITION OF STATE FUNDING. Each public school district shall certify compliance with this chapter as a condition to the reimbursement of costs pursuant to RCW 28A.41.130, RCW 28A.41.140 and RCW 28A.41.145, as now or hereafter amended. State and federal funds shall be withheld in whole or part or recovered in whole or part through reduction in future entitlements of a district as necessary to enforce the provisions and intent of this chapter.

WSR 80-03-105

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 1980]

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 interdistrict cooperation programs and basic education allocations to the serving districts of nonresident students enrolled in interdistrict cooperation programs;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.58.075 and 28A.58.245.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By Frank B. Brouillet
Superintendent of Public Instruction

CAPTION CHANGE

FINANCE((S))—INTERDISTRICT
PROGRAMS

COOPERATION

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-135-005 PURPOSES. The purposes of this chapter are to implement RCW 28A.58.075(2) and RCW 28A.58.245 and establish the conditions pursuant to which school districts may cooperate in interdistrict tuition-free educational programs, ((and including but not limited to vocational and handicapped programs)) ~~and additional weighted equalization apportionment will be granted for nonresident student attendance~~.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-135-010 DEFINITIONS. As used in this chapter, the term: (1) "Residence" shall mean the physical location of a student's principal abode (e.g., the home, house, apartment, etc., within which the student lives the majority of the time).

(2) "Resident student" shall mean a student: ~~((whose residence is either within the school district of his attendance or within the boundaries of any contiguous military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation provided the student resides upon rented or leased undeeded lands within such Indian reservation:))~~

(a) Whose residence is within the school district of attendance; or

(b) Whose residence is within the boundaries of any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation (provided the student resides upon rented or leased undeeded lands within the Indian reservation) which is contiguous to the school district of attendance; or

(c) Whose residence is within a school district which does not carry the grades for which the student is eligible to enroll (e.g., a nonhigh school district).

(3) "Nonresident student" shall mean any student other than a resident student whose residence is within the state of Washington.

(4) "Resident district" shall mean the Washington state school district ~~((within whose boundaries a student's residence is located or a school district which is contiguous to the boundaries of the following properties within which a student's residence is located: any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation provided the student resides upon rented or leased undeeded lands therein))~~ or districts of which a student is considered to be a resident.

(5) "Serving district" shall mean the Washington state school district which operates a tuition-free interdistrict cooperation program pursuant to an agreement with one or more Washington state school districts.

REPEALER

The following section of chapter 392-135 WAC entitled Finances—Interdistrict Cooperation Programs is hereby repealed:

WAC 392-135-025 Additional weighting support.

WSR 80-03-106

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 1980]

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 nonresident school attendance arrangements, required tuition for unapproved nonresident school attendance, and procedure for appealing decisions denying attendance at a nonresident school district;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.03.030(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building,

Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-137-001 PURPOSES. The purposes of this chapter are: (1) To implement RCW 28A.58.240 by setting forth arrangements deemed approved by the superintendent of public instruction under which nonresident and resident students may attend the preschool through twelfth grade programs of any school district without tuition charge;

(2) To implement RCW 28A.58.240 by establishing a reasonable tuition charge for nonresident and resident students whose attendance arrangements in preschool through twelfth grade programs have not been deemed approved by the superintendent of public instruction; and

(3) To implement RCW 28A.58.242 by establishing procedures for filing and conducting appeals from the decision of a resident school district to deny the release of a student to a nonresident district.

NEW SECTION

WAC 392-137-002 ARRANGEMENTS DEEMED APPROVED—RETENTION AND FILING OF. Any arrangement for the attendance of students which is documented in writing and consistent with this chapter shall be deemed approved by the superintendent of public instruction.

Attendance agreements and district policies required by this chapter shall be retained by each district as public records and submitted to the superintendent of public instruction upon request.

NEW SECTION

WAC 392-137-003 NONRESIDENT ATTENDANCE EXEMPT FROM CHAPTER PROVISIONS. The following nonresident attendance arrangements are exempt from the provisions of this chapter:

(1) Interdistrict cooperation programs conducted in accordance with RCW 28A.58.075(7) and chapter 392-135 WAC;

(2) Programs temporarily conducted in behalf of another school district in accordance with RCW 28A.58.225; and

(3) Reciprocity programs with contiguous out-of-state school districts conducted pursuant to RCW 28A.58.250.

Nonresident attendance arrangements exempted from the provisions of this chapter by this section, as now or hereafter amended, are governed by the statutes and rules referenced above and by the rules or policies of a school district that supplement the referenced rules or statutes.

AMENDATORY SECTION (Amending Order 3-78, filed 7/18/78)

WAC 392-137-020 NONRESIDENT STUDENTS UNDER THE AGE OF TWENTY-ONE—MUTUAL AGREEMENT BETWEEN RESIDENT AND NONRESIDENT DISTRICT REQUIRED. (1) A nonresident student who is under the age of twenty-one may be admitted by a nonresident district only pursuant to an agreement between the student's resident district and the nonresident district or pursuant to an order of the superintendent of public instruction pursuant to RCW 28A.58.242 and ~~((chapter))~~ 392-~~((103))~~137-065 WAC. In the event the student is considered to be a resident of more than one district pursuant to the definition of "resident student" set forth in WAC 392-137-010(2), the agreement shall be between the nonresident district and the district in which the student was last enrolled and is considered to be a resident.

(2) A student's attendance shall be credited in all cases to the school district of enrollment unless:

(a) The superintendent of public instruction is notified by order of the board of directors of a student's resident district provided for in subsection (1) that the student is attending a nonresident district without authorization pursuant to an agreement or order of the superintendent releasing the student, and

(b) it is established that neither such an agreement nor order of the superintendent exists.

(3) In the event it is so established that a student is enrolled in a nonresident district without authorization, (~~equalization apportionment~~) the basic education allocation and other state payments in connection with the student's enrollment shall be discontinued until:

- (a) The student enrolls in a resident district,
- (b) an agreement required by subsection (1) is entered into, or
- (c) the superintendent orders the release of the student.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-137-045 TUITION—ENROLLMENT IN COMPLIANCE OR NONCOMPLIANCE WITH THIS CHAPTER. The tuition of nonresident students and of resident students twenty-one years of age or older who are enrolled in compliance with this chapter or pursuant to an order of the (~~state board of education~~) superintendent of public instruction releasing the student from his or her resident district shall be established by the school district of enrollment. In order to avoid infringements upon an individual's right to equal protection of the law, in the event tuition is charged any such student, tuition should be charged all nonresident students and resident students twenty-one years of age or older on the basis of a uniform rate or on the basis of a uniformly applied formula (e.g., tuition based upon the difference between the cost of educating a student in the district or at the grade level of attendance and state and federal funds accruing to the district as a result of the student's enrollment and/or attendance).

In the event it is established by the school district of enrollment or by the superintendent of public instruction pursuant to WAC 392-137-020(2) that a student has been enrolled in violation of the arrangements prescribed by this chapter, the district of enrollment shall have no discretion as to the tuition to be charged such student. In all such cases, the arrangements for the student's enrollment shall be considered disapproved by the superintendent of public instruction and tuition equal to the per pupil cost of the district of enrollment for the previous school year as computed on form F-196, part II, shall be charged the student or if the district has established a higher charge for any nonresident student or resident student twenty-one years of age or older, then an amount equal to such higher charge shall be charged the student for a full school year. Any such tuition charge, however, may be ratably reduced in the event the student is enrolled part-time and/or for less than a full school 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.

NEW SECTION

WAC 392-137-051 RIGHT OF APPEAL. Any student eighteen years of age or more but less than twenty-one years of age, or, in the case of a minor, the student's parent(s), guardian(s), or custodian(s) may appeal the decision of the school district within which the student resides, or the decision of the school district within which the student was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny the student's request for release to a nonresident school district made pursuant to this chapter to the superintendent of public instruction.

NEW SECTION

WAC 392-137-055 APPEAL NOTICE. (1) Requests for appeal shall be written, signed and directed to the superintendent of public instruction. Any such notice of appeal shall set forth or be accompanied by the following information:

- (a) The name, age, grade level and mailing address of the student;
- (b) The school district of residence;
- (c) The date of the school district's decision to deny a release;
- (d) Either a copy of the minutes of the board of directors of the resident school district which establishes that the board has denied a request to release the student or a written statement of the superintendent of the resident district that the board has taken action denying such a request;
- (e) Either a copy of the minutes of the board directors of the nonresident school district to which a release has been requested which establishes that the nonresident district is willing to accept the student or a written statement of the superintendent of the nonresident district that the board has taken action accepting the student.

(f) An explanation of the special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian which exists or would exist as a result of the student's attendance in the resident district.

(g) An explanation of how attendance in the nonresident district would allegedly alleviate such special hardship or detrimental condition to a significant extent.

(2) Upon receipt of a notice of appeal which complies with subsection (1) the superintendent of public instruction or his or her designee shall schedule a hearing and provide a notice as required by RCW 34.04.090(1) to the appellant and the school district which denied the student's release.

NEW SECTION

WAC 392-137-060 HEARING. The hearing provided for in WAC 392-137-055(2) shall be conducted in compliance with chapter 392-101 WAC and the state Administrative Procedure Act, chapter 34.04 RCW. The appeal shall be conducted before the superintendent of public instruction or his or her designee, as scheduled by the superintendent of public instruction or his or her designee. In the event the appeal is conducted before the superintendent's designee, the entire record as required by RCW 34.04.090(4) and (5), together with the proposed findings, conclusions and recommendation of the designee, shall be presented to and reviewed by the superintendent of public instruction. The superintendent of public instruction may reject, modify, or accept any portion or all of the proposed findings, conclusions and recommendation following his or her review of the entire record.

NEW SECTION

WAC 392-137-065 GROUNDS FOR ORDER OF RELEASE. It shall be the policy of the superintendent of public instruction to order the release of a student to a nonresident district only in those cases in which the evidence establishes:

- (1) That a special hardship or detrimental condition of the nature and effect identified in WAC 392-137-055(1)(f) exists; and
- (2) That such special hardship or detrimental condition is likely to be alleviated to a significant extent in the event the student's release is ordered.

REPEALER

The following sections of chapter 392-137 WAC entitled Finance—Nonresident Attendance are hereby repealed:

WAC 392-137-005 PURPOSES.
WAC 392-137-050 AGREEMENTS AND POLICIES
DEEMED APPROVED—RETENTION
AND FILING OF.

WSR 80-03-107

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 1980]

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 administration of special levy relief funds and the purposes of chapter 392-140 WAC, Finance—Special Allocations, Instructions and Requirements;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15,

1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.03.030(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

~~WAC 392-140-001 ((1976 LEVY RELIEF FUNDS))~~
~~PURPOSE(S)). ((The purposes of WAC 392-140-001 through WAC 392-140-006 are to implement section 1, chapter 2, Laws of 1975, 2nd ex. sess. as amended by section 1, chapter 7, Laws of 1975, 2nd ex. sess. and establish and/or set forth the criteria and procedures for distribution of the special appropriation of sixty five million dollars (\$65,000,000) for excess maintenance and operation levy relief))~~ Provisions of this chapter serve to implement and govern the finance-related administration of laws of limited duration, laws with phase-in/phase-out procedures, and/or laws requiring special one-time processes or procedures for which the superintendent of public instruction has broad rule-making authority pursuant to RCW 28A.03.030(3), as now or hereafter amended, or specific rule-making authority authorized by the legislature, as the case may be.

REPEALER

The following sections of chapter 392-140 entitled Finance—Special Allocations, Instructions, And Requirements are hereby repealed:

- WAC 392-140-002 1976 Levy Relief Funds—Entitlement Of Districts Which Submitted No Excess Levy Propositions—Payments.
- WAC 392-140-003 1976 Levy Relief Funds—Entitlement Of Districts Which Submitted And Passed An Excess Levy Proposition—Payment.
- WAC 392-140-004 1976 Levy Relief Funds—Entitlement Of Districts Which Submitted And Failed Excess Levy Propositions—Payments.
- WAC 392-140-005 1976 Levy Relief Funds—Additional Special Funds—Eligibility—Purpose—Payment.
- WAC 392-140-006 1976 Levy Relief Funds—Reduction In Excess Levy Required.
- WAC 392-140-007 1976-77 Levy Relief Funds—Special Funds—Eligibility—Purpose—Payment.
- WAC 392-140-008 1976-77 Levy Relief funds—Special Funding For Low Assessed Valuation Districts.

WSR 80-03-108

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 1980]

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 procedures and conditions which govern a school district's eligibility for state funding for the transportation of students, and the establishment of

the rates at which a school district may reimburse parents and others for arrangements in-lieu-of transportation by a school district including, but not limited to, rules which establish: definitions; ineligible transportation; eligible transportation; arrangements; rates of reimbursement; annual school district application requirements; application approval and disapproval grounds and procedures; school district mileage and expense record requirements; school bus depreciation reimbursement rates; and, the grounds and procedures for withholding state transportation funds;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 A.m., Tuesday, April 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

~~WAC 392-141-005 PURPOSES ((AND DEFINITION OF SCHOOL BUS))~~. The purposes of this chapter are:

(1) ((t))To implement RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.175 by establishing the procedures and conditions pursuant to which school districts shall be eligible for state transportation ((apportionment)) reimbursement and equipment depreciation funds; and

(2) To implement RCW 28A.24.100 by establishing the rates at which school districts are authorized to reimburse parents and others for individual transportation or board and room, or both, in-lieu-of transportation by a school district.

((The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC 392-143-010.))

NEW SECTION

WAC 392-141-007 DEFINITIONS. As used in this chapter, the term:

(1) "Extended day route" shall mean the approved course or distance a school bus travels when transporting students between schools and the appropriate bus stops for activities other than those scheduled pursuant to WAC 180-16-200 (basic education total program hour offering) as now or hereafter amended, subject to the following conditions:

(a) The school district board of directors shall have adopted a resolution directing that such route is available to all students who participate in any after school activity sponsored by the school district;

(b) The route shall not be established solely for the purpose of transporting students who participate in extracurricular activities;

(c) The school buses shall be scheduled to depart at a time which is reasonable for all students participating in such school activities; and

(d) The route shall be limited to a single departure per day from any school building or complex of school buildings which shall be no later than 6:00 p.m.

(2) "School bus" shall mean all motor vehicles which are defined as "school buses" in WAC 392-143-010, as now or hereafter amended;

(3) "School bus route" shall mean:

(a) In cases where a school bus serves only one school on a trip, the approved course or distance the bus travels when picking up students to transport them to and from school beginning at the location where the first student boards the bus and terminating at the location where the last student leaves the bus; and

(b) In cases where a school bus serves more than one school on a trip, the approved course or distance the bus travels when picking up students to transport them to and from each school to which they are regularly assigned beginning at the location where the first student boards the bus and terminating at the location where the first student leaves the bus for each of such schools on the multiple school route.

(4) "School bus run" shall mean the approved course or distance the bus travels from the time the bus leaves its storage place until the bus returns to its storage place on one round trip, including the distance traveled on the school bus route(s) as defined in subsection (3) above.

NEW SECTION

WAC 392-141-008 **ADDITIONAL DEFINITIONS.** As used in this chapter the term: "To and from school" shall mean:

(1) The course or distance between the appropriate bus stops and schools to which students are assigned for the regularly scheduled school day for basic education program purposes;

(2) The course or distance between schools within a school district, and between schools within different school districts pursuant to an interdistrict agreement executed pursuant to RCW 28A.58.075 and chapter 392-135 WAC (interdistrict cooperation), each as now or hereafter amended;

(3) The course or distance between schools and approved learning centers within a student's district of residence which have been recommended by the school district board of directors, subject to the following conditions:

(a) The educational programs conducted at such learning centers shall be approved in advance by the school district board of directors and shall be an integral part of one or more of the basic education requirements of WAC 180-16-200, as now or hereafter amended;

(b) Each student who participates in an educational program at such a center shall be scheduled to attend no less than five sessions of the program on five or more separate school days during the time the student is enrolled in the particular basic education course or activity with which the learning center program is integrated: PROVIDED, That this condition shall not apply to transportation to and from learning centers that have been approved by the superintendent of public instruction on the basis that they provide unique educational opportunities;

(c) The primary purpose of activities at such location(s) shall be instructional rather than recreational in the judgment of the school board of directors; and

(d) Such instructional activities cannot be conducted feasibly or economically in the regularly assigned school in the judgment of the school district board of directors;

(4) The course or distance between schools and approved learning centers located outside a student's district of residence, subject to the following conditions:

(a) The learning center shall have been approved in advance by the superintendent of public instruction on the basis that the center provides a unique educational opportunity;

(b) The primary purpose of activities at such location(s) shall be instructional rather than recreational in the judgment of the school district board of directors; and

(c) Such instructional activities cannot be conducted feasibly or economically in the regularly assigned school in the judgment of the school district board of directors; and

(5) The course or distance required for inspection, repair and road testing of school buses, for the training of school bus drivers, and for such other necessary purposes as the superintendent of public instruction may approve.

NEW SECTION

WAC 392-141-017 **REIMBURSABLE AND NONREIMBURSABLE TRANSPORTATION.** (1) Each school district that elects to provide transportation for students to and from school and that provides such transportation in compliance with this chapter and

chapters 392-143, 392-145 and 180-20 WAC, each as now or hereafter amended, shall be entitled to state transportation reimbursement at rates provided for by or pursuant to this chapter.

(2) A school district shall not be eligible for state transportation reimbursement for:

(a) The transportation of nonstudents;

(b) The transportation of students who are 21 years of age or older;

(c) The transportation of students who are high school graduates except for those who, by reason of a handicapping condition, are either not ambulatory or not capable of protecting their own welfare while traveling to and from school or the agency where special education services are provided;

(d) The transportation of students on bus routes that are not approved pursuant to this chapter;

(e) The transportation of students pursuant to an individual in-lieu-of transportation arrangement and any other contractual arrangement that is not approved pursuant to this chapter;

(f) The transportation of students who reside within two miles of their school of attendance and for whom an exception has not been granted by reason of a handicapping condition, hazardous conditions or racial imbalance; or

(g) The transportation of part-time public school students between their private and public schools of enrollment, except for transportation in connection with field trips and special events which is both permitted by chapter 392-134 WAC and otherwise eligible for state transportation reimbursement pursuant to this chapter.

(3) Nothing within this section shall be construed as prohibiting a school district from providing or making arrangements for the transportation of students that are ineligible for state transportation reimbursement, at the expense of either the school district or students or some combination of shared expense.

NEW SECTION

WAC 392-141-018 **TRANSPORTATION ARRANGEMENTS THAT ARE ELIGIBLE FOR STATE REIMBURSEMENT—RATES OF REIMBURSEMENT.** (1) The following forms of transportation arrangements shall be recognized for state transportation reimbursement purposes:

(a) A school district may operate one or more school buses for the purpose of transporting students to and from school;

(b) A school district may enter into contracts with government entities and private persons and corporations for the purpose of transporting students to and from school; and

(c) A school district may contract with the custodial parent, parents, guardians or persons in loco parentis to a student, or with an adult student, to pay the lesser of the following in-lieu-of transportation by the school district:

(i) Mileage and tolls for transportation to and from school for not more than two necessary round trips per school day; or

(ii) Mileage and tolls for transportation to and from school for not more than five round trips per school year, plus room and board.

(2) The in-lieu-of transportation mileage, tolls and board and room rates of reimbursement which a school district is hereby authorized to pay and which shall be recognized for state transportation reimbursement purposes shall be computed as follows:

(a) Mileage reimbursement shall be computed by multiplying the distance to and from school with any type of transportation vehicle that is operated for the purpose of carrying one or more students by the maximum rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the use of private motor vehicles in connection with state business;

(b) Toll reimbursement shall be computed by adding the actual fees which must be paid as a condition to the passage of a transportation vehicle and its student passengers or its operator, or both, across a bridge or upon a ferry, and similar fees imposed as a condition to the passage, ingress or egress of such vehicle and its student passengers or its operator, or both, while traveling to and from school; and

(c) Board and room reimbursement shall be computed at the rates now or hereafter established by the department of social and health services and set forth in chapter 388-70 WAC, as now or hereafter amended (inclusive of the basic rates and, in the case of handicapped students, the additional amounts for students with special needs, but exclusive of any rates or amounts for clothing and supplies).

