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APRIL 21, 1982

OLYMPIA, WASHINGTON

ISSUE 82-08



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CITATION

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

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$95 per year, post-paid 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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1981 - 1982

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
81-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
81-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
81-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
81-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
81-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1982
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82-01	Nov 25	Dec 9	Dec 23, 1981	Jan 6, 1982	Jan 26
82-02	Dec 9	Dec 23, 1981	Jan 6, 1982	Jan 20	Feb 9
82-03	Dec 23, 1981	Jan 6	Jan 20	Feb 3	Feb 23
82-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
82-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
82-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
82-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
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82-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
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82-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
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82-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
82-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1983

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.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³"No proceeding may 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(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-08-001
BOARD OF PRISON
TERMS AND PAROLES
[Filed February 26, 1982]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the Office of the Code Reviser pursuant to the court order set forth below, and is published in the Register exactly as filed.

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY
BERTHA HOUSER, DON ANTHONY)
WHITE, and KENNETH HOLDEN,)
)
Plaintiffs,) NO. 81-2-00225-8
)
vs.) ORDER
)
THE WASHINGTON STATE BOARD)
OF PRISON TERMS AND PAROLES,)
DIANE OBERQUELL, and)
WILLIAM HENRY,)
Defendants.)

A hearing was conducted on the day of September, 1981, on the defendants' motion to dismiss under Civil Rule 12(b)(6) and the plaintiffs' motion for partial summary judgment under Civil Rule 56. The Court heard the arguments of counsel for the parties and considered the materials listed below in ruling on these motions:

1. Complaint, with exhibits;
2. Answer;
3. Plaintiffs' first requests for admissions, with answers;
4. Plaintiffs' first interrogatories, with answers and attachments;
5. Defendants' objections to requests for admissions and interrogatories;
6. Defendants' motion to dismiss;
7. Memorandum of authorities in support of motion to dismiss;
8. Affidavit of Kenneth M. Holden, with exhibits;
9. Affidavit of Robert Adelman;
10. Affidavit of Bertha Houser;
11. Plaintiffs' motion for partial summary judgment; and
12. Plaintiffs' brief in opposition to motion to dismiss.

Based on these materials, the Court rules as follows:

1. Defendant's motion to dismiss is denied;
2. Plaintiffs' motion for partial summary judgment is granted;
3. The Washington State Board of Prison Terms and Paroles is ordered to publish its current rules in the Washington State Register. The Board shall henceforth

publish the full text of new and amendatory rules, and the citation of any existing rule repealed, in accordance with RCW 34.08.020(2).

4. The Washington State Board of Prison Terms and Paroles is ordered to publish in the next Washington Administrative Code all matters covered by RCW 42.17.250(1).

5. The Washington State Board of Prison Terms and Paroles is ordered to provide plaintiff Holden with copies of all documents in its file concerning him that it would disclose to him in person, by mail within ten business days of this order.

6. The Washington State Board of Prison Terms and Paroles is ordered to provide Plaintiff Houser with copies of all documents in its file concerning Plaintiff White that it would disclose to her in person, by mail within ten business days of this order.

7. This order does not determine whether any specific records that the Board may withhold are exempt or not exempt from disclosure.

8. All other issues presented in this case that are not specifically decided in the paragraphs above will remain for future determination by this Court.

DONE IN OPEN COURT this day of September, 1981.

SUPERIOR COURT
JUDGE

Presented by:

STEPHEN K. STRONG

FRED DIAMONDSTONE
Attorneys for Plaintiffs

Approved as to form:

MICHAEL LYNCH
Attorney for Defendants

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BOARD OF PRISON TERMS AND PAROLES

POLICIES AND PROCEDURES MANUAL

CHAPTER I

GENERAL ADMINISTRATIVE POLICIES

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1.050	Policy and Procedures Manual
1.060	Office Procedures Manual
1.070	Board Shall Meet Monthly
1.080	Training
1.090	Management Information System
1.100	Conferences and Seminars
1.110	Confidentiality of Criminal Records
1.120	Conviction Information
1.130	Conflict of Interest

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CHAPTER 1

GENERAL ADMINISTRATIVE POLICIES

- 1.010 PURPOSE The purpose of this Chapter is to specify general administrative policies of the Washington State Board of Prison Terms and Paroles.
- 1.020 AUTHORITY Revised Code of Washington 9.95.150 and Washington State Merit System Rules.
- 1.030 SCOPE The provisions of this Chapter shall apply to the members and staff of the Board of Prison Terms and Paroles and to the offenders over whom the Board has jurisdiction.
- 1.040 ORGANIZATION CHART There shall be an organization chart published by the Board which accurately reflects the structure of authority, responsibility and accountability. The chart will be reviewed by the Board annually and revised as required.
- 1.050 POLICY AND PROCEDURES MANUAL The Board shall publish a policy and procedures manual which shall be reviewed annually for accuracy and completeness. The Board will publish any changes, deletions or additions to the manual within thirty days after they are adopted.
- 1.060 OFFICE PROCEDURES MANUAL There shall be an office procedures manual which contains important instructions to staff on internal agency operations. The manual shall be reviewed quarterly by senior staff for accuracy and completeness, and will be revised within ten working days after changes are made.
- 1.070 BOARD SHALL MEET MONTHLY The entire Board shall meet monthly with senior staff to discuss policy issues, to communicate instructions, to act on those cases requiring full Board consideration, and to schedule its work calendar for the ensuing period of time. Senior staff shall meet not less than monthly with all agency employees to receive and disseminate information and to enhance communication within the organization.

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1.080 TRAINING It is the policy of the Board of Prison Terms and Paroles that each of its members as well as each staff person shall receive 40 hours of initial training and not less than 40 hours of job-related training or education annually. A person of supervisory rank within the agency shall be assigned the additional duty of Training Officer and will be responsible for curriculum plan development, scheduling, and training records maintenance.

1.090 MANAGEMENT INFORMATION SYSTEM There shall be a Management Information System maintained by the Board to accurately record and retrieve important data on every case processed by the agency. Such data shall include, but not be limited to, all information necessary for the Board to examine its decision-making activity periodically and to assist it in considering impact of its policies on the criminal justice system and the community.

1.100 CONFERENCES AND SEMINARS It is the policy of the Board of Prison Terms and Paroles to encourage its members and staff to attend conferences and seminars relating to criminal justice, and to participate actively in planning efforts conducted by local, regional and national corrections agencies. In addition, it is a policy of the Board that its members and staff initiate regular visits to parole field offices, correctional institutions, law enforcement agencies, prosecuting attorneys and the judiciary, in order to exchange information and concerns regarding the criminal justice system.

1.110 CONFIDENTIALITY OF CRIMINAL RECORDS It is the policy of the Board of Prison Terms and Paroles that all agency personnel shall observe the provisions of Chapter 10.97 Revised Code of Washington in disseminating criminal record information or research data pertaining thereto.