(3) Rates of state transportation reimbursement for other than individual in-lieu-of transportation arrangements shall be as now or hereafter established by the superintendent of public instruction and published in bulletins issued by the division of financial services.

NEW SECTION

WAC 392-141-027 SCHOOL BUS ROUTES LIMITATIONS. School bus routes shall be established in a manner which safely and efficiently serves all passengers to be transported. State transportation reimbursement shall not be provided for the operation of a school bus on public or private roads, roadways or driveways which in the judgment of a school district board of directors:

- (1) Do not provide sufficient and necessary turn around space for the bus;
- (2) Pose an unreasonable risk of injury to the driver or passengers; or
- (3) Pose an unreasonable risk of damage to the bus, roadway, driveway or adjacent property, or the likelihood of a significant reduction in the operating life of the bus.

NEW SECTION

WAC 392-141-028 ANNUAL APPLICATION FOR APPROVAL FOR TRANSPORTATION REIMBURSEMENT—APPROVAL PROCESS. (1) Submission Of Annual Applications To ESDs. Each school district shall submit an annual application as a condition to state reimbursement for student transportation costs. The application shall first be submitted to the superintendent of the educational service district within which the school district is located or to his or her designee, no later than the date now or hereafter established for submission by the superintendent of public instruction and published in bulletin(s) of the division of financial services. The superintendent of the educational service district or his or her designee shall promptly review each application for compliance with the provisions of this chapter and, on that basis alone, approve or disapprove the application in whole or in part as submitted.

(2) Submission Of Applications To SPI. The educational service district superintendent or his or her designee shall forward each application for transportation reimbursement to the superintendent of public instruction, together with an identification of the portions that have been approved and disapproved and an explanation of the reason and facts for any disapproval. The educational service district superintendent or his or her designee shall concurrently advise the school district of any disapproval, the reasons and facts in support of the disapproval, and suggestions for modification of the application that may make the disapproved application or portion thereof approvable.

(3) Effective Period Of Approvals And Disapprovals. Each approval of an application or portion thereof by an educational service district superintendent or his or her designee shall be effective from the commencement of the current school year to the end of the current school year or, in the case of the approval of applications for exceptions involving the transportation of students who reside within two miles of their school of attendance, until the condition that justifies the exceptions ceases. Each disapproval of an application which has been timely submitted or portion thereof by an educational service district superintendent or his or her designee shall be effective from the date of disapproval to the end of the current school year: PROVIDED, That all or any portion of an application which has been disapproved shall, nevertheless, be deemed to have been approved for state transportation purposes from the commencement of the school year until the date the application was reviewed and acted upon or, in the case of the late submission of an application, until the date the application would have been reviewed and acted upon had it been timely submitted.

(4) Revocation Of Approval/Disapprovals By SPI. Notwithstanding subsection (3) of this section, the superintendent of public instruction may revoke or modify an approval or disapproval by an educational service district either following receipt of a petition from an affected school district or unilaterally based upon the review of an application.

(5) Protests Of Disapprovals. If the application of a school district is disapproved in whole or part by an educational service district superintendent, his or her designee or the superintendent of public instruction, the superintendent of the affected school district may petition the superintendent of public instruction for a revocation or modification of the disapproval. The petition shall be written and shall set forth:

- (a) The reason and facts asserted by the district in support of approval; and
- (b) An explanation of the changes in the district's application that have been made at the suggestion of the educational service district superintendent, his or her designee or the superintendent of public instruction or for other reasons and, if no changes have been made, an explanation of why no changes have been made.

NEW SECTION

WAC 392-141-037 APPLICATION FOR APPROVAL FOR TRANSPORTATION WITHIN THE "TWO-MILE LIMIT"—MEASUREMENT OF "TWO-MILE LIMIT." (1) Allowable Exceptions To The "Two-Mile Limit." The transportation of students who reside within two miles of their school of attendance may be approved for state transportation reimbursement purposes only for the following reasons:

- (a) The students to be transported are handicapped and are either not ambulatory or not capable of protecting their own welfare while traveling to and from school or the agency where special education services are provided;
- (b) The transportation is necessary because of the existence of hazardous conditions which students would otherwise be exposed to; and
- (c) Transportation is necessary to reduce racial imbalance within a school district.

(2) Annual Applications. Any application for state transportation reimbursement for the transportation of students who reside within two miles of their school of attendance shall be submitted with a school district's annual application for approval of bus routes and runs. The application shall comply with the requirements of this chapter and, in addition, shall be accompanied by a resolution of the school district board of directors which fully explains the reasons and facts in support of each bus stop which the district proposes to establish within a "two-mile limit." The conclusion of a school board that transportation within a "two-mile limit" is warranted because of one or more of the reasons set forth in subsection (1) of this section shall be conclusive unless it is established upon review of a district's application that the facts cited are incomplete or in error or immaterial, to a significant and material extent.

(3) Measurement Of The "Two-Mile Limit." The distance which a student resides from school shall be measured for the purposes of this section by the most direct route available to the student on public and private roads, roadways, driveways and established walkways and pathways from (a) the front door of the student's building of residence to (b) the bus unloading zone for the student's school of attendance.

NEW SECTION

WAC 392-141-038 CONTENTS OF APPLICATIONS FOR STATE TRANSPORTATION REIMBURSEMENT—MILEAGE RECORDS. Each annual application of a school district for state transportation reimbursement shall consist of the following documents and information:

(1) One or more maps which display the school bus routes desired by the district and which are drawn in conformance with instructions now or hereafter established by the superintendent of public instruction and published in bulletin(s) of the division of financial services;

(2) A completed, composite route data form now or hereafter developed and distributed by the superintendent of public instruction which includes, but is not limited to, such information as the names of schools served, the grade levels of students served, bus capacities, number of students served, number of bus stops and route times;

(3) Completed school bus data forms now or hereafter developed and distributed by the superintendent of public instruction which include, but are not limited to, information regarding individual school buses such as bus number, bus capacity, number of students served, routes, run miles, run time, and waiting time;

(4) Mileage estimates and other information regarding transportation to and from approved learning centers, if any, on forms now or hereafter developed and distributed by the superintendent of public instruction which may include, but not be limited to, such information as estimated miles, routes, route time, driver time, program description and availability, number of students served, and the grade levels of students served;

(5) Individual in-lieu-of transportation arrangement mileage, tolls and room and board reimbursement information on forms now or hereafter developed and distributed by the superintendent of public instruction; and,

(6) A copy of each contract for the transportation of students entered into by the school district with any government entity and any private person or corporation.

NEW SECTION

WAC 392-141-042 DEVIATIONS FROM APPROVED TRANSPORTATION ARRANGEMENTS. A school district may

temporarily and for good cause increase the mileage for transportation arrangements which have been approved pursuant to this chapter by five percent or less without prior approval from either the superintendent of public instruction or an educational service district: PROVIDED, That within thirty days of such increase the district shall submit an application for modification of its annual application to the superintendent of the educational service district within which the school district is located or to his or her designee. The application shall be processed and subject to approval or disapproval in whole or part pursuant to WAC 392-141-028. All other modifications of a district's approved annual application must be approved in advance pursuant to WAC 392-141-028 as a condition to state transportation reimbursement.

NEW SECTION

WAC 392-141-043 RECORD REQUIREMENTS. Each school district shall maintain the following records and annually provide the original or a copy thereof to the superintendent of public instruction at such time and in such form as now or hereafter established by the superintendent and published in bulletin(s) of the division of financial services:

(1) **Record Of Expenses.** Each school district shall maintain records of all expenses in connection with student transportation. Such records shall include expenses for supervision, the operation of school buses, the maintenance of school buses, garage operation and maintenance, individual in-lieu-of transportation arrangements, insurance, and the purchase and/or rebuilding of school buses. Clerical and administrative service expenses shall be recorded only to the extent that one or more employees have been assigned by a school district to duties directly involving the operation of student transportation. Full salaries or wages shall not be recorded as a transportation expense unless full time is devoted to student transportation exclusively.

(2) **Record Of Miles Traveled.** Each school district shall maintain mileage records for transporting students to and from school, for field trips, extracurricular trips, and all other miles traveled in categories specified by the superintendent of public instruction in bulletin(s) now or hereafter issued by the division of financial services.

(3) **Route Maps.** Each school district shall maintain a current map for each school bus route and a record of the route distances in miles and the number of students transported on the routes.

(4) **Transportation Equipment Records.** Each school district shall maintain an inventory of all motor vehicles and related equipment owned or held for the purpose of providing transportation for students, records of all expenditures for motor vehicles and related transportation equipment and records of funds received for motor vehicles and related transportation equipment which is sold.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-141-045 PURCHASE OF SCHOOL BUSES—STATE ALLOWANCE FOR DEPRECIATION. (1) All school buses purchased by a school district shall meet the Specifications for School Buses established by the superintendent of public instruction and shall be inspected and approved by a state patrol school bus inspecting officer. Thereafter, a school bus operation permit shall be issued by the superintendent of public instruction. This permit is required before the appropriate license may be issued to a district to operate ~~((the))~~ any school bus.

(2) A school bus acquisition form shall be completed by a district and filed with the superintendent of public instruction as a condition to state reimbursement for depreciation.

(3) Depreciation reimbursement shall be allowed on district-owned buses. The purchase price of ~~((the))~~ each school bus less any amount received by a district for a trade-in or for the sale of a replaced bus shall become a part of a district's annual state approved transportation reimbursable expenditures.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-141-055 DEPRECIATION SCHEDULE—SCHOOL BUSES. (1) School districts shall be reimbursed for ~~((★))~~ all district-owned school buses placed on the depreciation schedule ~~((after))~~ between September 1, 1975 and September 1, 1980 ~~((will be reimbursed))~~ at 90 percent of the eligible purchase price multiplied by the base or derived percentage, whichever is great~~((er))~~est. School districts

shall be reimbursed for each district-owned school bus placed on the depreciation schedule after August 31, 1980, at one hundred percent of the eligible purchase price multiplied by the base or the derived percentage specified in this section, whichever amount is the greatest.

(2) Calculation of appropriate percentage will be determined by classifying buses according to passenger capacity and miles driven in the following manner:

Vehicle Classification	Base Percentage
Class I 6-22 passengers	25% if annual miles are 18,750 or less
Class II 23-51 passengers	12.5% if annual miles are 15,625 or less
Class III 52-69 passengers	10% if annual miles are 15,000 or less
Class IV 70-up passengers	6.25% if annual miles are 12,500 or less

$$X = \frac{\text{Derived Percentage}}{\text{total miles driven}}$$

Class I 6-22 passengers	X	derived % if X is greater than 18,750 mi
Class II 23-51 passengers	X	derived % if X is greater than 15,625 mi
Class III 52-69 passengers	X	derived % if X is greater than 15,000 mi
Class IV 70-up passengers	X	derived % if X is greater than 12,500 mi

(3) Used school buses purchased by a school district~~((s))~~ may be placed on the district's depreciation schedule under the following ~~((conditions))~~ circumstances:

(a) A school bus owned by one school district is purchased by another school district. Such a bus shall be ~~((kept))~~ placed on the purchasing district's depreciation schedule at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.

(b) A school bus (meeting the Specifications for School Buses, as now or hereafter amended) is purchased from a private party when the cost established appropriately reflects its depreciable value as determined by the superintendent of public instruction. Such a bus shall be put on the depreciable schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

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

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

**WSR 80-03-109
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
(Filed March 5, 1980)**

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 392-167 WAC

entitled Grants Management—Elementary And Secondary Education Act—Title III;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.03.030(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of chapter 392-167 WAC entitled Grants Management—Elementary And Secondary Education Act—Title III are hereby repealed:

- WAC 392-167-005 Authority.
- WAC 392-167-010 Purpose.
- WAC 392-167-015 Definitions.
- WAC 392-167-020 Advisory Councils.
- WAC 392-167-025 Evaluation Criteria for Approving Projects.
- WAC 392-167-030 Additional Criteria for Approving Projects.
- WAC 392-167-035 Timeline for Approving Projects.
- WAC 392-167-040 Provisions for Assuring Fifteen Percent for Special Needs of Handicapped Children.
- WAC 392-167-045 Criteria for Achieving Equitable Distribution of Assistance.
- WAC 392-167-050 Provision for Private Nonprofit School Participation.
- WAC 392-167-055 Length of Project Period.
- WAC 392-167-060 Provisions for Continuing Projects.
- WAC 392-167-065 Provisions for Terminating Title III Projects.
- WAC 392-167-070 Provisions for Hearings.
- WAC 392-167-075 Legal Applicants.

WSR 80-03-110

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 1980]

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 392-181 WAC entitled Part-time Public School Students;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15,

1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.41.145.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of chapter 392-181 WAC entitled Part-Time Public School Students are hereby repealed:

- WAC 392-181-005 Purposes.
- WAC 392-181-010 Definitions.
- WAC 392-181-015 Attendance Rights of Part-time Public School Students.
- WAC 392-181-020 Enrollment Practices and Conditions.
- WAC 392-181-025 Provision of Educational Program to Part-time Public School Students—Reports—Sites.
- WAC 392-181-030 Apportionment Procedures.
- WAC 392-181-035 Compliance With Rules as a Condition to Apportionment.

WSR 80-03-111

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 5, 1980]

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 392-183 WAC entitled Students—Transfer Appeals;

that such agency will at 9:00 a.m., Tuesday, April 8, 1980, in the Old Capitol Building, Washington and Legion, 4th Floor Board Room, 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., Tuesday, April 15, 1980, in the Old Capitol Building, Washington and Legion, Executive Services Conference Room, 2nd Floor, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.03.030(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 9:00 a.m., Tuesday, April 8, 1980, Old Capitol Building, Washington and Legion, 4th Floor Board Room, Olympia, Washington.

Dated: March 5, 1980

By: Frank B. Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of chapter 392-183 WAC entitled Students—Transfer Appeals are hereby repealed:

WAC 392-183-005	Purpose.
WAC 392-183-010	Definitions.
WAC 392-183-015	Right of appeal.
WAC 392-183-020	Appeal notice.
WAC 392-183-025	Hearing.
WAC 392-183-030	Grounds for an order of release.

WSR 80-03-112
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Health)

[Filed March 5, 1980]

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, amending chapter 248-14 WAC.

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by March 26, 1980. The meeting site is in a location which is barrier free;

that such agency will at 2:00 p.m., Wednesday, April 9, 1980, 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, April 16, 1980, 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 18.51.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 9, 1980, and/or orally at 2:00 p.m., Wednesday, April 9, 1980, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: March 5, 1980

By: Glen H. Miller
 Assistant Secretary

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and adverbs such as adequate, approved, qualified, reasonable, reputable, satisfactory, sufficiently, or suitable, used in these rules and regulations to qualify a person, equipment or building, shall be as determined by the

Washington state department of social and health services with the advice and guidance of the council.

(2) "Activity director" means someone on the staff of a nursing home responsible for the development and maintenance of a program for patients which is intended to provide activities to meet their needs and interests and not be in conflict with the plan of treatment.

(3) "Ambulatory person" - means a person, who, unaided, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(4) "Attending physician" - means the physician who is responsible for a particular person's medical care during the period of time the person is an inpatient or outpatient of the nursing home.

(5) "Bathing facility" - means a bathtub or shower. Does not include sitz baths or other fixtures designed primarily for therapy.

(6) "Client" - see "Patient".

(7) (~~"Comfortable armchair"~~) - ~~means a stable chair which provides for proper body alignment and support:~~

~~This does not preclude the use of a captain's chair or a rocking chair, provided it meets the criteria contained in this definition:~~

~~A wheelchair may be used as a comfortable armchair provided it is modified to meet the criteria contained in this definition of a comfortable armchair. Such modifications may include, but not necessarily be limited to, a seat board, wider arm rest, or back board:~~

~~For a patient unable to support his neck and head, the chair shall be a high back chair or have a head rest:~~

~~For a patient, whose medical condition requires the use of a chair of a special type or design a chair which meets the requirements specified in a written order by a physician shall be considered "a comfortable armchair":~~

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

((9)) (8) "Dialysis" - means the process of separating crystalloids and colloids in solution by means of their unequal diffusion through a natural or artificial, semi-permeable membrane.

(a) "Acute dialysis" - means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Maintenance dialysis" - means recurrent hemodialysis or peritoneal dialysis in the long term treatment of a person with chronic, irreversible renal failure of such severity that other medical management will not support life.

(c) "Hemodialysis" - means dialysis of the blood by means of an "artificial kidney" through which blood is circulated on one side of a semi-permeable membrane while the other side is bathed by a salt solution. The accumulated toxic products diffuse out of the blood into the salt solution.

(d) "Peritoneal dialysis" - means dialysis of the blood by inserting a tube into a person's abdomen and instilling a sterile salt solution into the peritoneal cavity. Accumulated toxic products diffuse out of the blood through the semi-permeable membrane of the peritoneum into the salt solution. After a period of time for diffusion, the solution is allowed to drain from the peritoneal cavity.

(e) "Self-dialysis" - means carrying out dialysis on oneself, assuming primary responsibility for the dialysis procedure whether or not one has assistance.

((10)) (9) "Dialysis room" - means a room in which a patient undergoes dialysis.

((11)) (10) "Dose" - means the amount of drug to be administered at one time.

((12)) (11) "Drug facility" - means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

((13)) (12) "Facilities" - means a room or area and/or equipment to serve one or more specific functions.

((14)) (13) Faucet controls:

(a) "Wrist control" - means water supply controls at least 4 inch overall horizontal length designed and installed to be operated by the wrists.

(b) "Elbow control" - means water supply controls at least 6 inch overall horizontal length designed and installed to be operated by the elbow.

(c) "Knee control" - means water supply controls, each operated by a mixing valve designed and installed to be operated by the knee.

(d) "Foot control" - means water supply controls, each operated by a mixing valve designed and installed to be operated by the foot.

((15)) (14) "Free hanging space for clothes" – means separated space in an enclosed wardrobe or closet with a rod which provides for daytime clothing to hang full length without touching the floor of the closet.

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

((17)) (16) "Grade" – means the level of ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least 10 feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of 18 feet from the building.

((18)) (17) "Handwashing facility" – means a lavatory or a sink designed and equipped to serve for handwashing purposes.

((19)) (18) "He, him, his and himself" – are the pronouns used in reference to a person of either sex, male or female. This choice of pronouns has been adopted for the purpose of consistency and to facilitate reading of these rules and regulations and does not mean preference for nor exclude reference to either sex.

((20)) (19) "Immediate supervision" means supervision of the performance of one or more persons when both supervisor and the person(s) over whose performance he exercises supervision are on duty within the nursing home.

((21)) (20) "Kidney center" – means a health care facility which is designed, equipped, staffed, organized and administered to provide the following services:

(a) Medical, social and psychological evaluation and selection of persons eligible for maintenance dialysis or kidney transplantation by a formal review body.

(b) Dialysis.

(c) Kidney transplantation for patients with chronic renal failure, either directly or by appropriate referral where this form of therapy is medically indicated.

(d) Training program for physicians, nurses, technicians and members of other disciplines involved in the care and treatment of persons with chronic renal failure who receive dialysis.

(e) Self-dialysis training program for patients.

(f) Evaluation of situations or facilities and assistance in planning necessary alterations and installations to ensure safe and adequate facilities for maintenance dialysis.

(g) An organized system by which patients undergoing dialysis at home or in a nursing home or other satellite facility procure the supplies and equipment necessary to safe and efficient administration of dialysis.

(h) Continued medical management and surveillance of care of patients receiving maintenance dialysis at home or in a nursing home or other satellite facility by means of outpatient clinic services and a continuing program of review, consultation and training.

(i) An in-hospital dialysis program which can provide the full gamut of services for diagnosis and treatment of persons with chronic renal disease. The in-hospital services may be provided by means of an association or affiliation with an in-hospital dialysis program.

((22)) (21) "Lavatory" – means a plumbing fixture designed and equipped to serve for handwashing purposes.

((23)) (22) "Legend drug" – means a drug bearing the legend, "Caution, federal law prohibits dispensing without a prescription."

((24)) (23) "Licensed nurse" – means either a registered nurse or a licensed practical nurse.

((25)) (24) "Licensed practical nurse" – means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

((26)) (25) "New construction" shall include any of the following, started after adoption of these rules and regulations by the state board of health.

(a) New buildings to be used as a nursing home.

(b) Additions to existing buildings to be used as a nursing home.

(c) Conversions including buildings which have been licensed previously as nursing homes and have not been used as such for a period in excess of one year.

(d) Alterations other than repairs, except where an exemption has been granted by the director under WAC 248-18-060.

((27)) (26) "Night light" – means a light fixture which is flush-mounted on the wall near the entrance doorway centered about fourteen inches above the floor providing from 0.5 to 1.5 footcandles of light measured on the floor at a distance of three feet from the light fixture.

((28)) (27) "Nursing care" – means services designed to maintain or promote achievement of optimal independent function and health status; and planned, supervised and evaluated by a licensed professional nurse in the context of an overall individual plan of care.

((29)) (28) "Nursing home" – means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry, to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. Nothing in this definition shall be construed to include any facility licensed under chapter 71.12 RCW as a private establishment. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter.

((30)) (29) "Nursing services" – an organized department under the direction of a professional nurse, the members of which provide nursing care.

((31)) (30) "Outpatient service" is any service to an outpatient.

((32)) (31) "Patient" – means a resident who is receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance or palliative health related services under professional direction.

(a) "In-patient" – means a patient who is receiving services with board and room in a nursing home on a continuous 24-hour a day basis.

(b) "Out-patient" – means a patient who is receiving services at a nursing home which is not providing him these services with room and board on a continuous 24-hour a day basis.

(c) "Self-dialysis patient" – means a patient who performs self-dialysis.

(d) "Patients requiring skilled nursing care" – means those residents whose conditions, needs, and/or services are of such complexity and sophistication so as to require the continuous or frequent observation and intervention of a licensed physician and/or a registered nurse. These patients require ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive total plan of care involving multidisciplinary input and coordination. Patient needs include ongoing evaluations, care plan revisions and the teaching necessary to provide for those whose condition is unstable and/or complex.

(e) "Patients requiring intermediate nursing care" – means those residents whose physiological and psychological conditions and needs are relatively stable, but who require individually planned health programs under the direction of a registered nurse for supervision, assistance, protection and restoration. The primary needs of these residents are for interdisciplinary programs/attention, designed to foster optimum independent function and prevent deterioration and disability and which may be provided by nonprofessional persons.

(f) "Patients requiring care for mental retardation or related conditions" – means residents who are found eligible by the division of developmental disabilities and who require health care services in accord with subparagraph (d) or (e) of this subsection, and who are in need of a comprehensive habilitative/developmental program which is incorporated into a 24-hour overall program plan.

((33)) (32) "Pharmacist" – means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

((34)) (33) "Pharmacy" – means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW by the Washington state board of pharmacy.

((35)) (34) "p.r.n. drug" – means a drug which a physician has ordered to be administered only when needed under certain circumstances.

((36)) (35) "Registered nurse" - means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

((37)) (36) "Respiratory isolation" - means the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei that are coughed, sneezed, or breathed into the environment.

((38)) (37) "Responsible party" is that legally responsible person to whom the rights of a client have legally devolved.

((39)) (38) "Self-dialysis training" - means a program of patient education in which a patient is taught how to perform self-dialysis safely and effectively and to care for dialysis equipment and supplies.

((40)) (39) "Shall" - means compliance is mandatory.

((41)) (40) "Should" - means a suggestion or recommendation.

((42)) (41) "Single unit" - means one, discrete pharmaceutical dosage form (e.g., one tablet or one capsule) of a drug. A single unit becomes a unit-dose, if the physician orders that particular amount of the drug for a person.

((43)) (42) "Stop order" - means a written policy that definitely prescribes the number of doses or the period of time after which administration of a drug to a patient must be stopped automatically, unless the physician's order for the drug specified the number of doses or the period of time the order was to be in effect.

((44)) (43) "Supervision" - means the process of overseeing the performance of one or more persons while having the responsibility and authority to guide or direct and critically evaluate performance of the person(s) and to take corrective action when indicated.

((45)) (44) "Toilet" - means a room containing at least one water closet.

((46)) (45) "Unit-dose" - means the ordered amount of a drug in a dosage form ready for administration to a particular person by the prescribed route at the prescribed time.

((47)) (46) "Unit-dose drug distribution system" - means a system whereby a pharmacist dispenses drugs in unit doses so the selection and issuance of individual doses of drugs for administration are pharmacy based and controlled.

((48)) (47) "Usable floor space", as used in reference to new construction, excludes areas taken up by vestibules, closets, wardrobes, portable lockers and toilet rooms.

((49)) (48) "Water closet" - means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-020 FIRE APPROVAL. The department, upon receipt of an application for a license, shall submit to the state fire marshal, in writing, a request for an inspection, giving the applicant's name and the location of the premises. Before a license can be issued hereunder, a written notice of approval by the Washington state fire marshal or those authorized by his office to give such approval, shall be submitted to the ((state)) department ((of health)).

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-050 ADVERTISING. Any advertisement of a nursing home or for patients to be housed in any nursing home covered by these regulations as defined by law in chapter 18.51 RCW, whether such advertisements be classified or display, radio or television or other, shall prominently contain the following words and abbreviations to be followed immediately by the license number of the home as issued by the ((Washington state)) department ((of health)): "((State Dept.)) department of social and health services lic. no."

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-055 COMPLIANCE WITH EQUIVALENT FEDERAL RULES AND REGULATIONS. If a nursing home is certified as a skilled nursing facility pursuant to Titles 18 or 19 of the Social Security Act 42 U.S.C., Sections 1395 et seq. and 1396 et seq. now or as hereafter amended, the department may accept such certification as evidence of satisfactory compliance with the following rules and regulations except for any portions thereof which pertain to new construction. This provision shall not apply in the inspection or licensure of any nursing home which is not so certified. Further, any denial,

revocation or suspension of a nursing home license or any imposition of a fine or civil penalty shall be based on findings of noncompliance with rules and regulations contained in chapter 248-14 WAC, rather than on findings of noncompliance with equivalent federal rules and regulations.

(1) ((WAC 248-14-110(1) SITE AND GROUNDS.

(2) WAC 248-14-120(2) PATIENT ROOMS, except for those portions of subsection (d) which pertain to usable floor space per bed, ceiling height and space between beds.

(3) WAC 248-14-120(3) UTILITY AREA.

(4) WAC 248-14-120(4) DRUG FACILITIES, except for subsection (c) pertaining to a metric-apothecary conversion chart and a poison-antidote chart.

(5) WAC 248-14-120(5) MISCELLANEOUS ROOMS AND AREAS, except for subsection (h) pertaining to facilities for disposal of infectious wastes.

(6) WAC 248-14-130 FLOORS, WALLS AND CEILINGS, except for the first regulation thereunder which pertains to surface of walls and ceilings and subsection (1)(a) pertaining to uncarpeted floors.

(7) Those portions of WAC 248-14-140 VENTILATION, which pertain to window ventilation and venting of inside toilets and bathrooms:

(8) Subsections (1) and (2) of WAC 248-14-160 LIGHTING.

(9) Subsection (2) of WAC 248-14-170 WATER SUPPLY.

(10) Subsections (1), (6), and (10) of WAC 248-14-180 PLUMBING, TOILET AND LAVATORY FACILITIES.

(11) Subsection (2) of WAC 248-14-190 PLANT OPERATION - MAINTENANCE.

(12) WAC 248-14-230 FOOD AND FOOD SERVICE, except for those portions of subsection (1)(b) which state the requirements for a substantial meal and require physician's orders for giving nutrient concentrates, subsection (1)(e), subsection (1)(f) and subsection (2).

((13)) (2) Subsections (1), (2), (3), (4), and (5) of WAC 248-14-240 PERSONNEL.

((14)) (3) Subsection (2) of WAC 248-14-250 PATIENT CARE - MEDICAL SERVICE.

((15)) (4) WAC 248-14-260 NURSING SERVICE, except for subsection (5)(b) and (5)(c) which pertain to the application of restraint and subsection (7) which pertain to a terminal patient being in a single room.

((16)) (5) WAC 248-14-270 RECORDS, except for subsection (1)(b) requiring a record of a patient's valuables and clothing and subsection (2) pertaining to a census register.

((17)) (6) WAC 248-14-285 PHARMACEUTICAL SERVICES except for subsection (4) which pertain to a unit dose drug distribution system.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-060 EXEMPTIONS. (1) The ((state board of health)) department may, in its discretion, exempt certain nursing homes from complying with parts of these regulations which pertain to health and sanitation, when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the safety or health of the patients in the nursing home involved in jeopardy.

(2) The assistant secretary, division of ((health)) community program development, or his designee may upon written application:

(a) ((Exempt any nursing home from complying with the patient room size, ceiling height, and window area requirements when the room for which the exemption is requested does not place the safety or health of the patients in the room in jeopardy.)) Exempt the space, occupancy, and certain equipment requirements of this section for an existing building constructed prior to January 1, 1980, or space and certain equipment for new intermediate care facilities for the mentally retarded for as long as the department considers appropriate if the department finds that the requirements would result in unreasonable hardship on the facility, the exemption serves the particular needs of the residents, and the exemption does not adversely effect the health and safety of the residents.

(b) Grant an exemption to any nursing home from the nursing home regulations requiring alterations to meet new construction standards when the proposed alteration will serve to correct deficiencies or will upgrade the facility in order to provide better patient care and will not create any additional deficiencies.

(3) The assistant secretary, division of ~~((health))~~ community program development, or his designee may, upon written application, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated to his satisfaction to be at least equivalent to those prescribed.

All exemptions or substitutions granted pursuant to the foregoing provisions shall be reduced to writing and filed with the division of ~~((health))~~ community program development and the nursing home.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-065 LICENSE EXPIRATION DATES. The department ~~((or the department and the approved health department))~~ shall issue nursing home licenses initially and reissue nursing home licenses as often thereafter as necessary to stagger license expiration dates throughout the calendar year so as to cause approximately one-twelfth of the total number of nursing home licenses to expire on the last day of each month, but no license issued pursuant to this chapter shall exceed twelve months in duration: **PROVIDED**, That, when the annual license renewal date of a previously licensed nursing home is set by the department on a date less than twelve months prior to the expiration date of a license in effect at the time of issuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. If there is failure to comply with the provisions of chapter 18.51 RCW or this chapter, the department ~~((or the department and the approved health department))~~ may, in its discretion, issue a provisional license to permit the operation of the nursing home for a period of time to be determined by the department ~~((or the department and the approved health department))~~, but not to exceed twelve months.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-090 CHANGE OF OWNERSHIP. When a change of a nursing home ownership is contemplated, the owner/operator (seller) and the prospective buyer shall each notify the ~~((Washington state))~~ department ~~((of health))~~ at least fifteen days prior to the proposed date of transfer.

Notification shall be in writing and shall contain the following information:

- (1) Name of the present owner and buyer.
- (2) Name and address of the nursing home being transferred.
- (3) Date of proposed transfer.
- (4) Kind of transfer, i.e. sale, lease, rental, etc.

The possession or ownership of a nursing home shall not be transferred until the transferee has been notified by the department that the transferee's application for a license has been approved.

NEW CONSTRUCTION

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-100 NEW CONSTRUCTION PHYSICAL PLANT—APPROVAL OF PLANS. (1) When new construction is contemplated, preliminary plans shall be submitted, ~~((simultaneously))~~ in duplicate to the department ~~((and in duplicate to the certified local health department))~~ for review. These plans shall be drawn to scale and shall include the plot plan, showing streets, entrance ways, sewage disposal system, and the arrangement of buildings on the site; and drawings giving the general arrangement within the building (existing and proposed), including the intended purpose and fixed equipment of each room. The preliminary plans shall be accompanied by a statement of source of water supply, and method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(2) In addition to specific requirements, the department ~~((and/or certified local health department))~~ may make recommendations designed to promote ease and efficiency of operation.

(3) Construction shall not be commenced until final plans drawn to scale and specifications, approved by applicable local authorities, have been submitted, in triplicate, to the ~~((Washington state))~~ department ~~((of health))~~ and approved. These plans and specifications shall show

complete details to be furnished contractors for construction of buildings. These should include:

- (a) Plot plan;
 - (b) Plans of each floor of the building, including intended purpose and fixed equipment of each room, and probable arrangement of beds in patients' rooms;
 - (c) Elevations, sections, and construction details;
 - (d) Schedule of floor, wall, and ceiling finishes, door and window sizes and types;
 - (e) Plumbing, heating, and ventilating and electrical systems including fire protection system and devices;
 - (f) Specifications fully describing workmanship and materials.
- (4) Adequate provisions shall be made for the safety and comfort of patients if construction work takes place in or near occupied areas.
- (5) A review of all plans submitted for approval in accordance with these regulations shall be mailed directly to the operator ~~((or returned to the operator through the certified local health department))~~ within 30 days of their receipt by the department and shall clearly show the items disapproved with a citation to the regulation violated. In the event that said review is not mailed or delivered to the operator within 30 days, the plans shall be deemed approved.

(6) Specifications fully describing workmanship and materials. If carpets are to be installed the following information must be provided:

- (a) A floor plan showing areas to be carpeted and adjoining areas. These areas shall be labeled, according to function, and the proposed carpeted areas coded on the plan and keyed to the appropriate carpet sample.

(b) ~~((Three))~~ A 3" x 5" ~~((samples))~~ sample of each carpet type, labeled to identify the following:

- (i) Manufacturer.
- (ii) Specific company designation (trade name and number).
- (c) Information showing that proposed carpeting meets the specifications as listed in WAC 248-14-130(d).

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-110 PHYSICAL PLANT—SITE AND COMMUNICATION. (1) Site and grounds. Nursing homes shall be located on good roads kept open to automobile traffic at all times, properly drained and not subject to flooding.

It is recommended that the home be located where it is readily accessible by public transportation and where it is convenient for staff and doctors.

The nursing home shall not be located where excessive noise, odors, dust, smoke, or traffic interferes with patient comfort.

There should be adequate outdoor space for exercise and recreation of patients.

The grounds should include lawns, gardens, outdoor sitting and recreation areas; and space for automobile parking. The building(s) should not cover more than one-half of the lot.

(2) Telephones. There shall be at least one telephone or extension in each wing, unit, and, if conditions indicate, additional telephones or extensions to summon help in case of fire or other emergencies, and these shall be so located as to be easily accessible from all parts of the building. A telephone shall be accessible for patient use.

(3) Call systems. ~~((There shall be some type of signaling system between patient and the nurse, unless the patient is physically or mentally incompetent to use the device properly. An electrical system with a call button at each patient's bedside is recommended. Handbells may be permitted if approved by the department. In new construction))~~ There shall be an electrical signaling system with a call button or cord provided at the bedside of each patient ~~((:))~~ and call buttons or cords ~~((are recommended))~~ for all toilets, bathrooms, dayrooms, and other locations used by patients. Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-120 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS. (1) Corridors and doors. ~~((In new construction))~~ Corridors shall be not less than seven feet in width except in service areas (minimum of five feet) or except where conditions of exit, as determined by the Washington state fire marshal, require eight feet in width; and doors to patient rooms shall be not less than three feet eight inches in width. Doors to patient bathrooms and toilets shall be

not less than three feet in width, and the plumbing fixtures in these rooms shall be arranged to accommodate wheelchair patients.

These minimum corridor and door width specifications will not be required in alterations of existing nursing homes.

~~((In new construction;))~~ No door shall open into the patient corridor except closet doors, unless otherwise required by the Washington state fire marshal.

All patients' toilet room doors not opening onto a patient corridor shall open outward, and it is recommended that toilet doors opening onto corridors be recessed and open outward. Doors to patient toilets and bathrooms having locks shall have readily available a means of unlocking same from the outside.

Handrails shall be provided along both sides of all corridors ~~((in new construction and are recommended in existing homes where width of the corridor permits)).~~ Except that this regulation shall not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions. It is recommended that handrails be mounted 34 inches above the floor.

Stairways shall be provided with handrails on both sides, and all open stair wells shall be protected by guard rails, and be equipped with nonslip material on the treads.

(2) Patient rooms.

(a) Access to; traffic through. ~~((Rooms shall be so arranged that it will not be necessary for a patient to pass through a room occupied by a person of the opposite sex to reach hallways or toilet facilities.~~

~~In new construction;))~~ The building shall be so arranged as to avoid all traffic through patient rooms, and excessive or undesirable traffic through other rooms. Each patient bedroom shall have direct access from a corridor and shall be so located as to minimize entrance of odors, noise and other disturbances.

(b) Window requirements. Every patient room shall be an outside room permitting entrance of natural light. The clear glass window area allowing for visibility by patients shall be not less than one-eighth the usable floor area. Rooms, any portion of which are below grade at required windows, shall have the clear window area equal to not less than one-fifth the entire floor area of the room. Opaque or translucent glass ~~((should))~~ shall not be used in exterior windows in patient rooms.

~~((In new construction;))~~ No required window shall be located within 24 feet of another building or the opposite wall of a court or within ten feet of a property line, except on street sides. If the depth of the court is less than one-half the width, the width requirement will not apply. Where the sill of a window is less than five feet above a public sidewalk, the wall in which the window occurs shall be at least eight feet from the walk.

(c) Below grade rooms. No room, the floor of which is more than three feet, six inches below grade at any required window, shall be used for the accommodation of patients.

(d) Room size and shape; ceiling height. ~~((In new construction))~~ There shall be at least 85 square feet of usable floor space for each bed in a multi-bed room and there shall be at least seven and one-half feet ceiling height over this required area. There shall be at least 100 square feet of usable floor space for each one-bed room. There shall also be not less than seven and one-half feet ceiling height over this required area. ~~((In rooms classified as "new construction" prior to January 1, 1968, but after April 11, 1958, there shall be at least 90 square feet per bed in a one-bed room. In rooms classified as "new construction" prior to April 11, 1958, but after June 1, 1951, there shall be at least 80 square feet per bed in a one-bed room.~~

~~In existing construction, patient rooms shall provide not less than 70 square feet of usable floor space per bed. There shall be not less than seven and one-half foot ceiling height over this required area.~~

~~Patient rooms shall be of dimensions which allow not less than three feet between beds.~~

~~In new construction;))~~ All patient bedrooms shall provide at least a three foot space between the perimeter of the bed and walls, beds, and any fixed obstruction, provided that the above three foot requirement does not apply to the distance between the head of the bed and a wall.

~~((In new construction;))~~ The maximum capacity of any patient bedroom shall be not more than four beds. No patient bedroom shall be more than three beds deep from an exterior window wall.

(e) ~~((In new construction;))~~ There shall be at least one isolation room for the care of patients in a terminal condition or requiring isolation for communicable disease control. Such isolation room shall contain a lavatory with either foot, knee, wrist or elbow control, and shall have its own adjoining bathing facility, and its own adjoining toilet equipped with a bedpan flushing attachment.

~~((In new construction;))~~ One single bedroom with its own toilet and lavatory shall be provided for each additional 50 beds or fraction thereof. The lavatory may be within the patient bedroom or in the toilet room but shall be located adjacent to the exit from the single bedroom for which it is provided.

(3) Utility area. There shall be adequate space and facilities for the preparation, cleansing, sterilization, and storing of nursing supplies and equipment.