1.120 CONVICTION INFORMATION Conviction information may be disseminated to the public without restriction. Individual members of the Board of Prison Terms and Paroles are authorized to disclose conviction information to the public. Each disclosure must be recorded in the agency record book established for that purpose.

1.130

CONFLICT OF INTEREST. It is the policy of the Board that whenever a member or hearing officer has personal knowledge of a case, or a personal interest, or personal acquaintance of the subject person, any of which factors might reasonably be construed as having an influence on the outcome, the member or hearing officer shall withdraw completely from the decision making process on that case.

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CHAPTER 11

FIXING DURATION OF CONFINEMENT - MINIMUM TERMS

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2.140	Time Start
2.150	Minimum Term Notice - Next Meeting Date
2.160	Order of Minimum Term

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CHAPTER 11

FIXING DURATION OF CONFINEMENT - MINIMUM TERMS

- 2.010 PURPOSE The purpose of this Chapter is to specify Board practice pertaining to the fixing of minimum prison terms.
- 2.020 AUTHORITY Chapters 9.95.040 and 9.95.150 of the Revised Code of Washington.
- 2.030 SCOPE The provisions of this Chapter shall apply, to:
(1) persons convicted of felony offenses in the State of Washington and sentenced to confinement in an adult corrections facility, and (2) those officials charged with processing such convicted persons through the adult corrections system.
- 2.040 MINIMUM TERM The minimum term of each offender sentenced to a Washington State corrections facility shall be fixed by the Board within six months after admission to such facility. In cases where the offender is a revoked parole violator returning to prison for a new minimum term, he (she) will be seen by the Board within 30 days of admission for the purpose of setting the new term.
- 2.050 NO MINIMUM TERM FOR CERTAIN CRIMES The Board shall not fix a minimum term for persons sentenced or committed as follows: (1) Sentenced to death; (2) Sentenced to a maximum term of life imprisonment for Aggravated Murder in the First Degree; (3) Sentenced for Treason. Such persons may be seen at the option of the Board, however, for informational purposes.
- 2.060 DOCUMENTS REQUIRED The Board shall require certain documents prior to the fixing of the minimum term as follows: (1) Original Judgment and Sentence; (2) Warrant of Commitment; (3) Signed Statement of the Prosecuting Attorney approved by the Sentencing Judge; (4) Institution admission summary; (5) Pre-Sentence Investigation Report or other field reports, if extant; (6) Institution progress report, if extant; (7) Appropriate minimum term guideline forms; (8) FBI transcript. The Prosecuting Attorney of each county and the Secretary, Department of Corrections, are enjoined to provide the applicable aforementioned documents to the Board at its offices in Olympia within twenty-one calendar days after the arrival of each convicted person at an adult correctional facility.

2.070

CASE PREPARATION. The Board shall prepare every case thoroughly prior to fixing the minimum term. Such preparation shall include, but not be limited to: (1) Establishing case file; (2) Reviewing all pertinent documents; (3) Scoring factors used in conjunction with the minimum term guidelines when applicable; (4) Entering data into the Board Management Information System; (5) Scheduling the admission meeting. It shall be the standard of Board Members that wherever possible, not less than thirty (30) minutes per case will be the minimum time allowed for Board review, in-person interview, and decision.

2.080

BOARD GUIDELINES. The Board shall employ published guidelines in fixing minimum terms for the following felonies:

<u>Felony Class</u>	<u>Offenses Included in Felony Class</u>
Murder II	Murder II
Manslaughter	Manslaughter I, II, III, Motor Vehicular Homicide
Sexual Molestation	Rape I, II, III, Statutory Rape I, II, III, Indecent Liberties, Other Sex Offenses
Robbery	Robbery I, II, Extortion I, II
Assault	Assault I, II, III, Kidnapping I, II, Unlawful Imprisonment, Felon in Possession of Firearm
Property	Burglary I, II, Auto Theft, Theft I, II, Credit Card Theft, Other Thefts, Possession of Stolen Property I, II, Forgery I, II, Unlawful Issuance of Bank Checks, Credit Card Forgery, Uttering a Forged Instrument
Drugs	Sale of Controlled Substance for Profit, Sale of Heroin for Profit, Sale, Delivery or Possession of Drugs With Intent to Sell, Violation of the Uniform Controlled Substances Act

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Such guidelines will be printed as a separate document and will be reviewed periodically for appropriateness and utility. Terms for felonies not covered by guidelines will be fixed at the discretion of the Board.

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2.090 MINIMUM TERM PANELS - DEFERRED DECISIONS All minimum term meetings will be conducted by a panel of at least two members of the Board of Prison Terms and Paroles. In those cases where the Board panel conducting the minimum term meeting deviates from the published guidelines by \pm 18 months, or where the panel cannot agree as to the minimum term, a Deferred Decision will occur and such cases will be referred to the full Board for resolution. In addition, the panel may take a Deferred Decision in cases where more information is required prior to setting the minimum term.

2.100 PRE-MINIMUM TERM CONFERENCES PROHIBITED No member or members of the Board of Prison Terms and Paroles shall engage in a personal conference with anyone regarding a convicted and committed person prior to the Board fixing a minimum term. The Board will accept written statements from anyone regarding such convicted and committed persons, however.

2.110 PERSONS PRESENT The convicted person and such institution staff as the Board panel conducting the minimum term meeting deems appropriate may be present during the meeting. A limited number of observers may be present by prior approval of the panel members and the convicted person. No family members, friends, relatives, interested parties, attorneys or advocates shall be present. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist.

2.120 BOARD HAS FULL DISCRETION - CHALLENGES The Board of Prison Terms and Paroles shall have full discretion in fixing the minimum term of confinement except in those cases where the minimum term is mandated by law. The minimum term fixed by the Board shall not exceed the maximum number of months specified by law. Inmates shall be provided in writing a list of adverse information used in arriving at the minimum term. Inmates wishing to challenge adverse information used by the Board for just cause may do so in writing to the Board through their institution counselor. The burden of proof in refuting such adverse information shall lie with the inmate.

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- 2.130 CONCURRENT/CONSECUTIVE SENTENCES The Board shall observe the provisions of RCW 9.92.080 in fixing concurrent or consecutive sentences in cases where there are multiple convictions.

- 2.140 TIME START An individual's sentence will begin on the date the Judgment and Sentence is signed. If he is at liberty following the signing of the Judgment and Sentence, credit on his sentence will begin on the date he is returned to custody. Credit on the sentence of an individual whose parole has been revoked will begin on the date that his parole was suspended or the date of his arrest if he was not in custody at the time his parole was suspended.

- 2.150 MINIMUM TERM NOTICE - NEXT MEETING DATE Persons whose expected length of stay is set at less than 24 months will probably not be seen again by the Board prior to parole but will be notified in writing of their minimum term. All others will be notified in writing of the month, year and type of their next meeting.