~~((In all nursing homes a deep sink for the cleansing and sterilizing of utensils, and a work counter is required. A utensil sterilizer or some other equally effective facility for sanitization may be substituted for the deep sink.~~

~~In new construction;))~~ A separate, centrally located nurses' utility room shall be provided on each floor or nursing unit used for the accommodation of patients. The utility room shall be equipped with a plumbing fixture with a waste line of sufficient size (usually four inches) to dispose of wastes, a deep sink, a work counter, storage cabinets or shelving, and a lavatory or small sink mounted in or adjacent to the counter. ~~((It is also recommended that there be a utensil sterilizer.))~~

(4) Drug facilities.

(a) There shall be adequate drug facilities to provide for locked storage of all drugs without crowding and for the observance of safe procedures and techniques in the preparation of medicines for administration.

(i) Any room or area which serves as a drug facility shall serve clean functions only and shall be well illuminated and ventilated. When any mobile drug storage cabinet is not being used in the administration of medicines to patients, it shall be stored in a room which meets this requirement.

(ii) ~~((By January 1, 1975))~~ Each drug facility shall include a sink with hot and cold running water, a work counter and drug storage cabinets.

(iii) All drug storage cabinets (stationary or mobile) shall be designed and arranged so drug containers are readily accessible and shall be closed, locked cabinets unless they are stationary cabinets in a locked room which serves exclusively for storage of drugs and supplies and equipment used in the administration of drugs. ~~((Any mobile drug storage cabinet shall be a closed cabinet with locks to prevent access to drugs when the cabinet is unattended.))~~

(iv) Drug storage cabinets, except those for schedule II controlled substances, within the same drug facility may be keyed alike. Locks and keys for one drug facility shall be different from those for any other drug facility and from any other locks and keys within the nursing home so that only the keys to a particular drug facility can be used to gain access to drugs stored within that drug facility.

(b) All drug storage shall be designed and finished so it can be cleaned easily ~~((and shall be kept clean)).~~

~~((c) A metric-apothecary conversion chart and a poison antidote chart shall be posted conspicuously at each drug facility.))~~

(5) Miscellaneous rooms and areas.

(a) Laundry. If laundry is washed on the premises, adequate laundry and drying facilities shall be provided.

(b) Linen and clothing storage. Adequate provisions shall be made for the storage of soiled linens and patients' soiled clothing. ~~((In new construction;))~~ This area shall be in a room separate and apart from the laundry facilities.

Adequate facilities shall be provided for the storage of clean linen.

~~((In new construction;))~~ There shall be a separate, enclosed closet for each patient bed in every patient bedroom. The inside dimensions of each wardrobe or closet shall not be less than 22 inches deep (front to back) by 20 inches wide. The clothes rod shall provide at least five feet and not more than five feet six inches of free hanging space from the center of the clothes rod to the floor of the room.

(c) Nurses' station. ~~((In new construction;))~~ There shall be a nurses' station containing a facility for charting and storage of patients' records and a telephone.

(d) Day room. Well lighted, ventilated day room space (limited to lounge, solarium, dining room and/or recreation room) in accordance with the specifications below, which includes an outside room and which provides floor space in accordance with the following minimum specifications, shall be provided ~~((in all new construction))~~:

Up to 15 beds	150 square feet
16 to 25 beds, inclusive	10 square feet per bed additional for each bed over 15
26 beds and over	5 square feet per bed additional for each bed over 25

Example: A 37-bed nursing home.	
First 15 beds require 150 square feet	150
Second 10 beds require 10 square feet per bed (10 x 10 = 100)	100
Additional 12 beds require 5 square feet per bed (12 x 5 = 60)	60
Total	310

~~((A 37-bed nursing home requires 310 square feet minimum. Nursing homes which had a day room on July 1, 1957, shall not convert this area for other use unless an equivalent day room space is provided.))~~

(e) Equipment storage. ~~((In new construction.))~~ Adequate storage space for wheelchairs, walkers, patient lifts, and other equipment shall be provided.

(f) Garbage can area. ~~((In new construction.))~~ There shall be a separate room or outside area for the washing of garbage and refuse cans, hot and cold water and floor drain connected to sewerage system in this area. Garbage storage area shall be provided.

(g) ~~((In new construction.))~~ Each multi-bed room shall have permanently installed cubicle curtain tracks or rods with flame-proof curtains which shall permit enclosure of the area around each bed. ~~((For patient safety and on written order by a physician, cubicle curtains may be removed. However, patient privacy shall be ensured.))~~ Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions.

(h) There shall be proper facilities for ~~((the disposal of infectious wastes))~~ housekeeping, with service sink and storage space.

(6) Annex buildings. Rooms in buildings for the accommodation of patients which are connected to the main nursing home building by means of enclosed and heated passageways will be construed as portions of the main home. Other areas for patient occupancy on the same property will be construed as annex buildings and shall provide all the patient facilities required in the main nursing home building, with the exception of kitchen if adequate provisions are made for bringing food to the annex building. These required facilities include toilet, lavatory, and bathing areas, day room, utility room, linen storage, and nurses' station. The call signal shall register in the main building unless the annex building is separately staffed 24 hours per day.

(7) Every nursing home shall provide an approved area within the home for the purpose of preparing, serving and storing food and drink unless food service is provided from facilities which have been inspected and which have been found to be at least equal to the facilities required by these regulations. All equipment used in the preparation, serving or storing of food in nursing homes shall be of a type approved by the department ~~((or the certified department)).~~

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-130 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—FLOORS, WALLS, AND CEILINGS. (1) Surfaces. Walls and ceilings of all rooms shall have easily cleanable surfaces.

(a) All uncarpeted floors shall be smooth nonabsorbent and easily cleanable.

(b) If carpets are used, they must meet the following requirements: Meet the specifications pursuant to WAC 248-14-130(1)(d); be used only in selected areas pursuant to WAC 248-14-130(1)(c); be installed pursuant to WAC 248-14-130(1)(e); and be cleaned routinely pursuant to WAC 248-14-190(2)(a).

(c) Carpets may be used in the following selected areas: Administrative; lobbies; lounges, chapels, dayrooms; waiting areas; nurses' stations; corridors (excluding stairways or stair enclosures); dining rooms, patient bedrooms (excluding toilet and bathrooms); equipment alcoves opening onto carpeted corridors or areas. Carpets may be used in other areas only upon written approval of such use by the department.

(d) Specifications for acceptable carpeting:

(i) Pile yarn fiber: Fibers which meet the standards of the state fire marshal (see RCW 18.51.140) shall be acceptable provided the fiber is easily cleanable.

(ii) Pile type: Round loop (cut pile acceptable in nonpatient occupied areas).

(iii) Pile tufts per square inch: Minimum 64.

(iv) Rows: Minimum eight per inch.

(v) Pile height: Level pile, from a minimum height of .125 inches to a maximum of .255 inches.

(vi) Backing: Shall be water impervious or a water impervious pad shall be permanently bonded to the backing, provided that a nonimpervious carpet with or without a separate pad may be installed in nonpatient occupied areas.

(e) Installation of carpet material.

(i) Bonded pad carpet must be cemented to the floor with waterproof cement.

(ii) Edges of carpet must be covered and cove or base shoe used at all wall junctures. Seams are to be bonded together with manufacturer-recommended cement.

(iii) Safety of patients or occupants shall be assured during installation. Rooms must be well ventilated and not be used by occupants or patients during installation. The room may not be returned to use until the room is free of volatile fumes and odors from adhesives.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-140 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—VENTILATION. Ventilation of all rooms shall be sufficient to prevent all objectionable odors and excessive condensation. All patient rooms shall be ventilated by windows or by a positive mechanical device, and in such manner as to avoid direct drafts on the patients.

When window ventilation is used for patient rooms, the operable opening shall be not less than one-sixth of the required window area. ~~((Draft deflectors, or other effective window ventilators, are recommended as protection against dust and draft.))~~

~~All inside toilets and bathrooms shall be vented by gravity ducts or mechanical exhaust system directly to the outside air. In new construction.))~~ All toilets and bathrooms shall be vented by a mechanical exhaust system.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-150 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—TEMPERATURE. The heating system shall be capable of maintaining the temperature in each room used by residents at a minimum of 76°F. measured 4 feet from the floor in the coldest weather. ~~((The temperature shall be maintained at approximately 72°F. unless the patient desires otherwise.))~~

~~Reliable thermometers shall be available on each floor at all times, and shall be mounted 4 feet from the floor.))~~

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-160 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—LIGHTING. (1) ~~((Natural or artificial light of at least five foot-candles of))~~ General illumination shall be provided in every usable room ~~((including storerooms, attic and basement rooms, when in use, and at all times in hallways, stairways, inclines, and ramps used by patients and personnel.))~~

~~(2) Toilets and bathrooms shall be provided with a general illumination minimum of ten foot-candles of light.~~

~~(3)) (2) ((By July 1, 1976.))~~ A reading light shall be provided for each patient ~~((in his room))~~ except that such lights may not be required at each bed in a facility certified exclusively for the care of the mentally retarded or those with related conditions. Lighting fixtures for reading ~~((in patient rooms))~~ shall provide at least twenty-five foot-candles of light on the reading surface, and light bulbs shall be shaded with an incombustible shade so as to prevent glare.

~~((4) Emergency lighting facilities such as flashlights or battery operated lamps shall be available and maintained in operating condition for each employee on night duty.~~

~~(5)) (3) An adequate number of approved electrical outlets shall be provided ((to permit the use of bed lamps, radios, and other electrical fixtures as required)).~~

~~((6)) (4) ((In new construction.))~~ There shall be not less than one duplex electrical receptacle located at least two feet above the floor at the head of each bed and at least two additional duplex electrical receptacles at separate, convenient locations in each patient room.

~~((7)) (5) ((In new construction.))~~ A night light controlled by a switch at the entrance door shall be provided in each patient room.

~~((8))~~ (6) ~~((In new construction;))~~ The following lighting intensities shall be provided:

Location	Light Level (Foot-Candles)
Corridors and interior ramps	20
Exit stairways and landings, on floor	5
Nurses station (general), administrative and lobby	50 day 20 night
Nurses desk for charts and records	70
Nurses medicine cabinet	100
Utility room	20 general 50 work counter
Physical therapy	20
Occupational therapy	30
Recreation area	30
Dining area	30
Patient room	10 general 30 reading light
Janitors' closet	15
Toilet and bathing facilities	30
Barber and beautician areas	50
Examination and treatment room	50 general 100 examining table
Laundry	50

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-170 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—WATER SUPPLY. (1) There shall be an adequate supply of water, meeting the quality standards of, and obtained from, a water supply system the location, construction, and operation of which complies with the standards of the ((state)) department ((of health)). Only such water shall be used in nursing homes. Hot and cold water under pressure shall be available at all times. In the event that an unsafe water supply is used for irrigation, fire protection, or other purposes, a separate system shall be provided, and there shall be no connection between the safe and the unsafe system.

(2) Hot water for general use ~~((should be between 110° and 140° F. Water which is too hot may scald patients))~~ shall be 110° F. (plus or minus 10° F.). Minimum recommended pressure is 15 pounds per square inch.

(3) If laundry facilities are maintained, an adequate supply of hot water at a temperature of 160° F. shall be available in the laundry area.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-180 NEW CONSTRUCTION REQUIRED ROOMS AND AREAS—PLUMBING, TOILET, AND LAVATORY FACILITIES. (1) ~~((There shall be one inside flush-type water-closet for each 12 patients or fraction thereof. In new construction;))~~ There shall be one water-closet for each 8 patients or fraction thereof. Where urinals are provided for male patients, there shall be in addition at least one water-closet for each 15 male patients or fraction thereof. Where more than one water-closet is required for patient use, separate toilet rooms shall be provided for each sex.

(2) ~~((Lavatories shall be provided in the ratio of at least one for every 12 patients or fraction thereof;))~~ At least one lavatory shall be provided in each toilet room, except when the toilet room opens into the patient room, then the lavatory may be in the patient room. ~~((In new construction;))~~ There shall be at least one lavatory for every 8 patients.

(3) ~~((At all lavatories paper towels shall be provided for the staff. Use of common towels is prohibited;))~~ Dispensers for single use towels shall be provided at each lavatory and sink.

(4) Every home shall provide adequate and conveniently located toilet and lavatory facilities for its employees ~~((In new construction; these shall be))~~ separate from patient facilities.

(5) ~~((Signs shall be posted in each toilet room used by employees directing such persons to wash their hands before leaving toilet room;))~~ Dishwashing or utility sinks shall not be accepted as handwashing facilities.

(6) Bathing facilities with hot and cold or tempered running water shall be provided in the ratio of one facility for each 15 patients or fraction thereof. There shall be at least one bathtub in the home. A shower in which a chair on wheels may be used and an elevated island tub are recommended.

(7) Handrails shall be provided at bathing facilities and toilets.

(8) There shall be a toilet, lavatory, and bathing facility on each patient floor.

(9) ~~((In new construction;))~~ Each sex shall be provided with separate toilet and lavatory facilities.

(10) Drinking fountains are recommended, and when provided they shall be of the inclined jet, sanitary type, meeting standards of the department.

(11) All cross-connections are prohibited. A "cross-connection" is defined as any physical arrangement whereby the domestic or potable water supply system is connected directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste or liquid which would be capable of imparting contamination to the domestic or potable water supply as a result of backflow.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-200 ((PLANT OPERATION—SEWAGE, GARBAGE, AND REFUSE)) NEW CONSTRUCTION—SEWAGE AND LIQUID WASTE DISPOSAL. ~~((Sewage and liquid waste disposal;))~~ All sewage and liquid wastes shall be discharged into a public sewage system where such system is available and is acceptable to the department; otherwise, sewage and liquid wastes shall be collected, treated, and disposed of in an independent sewerage system which meets with the approval of the department.

~~((Discharge of sewage or liquid wastes directly on the surface of the ground or into bodies of water or directly into ground water is prohibited;))~~

(2) ~~Garbage and refuse disposal. A sufficient number of garbage containers of watertight construction, made of nonabsorbent material and provided with handles and tight-fitting covers, shall be provided in a suitable location. All garbage shall be kept therein pending its removal and disposal. Garbage containers shall be washed at frequent intervals. Garbage shall not be allowed to remain overnight in any room where food is prepared or eaten. Nonabsorbent and fire-resistant receptacles shall be used in toilet rooms for paper towels and other waste.~~

~~Garbage and refuse shall be disposed of at sufficiently frequent intervals so as not to create a nuisance. Final disposal shall be by an authorized garbage collection agency, or in some other manner satisfactory to the department;)~~

FOOD SERVICE

ADMINISTRATION

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-235 ADMINISTRATOR. (1) There shall be a licensed administrator available either full or part time, who plans, organizes, directs and is responsible for the overall management of the nursing home.

(a) An organizational chart showing major operating programs, staff diversions, supervisory and administrative personnel, and their lines of authority, responsibility and communication is kept current.

(b) Personnel are trained and assisted to do purchase, supply, and property control functions.

(2) The facility shall admit only those individuals whose needs can be met by the facility, the facility cooperating with community resources, or with other providers of care affiliated or under contract with the facility.

(a) Contracts shall include responsibilities, functions, objectives, and terms of the agreement.

(b) Recommendations by consultants are submitted in writing to the administrator and are acted upon.

~~((2))~~ (3) The administrator shall ensure:

(a) That health related services are delivered as necessary, by appropriately qualified staff and consultants, and in accord with facility policies and procedures and accepted standards of practice.

(b) The enforcement of rules and regulations relative to safety and accident prevention and to the protection of personal and property rights.

(c) Public awareness of facility policies and services provided.

~~((3))~~ (4) The administrator or his designee shall report every case or suspected case of a reportable disease, as defined in chapter 248-100 WAC, to the local health officer.

(5) Physical plant alterations or changes in physical plant utilization are submitted to the department for prior approval.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-240 PERSONNEL. ~~((Sufficient))~~ Personnel sufficient in numbers and qualifications shall be available to meet the requirements of this chapter.

(1) Relief duty and vacation replacements for each service area of the nursing home shall be available as necessary.

(2) A current personnel record shall be maintained for each employee. These records shall be kept on file in the facility and contain as a minimum:

(a) Completed application, including education, experience, and references.

(b) Evidence of current licensure or certification for all personnel who require such to practice.

(c) Records ~~((of the results of Mantoux tests or chest X-ray examinations))~~ and reports of conditions that will limit job performance.

(d) At least annual written evaluations of work performance which have been reviewed with the employee.

(3) If consultants or pool personnel are utilized, evidence of qualifications and experience are on file.

(4) Any employee who gives direct patient care or treatment shall be at least eighteen years of age unless the employee is enrolled in or has successfully completed a bonafide nurse or nurse aide training program.

~~((4))~~ (5) No employee currently working shall evidence signs or symptoms of infectious diseases, such as running sores or fever. ~~((Each employee shall have on employment and annually thereafter a tuberculin skin test by the Mantoux method, except that an employee who is known to be a positive reactor shall have a chest x-ray examination in lieu of a required tuberculin skin test. A positive test will consist of ten mm. of induration read at 48-72 hours.))~~

(6) Each employee shall have on employment and annually thereafter a tuberculin skin test by the Mantoux method. A positive test will consist of 10 mm. of induration, read at 48-72 hours. Positive reactors shall have a chest x-ray within ninety days. A record of test results, x-rays, or exemptions to such will be kept in the facility.

Exemptions:

(a) Positive reactors (as defined above) shall have an annual screening in the form of a chest x-ray.

(b) Positive reactors whose chest x-ray shows no sign of active disease at least two years after the first documented positive skin test shall be exempted from further annual testing.

(c) Positive reactors who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

~~((5))~~ (7) In all matters relating to employment, the employer shall comply with the provisions of chapter 49.60 RCW, Law Against Discrimination, as presently enacted or hereafter amended.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-245 STAFF DEVELOPMENT. The staff development program shall be under the direction of a designee who is a member of the professional staff and shall assure that:

(1) Each employee receives a formal orientation to the facility; its policies; the employee's duties and responsibilities, as outlined in the job description.

(2) Inservice education, including emergency care and disaster preparedness, is provided to all personnel for development and improvement of skills on an ongoing basis.

(3) Records are kept of the content, dates and attendance for all staff development activities.

NEW SECTION

WAC 248-14-247 RESIDENTS' RIGHTS. The nursing home shall implement written policies and procedures regarding the following rights for each resident:

(1) Information.

(a) Each resident or his legally delegated representative shall be fully informed, before or at the time of admission, of his rights and responsibilities and of all rules governing resident conduct.

(b) If the nursing home amends its policies on residents' rights and responsibilities and its rules governing conduct, each resident shall be informed of the changes.

(c) Each resident or responsible party shall acknowledge in writing receipt of the information and any amendments to it.

(d) Each resident shall be fully informed in writing of all services available in the nursing home and of the charges for these services, including any other services not paid for by Medicaid or not included in the nursing home's basic rate per day.

(2) Medical condition and treatment - Each resident or responsible party shall:

(a) Be fully informed by a physician or nurse of his health and medical condition unless the physician documents that informing the resident is medically contraindicated;

(b) Be given the opportunity and be encouraged to participate in planning his total care and medical treatment;

(c) Be given a qualified opportunity to refuse treatment; and

(d) Each resident shall provide an informed written consent before participating in experimental research.

(3) Transfer and discharge. Each resident shall be transferred or discharged only for:

(a) Medical reasons; his welfare or that of the other residents; or nonpayment except as prohibited by the Medicaid program.

(b) Internal transfers are conducted, except in emergencies, with prior notification of the patient and responsible person, and consistent with facility policies.

(4) Exercising rights. Each resident shall be:

(a) Encouraged and assisted to exercise his rights as a resident of the nursing home and as a citizen; and

(b) Encouraged to submit complaints or recommendations concerning the policies and services of the nursing home to staff or to outside representatives of the resident's choice or both, free from restraint, interference, coercion, discrimination, or reprisal.