- 2.160 ORDER OF MINIMUM TERM Orders fixing the minimum term will be signed by the members who fixed the minimum term. The original order will be maintained in the Board file and a copy of such order will be mailed to the sentencing judge, prosecuting attorney, clerk of the court, and the institution of confinement.

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CHAPTER 111

PROCEDURES FOR CONDUCTING PROGRESS AND PAROLE MEETINGS

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CHAPTER III

PROCEDURES FOR CONDUCTING PROGRESS AND PAROLE MEETINGS

- 3.010 PURPOSE The purpose of this Chapter is to specify policies and procedures for the preparation and conduct of progress and parole meetings for persons in state penal institutions.
- 3.020 AUTHORITY Chapter 9.95.150 Revised Code of Washington.
- 3.030 SCOPE The provisions of this Chapter shall apply to: (1) persons convicted of felony offenses in the State of Washington and sentenced to confinement in an adult correctional facility, and (2) those officials charged with processing such convicted persons through the adult correctional system.
- 3.040 MEETING DESIGNATION The Board shall specify the type and time of each meeting conducted with every person sentenced as an adult to a Washington State correctional facility and subject to the authority of the Board.
- 3.050 PROGRESS MEETINGS At its discretion, and with the concurrence of the prisoner, the Board may elect to meet with each prisoner from time to time to review his (her) progress during confinement. Persons serving less than 24 months will usually not be seen for a progress meeting prior to parole unless there is sufficient reason to schedule a meeting. Those serving 24 months or longer will generally be seen every two years. Institution superintendents shall be notified in writing by the Board at least 60 calendar days prior to each scheduled progress meeting.

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3.060 REQUIRED DOCUMENTS - PROGRESS MEETINGS In order for an inmate to be approved for a progress meeting with the Board, the following documents pertaining to that inmate shall be present in the official Board file prior to the meeting:

- (a) The institutional progress report covering his (her) adjustment, achievement, infractions, and program participation since the last meeting with the Board.
- (b) Complete furlough report, if applicable.
- (c) Institution superintendent's statement and certification of good time credits or recommendation to deny credits, if appropriate.
- (d) A current psychological or psychiatric report, if specifically requested by the Board in writing to the superintendent.
- (e) A statement and recommendation from the superintendent pertaining to the fitness of the inmate for eventual parole and his (her) prospects for remaining offense-free.

3.070 PERSONS PRESENT The convicted person and such institutional staff as the members conducting the meeting deem appropriate may be present during the progress meeting. A limited number of observers may be present by prior approval of the members and the convicted person. No family members, friends, relatives, interested parties, attorneys or advocates shall be present. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist. The Board will accept information from any interested person, in writing.

3.080 PAROLE MEETINGS At its discretion, the Board may elect to meet with selected prisoners prior to parole. However, the Board reserves the right to parole individuals after administrative review only. The Board will consider requests from institution superintendents to change the time and/or type of scheduled meetings where such changes appear to be warranted and where requests are fully documented.

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3.090

REQUIRED DOCUMENTS - PAROLE MEETING In order for an inmate to be approved for a parole meeting, the Board must first be satisfied that he (she) is ready to be considered for release. In addition, the following documents pertaining to the inmate shall be provided by the Department of Corrections and shall be present in the official Board file prior to the meeting:

- (a) The institution progress report covering his (her) adjustment, achievement, infractions, and program participation since the last meeting with the Board.
- (b) The institution pre-parole referral report.
- (c) A current pre-parole investigation report prepared by a field parole officer.
- (d) The institution superintendent's statement and certification of good time credits or recommendation to deny credits, if appropriate.
- (e) A current psychological or psychiatric report, if requested by the Board.
- (f) A statement and recommendation from the superintendent pertaining to the fitness of the inmate for parole and his (her) prospects for remaining offense-free.

3.100

PERSONS PRESENT - PAROLE MEETINGS The convicted person and such institutional persons as the members conducting the meeting deem appropriate may be present during the parole meeting. A limited number of observers may be present by prior approval of the members and the convicted person. No family members, friends, relatives, interested parties, attorneys or advocates shall be present. In the event of a language communication problem, an interpreter designated by the Board shall be present to interpret and assist. The Board will accept information from any interested person, in writing.

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3.110

GOOD TIME CREDITS RCW 9.95.070 provides that every convicted person who has a favorable record of conduct and who performs the work, duties and tasks assigned to him to the satisfaction of the superintendent and in whose behalf the superintendent files a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall, upon, but not until the adoption of such recommendation by the Board, be allowed time credits from the term of imprisonment fixed by the Board. The Board will consider granting of good time credits only when certification is received from the superintendent. In every case there shall be a report filed either certifying good time credits or denying them. This report shall set forth the reasons for the action taken.

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3.120

ORDERS OF PAROLE. The Board's Order of Parole and Conditions shall include five standard conditions of parole, as follows:

- (1) Upon release from the institution, report as instructed to the probation and parole officer (or any other person designated) and thereafter make a correct report as often as directed;
- (2) Secure written permission of the probation and parole officer before leaving the State of Washington;
- (3) Obey all laws, and abide by any special conditions imposed by the Board of Prison Terms and Paroles or any written instructions issued by a probation and parole officer of the Department of Corrections;
- (4) Notify the parole officer of any change in residence;
- (5) At no time purchase, own, have in possession, or under control any firearm or deadly weapon.

Additionally, the Board may impose special conditions of parole tailored to each individual case.

The Order of Parole in each case will be signed by the members of the Board who administratively reviewed and approved the parole plan or who conducted the meeting which resulted in approval for parole. The Order of Parole will be served in person on the inmate the day he (she) is scheduled for release. The inmate's signature on the Order of Parole will be witnessed and the witness will also sign the Order of Parole in the space provided on the document. An inmate will not be released unless he (she) has signed the valid Order of Parole in the presence of a witness. In cases where the inmate refuses to sign the Order of Parole, the Order will be returned to the Board with a written explanation of the refusal to sign.

3.130

DEFERRED DECISIONS. Normally the members conducting a progress or parole meeting will make the decision at the time of the meeting, and will advise the inmate in person of such decision. However, if the panel members cannot reach an agreement, if they wish further information, if they wish a legal opinion, if they wish to give the case further study and consideration, or if they wish to have the full Board consider waiver of a mandatory, the Board will designate the decision a "Deferred Decision". The institution of confinement shall be advised in writing of the Board's decision as soon as the decision is final.