(5) Financial affairs. Each resident shall be offered management of his personal financial affairs. If a resident requests assistance from the nursing home in managing his personal financial affairs:

(a) The request shall be in writing; and

(b) The nursing home shall comply with the recordkeeping requirements of RCW 74.42.130.

(6) Privacy.

(a) Each resident shall be treated with consideration, respect, and full recognition of his or her dignity and individuality.

(b) Each resident shall be given privacy during treatment and care of personal needs.

(c) Each resident's records, including information in an automatic data bank, shall be treated confidentially.

(d) Each resident shall be given written consent before the nursing home may release information from his record to someone not otherwise authorized by law to receive it.

(e) If both husband and wife are residents of the nursing home, they shall be permitted to share a room, if mutually requested, unless physician contraindicated and documented.

(7) Work. No resident may be required to perform services for the nursing home, except as appropriately goal-related in the plan of care.

(8) Freedom of association and correspondence. Each resident shall be allowed to:

(a) Communicate, associate, and meet privately with individuals of his choice, unless this infringes the rights of another resident; and

(b) Send and receive personal mail unopened.

(9) Activities. Each resident shall be encouraged to participate in social, religious, and community group activities.

(10) Personal possessions. Each resident may elect to retain and use his personal possessions and clothing as space permits.

(11) Delegation of rights and responsibilities.

(a) The nursing home shall have written policies and procedures that provide that rights and responsibilities of a resident are delegated to the resident's legal guardian on his behalf if the resident is adjudicated incompetent under state law (chapter 11.88 RCW).

(b) The facility shall have written policies and procedure to initiate recommendation of guardianship proceedings when the patient appears to be incapable of understanding his or her rights and responsibilities.

RESIDENT CARE SERVICES

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-250 PHYSICIAN SERVICES. Patients in need of nursing home care shall be under the care of an attending physician. The alternate physician who has agreed to be responsible in the attending physician's absence, shall be identified upon admission and his/her name recorded in the personal health record.

(1) Medical care shall be promptly provided when necessary to meet identified patient needs.

(a) The patient shall be seen by the attending physician on or immediately prior to admission and within thirty days.

(b) Thereafter, an alternate schedule not to exceed ninety days for skilled level patients and one hundred twenty days for intermediate care level patients may be justified and documented.

(2) Medical information prior to or upon admission shall include:

(a) A history and physical which reflects the patient's current health status with attention to special physical and psycho-social limitations and needs.

(b) Orders, as necessary, for medications, treatments, diagnostic studies, specialized rehabilitative services, diet and precautions and limitations related to activities.

(c) A statement of rehabilitation potential and plans for continuing care and discharge.

(3) Overall patient's progress and plans of care shall be reviewed and/or revised during a visit by the attending physician in consultation with professional personnel. Patient needs shall be documented. Each need or problem (or symptom) shall have a current plan of treatment.

(4) Programs of self-administration of medications are ordered unless otherwise justified.

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-260 NURSING SERVICES. (1) There shall be organized nursing services with adequate administrative space and a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients.

(a) Nursing services shall be under the direction of a ((full-time)) registered nurse.

(i) In a nursing home which retains any skilled level (SNC) patients, the director shall be employed full time at the facility.

(ii) When all residents in a facility require intermediate nursing care (INC) or care for mental retardation or related conditions, this direction may be provided on a part-time basis or through a written consultant contract, so long as the director in either form has specifically delineated responsibility for nursing services as well as authority to take corrective actions.

(b) When any patient requires skilled nursing care, there shall be a registered nurse on duty on each shift, to be effective on August 15, 1979.

(c) When all residents in the facility require intermediate nursing care or care for mental retardation or related conditions, or there shall be at least one ((registered)) licensed nurse on duty ((for the day shift)) eight hours every day and additional licensed staff on ((other)) any shifts if indicated.

(d) Sufficient trained support staff shall be available and assigned only to duties consistent with their education, their experience and the current standards of nursing practice.

(2) Nursing input into the health record shall include:

(a) Patient history and continuing assessments.

(b) Current comprehensive written patient care plans.

(c) Nursing orders.

(d) Ongoing documentation of delivery of appropriate services.

(e) Progress notes identifying and evaluating problems, approaches and measurable goals.

(3) No form of restraint may be applied or utilized for the primary purpose of preventing or limiting independent mobility or activity, see chapter 309, Laws of 1977 (chapter 11.92 RCW), except that a restraint may be used in a bona fide emergency situation when necessary to prevent an individual from inflicting injury upon self or others. A

physician's order for proper treatment which would resolve the emergency situation and eliminate the cause for the restraint must be obtained as soon as possible. If the problem cannot be resolved in seventy-two hours, timely transfer to a certified evaluation and treatment facility must be initiated.

(a) In other situations, protective restraints or support may be necessary for individuals with acute or chronic impairments. This intervention must be related to a specific problem identified in the treatment plan. The plan shall be designed to diminish or eliminate the use of restraints.

(b) Any patient who is physically restricted shall be released at intervals not to exceed two hours to provide for ambulation, exercise, elimination, food and fluid intake and socialization as independently as possible.

(c) Appropriate individualized safety measures shall be identified in the treatment plan and implemented.

(d) A restraint may be used as a time-out device within the context of a planned behavior modification program only:

(i) in a certified IMR

(ii) during conditioning sessions

(iii) in the presence of a qualified trainer

(iv) for periods of less than one hour.

(4) Resident call lights shall be responded to promptly.

NEW SECTION

WAC 248-14-264 SPECIALIZED REHABILITATIVE SERVICES. (1) The facility shall provide specialized rehabilitative services itself or arrange for the provision of rehabilitative services with qualified outside resources for each resident whose comprehensive plan of care requires the provision of rehabilitative services.

(2) The specialized rehabilitative service personnel shall be qualified therapists, qualified therapists' assistants, or mental health professionals. Other support personnel under appropriate supervision may perform the duties of rehabilitative service personnel.

(3) The specialized rehabilitative services shall be designed to maintain and improve the resident's ability to function independently, prevent, as much as possible, advancement of progressive disabilities; and restore maximum function.

NEW SECTION

WAC 248-14-266 SOCIAL SERVICES. (1) The facility shall provide social services, or arrange for the provision of social services with qualified outside resources, for each resident whose comprehensive plan of care requires the provision of social services.

(2) The facility shall designate one staff member qualified by training or experience to be responsible for arranging for social services in the facility or with qualified outside resources and integrating social services with other elements of the plan of care.

NEW SECTION

WAC 248-14-268 ACTIVITIES PROGRAM. (1) The facility shall have an activities program designed to encourage each resident to maintain normal activity and help each resident return to self care.

(2) A staff member qualified by experience or training in directing group activities shall be responsible for the activities program.

(3) The facility shall provide adequate recreation areas with sufficient equipment and materials to support the program.

ENVIRONMENT AND OPERATIONS

NEW SECTION

WAC 248-14-510 SANITATION AND INFECTION CONTROL. (1) There shall be a person designated by the administrator as responsible for monitoring the implementation of infection control policies, procedures, and incidence of infection.

(2) The facility shall provide areas, equipment, and supplies to properly implement facility policies and procedures.

(3) All single-service supplies and equipment shall be used once for one patient and discarded.

(4) All disposable supplies and equipment shall be used as specified by the manufacturer.

(5) Patient care equipment, furniture, and utensils shall be cleaned, sanitized, disinfected, or sterilized, according to use.

(6) Chemicals and equipment used for cleaning, sanitizing, disinfecting, and sterilization, shall be used in accordance with manufacturer's direction.

(7) Linen.

(a) Linen and personal clothing shall be handled in a manner that prevents cross-contamination.

(b) Soiled linen and personal clothing shall be processed in a manner that renders them clean and sanitary.

(i) The time/temperature of at least one hot water cycle to disinfect linen shall be fifteen minutes at 140 degrees F. or five minutes at 160 degrees F.

(ii) Chemical or hot water disinfection of personal clothing shall be provided.

(c) Clean linen and personal clothing shall be transported in a manner that prevents contamination.

(d) Clean linen and personal clothing shall be stored in a manner that prevents contamination.

(8) The methods of storage, transport, and disposal of garbage and refuse shall ensure a clean environment.

(9) The methods of storage, transport, and disposal of infectious wastes shall ensure a sanitary environment.

(10) All bathtubs and therapy tanks shall be cleaned and sanitized between patient use.

(11) Hand cleaning supplies and drying equipment/material shall be readily available at each sink.

(12) If bathing facilities are used for storage provisions are made to render the bathing facilities clean and sanitary prior to patient use.

NEW SECTION

WAC 248-14-520 HOUSEKEEPING. (1) There is a designated person responsible for operating a housekeeping program.

(2) Procedures shall itemize areas of facility to be cleaned and sanitized and frequency of service.

(3) Housekeeping supplies, and equipment shall be provided and available for use.

(4) The facility shall be clean and sanitary.

(5) If carpets are used, a comprehensive carpet care procedure must be developed and followed. The written procedure for the carpeting shall assure that:

(a) All carpeting in patient areas is kept clean and free of objectionable odors.

(b) Carpets contaminated with infectious discharge or waste shall be cleaned and disinfected.

NEW SECTION

WAC 248-14-530 PEST CONTROL. (1) Effective rodent and insect control procedures shall be implemented.

(2) All foundation openings shall be effectively closed or screened.

(3) Pest control chemicals shall be used in accordance with manufacturer's specifications, and approved for use by the environmental protection agency, or the food and drug administration, or the United States department of agriculture.

(4) All building openings used for ventilation shall be screened.

NEW SECTION

WAC 248-14-540 SAFETY. (1) A safe environment for all patients, personnel, and public shall be maintained.

(2) Hot water at patient lavatories, baths, and showers shall be maintained at temperature of 110 degrees F., plus or minus 10 degrees F., except in special training programs when:

(a) The use of the hot water taps is supervised; and

(b) The purpose is to train residents; and

(c) Is part of the survey record.

(3) Signs shall be used to designate areas of hazard.

(4) Reference material regarding medication administration, adverse reactions, toxicology, and poison control center information shall be available to facility staff.

(5) Poisons and other nonmedicinal chemical agents whose containers carry a warning label shall be stored in a separate locked storage when not in use by staff. This storage shall be apart from drugs used for medicinal purposes.

(6) Equipment and supplies shall be stored in a manner that does not jeopardize the safety of patients, staff, and the public.

(7) Any mobile drug storage cabinet shall be a closed cabinet with locks to prevent access to drugs when the cabinet is unattended by a person qualified to dispense medications.

(8) Handrails shall be provided in all corridors: Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions.

(9) Electric appliances used for heating and cooking shall not be used or stored in patient rooms.

(a) The facility shall not provide, or allow to be used, multiple adapters or "cheater" plugs.

NEW SECTION

WAC 248-14-550 PATIENT ROOMS AND AREAS. (1) All lockable toilets and bathrooms shall have readily available a means of unlocking from the outside. Locks shall be operable from the inside by a single effort.

(2) The maximum approved bed capacity of each patient room shall not be exceeded.

(a) The maximum number of beds per room shall not exceed the following:

6 beds by July 1, 1981

5 beds by July 1, 1983

4 beds by July 1, 1985

Except that this regulation may not apply in facilities certified exclusively for the care of the mentally retarded or those with related conditions.

(b) Patient rooms shall be arranged to allow not less than three feet between beds.

(3) Dining/day rooms shall be available to all patients.

(4) The utility rooms shall maintain separated clean and soiled functions.

(5) Storage.

(a) Stored equipment shall be accessible as necessary to meet patient needs.

(b) Equipment in patient rooms not used on a daily basis shall be stored in storage areas.

(c) Clean and sterile items shall be stored separately from soiled items.

(d) There shall be, for each patient, separated, enclosed, storage facilities for patient clothing and personal belongings.

NEW SECTION

WAC 248-14-560 EQUIPMENT. (1) Maintenance.

(a) A person shall be designated as being responsible for preventive and emergency maintenance.

(b) Electrical, mechanical, structural, and plumbing equipment and systems shall be maintained on a routine basis so as to render the equipment and systems in an operable condition.

(c) Floors, walls, ceilings, and equipment surfaces must be maintained in a cleanable condition.

(d) Patient living areas shall be maintained at comfortable levels between 70 degrees to 85 degrees F.

(e) The water supply shall be maintained potable and not cross-connected.

(i) Water pressure at all taps shall be at a pressure of not less than 15 p.s.i.

(ii) Hot and cold water shall be available at all bathing, shower, and lavatory fixtures.

(2) The call system shall be accessible to unattended patients in bed, at bedside, in toilet/bathing areas, or other patient care areas unless the patient is physically or mentally unable to use the device properly or unless the resident is in a normalization program in an IMR.

(3) Ventilation in all rooms and areas shall control smoke and odors and prevent condensation.

(4) Linen.

(a) A supply of clean bed linen and blankets of proper size, washclothes, and towels shall be provided for each patient.

(b) Worn and damaged linen shall be repaired or replaced.

(c) There shall be an available supply of clean linen such that linen needs can be met without delay.

(5) Lighting.

(a) Lighting shall be adequate for the functions being conducted in each area of the facility.

(b) All lights shall be provided with a noncombustible shield.

(c) Emergency lighting facilities or equipment shall be available.

(6) Patient furniture and equipment needs shall be determined at the time of admission and routinely thereafter to ensure patient comfort. Justification for deviation from the normal environment provided by the facility need to be documented in the patient's health record.

(a) A bed at least 36" wide with a firm, protected mattress at least 4" thick, and a pillow shall be provided.

(b) A bedside cabinet with a cleanable top surface measuring 16" x 20" having a drawer for storage of small personal articles and a separate drawer or enclosed compartment for storage of patient care utensils shall be provided.

(c) A comfortable chair that provides for proper body alignment and support.

(d) A reading light that provides thirty foot-candles of light intensity at the reading surface.

(7) A telephone shall be accessible for patient use.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|---------------------------|------------------------------|
| (1) <u>WAC 248-14-190</u> | PLANT OPERATION— |
| <u>MAINTENANCE.</u> | |
| (2) <u>WAC 248-14-210</u> | PLANT OPERATION—LAUNDRY. |
| (3) <u>WAC 248-14-220</u> | FURNITURE, EQUIPMENT, AND |
| <u>SUPPLIES.</u> | |
| (4) <u>WAC 248-14-999</u> | LEGAL AUTHORITY OF THE STATE |
| <u>BOARD OF HEALTH.</u> | |

WSR 80-03-113

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ECOLOGY (Ecological Commission)

[Memorandum, Chairman—March 5, 1980]

RCW 43.21A.170 requires that designated state agency heads and the public be given notice of meetings of the Washington State Ecological Commission, and the public be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

The commission will hold its quarterly meeting on Wednesday, April 9, 1980 at 1:30 p.m. at the Holiday Inn, 1700 Canyon Road, Ellensburg, Washington. The agenda of the meeting will be announced later.

The commission also gives notice of a meeting to receive testimony from the public regarding the agricultural membership on the Department of Ecology Policy Advisory Committee. The committee was formed for the purpose of areawide waste water quality management planning (Section 208 of the Federal Clean Water Act). The commission and the public will hear a briefing from the Department of Ecology on the purpose and composition of the committee. The Director of the Department of Ecology has requested the Ecological Commission's recommendation on the composition of the Policy Advisory Committee.

The commission also gives notice that at this same meeting, it will receive testimony regarding the administration of the relinquishment laws Chapter 90.22 RCW as amended in the 1979 legislative session. These laws deal with the use of relinquished waters to satisfy minimum flows established by the Department of Ecology.

The commission urges public attendance at both of these meetings. As noted above, the quarterly meeting begins at 1:30 p.m. The meeting to receive public testimony

regarding the Policy Advisory Committee composition and the relinquishment laws will begin at 7:30 p.m. at the Holiday Inn, 1700 Canyon Road, Ellensburg.

For further information regarding these meetings, please contact Susan Pratt, Ecological Commission, c/o Department of Ecology, Olympia, Washington 98504 (telephone 206-753-2240).

WSR 80-03-114

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF ECOLOGY [Memorandum—March 5, 1980]

NOTICE OF EXTENSION OF TIME FOR SUBMITTING WRITTEN COMMENTS ON PROPOSED ADOPTION OF CHAPTER 173-563 WAC—INSTREAM RESOURCES PROTECTION PROGRAM—MAIN STEM COLUMBIA RIVER IN WASHINGTON STATE

The Washington State Department of Ecology gives notice that, in response to requests to do so, it is extending from March 13, 1980 to March 31, 1980 the time within which interested persons may submit data, views, or arguments to this agency in writing concerning the proposed adoption of chapter 173-563 WAC—Instream Resources Protection Program—Main Stem Columbia River in Washington State. The materials should be addressed to: Department of Ecology, Attention: Hearings Officer, Olympia, Washington 98504.

In addition, the department intends to file a Notice continuing the adoption proceeding from April 15, 1980 to May 22, 1980 at 1:30 p.m. in the Lacey City Hall Council Chambers, 420 College Street, Lacey, Washington.

For further information, contact Jim Bucknell, Department of Ecology, Mail Stop PV-11, Olympia, Washington 98504, telephone 753-6877

WSR 80-03-115

PROPOSED RULES SECRETARY OF STATE [Filed March 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of the Secretary of State intends to adopt, amend, or repeal rules concerning declaration of candidacy forms;

that such agency will at 10:00 a.m., Tuesday, April 8, 1980, in the Office of the Secretary of State, Legislative Building, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, April 8,

1980, in the Office of the Secretary of State, Legislative Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 29.04.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 10:00 a.m., Tuesday, April 8, 1980, Office of the Secretary of State, Legislative Building, Olympia, Washington 98504.

Dated: March 5, 1980
By: Donald F. Whiting
Deputy Secretary of State

AMENDATORY SECTION (Amending Order 75-1, filed 6/26/75)

WAC 434-28-010 DECLARATION OF CANDIDACY—PARTISAN OFFICES OTHER THAN PRECINCT COMMITTEEMAN. Declarations and affidavits of candidacy for partisan offices, other than that of precinct committeeman, shall be filed in the form hereinafter set forth:

DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington }
County of } ss.

DECLARATION

I, (Name as it will appear on ballot), declare that I am a registered voter residing at (Street and Number or Rural Route), (City or Town), County of, state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of, for [] a full term or [] an unexpired term, to be made at the primary election to be held on the day of September, 19..., and hereby request that my name be printed upon the official primary ballots as a candidate of the party, and:

(Leave blank if office

sought is nonpartisan

- I accompany herewith the sum of dollars, the fee required by law of me for becoming a candidate; or
I am without sufficient assets or income to pay the fee required by law.

AFFIDAVIT

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signature of candidate)

(Print full, legal name for identification)

Subscribed and sworn to before me this day of, 19....

(Signature of acknowledging official)

(SEAL)

(Title of acknowledging official)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of twenty pound bond or a comparable substitute. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number.

REPEALER

The following section of the Washington Administrative Code is repealed:
WAC 434-28-030 DECLARATION OF CANDIDACY — NONPARTISAN OFFICES SUBJECT TO A PRIMARY.

WSR 80-03-116

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
[Memorandum, Ass't Director—March 5, 1980]

The Washington State Department of Ecology and Spokane County jointly give notice of a public hearing to receive comments on Spokane Counties proposed 208 Aquifer Management Plan. After consideration of the testimony received the plan will be sent to the Governor for Certification.

The public hearing will be held:

Wednesday, April 16, 1980
7:30 p.m.
Spokane Agricultural Center
North 222 Havana
Spokane, Washington

Copies of the plan will be available by March 20, 1980 from Ray Card, Spokane County Engineers Office, North 811 Jefferson Street, Spokane, Washington 99260. Further information may be obtained by calling Ray Card at (509) 456-3600.

People who cannot attend may send their written comments to Ray Card (address above) by April 26, 1980. Oral and written comments will be considered in making final recommendations to the Governor for Certification of the Plan.