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3.140

WAIVER OF MANDATORY MINIMUM TERM Except when an inmate of an adult correctional institution has been sentenced under a statutorily non-waivable mandatory, the Board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds (5) Board Members concur in such action; provided, further, that any inmate who has a mandatory minimum term and is paroled prior to expiration of such term according to this rule and pursuant to RCW 9.95.040, shall not receive a Conditional Discharge from Supervision while on parole until after the mandatory minimum term has expired. At the date of this writing, statutorily non-waivable mandatory terms include Murder First Degree, Aggravated Murder, Murder Second Degree While Armed With a Deadly Weapon, and Sale of Heroin for Profit.

The question of waiver of the mandatory minimum term may be referred to the full Board by any member of the panel which has been assigned to hear the matter, following an in-person meeting. The Board will review and consider any recommendation submitted by the superintendent for waiving of a mandatory minimum term. However, the following conditions shall be fulfilled before the Board will consider waiver of a mandatory minimum term:

- (1) The resident shall serve a portion of the mandatory term as follows:
 - (a) Two (2) years if mandatory term is five (5) years;
 - (b) Three (3) years if mandatory term is seven and one-half (7½) years;
 - (c) Six (6) years if mandatory term is fifteen (15) years;
 - (d) Eight (8) years if mandatory is twenty (20) years.
- (2) If an individual has been convicted of being an Habitual Criminal or is serving a mandatory sentence for Kidnapping in the First Degree, the policy of the Board is that he or she must serve six (6) years of the mandatory before the Board will consider waiver.

3.150

PAROLE/TRANSFER TO CONSECUTIVE SENTENCE Upon submission of a certification of good time credits by an institution superintendent, the Board will transfer the time start to the consecutive cause so that the good time release date of the first cause becomes the time start of the second cause. In the event that the consecutive or subsequent cause is under appeal and the convicted person becomes eligible to be released on bond, the Board will issue a formal parole from the first cause. However, the parole will be issued only upon receipt of an acceptable parole plan.

3.160

PAROLE TO DETAINER OR DEPORTATION A written notice, signed by the superintendent, will be provided to the Board as soon as any detainer is lodged and filed against an inmate and copies of all correspondence referring to detainers and all written notices shall be sent immediately to the Board. The Board's policy regarding detainers is that an individual whose minimum term has been set under the Board guideline procedures can be paroled to a detainer on his EPRD/GTRD. However, the Board will consider parole earlier than the EPRD/GTRD to a deportation order. If paroled to a detainer, an alternate plan must be submitted which will be in effect in the event the inmate is released from the deportation order.

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CHAPTER IV
PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS

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CHAPTER IV

PROCEDURES FOR CONDUCTING DISCIPLINARY HEARINGS

4.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to disciplinary hearings.

4.020 AUTHORITY Revised Code of Washington 9.95.080.

4.030 SCOPE The provisions of this Chapter shall apply to adult offenders committed to a period of confinement in a Washington State correctional facility, to those state officials charged with their care and supervision, and to parties to the hearing.

4.040 PETITION Whenever any convicted person serving any sentence in an adult correctional institution commits any infractions of the rules and regulations of the institutions, the Secretary, Department of Corrections, may request, in writing, that the Board conduct a disciplinary hearing. The written request shall include:

- (1) Time, place and a statement of the factual circumstances of the rule infraction and any disciplinary action imposed by the institution.
- (2) Recommendation of the superintendent.
- (3) Evidence of referral to the Prosecuting Attorney in the event of escape or a rule violation of a felonious nature, and current status of referral.
- (4) In the event the rule infraction concerns escape, the following additional information shall be provided:
 - (a) Facts of the escape
 - (b) Activities during the escape
 - (c) Causes and motivations for escape
 - (d) Dates of escape, and return to custody
 - (e) Evaluation

In the event that the rule infraction occurs within fifteen days of the inmate's parole date, the Board will accept and act on telephonic reports from the superintendent pending receipt of the written request.

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The Board of Prison Terms and Paroles reserves the right to schedule disciplinary hearings on its own motion when a major rule infraction is brought to the attention of the Board.

Pursuant to the provisions of RCW 9.95.080, a disciplinary hearing may be characterized as an adversary hearing in that the subject of the hearing shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

4.050 SUSPENSION OF PAROLE DATE The Board may suspend the parole date of any individual who is scheduled for a disciplinary hearing pending the outcome of the hearing.

4.060 INMATE TO BE SERVED NOTICE The Board will provide to the institution superintendent three copies of a hearing notice for service upon the inmate at least 10 working days prior to any hearing scheduled for that inmate pursuant to RCW 9.95.080. The hearing notice shall specify the type, time and place of hearing as well as the reason for the hearing. Possible sanctions, including a statement that no sanction shall exceed the maximum term, will also be included in the notice.

- (1) Upon receipt of the hearing notice, the superintendent or his designee shall immediately serve the subject inmate with the document.
- (2) The original of the hearing notice showing date of service and signed by the inmate shall be returned immediately to the Board offices in Olympia. One copy may be retained in the inmate's institutional file, and one copy will be provided to the inmate.
- (3) In cases where the inmate refuses to sign the notice, the superintendent or his designee shall note the time and place of service and obtain the signature of a witness to such service.

4.070 INMATE SHALL BE ADVISED OF RIGHTS Each inmate who becomes the subject of a hearing conducted under the provision of RCW 9.95.080 shall be advised of his rights orally and in writing at the time he is served with a notice of the hearing. The written notice provided by the Board will advise the resident that:

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- (1) He has been accused of a major rule infraction;
 - (2) That his minimum term may be redetermined but not until after a hearing in front of the Board, at which he is present and given the opportunity to be heard under oath and explain the alleged violations to the Board;

- (3) He will have the right to present evidence and witnesses in his behalf;
- (4) He will have the right to have an attorney present, but at his own expense since the Board has no funds to pay for attorneys, witness fees, the cost of subpoenas or any other related costs that may be incurred by the inmate.

4.080 WITNESSES The subject of any hearing conducted under the provisions of this Chapter may call witnesses on his behalf and at his expense. Such witnesses shall appear voluntarily and shall be limited to those persons who have knowledge of, or who have specific testimony about, the allegations which caused the hearing to be convened. The superintendent or his designee shall provide assistance to the inmate in notifying witnesses of the time and place of the hearing as requested by the inmate. The presiding officer may, in certain cases, direct the superintendent to make any staff member or prisoner available for testimony.

4.090 CONDUCTING A HEARING All hearings conducted under the provisions of this Chapter shall be held before a panel of at least two members of the Board of Prison Terms and Paroles. One member shall be designated, by decision of the panel, as the presiding officer. Only those persons reasonably necessary to the conduct of the hearing will be permitted to be present, subject to approval by the panel. The presiding officer may recess the hearing at any time for consultation with the other panel member(s). The panel may question witnesses called by the parties to the hearing to develop any facts deemed necessary to render a fair and impartial decision. The panel conducting the hearing will make the final decision after the hearing as to any change in minimum term.

4.100 CONTINUANCES Continuances may be granted by the Board prior to and during hearings conducted under provisions of this Chapter, either on its own motion or on petition of the subject of the hearing, provided that such petition is sent to the Board in writing immediately upon receipt of the hearing notice and that it specifies the reasons for the continuance. Continuances requested during the hearing may be granted by the Board panel if it appears in the public interest or in the interest of justice that further testimony or argument should be received.

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4.110 PRE-HEARING CONFERENCES The presiding officer conducting a hearing under the provisions of this Chapter may require the parties to appear at a specified time and place for a conference immediately prior to the hearing to discuss and define procedural matters pertaining to the hearing.

4.120 INMATE TO BE PRESENT The subject of any hearing conducted under the provisions of this Chapter shall be present during the conduct of the hearing. However, in the event the subject refuses to appear, the Board will continue the hearing until the next scheduled visit by the Board to that particular institution. In the event that the subject of the hearing again refuses to appear, then the hearing will be conducted in absentia.

4.130 OATHS AND AFFIRMATIONS The presiding officer conducting hearings under the provisions of this Chapter shall have the authority to administer oaths and affirmations.

4.140 OPPORTUNITY TO WAIVE At the time of the disciplinary hearing, it shall be the duty of the presiding officer conducting the hearing to query the inmate and to review the file to determine whether the inmate was given proper notice of the hearing, was advised of the reason for the hearing, and was properly advised of his rights to witnesses. If it is determined that the inmate was not properly served or advised of his rights, said inmate shall have the opportunity to:

- (1) Waive such rights, orally or in writing, to the Board, at which time the hearing would proceed; or
- (2) Request a continuance of the hearing until such time as proper service or notice and rights can be perfected.

4.150 RULES OF EVIDENCE - ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his discretion, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting

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to the introduction of evidence shall state the precise grounds of such objection at the time evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, a finding of guilty shall not be made.

4.160 DISPOSITION The Board panel shall render a decision on each case heard under the provisions of this Chapter.

In disciplinary hearings, sanctions may range from no change in the length of sentence to redetermination of the original sentence and imposition of an extension of the term not to exceed the maximum term. Denial of any good time credits, past and future, is optional with the Board panel.

4.170 STATEMENT OF FINDINGS AND CONCLUSIONS The Board will make a concise written statement of findings and conclusions in each case heard under the provisions of this Chapter.

4.180 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved at the offices of the Board in Olympia for not less than sixty days but no more than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording and reimburse the Board for the costs involved in such a procedure.

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CHAPTER V
PROCEDURES FOR CONDUCTING PAROLABILITY HEARINGS

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CHAPTER V

PROCEDURES FOR CONDUCTING PAROLABILITY HEARINGS

5.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to hearings conducted to determine the parolability of certain offenders.

5.020 AUTHORITY . Revised Code of Washington 9.95.100

5.030 SCOPE The provisions of this Chapter shall apply to adult offenders committed to a period of confinement in a Washington State correctional facility, to those state officials charged with their care and supervision, and to parties to the hearing.

5.040 PETITION RCW 9.95.100 states that any convicted person undergoing sentence in the penitentiary or reformatory not sooner released under the provisions of this Chapter, shall, in accordance with the provisions of law, be discharged from custody upon serving the maximum punishment provided by law for the offense of which such person was convicted or the maximum term fixed by the court where the law does not provide for a maximum term. The Board shall not, however, until the maximum term expires, release a prisoner unless, in its opinion, his rehabilitation has been complete and he is a fit subject for release. Therefore, if, in the opinion of an institution superintendent any convicted person serving a sentence in an adult correctional institution is not a fit subject for release and is considered to be incapable of succeeding on parole because of incomplete rehabilitation, the Secretary, Department of Corrections, may request in writing that the Board conduct a hearing pursuant to RCW 9.95.100. The written request shall include:

- (1) A statement to the Board giving reasons why the subject of the request is unable to be paroled.
- (2) Recommendation of the superintendent.
- (3) Supporting data such as psychiatric or psychological reports.
- (4) Other reports and information as necessary.

The Board reserves the right to schedule hearings pursuant to RCW 9.95.100 on its own motion.

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5.050 SUSPENSION OF PAROLE DATE The Board may suspend the parole date of any individual who is scheduled for a parolability hearing pending the outcome of the hearing.

5.060 INMATE TO BE SERVED NOTICE The Board will provide to the institution superintendent three copies of a hearing notice for service upon the inmate at least 10 working days prior to any hearing scheduled for that inmate pursuant to RCW 9.95.100. The hearing notice shall specify the type, time and place of hearing as well as the reason for the hearing. Possible actions, including a statement that no action shall exceed the maximum term, will also be included in the notice.

- (1) Upon receipt of the hearing notice, the superintendent or his designee shall immediately serve the subject inmate with the document.
- (2) The original of the hearing notice showing date of service and signed by the inmate shall be returned immediately to the Board offices in Olympia. One copy may be retained in the inmate's institutional file, and one copy will be provided to the inmate.
- (3) In cases where the inmate refuses to sign the notice, the superintendent or his designee shall note the time and place of service and obtain the signature of a witness to such service.

5.070 INMATE SHALL BE ADVISED OF RIGHTS Each inmate who becomes the subject of a hearing conducted under the provision of RCW 9.95.100 shall be advised of his rights orally and in writing at the time he is served with a notice of the hearing. The written notice provided by the Board will advise the resident that:

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- (1) That his minimum term may be redetermined but not until after a hearing in front of the Board, at which he is present and given the opportunity to be heard under oath;
 - (2) He will have the right to present evidence and witnesses in his behalf;
 - (3) He will have the right to have an attorney present, but at his own expense since the Board has no funds to pay for attorneys, witness fees, the cost of subpoenas or any other related costs that may be incurred by the inmate.

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5.080 WITNESSES The subject of any hearing conducted under the provisions of this Chapter may call witnesses on his behalf and at his expense. Such witnesses shall appear voluntarily and shall be limited to those persons who have knowledge of, or who have specific testimony about the allegations which caused the hearing to be convened. The superintendent or his designee shall provide assistance to the inmate in notifying witnesses of the time and place of the hearing as requested by the inmate. The presiding officer may, in certain cases, direct the superintendent to make any staff member or prisoner available for testimony.

5.090 CONDUCTING A HEARING All hearings conducted under the provisions of this Chapter shall be held before a panel of at least two members of the Board of Prison Terms and Paroles. One member shall be designated, by decision of the panel, as the presiding officer. Only those persons reasonably necessary to the conduct of the hearing will be permitted to be present, subject to approval by the panel. The presiding officer may recess the hearing at any time for consultation with the other panel member(s). The panel may question witnesses called by the parties to the hearing to develop any facts deemed necessary to render a fair and impartial decision. The panel conducting the hearing will make the final decision after the hearing as to any change in minimum term.