WSR 80-03-117

PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed March 5, 1980]

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 Mason County, amending WAC 173-19-310 and Skagit County, amending WAC 173-19-370;

that such agency will at 10:00 a.m., Tuesday, April 8, 1980, in Room 273, Department of Ecology Headquarters, St. Martin's College Campus, Lacey, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, April 15, 1980, in Room 273, Department of Ecology Headquarters, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.030(3)(c), 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to April 11, 1980, and/or orally at above hearing.

Dated: March 5, 1980
By: Elmer C. Vogel
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-310 MASON COUNTY. Mason County master program approved August 6, 1975. Revision approved December 18, 1975. Revision approved February 22, 1980.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-370 SKAGIT COUNTY. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980.

WSR 80-03-118

NOTICE OF PUBLIC MEETINGS JAIL COMMISSION

[Memorandum, Director—March 5, 1980]

Notice is hereby given that the State Jail Commission has amended its public hearing and meeting schedule previously published as WSR 80-02-160 for the months of March and April, 1980. Times and places of such meetings are as follows:

March 27, 1980
9:00 a.m. – 12:00 p.m.
Public hearing on proposed rules
(WSR 80-02-161)
Criminal Justice Training Center
1201 South 104th
Burien, WA

March 27, 1980
1:30 p.m. – 4:30 p.m.
Public meeting
Criminal Justice Training Center
1201 South 104th
Burien, WA

April 10, 1980
10:00 a.m. – 5:00 p.m.
Public meeting
Spokane, Washington
(contact State Jail Commission
110 E. 5th, Room 223, MS/GB-12
Olympia, WA 98504
206-753-5790
for specific location)

April 18, 1980
10:00 a.m. – 5:00 p.m.
Public meeting
Yakima, Washington
(contact State Jail Commission
for specific location)

April 30 and May 1, 1980
9:00 a.m. – 5:00 p.m. (both days)
Public meeting

State Office Building #2 (DSHS)
Capitol Campus
Olympia, Washington

WSR 80-03-119 PROPOSED RULES SECRETARY OF STATE [Filed March 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Secretary of State intends to adopt, amend, or repeal rules concerning procedures for preparation, maintenance, distribution, and filing of precinct maps and census correspondence listings;

that such agency will at 11:00 a.m., Tuesday, April 8, 1980, in the office of the Secretary of State, Legislative Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, April 8, 1980, in the office of the Secretary of State, Legislative Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 29.04.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1980, and/or orally at 11:00 a.m., Tuesday, April 8, 1980, office of the Secretary of State, Legislative Building, Olympia, Washington.

Dated: March 5, 1980
By: Donald F. Whiting
Deputy Secretary of State

CHAPTER 434-69 WAC MAPS AND CENSUS CORRESPONDENCE LISTINGS

WAC	
434-69-005	Authority and purpose.
434-69-010	Definitions.
434-69-020	Precinct maps — Availability and distribution.
434-69-030	Precinct lists — Preparation and filing.
434-69-040	Base maps and related information — Duties of the secretary of state.
434-69-050	Detail maps — Preparation.
434-69-060	Census correspondence listings — Preparation.
434-69-070	Detail maps and census correspondence listings — Maintenance, distribution, and filing.
434-69-080	Compensation to county auditors for direct expenses.

NEW SECTION

WAC 434-69-005 AUTHORITY AND PURPOSE. These rules are adopted under authority of RCW 29.04.140 pursuant to Chapter 34.04 RCW to establish and govern the procedures in the census mapping project by the secretary of state.

NEW SECTION

WAC 434-69-010 DEFINITIONS. As used in these regulations:
(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29.04.130.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29.04.130 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor, pursuant to RCW 29.04.050(3), which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the sets of mylar maps prepared by the secretary of state which indicate the census unit boundaries and numeric identification of such units in that county on which final detail maps will be prepared.

(9) "Detail maps" refers to the maps prepared by each county auditor pursuant to RCW 29.04.130 which indicate both precinct and census boundaries and corresponding numeric identification for all precincts and census units in that county.

(10) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29.04.130 which indicate the census units or portions of census units contained in each precinct in that county.

NEW SECTION

WAC 434-69-020 PRECINCT MAPS — AVAILABILITY AND DISTRIBUTION. 1) Pursuant to the provisions of RCW 29.04.130, on or before July 1, 1980, each county auditor shall prepare for public inspection and use precinct maps of that county. 2) On or before July 18, 1980 each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county. 3) Each county auditor shall also send one copy of the precinct maps of each city or town in that county to the clerk of that city or town.

NEW SECTION

WAC 434-69-030 PRECINCT LISTS — PREPARATION AND FILING. On or before July 18, 1980 each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order and shall also be numbered consecutively. Each county auditor shall spell out each precinct name which is designated by a numeral, include it in the alphabetical listing, and assign it a consecutive number.

County _____ Map sheets _____

Census Tract CCD	Block ED	Precinct Number	% of Registered Voters

NEW SECTION

WAC 434-69-070 DETAIL MAPS AND CENSUS CORRESPONDENCE LISTINGS — MAINTENANCE, DISTRIBUTION, AND FILING. 1) On or before November 1, 1980, each county auditor shall send to the secretary of state one copy of the complete set of detail maps and census correspondence listing for that county. 2) Each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public for a fee necessary

NEW SECTION

WAC 434-69-040 BASE MAPS AND RELATED INFORMATION — DUTIES OF THE SECRETARY OF STATE. 1) On or before September 15, 1980 the secretary of state shall prepare and transmit to each county auditor a set of base maps. 2) The secretary of state shall also transmit to each county auditor a sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

NEW SECTION

WAC 434-69-050 DETAIL MAPS — PREPARATION. Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare detail maps of the county and each city and town within that county according to the following procedures:

- 1) Final detail maps shall be prepared on the reproducible mylar base maps provided by the secretary of state.
- 2) Each county auditor shall transfer all precinct boundaries and numeric identification in red ink onto the mylar base maps of that county; and
- 3) Each detail map shall include the following identification: a) the name of the area covered by the map; b) an arrow indicating north; and c) the preparation date of the detail map.

NEW SECTION

WAC 434-69-060 CENSUS CORRESPONDENCE LISTINGS — PREPARATION. Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare a census correspondence listing according to the following procedures: 1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the Bureau of the Census. (The order of census information on the census correspondence listing shall be identical to the sequential census unit listing. Each census unit shall be marked on the sequential listing to ensure that all census units are included on the census correspondence listing.) 2) Record the number or numbers, as assigned pursuant to RCW 29.04.050(3), of each precinct which is wholly or partially coextensive with the census unit; 3) Wherever census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. (Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.)

The census correspondence listings shall be prepared in substantially the following form:

to cover the cost of reproduction under such rules as the county auditor has adopted pursuant to RCW 42.17.260.

NEW SECTION

WAC 434-69-080 COMPENSATION TO COUNTY AUDITORS FOR DIRECT EXPENSES. 1) Each county auditor may be reimbursed for direct expenses incurred for the preparation of detail maps and census correspondence listings. Compensation shall be made at a maximum rate of \$ 15.00 per 50,000 registered voters, as of the 1980 general election, for personnel costs, and \$2.00 per 1,000 registered voters, as of the 1980 general election, for supply costs. 2) On or

before April 1, 1981, each county auditor may submit to the secretary of state an invoice voucher for compensation of direct expenses. For auditing purposes, a detailed summary indicating the number of personnel, number of hours worked, and supplies used in the census mapping project must be submitted with the invoice voucher.

WSR 80-03-120
PROPOSED RULES
COMMISSION FOR THE BLIND
 [Filed March 5, 1980]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 74.16.040, that the Commission for the Blind intends to adopt, amend, or repeal rules concerning Vending Facility Program for the Blind, to adopt new sections establishing rules and to amend existing rules for the conduct of the Vending Facility Program for the Blind in the state of Washington, chapter 67-32 WAC;

that such agency will at 9:00 a.m., Saturday, April 12, 1980, in the Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Saturday, April 12, 1980, in the Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118.

The authority under which these rules are proposed is chapters 74.16 and 74.17 RCW, Rehab. Act of 1973, P.L. 93-112 as amended, 29 U.S. Code Chapter 16, Randolph Sheppard Act, P.L. 74-732, as amended by P.L. 83-565, and P.L. 93-516, 20 U.S. Code chap. 6A Sec. 107, Title 45 CFR Part 1361 Vocational Rehab. Title 45 CFR Part 1369 Vending Facility Program for the Blind.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 11, 1980, and/or orally at 9:00 a.m., Saturday, April 12, 1980, Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118.

Dated: March 5, 1980
 By: Kenneth N. Hopkins
 Director

AMENDATORY SECTION (Amending Order 79-01, filed 8-15-79)

WAC 67-32-060 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—NOTICE. When a vending facility becomes available a "Notice of Available Facility" is prepared by the Vending Facility Program staff and sent to all licensees and vendors. The "Notice of Available Facility" will contain sufficient information to enable licensees and vendors to determine if they are interested in applying to become the vendor in the available facility. A closing time and date for accepting applications is specified in the "Notice", but in no event shall the closing time be less than ~~((two))~~ four weeks from the date of mailing, unless the Commission declares an emergency requiring less than ~~((two))~~ four weeks notice. Applications may be accepted in writing or by telephone. Lack of response from a licensee or vendor within the allotted time period will be considered to be a negative response. Applications are time and date stamped when they are received.

AMENDATORY SECTION (Amending Order 79-01, filed 8-15-79)

WAC 67-32-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—PROCEDURE. (1) To select a licensee or vendor to operate an available vending facility, a

basic evaluation score is computed for each licensee or vendor. The basic evaluation score will reflect an operator's level of competency as measured by the financial activities of the vending facility and compared to vending facilities which operations are more similar than dissimilar. To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into ten classifications: Dry stands; snack bars under \$100,000 annual gross sales; snack bars over \$100,000 annual gross sales; lunch counters under \$100,000 annual gross sales; lunch counters over \$100,000 annual gross sales; cafeterias under \$100,000 annual gross sales; cafeterias from \$100,000 to \$200,000 annual gross sales; cafeterias over \$200,000 annual gross sales and/or those with limited income percentage; vending machines grouped to form a facility; and Commission training cafeteria. For each group of vending facilities, an average percent is calculated for each item used in the evaluation. Points are assigned to percentages which deviate from the average to reward superior management and to discourage overpricing and excess profiteering. One point for each year of experience in the Vending Facility Program up to five years and .2 point for each year of experience in the Vending Facility Program beyond five years is added to the basic evaluation score to obtain the final evaluation score. Each federal fiscal year the average percentage for the three items of evaluation will be calculated for each of the ten groups of vending facilities, and vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned. Any vending facility which, as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification.

(2) The basic evaluation score for a vendor is determined by using three items reported on the vendor's quarterly report: Cost of merchandise sold; all other operating costs; and net profit. The vendor will separately report the value of any volunteer labor received which is essential to the operation of the facility; the cost of purchasing; leasing or renting equipment; and income received from any personnel training programs for the purpose of adjusting the category of "all other operating expenses." Income received from vending machines not managed or operated by the vendor shall not be considered in the evaluation process. Cost of merchandise sold, adjusted all other operating expenses, and adjusted net profit is determined and converted into a percentage of gross sales. The percentages in each category are converted to points as shown in WAC 67-32-080, and the sum of the three separate scores becomes the basic evaluation score. The basic evaluation score for each of the most current two quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score except that the quarter in which a licensee or operator assumes responsibility for a new or different location shall not be included in the two most current quarters used in determining an evaluation score.

(3) A trainee shall receive a basic evaluation score by the same method as set forth in subsection (2) of this section except that the period of basic evaluation shall include only those months when a trainee is in certification training and is managing a vending facility under the training program of the Commission for the Blind. The basic evaluation score shall be computed monthly, and adjustment factors are not used.

(4) ~~The ((licensee or))~~ vendor applying for an available facility and having the highest evaluation score shall be designated the vendor of the available facility except as provided for in subsections (5) and (6) of this section. In the absence of any vendor applying for an available location, the licensee applying for an available location and having the highest score shall be designated the vendor of the available facility except as provided for in subsections (5) and (6) of this section.

(5) No vendor or licensee who has been designated to operate an available vending facility will within the next six months thereafter be designated to operate a subsequently available vending facility, unless such vendor or licensee is the only applicant.

(6) The loss of any vending facility to the Vending Facility Program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the Vending Facility Program, shall permit assignment of the next available vending facility to that vendor without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (5) of this section.

(7) A licensee or vendor who has applied for a vending facility under WAC 67-32-060 may upon request receive a review of the correctness of the selection process from the Director of the Commission or his/her designee. The review must be requested within ten calendar days of the completion of the selection process for which the licensee

or vendor has applied. The Director or his/her designee will inform the licensee or vendor of the review findings within ten days of the 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.

AMENDATORY SECTION (Amending Order 79-01, filed 8-15-79 and supersedes emergency notice 80-02 filed 2-21-80)

WAC 67-32-150 SET ASIDE FUNDS—USE AS DETERMINED. Vending machine income received by the Commission as described in WAC 67-32-140(4) shall be known as set aside funds. Set aside funds shall be used for ~~((the purchase of initial stock and supplies))~~ repair of vending facility equipment, management services, the purchase of liability insurance and the costs necessary to the conduct of the State Blind Vendors Committee.

(1) vendors whose income from their vending facility is at the national average or above for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay repair charges for each separate repair job on vending facility equipment of fifty dollars or ten percent of the ~~((current or replacement))~~ cost of ~~((the equipment))~~ repair, whichever is greater. For purposes of this paragraph, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.

(2) vendors whose income from their vending facility is below the national average of such income for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay a voluntary amount for each separate repair job on vending facility equipment at their facility.

(3) the remainder of the charges for repair or maintenance of vending facility equipment described in subsections (1) and (2) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.

(4) for purposes of this section vending facility equipment shall include equipment provided by the Commission and equipment furnished as part of the contract or permit for which the Commission and operator assumes the responsibility of maintenance.

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

Reviser's Note: 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 79-01, filed 8-15-79)

WAC 67-32-420 TERMINATION OF LICENSE—TERMINATION OF AGREEMENT((:)) FOR CAUSE ONLY. The license to participate in the program is issued for an indefinite period of time. However, the vendor's license ~~((or))~~ and vendor's agreement with the Commission may be terminated after a thirty-day notice and/or after affording the vendor or licensee an opportunity for a full evidentiary hearing if the Commission finds that the vending facility is not being operated in accordance with its rules, the terms and conditions of the permit or contract, or the terms and conditions of the agreement between the vendor and the Commission. Following the completion of the thirty-day notice the vendor's license will be terminated ~~((or))~~ and the vendor's agreement shall be terminated pending completion of the full evidentiary hearing process, the convening of any ad hoc arbitration panel and court review. Following termination of the vendor's agreement the Commission will operate the vending facility until any grievance procedure is completed. The net profit from the operation of the vending facility during this time will be placed in trust in the Business Enterprises Revolving Fund for disbursement in accordance with any final decision of the grievance process.

AMENDATORY SECTION (Amending Order 79-01, filed 8-15-79)

WAC 67-32-450 ((SUSPENSION OR)) TERMINATION OF LICENSE—DISUSE. If after two years the licensee has not participated ~~((as a vendor))~~ in any of the Vending Facility Programs as identified in this chapter, the Commission will ~~((suspend))~~ terminate

the license after a thirty-day notice and/or after affording the licensee an opportunity for a full evidentiary hearing.

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 79-01, filed 8-15-79)

WAC 67-32-480 ADMINISTRATIVE REVIEW—WHO—WHEN—WHERE. The administrative review will be conducted by the supervisor of the Vending Facility Program unless the supervisor is a party to the decision, action or inaction being reviewed, in which case the supervisor's supervisor shall conduct the administrative review. The administrative review will be held and a decision rendered within fifteen days of receipt of a request for administrative review. The review will be held at a Commission office or in a location selected by the Commission in the county in which the licensee or vendor resides. Upon request of the vendor or licensee, the Commission may arrange and pay for transportation from the vendor's or licensee's home to the place of the hearing and return. The rate of payment will be at the current state mileage allowance for state employees. Upon request of the vendor or licensee, the Commission may arrange for and pay a reader or other communication service to be available to the vendor or licensee for the purpose of reviewing materials directly pertinent to the administrative review. The reader or other communication service will be paid the current minimum wage. Upon request of the vendor, the Commission may arrange for and pay a relief operator during the vendor's absence from the vending facility for the purpose of the administrative review. Within funds available the costs for transportation, for a reader or other communication service, and for a relief operator shall be paid as management services as set forth in WAC 67-32-150. After the conclusion of the administrative review the person conducting the administrative review will certify his/her findings to the licensee or vendor in writing, specifying in detail the findings and decision of the administrative review, and informing the licensee or vendor of his/her right to request a full evidentiary hearing if dissatisfied with the decision.

NEW SECTION

WAC 67-32-045 LICENSEE AN INDIVIDUAL PERSON—NOT A CORPORATE ENTITY. The status of a licensee is a relationship between the Commission and an individual who is blind. A corporation cannot receive a license and otherwise receive services and considerations under this chapter or other Commission programs. This prohibition will not affect the individual's right to establish a corporation for purposes other than services and considerations under this chapter or other Commission programs.

NEW SECTION

WAC 67-32-075 SELECTION OF A LICENSEE TO OPERATE A VENDING FACILITY DURING A LEAVE OF ABSENCE OF A VENDOR. When a vendor is granted a leave of absence in accordance with WAC 67-32-415, all licensees and vendors will be informed of the available location. The terms and conditions of the leave of absence and selection of the licensee or vendor will be in accordance with the selection processes utilized for the selection for any available location. A licensee or vendor assuming the responsibility for a location and entering into an agreement in accordance with WAC 67-32-090 of this chapter will, during a leave of absence of the assigned vendor, be entitled to the profits, or salary and profits, generated by the location in accordance with all contracts and agreements, and will be given thirty days notice prior to the termination of the leave of absence.

A licensee assuming responsibility for a location, who wishes to be considered for selection into an available location as a vendor, will retain his/her certification score until a score can be given based upon his/her performance in the location in the same way that all vendors achieve scores.

NEW SECTION

WAC 67-32-415 LEAVE OF ABSENCE FOR PROLONGED ILLNESS OR PHYSICAL INCAPACITY. A vendor in the Business Enterprises Program may request and may be granted a leave of absence for a period of up to twelve months.

A vendor may request a leave of absence when the vendor is unable to maintain his/her responsibilities in a location by reason of a physical or mental condition. A leave of absence will be granted to a vendor:

- (1) only when such request is initiated by that vendor; and
- (2) when the mental or physical condition is verified by a medical doctor licensed to practice in the State of Washington; and
- (3) such condition is so prolonged and/or so serious as to cause strong doubt on the part of the vendor and the agency as to the vendor's capacity to maintain full management of his/her location; and
- (4) for a total maximum period not to exceed twelve months.

The vendor who has been granted a leave of absence will retain his/her license. His/her agreement to manage a location will be held in abeyance during the leave of absence.

A leave of absence will be terminated by the Commission at the end of twelve months or sooner, and the vendor will resume the responsibility for his/her location and the agreement reinstated when the mental or physical condition no longer prohibits the vendor from maintaining responsibilities for his/her location:

- (1) when verified by a medical doctor licensed to practice in the State of Washington; and/or
- (2) when verified by a statement of completion of a program of training or retraining designed to overcome the effects of the mental or physical condition necessitating a leave of absence.

A leave of absence will be terminated by the Commission at the end of twelve months or sooner, and the vendor's license and/or agreement will be terminated:

- (1) when the mental or physical condition is of such duration or severity, as verified by a medical doctor licensed to practice in the State of Washington, that it renders the vendor unable to resume responsibility for the management of that location; and/or
- (2) when the vendor fails to complete a program of training or retraining designed to overcome the effects of the mental or physical condition and is unable to resume responsibility for the management of that location.