5.100 CONTINUANCES Continuances may be granted by the Board prior to and during hearings conducted under provisions of this Chapter, either on its own motion or on petition of the subject of the hearing, provided that such petition is sent to the Board in writing immediately upon receipt of the hearing notice and that it specifies the reasons for the continuance. Continuances requested during the hearing may be granted by the Board panel if it appears in the public interest or in the interest of justice that further testimony or argument should be received.

5.110 PRE-HEARING CONFERENCES The presiding officer conducting a hearing under the provisions of this Chapter may require the parties to appear at a specified time and place for a conference immediately prior to the hearing to discuss and define procedural matters pertaining to the hearing.

5.120 INMATE TO BE PRESENT The subject of any hearing conducted under the provisions of this Chapter shall be present during the conduct of the hearing. However, in the event the subject refuses to appear, the Board will continue the hearing until the next scheduled visit by the Board to that particular institution. In the event that the subject of the hearing again refuses to appear, then the hearing will be conducted in absentia.

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5.130 OATHS AND AFFIRMATIONS The presiding officer conducting hearings under the provisions of this Chapter shall have the authority to administer oaths and affirmations.

5.140 OPPORTUNITY TO WAIVE At the time of the hearing under the provisions of RCW 9.95.100, it shall be the duty of the presiding officer conducting the hearing to query the inmate and to review the file to determine whether the inmate was given proper notice of the hearing, was advised of the reason for the hearing, and was properly advised of his rights to witnesses. If it is determined that the inmate was not properly served or advised of his rights, said inmate shall have the opportunity to:

- (1) Waive such rights, orally or in writing, to the Board, at which time the hearing would proceed; or
- (2) Request a continuance of the hearing until such time as proper service of notice and rights can be perfected.

5.150 RULES OF EVIDENCE - ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his discretion, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, a finding of guilty shall not be made.

5.160 DISPOSITION The Board panel shall render a decision on each case heard under the provisions of this Chapter.

In parolability hearings, actions may range from no change in the length of sentence to redetermination of the original sentence and imposition of an extension of the term not to exceed the maximum term.

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5.170 STATEMENT OF FINDINGS AND CONCLUSIONS The Board will make a concise written statement of findings and conclusions in each case heard under the provisions of this Chapter.

5.180 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved at the offices of the Board in Olympia for not less than sixty days but no more than six months subsequent to the hearing. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording and reimburse the Board for the costs involved in such a procedure.

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CHAPTER VI

PROCEDURES FOR CONDUCTING PAROLE REVOCATION HEARINGS

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CHAPTER VI

PROCEDURES FOR CONDUCTING PAROLE REVOCATION HEARINGS

6.010 PURPOSE The purpose of this Chapter is to specify policies and procedures relating to parole revocation hearings.

6.020 AUTHORITY Revised Code of Washington 9.95.120-.125.

6.030 SCOPE The provisions of this Chapter shall apply to adult felony offenders granted parole from a Washington prison sentence who are alleged to have violated the terms of their Order of Parole, to those state officials charged with the supervision of such parolees, and to parties to parole revocation hearings.

6.040 NOTICE OF ARREST Whenever a parole officer is notified of a parolee's arrest, he shall submit a Notice of Arrest to the Board and the Attorney General within 24 hours, excluding weekends and holidays. Such notice shall include a concise but complete statement concerning the circumstances of the arrest, reason for arrest, the date the parole officer was notified of the arrest and, whether in the opinion of the parole officer there is probable cause to believe that the parolee violated one or more conditions of parole. The parole officer shall state whether or not an Order of Suspension, Arrest and Detention has been:

- (1) Issued with the approval of supervisor;
- (2) Issued without supervisor's approval;
- (3) Requested but not approved;
- (4) Not requested;
- (5) Reasons for 2, 3, or 4.

6.050 NOTICE OF SUSPENSION AND DETENTION Whenever a parole officer arrests or detains a parolee, he shall issue an Order of Suspension, Arrest and Detention. The parole officer shall submit to the Board and the Attorney General a copy of said order within 24 hours of service. The parole officer shall also notify the Board on-site desk of the suspension by telephone within 24 hours of service of the suspension order.

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6.060 NOTICE OF SUSPENSION AND REQUEST FOR ARREST Whenever a parole officer requests the arrest and detention of a parolee, he shall issue an order suspending said parolee's parole, and submit a copy of the order to the Board and the Attorney General within 24 hours of service.

6.070 NOTICE OF CLOSURE Whenever a parole officer requests the arrest and detention of a parolee and issues an Order of Parole Suspension and the parolee is not apprehended and detained within a reasonable period of time, the parole officer may close his interest with a report which will include the disposition of the unserved suspension warrant. Copies of such report will be forwarded to the Board and the Attorney General.

6.080 BOARD TO REINSTATE Whenever a parole officer suspends, arrests or detains a parolee, such parolee shall not be reinstated on parole or released from custody on bail or personal recognizance, except on approval of the Board and the issuance by the Board of an Order of Reinstatement on Parole on the same or modified conditions of parole.

6.090 ADMINISTRATIVE REINSTATEMENTS Whenever a parole officer has suspended a parole and after investigation determines:

- (1) That the alleged violations are unfounded;
- (2) That the seriousness of the alleged violation is mitigated by new information; and/or
- (3) Otherwise believes that further custody is deemed unwarranted and a parole revocation hearing is unnecessary;

he shall submit a written report with recommendations to the Board. The Board will accept and act on telephonic reports of the parole officer or supervisory personnel pending receipt of the officer's written report within 10 working days.

6.100 CONDITIONAL RELEASE PENDING HEARING An administrative review of the parole violation report and of information submitted by the alleged violator or his attorney shall be conducted by the Board after the parolee has been arrested, to determine whether the violation required a revocation hearing, and to determine whether there is reason to allow the parolee to be conditionally released on parole pending the revocation hearing. Such administrative review shall take place within 15 days after the service of the Order of Parole Suspension, Arrest and Detention.

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6.110 BOARD TO NOTIFY ATTORNEY GENERAL The Board shall promptly provide the Attorney General with copies of Orders of Reinstatement on Parole issued prior to a parole revocation hearing.

6.120 SERVICE OF FACTUAL ALLEGATIONS Whenever a parole officer is notified of the arrest and detention of an alleged parole violator and such alleged parole violator's parole has been suspended or is suspended by the parole officer, the parole officer shall personally serve the parolee with a copy of the factual allegations within 3 working days of the suspension of parole. Such allegations of violation shall be submitted to the Board with a copy to the Attorney General within 24 hours of service.

6.130 CONTENTS OF FACTUAL ALLEGATIONS The factual allegations of violations of each condition of parole shall include:

- (1) The circumstances of violation;
- (2) Date of violation or approximation thereof; and
- (3) Location or place where violation occurred.

Whenever a parolee is accused of a violation of his parole which includes the commission of, and conviction for, a felony or misdemeanor, the parole officer shall request that verification of such conviction be forwarded from the court of conviction to the Board.

6.140 PAROLEE TO BE ADVISED OF RIGHTS Whenever an alleged parole violator is served with the factual allegations of the violation of the conditions of parole, and with an order suspending parole, the parole officer shall, at the same time, advise, orally and in writing, the parolee of his right to an administrative review to determine probable cause and whether there is reason to allow the parolee to be conditionally released pending the revocation hearing, and his right to an on-site parole revocation hearing, and of his rights and privileges pertaining to each proceeding.

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6.150RIGHTS AND PRIVILEGES RELATING TO ADMINISTRATIVE REVIEW

The parolee's rights and privileges pertaining to an administrative review are as follows:

- (1) An administrative review shall be conducted by a Board Hearing Officer within 15 days of the service of the Order of Parole Suspension, Arrest and Detention.
- (2) The parolee shall be advised at the time of service of the Order of Parole Suspension, Arrest and Detention that he and/or his attorney may submit information in writing to the Board which shall be considered by the Board. Proper forms shall be given the parolee to allow the parolee to submit information concerning family stability, job situation, etc. as well as the opportunity to add whatever additional comments or information that is deemed appropriate.

6.160

RIGHTS AND PRIVILEGES RELATING TO REVOCATION HEARINGS

An alleged parole violator shall be entitled to a fair and impartial hearing of the charges of the parole violation within 30 days of service of suspension in the State of Washington, reasonably near the site of the alleged violation. A parolee who is convicted of a felony and sentenced to prison shall be afforded an on-site parole revocation hearing.

- (a) The alleged parole violator shall be entitled to be represented by an attorney of his own choosing and at his own expense and shall have the right to present evidence and witnesses.
- (b) Upon satisfactory evidence of indigency and upon request, the Board may cause the appointment of an attorney to represent the parolee at an on-site parole revocation hearing. In such cases, the cost of representation shall be paid by the Board at a rate determined by legislative appropriation.
- (c) The Board shall have the authority to issue subpoenas for compulsory attendance of witnesses and production of evidence, provided that an offer has been made to pay the statutory fees and mileage.
- (d) The alleged parole violator may be requested to testify during the on-site hearing and any such testimony shall not be used against him in any criminal prosecution (RCW 9.95.124).
- (e) The allegations of violations of the conditions of parole must be proven by a preponderance of evidence. At the conclusion of the hearing, or within 10 days thereafter, the Board shall make written Findings and Conclusions concerning the allegations.

- (f) If the Member or Members having heard the matter should conclude that the allegations of violation of conditions of parole have not been proven by a preponderance of evidence, or those which have been proven by a preponderance of evidence are not sufficient cause for revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole.
- (g) If the Member or Members having heard the matter should conclude that the allegations of violation of conditions of parole have been proven by a preponderance of evidence and constitute sufficient cause for revocation of parole, then such Member or Members shall enter an Order of Parole Revocation and Return to State Custody. Within thirty days of the return of such parole violator to a state correctional institution for convicted felons, the Board shall enter an order determining a new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the Court.

Chapter 98, Laws of 1969 provides that an alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights, may admit to one or more of the alleged violations and waive the on-site hearing. If the Board accepts the waiver, it shall either:

- (a) Reinstatement the parolee on parole under the same or modified conditions, or
- (b) Revoke the parole of the parolee and enter an Order of Parole Revocation and Return to State Custody for determination of a new minimum sentence. Such determination shall be made within 30 days of the return of such parole violator to a state correctional institution for convicted felons, and the Board shall enter an order determining the new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the Court.

6.170 ACKNOWLEDGMENT OF RIGHTS Signed copies of the receipt and acknowledgment of these rights shall be forwarded with copies of the factual allegations to the Board and the Attorney General.

6.180 REFUSAL TO ACKNOWLEDGE Should the parolee refuse to sign either the violations specified or notification of rights, the parole officer will so note and forward the unsigned copies. The parole officer shall note the time and place of service. The parole officer shall certify that he has fully advised the parolee of his rights under this law.

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OPPORTUNITY TO WAIVE The parole officer shall give the parolee opportunity to complete the violations specified and waiver form immediately after the parolee has been advised of the factual allegations of parole violations and advised of his rights.

- (a) If the parolee wishes to sign the violations specified and waiver form, the parole officer will witness the signature. The original of the completed waiver will be forwarded with the factual alleged violations and signed copy of receipt and acknowledgment of rights to the Board with copies to the Attorney General.
- (b) If the parolee does not wish to admit to one or more violations or sign the waiver, the parole officer will so note in the space provided and forward with the factual alleged violations and signed copy of receipt and acknowledgment of rights.
- (c) The parolee may sign the violations specified and waiver form at any time up to and including the date and time of his on-site parole revocation hearing.

6.200

VIOLATION REPORT TO BE SUBMITTED BY PAROLE OFFICER

The parole officer shall submit the Report of Violation to the Board and the Attorney General within 10 calendar days from the date of service of the factual allegations. This report will include the supporting evidence, adjustment and a recommendation concerning revocation or reinstatement of parole. The report may include a list of witnesses whom the parole officer may wish to have called for testimony. It should also include a recommendation whether or not waivers should be accepted by the Board.

6.210

VIOLATION REPORT TO BE SUBMITTED BY PAROLE OFFICER IN EVENT OF WAIVER

Notwithstanding a waiver of an on-site parole revocation hearing by the alleged parole violator, the supervising parole officer or his designee shall submit a report of violation for consideration by the Board.

6.220

ISSUANCE OF SUBPOENAS

The Board shall provide to the Attorney General and/or the Department of Corrections upon request, subpoenas to be completed at the discretion of the Attorney General and/or the Department of Corrections, provided that such subpoenas are executed without expense to the Board.

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6.230 BOARD TO SCHEDULE HEARINGS The Board shall schedule all on-site parole revocation hearings and shall provide notice to the alleged parole violator of the time and place of the hearing. Such notice shall also be provided to the Department of Corrections, the Attorney General, and to counsel for the parolee, if known, at least 7 days prior to the hearing. The Board reserves the right to select and/or change the place of the on-site parole revocation hearing.

6.240 SERVICE OF PAPERS - BY WHOM SERVED The Board shall cause to be served all notices, orders and other papers issued by it, personally or by First Class Mail, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it with the Board with proof of service, either personally or by Affidavit of Service by First Class Mail upon the parties and all counsel.

6.250 UPON WHOM SERVED All papers served and filed by the Board, or any party, shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel.

6.260 METHODS OF SERVICE Except as otherwise provided by these rules and Chapter 98, Laws of 1969, service of papers shall be made personally or by First Class Mail, or Registered, or Certified, Return Receipt Requested.