Upon granting a vendor a leave of absence, the Commission will assume responsibility for that vendor's location. The Commission will select a licensee to manage the location. In the event a licensee is not available to assume the responsibility of a location while the vendor is on a leave of absence, the Commission may make such arrangements as necessary to assure the ongoing management of such location. Any profits available in excess to those necessary to secure the management of the location shall accrue to the Business Enterprises Revolving Fund.

NEW SECTION

WAC 67-32-425 TERMINATION OF VENDOR'S AGREEMENT—NOT AFFECTING LICENSURE. A vendor's agreement will be terminated without affecting licensure under any of the following three conditions:

1. when a vendor ceases to be a vendor by voluntary withdrawal in writing from an existing vending facility;
2. when the vending facility ceases to be a vending facility by revocation of the permit or contract by either the Commission or by building management;
3. when the vendor signs a new vendor agreement.

NEW SECTION

WAC 67-32-525 HEARING OFFICER—CERTAIN PURPOSES. For the purposes of administering the provisions of WAC 67-32-490, WAC 67-32-520, and WAC 67-32-070(7) the Director of the Commission may designate and contract with a hearing officer. The hearing officer will be an attorney licensed to practice in the State of Washington and will receive a thorough orientation to the Vending Facilities Program including the pertinent federal and state statutes, rules, regulations and policies. The rate of pay, hours and working conditions for the hearing officer will be determined by a negotiated contract. The hearing officer shall be paid as a management service as set forth in WAC 67-32-150, within funds available.

Subject/Agency Index

ACCIDENTS			
Motor carriers, reports	80-01-071		
ACCOUNTANTS			
Continuing education	80-02-165		
Education requirements	80-02-140		
Examination			
time	80-02-054		
License			
equivalent examination	80-02-140		
requirements	80-02-140		
AGRICULTURE, DEPARTMENT OF			
Brucellosis			
vehicles, disinfecting of	80-02-168		
Dessicants, defoliants, restricted use	80-02-169		
Fairs, state fair fund, qualification	80-01-019		
Fryers, labeling	80-03-019		
Herbicides			
Adams county	80-02-075		
	80-03-035		
Benton county	80-02-066		
	80-03-038		
Chelan county	80-02-073		
	80-03-028		
Columbia county	80-02-065		
	80-03-034		
Douglas county	80-02-073		
	80-03-028		
east of Cascades	80-02-071		
	80-03-041		
Franklin county	80-02-063		
	80-03-037		
Garfield county	80-02-078		
	80-03-032		
Grant county	80-02-068		
	80-03-031		
Klickitat county	80-02-070		
	80-03-029		
Lincoln county	80-02-072		
	80-03-030		
Okanogan county	80-02-064		
	80-03-027		
Spokane county	80-02-077		
	80-03-039		
Walla Walla county	80-02-074		
	80-03-026		
Whitman county	80-02-069		
	80-03-033		
Yakima county	80-02-067		
	80-03-036		
Hops			
annual assessment	80-02-157		
virus quarantine	80-01-093		
Noxious weeds, proposed list	80-01-058		
	80-03-075		
Pesticides			
restricted use	80-02-076		
	80-03-040		
Raspberries			
annual assessment	80-02-158		
Seed inspection charge	80-03-100		
AIR			
Clean air act			
kraft pulping mills	80-02-012		
	80-02-095		
primary aluminum plants	80-02-011		
	80-02-097		
sulfite pulping mills	80-02-013		
	80-02-096		
Pollution (See POLLUTION)			
ALCOHOLISM			
Treatment facilities	80-02-136		
APPRENTICESHIP AND TRAINING COUNCIL			
Plant program defined,			
complaint review procedure	80-03-004		
ARCHAEOLOGY AND HISTORIC PRESERVATION, OFFICE OF			
Advisory council			
administration, procedure		80-02-081	
Grants advisory committee		80-02-083	
		80-02-085	
Public records		80-02-082	
		80-02-084	
Register, nominations		80-02-084	
BARBERS			
Licensing			
examinations, textbooks		80-02-079	
BELLEVUE COMMUNITY COLLEGE			
Affirmative action policy		80-02-154	
		80-03-025	
Public meeting notice		80-02-009	
Tuition and fee waivers			
senior citizens		80-01-038	
		80-02-102	
BICYCLES			
1-5, reversible lanes, one Sunday use		80-03-055	
1-90, Issaquah and High Point		80-03-015	
BINGO			
License classification		80-01-043	
		80-01-086	
		80-03-059	
Operation		80-01-085	
		80-03-017	
		80-03-060	
BLIND, COMMISSION FOR THE			
Vending equipment			
program administration		80-03-120	
repair, payment		80-03-046	
BOILER RULES, BOARD OF			
New construction standards		80-02-104	
BUILDING CODE ADVISORY BOARD			
Public meeting notice		80-01-075	
		80-02-155	
CARD ROOMS			
Employees			
licenses		80-01-086	
		80-02-119	
		80-03-059	
CEMETERY BOARD			
Public meeting notice		80-02-101	
CENTRAL WASHINGTON UNIVERSITY			
Public meeting notice		80-02-027	
CENTRALIA COLLEGE			
Leave policy		80-02-047	
		80-03-013	
Public meeting notice		80-01-035	
Student rights and responsibilities		80-01-055	
CHICKENS			
Fryers, labeling		80-03-019	
CHILDREN			
Foster care			
damage reimbursement		80-02-032	
		80-02-033	
Psychiatrically impaired,			
residential treatment facilities		80-01-096	
		80-03-079	
CHIROPRACTORS			
License renewal, birthday		80-02-166	
CITIES AND TOWNS			
Criminal justice impact cost			
reimbursement		80-02-109	
Jails			
state funding		80-02-161	
CIVIL SERVICE			
State		80-02-137	

Subject/Agency Index

CIVIL SERVICE—cont.		EASTERN WASHINGTON UNIVERSITY	
examinations		Public meeting notice	80-01-063
class development plan	80-03-077	ECOLOGICAL COMMISSION	
CLARK COLLEGE		Public meeting notice	80-01-109
Public meeting notice	80-02-008		80-01-110
	80-02-017		80-03-113
COLLECTIVE BARGAINING		ECOLOGY, DEPARTMENT OF	
Uniformed personnel	80-02-116	Air pollution	
impasse resolution	80-02-156	clean air act	
COLLEGES AND UNIVERSITIES		kraft pulping mills	80-02-012
Educational services registration	80-01-041		80-02-095
Need grant program	80-02-149	primary aluminum plants	80-02-011
Position review, premium pay, sick leave	80-02-111		80-02-097
Student rights		sulfite pulping mills	80-02-013
Centralia colleges	80-01-055		80-02-096
Tuition waivers		Air quality standards, carbon monoxide,	
employees		ozone, nitrogen dioxide	80-01-114
Tacoma community college	80-01-006		80-03-071
senior citizens		Instream resources protection program	
Bellevue community college	80-01-038	Chambers-Clover creeks basin	80-01-012
Work study program	80-02-150	main stem Columbia river	80-01-113
			80-03-114
COLUMBIA BASIN COLLEGE		Motor vehicle emission inspection	80-01-054
Tuition and fee waivers			80-03-070
displaced homemakers	80-01-016	Public ground water permits	
	80-03-014	area described at order No. DE 75-54	80-02-025
COMMUNITY COLLEGES		Public meeting notice	80-02-171
Vocational program offerings		Shoreline management	
outside district boundaries	80-01-022	Mason county	80-03-117
COMMUNITY SERVICES/ CONTINUING EDUCATION ADVISORY COUNCIL		Skagit county	80-03-117
Public meeting notice	80-01-075	Shoreline management master program	80-02-123
	80-02-155		80-02-173
CONSERVATION COMMISSION		Spokane county 208 aquifer management plan	80-03-116
Public meeting notice	80-01-111	Substantial development permits, time	80-02-172
	80-02-170	Water resources,	
CONTINUING EDUCATION		grievance hearings, requests for	80-01-023
Accountants	80-02-165	Water resources program	
Insurance agents, solicitors, brokers	80-02-086	John Day-McNary pools reach	80-01-112
Nursing home administrators	80-01-057	ECONOMIC OPPORTUNITY DIVISION ADVISORY COUNCIL	
	80-02-163	Public meeting notice	80-02-155
COUNTIES		EDUCATION, STATE BOARD OF	
Criminal justice impact cost		Interscholastic activities	80-02-146
reimbursement	80-02-109	School building construction	
Jails		barrier free facilities	80-02-145
state funding	80-02-161	Secondary schools	
Mental health		graduation requirements	
funding allocation	80-02-120	minimum credits, waiver	80-02-147
COUNTY ROAD ADMINISTRATION BOARD		ELECTIONS	
Maintenance management procedure	80-02-105	Declaration of candidacy, forms	80-03-115
CRIMES		Precinct maps and	
Domestic violence, victims, shelters	80-01-068	census correspondence listings	80-03-119
Institutional residents, impact cost reimbursement,		ELECTRICIANS	
local governments	80-02-109	Licensing	80-01-080
CRIMINAL JUSTICE TRAINING COMMISSION			80-02-052
Public meeting notice	80-01-077	EMERGENCIES	
DATA PROCESSING AUTHORITY		Disaster relief	80-02-118
Public meeting notice	80-02-005		80-02-121
	80-02-040	EMPLOYERS AND EMPLOYEES	
DENTAL EXAMINERS, BOARD OF		Occupational safety	
Dental hygienists		benzene	80-01-005
examination	80-01-104	lead	80-01-002
	80-03-063	records, preservation	80-03-078
Dentists			80-03-082
examination	80-03-094	Unemployment compensation	
DOMESTIC RELATIONS		employer reports, contributions	
Violence, victims, shelters	80-01-068	delinquency penalty	80-02-034
DRUGS		EMPLOYMENT AND TRAINING COUNCIL	
Controlled substances, registration, fees	80-03-091	Public meeting notice	80-02-153
Generic drug substitution	80-02-113		80-03-047
		EMPLOYMENT SECURITY DEPARTMENT	
		Advisory committee	80-02-010
		CETA planning advisory council	

Subject/Agency Index

EMPLOYMENT SECURITY DEPARTMENT—cont.		FARMS—cont.	
public meeting notice	80-01-094	annual assessment	80-02-157
Employer reports, contributions		virus quarantine	80-01-093
delinquency penalties	80-02-034	Noxious weeds	
ENERGY CONSERVATION		proposed list	80-01-058
WEATHERIZATION ADVISORY COUNCIL			80-03-075
Public meeting notice	80-01-075	Pesticides	
	80-03-087	restricted use	80-02-076
			80-03-040
EQUIPMENT, COMMISSION ON		Raspberries	
Connecting devices and towing methods	80-02-092	annual assessment	80-02-158
	80-03-068	Seed inspection charge	80-03-100
	80-03-069		
Tow truck business		FEES	
truck sale, decal removal	80-02-093	Bingo licensees	80-01-043
Trailer hitches and drawbars	80-02-092	Horse racing	
	80-03-068	application for approval	80-01-032
	80-03-069	stable name registration	80-01-034
		Pharmacy licenses	80-03-091
EVERGREEN STATE COLLEGE, THE		Public lands, commissioner of, services	80-01-078
Parking		State parks	80-02-176
permit fees	80-03-086	Wenatchee valley college	80-01-039
Sick leave			
exempt administrators, compensation	80-03-086	FERRIES	
Student loans		Toll schedule	80-02-174
exit interview	80-03-086		
EXECUTIVE ORDERS		FINANCIAL MANAGEMENT, OFFICE OF	
Farmland preservation	80-02-026	Commuter ride sharing	80-01-105
Indian affairs, office of, established	80-02-036	Criminal justice planning	80-02-122
Minority and women's			80-03-011
business enterprise utilization	80-03-006	Privately-owned automobiles, reimbursement rate	80-02-128
			80-02-129
			80-02-162
FAIRS		FIRE FIGHTERS	
Gambling, prohibited practices	80-01-086	Collective bargaining	80-02-116
	80-03-059		
State fair fund,		FISHERIES, DEPARTMENT OF	
allocations, qualifications	80-01-019	Commercial fishing	
FARMS		Area 4B	
Brucellosis		closures, repealed	80-01-004
vehicles, disinfecting of	80-02-168	Area 5	
Cherries		closures, repealed	80-01-004
annual assessment	80-02-159	Area 6B	
Farmland preservation, executive order	80-02-026	closures, repealed	80-01-004
Fryers, labeling	80-03-019	Area 10A	
Herbicides		steelhead management needs	80-01-020
Adams county	80-02-075	Clallam river	
	80-03-035	closure	80-01-007
Benton county	80-02-066	Columbia river	
	80-03-038	sturgeon, salmon	80-02-125
Chelan county	80-02-073		80-03-056
	80-03-028	Deep creek	
Columbia county	80-02-065	closures	80-01-004
	80-03-034	dogfish, set net closure	80-03-080
Douglas county	80-02-073	Dungeness river	
	80-03-028	closures	80-01-004
east of Cascades	80-02-071	East Twin river	
	80-03-041	closure	80-01-007
Franklin county	80-02-063	Elwha river	
	80-03-037	closures	80-01-004
Garfield county	80-02-078	Hamma Hamma river	
	80-03-032	chum salmon protection	80-01-001
Grant county	80-02-068		80-02-127
	80-03-031	herring, Budd inlet	80-03-053
Klickitat county	80-02-070	Lyre river	
	80-03-029	closure	80-01-007
Lincoln county	80-02-072	Nisqually river	80-02-014
	80-03-030		80-02-043
Okanogan county	80-02-064		80-03-016
	80-03-027	Nooksack river, steelhead management needs	80-01-097
Spokane county	80-02-076		80-02-056
	80-03-039	Puget Sound	
Walla Walla county	80-02-074	bottom fish gear	80-03-061
	80-03-026	Puget Sound closure	80-01-067
Whitman county	80-02-069		80-01-084
	80-03-033	Pysht river	
Yakima county	80-02-067	closures	80-01-004
	80-03-036	Quilcene river	80-02-014
Hops		receiving tickets	80-03-096

Subject/Agency Index

FISHERIES, DEPARTMENT OF—cont.

Sail river
 closures 80-01-004
 salmon
 sales limitations 80-01-021
 Salt creek
 closures 80-01-004
 set net closures 80-02-044
 Skagit river
 chum salmon protection 80-01-045
 Skokomish river, chum salmon 80-01-084
 80-02-127
 80-01-047
 smelt, weekly period, Columbia river
 West Twin river
 closure 80-01-007
 Personal-use fishing
 Columbia river
 Richland-Pasco bridge, salmon closure 80-03-095
 disability permits, razor clams 80-02-126
 Edmonds fishing pier 80-01-046
 Little White river
 salmon closure 80-03-095
 regulations 80-02-045
 80-03-064

FISHING

Steelhead
 Elwha river watershed 80-02-133
 Lake Washington watershed 80-02-048
 Nooksack river watershed 80-02-132
 Puget Sound, closure 80-01-008
 80-01-083
 80-02-133
 80-02-058
 80-02-048
 80-03-067
 Quillayute river watershed
 Skagit river watershed
 Snohomish, Stillaguamish watersheds, closure

FOREST FIRE ADVISORY BOARD

Public meeting notice 80-01-036

FOREST PRACTICES BOARD

Public meeting notice 80-03-073

FORESTS

Safety rules 80-02-030
 Timber tax
 stumpage value tables
 western red cedar 80-02-019

FRANCHISES

Registration requirements 80-02-099

GAMBLING COMMISSION

Bingo
 license fee classification 80-01-043
 80-01-086
 80-03-059
 80-01-085
 80-03-017
 80-03-060
 80-01-086
 80-03-059
 80-01-086
 80-02-119
 80-01-086
 80-03-059
 80-03-093
 80-01-086
 80-03-059
 80-03-093
 80-01-042
 80-01-086
 80-03-059
 80-01-086
 80-03-059
 Prohibited practices, agricultural fairs 80-01-086
 80-03-059

GAME, DEPARTMENT OF

Fishing
 steelhead closure
 Elwha river watershed 80-02-134
 Lake Washington watershed 80-02-057

GAME, DEPARTMENT OF—cont.

Nooksack river watershed 80-02-132
 Puget Sound 80-01-008
 80-01-083
 Quillayute river watershed 80-02-133
 Skagit river watershed 80-02-058
 Snohomish, Stillaguamish watersheds 80-02-048
 80-03-067

Hunting

unlawful firearms 80-02-167
 Public meeting notice 80-02-087
 Seasons, hunting, spring, summer, 1980 80-03-042
 Taxidermy
 purchasing, selling 80-02-167
 records 80-02-167
 Wildlife
 commercial use, prohibited 80-02-167

GEOGRAPHIC NAMES, BOARD OF

Determination of 80-02-016

GOVERNOR, OFFICE OF THE

Farmland preservation 80-02-026
 Indian affairs, office of
 established 80-02-036
 Minority and women's
 business enterprise utilization 80-03-006

GRAYS HARBOR COLLEGE

Public meeting notice 80-02-108
 Student conduct code 80-03-021

GREEN RIVER COMMUNITY COLLEGE

Public meeting notice 80-01-003

HANDICAPPED

Razor clams, disability permit 80-02-126
 Schools, barrier free facilities 80-02-145

HAZARDOUS MATERIALS

Nuclear wastes
 low level disposal site
 users, requirements 80-02-080
 Transportation of, advisory council
 radioactive waste materials 80-01-009

HEALTH, BOARD OF

Childbirth centers 80-03-102
 Hospitals
 birthing rooms 80-02-021
 80-03-085
 building requirements 80-01-108
 80-03-062
 80-02-021
 80-03-085
 Kidney disease program 80-03-101
 Mobile homes, mobile home parks 80-01-024
 Psychiatrically impaired children and
 youth, residential treatment facilities 80-01-096
 80-03-079
 80-01-037
 Public meeting notice
 Schools
 ventilation systems 80-02-020
 80-03-044
 80-01-107
 Sewage disposal systems

HERBICIDES

Adams county 80-02-075
 80-03-035
 Benton county 80-02-066
 80-03-038
 Chelan county 80-02-073
 80-03-028
 Columbia county 80-02-065
 80-03-034
 Dessicants, defoliant, restricted use 80-02-169
 Douglas county 80-02-073
 80-03-028
 East of Cascades 80-02-071
 80-03-041
 Franklin county 80-02-063
 80-03-037

Subject/Agency Index

HERBICIDES—cont.			
Garfield county	80-02-078		
	80-03-032		
Grant county	80-02-068		
	80-03-031		
Klickitat county	80-02-070		
	80-03-029		
Lincoln county	80-02-072		
	80-03-030		
Okanogan county	80-02-064		
	80-03-027		
Spokane county	80-02-077		
	80-03-039		
Walla Walla county	80-02-074		
	80-03-026		
Whitman county	80-02-069		
	80-03-033		
Yakima county	80-02-067		
	80-03-036		
HIGHER EDUCATION PERSONNEL BOARD			
Position review, premium pay, sick leave	80-02-111		
HIGHLINE COMMUNITY COLLEGE			
Faculty grievance procedures	80-02-138		
HIGHWAYS			
Oversize loads, special permit, triple saddlemounts	80-03-043		
Parking			
route 14,			
North Bonneville Dam construction site	80-02-042		
route 129, Asotin vicinity	80-01-028		
Signs	80-02-141		
Traffic control devices, manual	80-02-110		
HISTORIC PRESERVATION			
Grants advisory committee	80-02-083		
HORSE RACING COMMISSION			
Double entries	80-01-034		
Jockeys			
agents	80-01-073		
Medication	80-01-072		
	80-01-106		
	80-03-018		
	80-03-098		
Narcotic offenders, admission to grounds	80-01-033		
No smoking areas	80-01-033		
Prospective owner,			
application for approval, fee	80-01-032		
Stable name registration fee	80-01-034		
HOSPITAL COMMISSION			
Public meeting notice	80-01-064		
	80-02-006		
	80-02-031		
	80-02-117		
	80-03-008		
	80-03-057		
HOSPITALS			
Birthing rooms	80-02-021		
	80-03-085		
Building requirements	80-01-108		
	80-03-062		
Neonatal intensive care unit	80-02-021		
	80-03-085		
Tuberculin tests, employees	80-02-003		
HUMAN RIGHTS COMMISSION			
Public meeting notice	80-02-018		
HUNTING			
Seasons, spring, summer, 1980	80-03-042		
INDIAN AFFAIRS, OFFICE OF			
Established	80-02-036		
INSTITUTIONS			
Criminal justice impact cost reimbursement	80-02-109		
Residential schools			
INSTITUTIONS—cont.			
rate schedules		80-01-098	
		80-02-060	
INSURANCE COMMISSIONER			
Agents, adjusters, solicitors			
continuing education		80-02-086	
examination, license			
qualification		80-01-011	
license			
renewal date, staggered system		80-02-103	
		80-02-115	
Examining bureau,			
mandatory submission, exception		80-02-089	
Life insurance			
replacement		80-03-076	
INTERAGENCY COMMITTEE FOR OUTDOOR REC- REATION			
Public meeting notice		80-02-007	
JAIL COMMISSION			
Funding procedures		80-02-161	
Public meeting notice		80-02-160	
		80-03-118	
KENNEWICK GENERAL HOSPITAL			
Public meeting notice		80-01-074	
KLICKITAT COUNTY, PORT OF			
Public meeting notice		80-01-066	
LABOR AND INDUSTRIES, DEPARTMENT OF			
Apprenticeship and training council			
plant program defined,			
complaint review procedure		80-03-004	
Electricians' licensing		80-01-080	
		80-02-052	
		80-03-078	
		80-03-082	
Records, preservation			
Safety			
benzene		80-01-005	
lead		80-01-002	
		80-03-082	
		80-03-099	
logging industry		80-02-030	
metal irrigation piping		80-03-082	
LANDSCAPE ARCHITECTS, BOARD OF REGISTRA- TION FOR			
Meetings, examinations, seals		80-03-058	
LAW ENFORCEMENT OFFICERS			
Collective bargaining		80-02-116	
LIBRARIES			
State library			
Washington library			
network computer service		80-02-041	
University of Washington			
loan policy		80-01-044	
LICENSES			
Accountants		80-02-140	
Bingo			
fee classification		80-01-043	
		80-01-086	
		80-03-059	
Cardroom employees		80-02-119	
		80-01-086	
		80-03-059	
Electricians		80-01-080	
		80-02-052	
Insurance agents			
examination		80-01-011	
renewal date, staggered system		80-02-103	
		80-02-115	
Pharmacies		80-03-091	
LICENSING, DEPARTMENT OF			
Barbers			
textbooks, references		80-02-079	
Chiropractors			

Subject/Agency Index

LICENSING, DEPARTMENT OF—cont.			
license renewal, birthday	80-02-166		
Disposers	80-02-053		
Franchises	80-02-099		
Nursing home administrators			
license renewal, birthday	80-02-166		
Opticians			
approved courses	80-01-070		
Physical therapists			
license renewal, birthday	80-02-166		
Securities			
exempt transactions	80-02-139		
registration requirements	80-02-098		
LIQUOR CONTROL BOARD			
Public meeting notice	80-03-074		
Retail licensees			
open container prohibition	80-01-010		
	80-02-035		
	80-02-094		
LOBBYING			
Agency reports	80-02-055		
	80-02-106		
Expenditures, report, form	80-02-055		
List of public officials, contents	80-03-088		
	80-03-090		
MASON COUNTY			
Shoreline management program	80-03-117		
MESSAGE EXAMINING BOARD			
Examinations			
frequency, location	80-01-017		
reexamination	80-01-087		
scope of	80-01-018		
MENTALLY ILL, MENTALLY RETARDED			
Children, residential treatment facilities	80-01-096		
	80-03-079		
Funding allocation	80-02-120		
MOBILE HOMES			
Health rules	80-01-024		
MOTOR FREIGHT CARRIERS			
Accidents, reports	80-01-071		
Oversize loads, special permits, triple saddlemounts	80-01-060		
	80-01-061		
MOTOR VEHICLES			
Commuter ride sharing	80-01-105		
Connecting devices and towing methods	80-02-092		
	80-03-069		
Disposers	80-02-053		
Emission inspection	80-01-054		
	80-03-070		
Trailer hitches and drawbars	80-02-092		
	80-03-068		
NATURAL RESOURCES, DEPARTMENT OF			
Aquatic lands, management of	80-02-015		
	80-03-002		
Commissioners' service fees	80-01-078		
Public meeting notice	80-02-059		
Shorelands, second class, sale	80-03-001		
NOXIOUS WEED CONTROL BOARD			
Proposed list	80-01-058		
	80-03-075		
NUCLEAR MATERIAL (See RADIOACTIVE MATERIALS)			
NURSING, BOARD OF			
Schools, approval	80-02-091		
NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS FOR			
Continuing education	80-01-057		
	80-02-163		
License renewal, birthday	80-02-166		
NURSING HOMES			
Operating requirements	80-03-112		
Patients			
maintenance standards	80-02-062		
OLYMPIA TECHNICAL COMMUNITY COLLEGE			
Leave policies	80-03-013		
Parking	80-02-046		
	80-03-012		
OLYMPIC COLLEGE			
Faculty members			
right to return, time period	80-01-027		
Student conduct code	80-01-027		
OPTICIANS			
Approved courses	80-01-070		
OPTOMETRY, BOARD OF			
Continuing education	80-01-088		
	80-01-103		
Employed doctors of optometry	80-01-088		
Minimum practical examination requirements	80-01-088		
Misleading titles or degrees	80-01-088		
Practice under another name	80-01-088		
Trade name	80-01-103		
PARENT-CHILD			
Support enforcement	80-01-025		
PARKING			
Olympia technical community college	80-02-046		
	80-03-012		
Route 14,			
North Bonneville Dam construction site	80-02-042		
Route 125,			
Walla Walla penitentiary	80-02-088		
Route 129, Asotin vicinity, restriction	80-01-028		
	80-03-020		
Route 542,			
Mt. Baker, Razor Hone Creek Bridge	80-03-065		
	80-03-066		
Wenatchee valley college	80-01-039		
PARKS AND RECREATION COMMISSION			
Campsite reservation system	80-02-175		
Fees	80-02-176		
Public meeting notice	80-01-062		
	80-02-151		
State park areas, public use	80-02-176		
PERSONNEL, DEPARTMENT OF			
CETA, reduction in force rights	80-02-137		
Classified service	80-02-137		
Examinations			
class development plans	80-03-077		
Holidays	80-02-039		
Recruitment	80-02-038		
Register designation	80-02-038		
	80-02-137		
Salary increments, increases	80-02-038		
	80-03-024		
Sick leave			
paid	80-02-037		
payments	80-01-089		
Vacation leave	80-02-039		
PESTICIDES			
Restricted use	80-02-076		
	80-03-040		
PHARMACY, BOARD OF			
Controlled substances, registration, fees	80-03-091		
Generic drug substitution	80-02-113		
Interns	80-03-091		
Level B-pharmacy assistants	80-02-164		
certification	80-02-112		
utilization	80-02-113		
Licensing periods and fees	80-03-091		
Prescriptions, independent, prohibited	80-03-091		
PHYSICAL THERAPISTS			
License renewal, birthday	80-02-166		

Subject/Agency Index

PILOTAGE COMMISSIONERS, BOARD OF		PUBLIC DISCLOSURE COMMISSION—cont.	
Board administration	80-01-102	reporting modification	80-02-106
Licensing requirements	80-01-102	statement, filing, time	80-01-115
Rates, Puget Sound district	80-03-097		80-03-089
Service improvements	80-03-081	Hearings	80-01-115
			80-03-089
PLANNING AND COMMUNITY AFFAIRS AGENCY		Lobbyists	
Advisory council		agency reports	80-02-055
public meeting notice	80-03-087		80-02-106
Economic opportunity division		expenditures	80-02-055
public meeting notice	80-01-117	list of public officials, contents	80-03-088
			80-03-090
POLLUTION		registration	80-01-115
Air			80-03-089
clean air act		PUBLIC EMPLOYMENT RELATIONS COMMIS-	
kraft pulping mills	80-02-012	SION	
	80-02-095	Collective bargaining	
primary aluminum plants	80-02-011	uniformed personnel	80-02-116
	80-02-097	Uniformed personnel	
sulfite pulping mills	80-02-013	impasse resolution	80-02-156
	80-02-096		
quality standards, carbon monoxide,		PUBLIC INSTRUCTION, SUPERINTENDENT OF	
ozone, nitrogen dioxide	80-01-114	Fund allocation, emergency closures	80-02-130
	80-03-071		80-02-131
Motor vehicle emission inspection	80-01-054	Grants management	80-03-109
	80-03-070	Interdistrict cooperation programs	80-03-105
		Levy relief funds, administration	80-03-107
POSTSECONDARY EDUCATION, COUNCIL FOR		Nonresident school attendance	80-03-106
Educational services registration	80-01-041	Part-time public school students	80-03-110
exemptions	80-02-152	Part-time students, finance, apportionment	80-03-104
Need grant program	80-02-149	Public records,	
Work study program	80-02-150	accessibility, protection	80-03-103
		Students, transfer appeals	80-03-111
PRESCRIPTIONS		Transportation, funding	80-03-108
Generic drug substitution	80-02-113		
Independent writing, pharmacists, prohibited	80-03-091	PUBLIC LANDS	
		Aquatic lands, management	80-02-015
PUBLIC ASSISTANCE			
Adult protective services	80-01-015	PUBLIC MEETING NOTICES	
	80-02-142	Bellevue community college	80-02-009
Aid to dependent children		Building code advisory council	80-01-075
supplemental payments	80-03-083		80-02-155
	80-03-084	Cemetery board	80-02-101
Blind services	80-02-051	Central Washington University	80-02-027
Eligibility		Centralia college	80-01-035
determination of	80-02-022	CETA planning advisory council	80-01-094
Employment and training program	80-02-023	Clark college	80-02-009
Energy allowance, low income, supplemental	80-03-050		80-02-017
	80-03-051	Community services/	
Food stamps		Continuing education advisory council	80-01-075
income requirements	80-01-056		80-02-155
	80-01-095	Conservation commission	80-01-111
	80-01-101		80-02-170
	80-02-143	Criminal justice training commission	80-01-077
	80-02-144	Data processing authority	80-02-005
resources, exempt	80-03-050		80-02-040
	80-03-051	Eastern Washington University	80-01-063
Foster care		Ecological commission	80-01-109
damage reimbursement, child caused damage	80-02-032		80-01-110
	80-02-033	Ecology, Department of	80-03-113
Medical assistance		Economic opportunity division	80-02-171
application	80-02-050	advisory council	80-01-117
drugs, formulary, criteria	80-02-024	Employment and training council	80-02-155
eligibility	80-02-050		80-02-153
income	80-02-061	Employment security department	80-03-047
residence	80-02-001	advisory committee	80-02-010
Noncontinuing assistance, eligibility	80-01-100	Energy conservation weatherization	
	80-03-052	advisory council	80-01-075
Residence	80-01-100		80-03-087
	80-03-052	Forest fire advisory board	80-01-036
Senior citizens program, income, resources	80-02-135	Forest practices board	80-03-073
Social services		Game commission	80-02-087
eligibility	80-02-049	Grays harbor college	80-02-108
Support enforcement	80-01-025	Green river community college	80-01-003
	80-01-026	Health, board of	80-01-037
PUBLIC DISCLOSURE COMMISSION			
Financial affairs			
form	80-02-055		

Subject/Agency Index

PUBLIC MEETING NOTICES—cont.			
Hospital commission	80-01-064		
	80-02-006		
	80-02-031		
	80-02-117		
	80-03-008		
	80-03-057		
Human rights commission	80-02-018		
Interagency committee for outdoor recreation	80-02-007		
Jail commission	80-02-160		
	80-03-118		
Kennewick General Hospital	80-01-074		
Klickitat county, port of	80-01-066		
Liquor control board	80-03-074		
Natural resources, department of	80-02-059		
Parks and recreation commission	80-01-062		
	80-02-151		
Planning and community affairs advisory council	80-03-087		
Real estate commission	80-01-059		
Skagit valley college	80-01-048		
	80-03-023		
Spokane county 208 aquifer management plan	80-03-116		
Television educational commission	80-01-075		
Traffic safety commission	80-01-090		
University of Washington	80-01-099		
Urban arterial board	80-02-002		
Vocational education, advisory council on	80-02-029		
	80-02-124		
Washington state university	80-01-076		
Wenatchee valley college	80-02-027		
	80-03-054		
	80-02-028		
	80-02-090		
	80-02-027		
Whatcom community college			
Yakima valley college			
PUBLIC RECORDS			
Archaeology and Historic Preservation, Office of	80-02-082		
PURCHASING			
Wenatchee valley college	80-01-040		
RADIOACTIVE MATERIALS			
Low level waste disposal site users, requirements	80-02-080		
Waste, transportation of	80-01-009		
REAL ESTATE COMMISSION			
Public meeting notice	80-01-059		
REGISTERED SANITARIANS, BOARD OF			
Registration, application, examination	80-02-114		
REVENUE, DEPARTMENT OF			
Inheritance tax	80-01-116		
	80-03-003		
	80-03-048		
Timber tax			
stumpage value tables			
western red cedar	80-02-019		
stumpage values	80-01-091		
	80-01-092		
RIVERS			
Chambers-Clover creeks basin protection	80-01-012		
Main stem Columbia river protection	80-01-113		
	80-03-114		
Water resources program			
John Day-McNary pools reach	80-01-112		
ROADS			
Counties			
maintenance management procedure	80-02-105		
RULES OF COURT			
Appellate procedure			
indigency, review of order of (RAP 15.2(g))	80-01-049		
review (RAP 12.5(b); 13.1(a); 13.2; 13.3(a)(b); 13.6; 13.7	80-01-053		
Evidence			
exclusion of juvenile court			
declining jurisdiction (1101(c))	80-01-051		
RULES OF COURT—cont.			
Justice court traffic rules			
service of summons, mail (JTR 202(d)(2))	80-01-052		
Superior court civil rules			
defendant's answer, when presented (CR 12(a))	80-01-050		
SAFETY			
Benzene	80-01-005		
Lead	80-01-002		
	80-03-082		
	80-03-099		
	80-02-030		
	80-03-082		
Logging industry			
Metal irrigation piping			
Radioactive waste materials, transportation of	80-01-009		
SALARY, WAGES			
Sick leave			
Evergreen State College, exempt administrators	80-03-086		
payments	80-01-089		
State employees			
holidays, vacation leave	80-02-039		
promotional increases	80-02-038		
	80-03-024		
sick leave, paid	80-02-037		
SCHOOLS			
Barrier free facilities	80-02-145		
Fund allocation, emergency closures	80-02-130		
	80-02-131		
Interdistrict cooperation programs	80-03-105		
Interscholastic activities	80-02-146		
Levy relief funds, administration	80-03-107		
Nonresident school attendance	80-03-106		
Nursing, approval	80-02-091		
Part-time public school students	80-03-110		
Part-time students, finance, apportionment	80-03-104		
Secondary			
graduation requirements	80-02-147		
Students, transfer appeals	80-03-111		
Transportation, funding	80-03-108		
Ventilation systems	80-02-020		
	80-03-044		
Vocational education program offerings			
outside district boundaries	80-01-022		
Vocational education service areas	80-02-004		
SECRETARY OF STATE			
Declaration of candidacy			
forms	80-03-115		
Precinct maps and census correspondence listings	80-03-119		
SECURITIES			
Registration requirements	80-02-098		
SENIOR CITIZENS			
State services, income, resources	80-02-135		
Tuition waiver			
Bellevue community college	80-02-102		
SEWERS			
Disposal systems, requirements	80-01-107		
SHELLFISH			
Razor clams			
disability permits	80-02-126		
SHORELINE MANAGEMENT			
Mason county	80-03-117		
Skagit county	80-03-117		
State master program	80-02-123		
	80-02-173		
SHORELINES HEARINGS BOARD			
Review, request for, filing, time for	80-02-100		
SIGNS			
Highways	80-02-141		
SKAGIT COUNTY			
Shoreline management program	80-03-117		

Subject/Agency Index

TRAFFIC SAFETY COMMISSION			
Public meeting notice		80-01-090	
TRANSPORTATION, DEPARTMENT OF			
Bicycles			
I-5, reversible lanes, one Sunday use		80-03-055	
I-90, Issaquah and High Point		80-03-015	
Ferries, toll schedule		80-02-174	
Highway advertising		80-02-141	
Oversize loads, special permits, triple saddlemounts		80-01-060	
		80-01-061	
		80-03-043	
Parking restrictions			
route 14, North Bonneville Dam construction site		80-02-042	
route 125, Walla Walla penitentiary		80-02-088	
route 129, Asotin vicinity		80-01-028	
		80-03-020	
route 542, Mt. Baker, Razor Hone Creek Bridge		80-03-065	
		80-03-066	
Public transportation technical studies, federal funds pass-through		80-01-031	
		80-01-079	
Signs		80-02-141	
Traffic control devices, manual		80-02-110	
Transit plans, advanced support payments		80-01-029	
		80-01-030	
TREE FRUIT RESEARCH COMMISSION			
Cherries			
assessment rate		80-02-159	
TUITION			
Waivers			
Bellevue community college senior citizens		80-01-038	
		80-02-102	
Columbia basin college displaced homemakers		80-01-016	
		80-03-014	
Tacoma community college employees		80-01-006	
UNEMPLOYMENT COMPENSATION			
Employer reports, contributions delinquency penalty		80-02-034	
UNIVERSITY OF WASHINGTON			
Calendar		80-03-049	
Housing, assignment priority		80-03-005	
Library loan policy		80-01-044	
Public meeting notice		80-01-099	
URBAN ARTERIAL BOARD			
Public meeting notice		80-02-002	
UTILITIES AND TRANSPORTATION COMMISSION			
Forwarders and brokers, nonprofit exemption		80-01-013	
Hazardous materials transportation		80-01-014	
Motor carrier accidents, reports		80-01-071	
VENDING EQUIPMENT			
Program administration		80-03-120	
Repairs, payment		80-03-046	
VETERINARIANS			
Animal technicians		80-01-069	
Conduct		80-03-092	
Examinations		80-03-092	
VICTIMS			
Domestic violence, shelters		80-01-068	
VOCATIONAL EDUCATION, ADVISORY COUNCIL ON			
Public meeting notice		80-02-029	
		80-02-124	
VOCATIONAL EDUCATION, COMMISSION FOR			
Private vocational schools, dual purpose institutions			80-01-065
			80-01-022
Program offerings outside district boundaries			80-02-004
			80-02-004
Service areas, common schools			80-02-004
WASHINGTON STATE UNIVERSITY			
Discriminatory practices, prohibition of			80-03-072
Public meeting notice			80-01-076
WATER			
Aquatic lands, management			80-03-002
Grievance hearings, requests for			80-01-023
Instream resources protection program			
Chambers-Clover creeks basin protection			80-01-012
main stem Columbia river			80-01-113
Public ground water permits			
area described at order no. 75-54			80-02-025
Shorelands, second class, sale			80-03-001
Spokane county 208 aquifer management plan			80-03-116
Water resources program			
John Day-McNary pools reach			80-01-112
WEEDS			
Noxious weeds, proposed list			80-01-058
			80-03-075
WENATCHEE VALLEY COLLEGE			
Parking			80-01-039
Public meeting notice			80-02-027
			80-03-054
Purchasing procedures			80-01-040
Trustees, board of, bylaws			80-03-022
WHATCOM COMMUNITY COLLEGE			
Public meeting notice			80-02-028
			80-02-090
YAKIMA VALLEY COLLEGE			
Public meeting notice			80-02-027
Trustees, board of, bylaws			80-03-045