6.270 WHEN SERVICE COMPLETE Service upon parties shall be regarded as complete when documents are deposited in the United States Mail properly stamped and addressed, or when served personally upon the intended party.

6.280 FILING WITH THE BOARD Papers required to be filed with the Board shall be deemed filed, upon actual receipt by the Board at its offices in Olympia, or by a member at any place within the state accompanied by proof that service was made upon the parties required to be served.

6.290 SUBPOENAS - WHERE PROVIDED BY LAW - FORM Every subpoena, where authorized by law, shall state "Washington State Board of Prison Terms and Paroles", the title of the proceeding, if any, the number assigned and shall command the person to whom it is directed to attend and give testimony and/or produce designated documents or things under his control at a specified time and place.

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- 6.300 ISSUANCE TO PARTIES Upon application of counsel for any party to a parole revocation case, there shall be issued to such parties subpoenas requiring the attendance and testimony of witnesses and/or the production of evidence in such proceeding. The Board may issue subpoenas to parties not represented by counsel upon request and upon a showing of general relevance and reasonable scope of the testimony or evidence sought. Such request shall be in writing to the Board.
- 6.310 QUASHING SUBPOENAS Upon motion made promptly, and in any event, at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the Board or its authorized Member, may:
- (a) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter at issue, or
 - (b) Condition denial of the motion upon just and reasonable conditions.
- 6.320 SUBPOENAS - ENFORCEMENT Upon application and for good cause shown, the Board or the member conducting the hearing may seek judicial enforcement of subpoenas in accordance with Chapter 98, Laws of 1969, issued to parties and which have not been quashed.
- 6.330 SUBPOENAS - GEOGRAPHICAL SCOPE Attendance of witnesses and/or the production of evidence by subpoena may be required from any place in the State of Washington, to any designated place of hearing.
- 6.340 CONDUCTING A HEARING - PRESIDING OFFICER All hearings conducted under the provisions of this Chapter shall be heard by a member of the Board of Prison Terms and Paroles. It shall be the duty of the member to conduct hearings in cases assigned in an impartial and orderly manner, and he (she) shall have the authority, subject to the other provisions of these rules, to:
- (a) Administer oaths and affirmations;
 - (b) Issue subpoenas on request of any party;
 - (c) Rule on all procedural matters, objections and motions;
 - (d) Rule on offers of proof and receive relevant evidence;
 - (e) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matters at issue; and
 - (f) Take any other action necessary and authorized by these rules and the law.
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6.350

APPEARANCE AND PRACTICE BEFORE AGENCY - WHO MAY APPEAR

No person may appear in representative capacity before the Board or any Member thereof at a parole revocation hearing other than the following:

- (a) Attorneys at law, qualified and entitled to practice before the Supreme Court of the State of Washington.
- (b) Attorneys at law, qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the State of Washington are permitted to appear in a representative capacity before the administrative agencies of such other state, and, if not otherwise prohibited by the law of Washington.

6.360

STANDARDS OF ETHICAL CONDUCT All persons appearing in parole revocation proceedings before the Board or any Member thereof in a representative capacity shall conform to the standards of ethical conduct that is required of attorneys before the courts of Washington. If any such person does not conform to such standards, the Board may decline to permit such person to appear in a representative capacity in any proceeding before it or any Member thereof.

6.370

CONTINUANCES Any parolee or attorney representing a parolee who desires a continuance shall, immediately upon receipt of Notice of Hearing, or as soon thereafter as circumstances requiring such continuance come to his knowledge, notify the Board and the Attorney General, in writing, stating in detail the reasons why such continuance is necessary. Requests for continuance shall arrive at the Board offices in Olympia not less than 72 hours prior to the scheduled hearing. The Board or Member thereof, in passing upon a request for continuance, shall consider whether such request was promptly and timely made for good cause. During a parole revocation hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the Member or Members conducting the hearing may, in their discretion or upon motion of counsel, continue the hearing and fix a date for the introduction of additional evidence or presentation of argument. Such oral notice shall constitute the final notice of such continued hearing.

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PRE-HEARING CONFERENCE In any proceeding, the presiding officer, upon his own motion or upon the motion of one of the parties or their representatives, may direct the parties to appear at a specified time and place for a conference, or such conference may be immediately prior to the parole revocation proceeding, to consider:

- (a) The simplification of the issues;
- (b) Necessity of amendments to any of the papers filed with the Board;
- (c) Possibility of obtaining stipulations, admissions of fact and of documents;
- (d) Limitation of the number of witnesses; and
- (e) Such other matters as may aid in the disposition of the proceeding.

6.390

HEARINGS - PERSONS PRESENT Only those persons reasonably necessary to the conducting of the parole revocation hearings shall be permitted to be present.

Persons deemed reasonably necessary to be present at such hearings are: Any Member of the Board of Prison Terms and Paroles and designated staff members; Probation and Parole Officers having made the allegations of violations of parole in the case at issue; Assistant Attorneys General representing the parole officers; Parolee alleged to have violated conditions of parole; Attorney representing parolee; and others as approved by the presiding officer. Witnesses will be excluded from the hearing room until called to testify.

6.400

RULES OF EVIDENCE - ADMISSIBILITY All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having a tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his discretion, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. If the sole evidence presented to substantiate the allegation is inadmissible hearsay, a finding of guilty shall not be made.

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6.410 HEARING RECORD PRESERVATION There will be a magnetic tape recording made of all hearings conducted under the provisions of this Chapter. Such recordings shall be preserved for not less than sixty days subsequent to the hearing at the offices of the Board in Olympia. Parties requesting partial or total duplication of any hearing must obtain a court order to effect release of the duplicate recording.

6.420 NEW MINIMUM TERM Procedures specified in Chapter 11 of this Manual will be followed in setting new minimum terms for revoked parole violators. Special note should be made of 2.040 which requires such terms to be set within 30 days of admission.

6.430 SUSPENDED PAROLE CASES If a parole violator is returned to the Washington Corrections Center or to the Purdy Treatment Center and his (her) parole has been suspended but not revoked by the Board, the Board shall determine if there is sufficient cause for revocation, observing the requirements of this Chapter. If there is not sufficient cause for revocation, the violator's parole shall be reinstated and he (she) shall be released from confinement under the same or new conditions of parole.

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CHAPTER VII

PROCEDURES FOR CONDITIONAL DISCHARGE-FINAL DISCHARGE-CLEMENCY

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CHAPTER VII

PROCEDURES FOR CONDITIONAL DISCHARGE-FINAL DISCHARGE-CLEMENCY

7.010 PURPOSE The purpose of this Chapter is to specify policies and procedures for granting conditional and final discharges from parole supervision and for matters of Clemency (Pardons, Reprieves, Commutations).

7.020 AUTHORITY Revised Code of Washington, 9.95.150; 9.95.260; 9.96.050; 10.01.120.

7.030 SCOPE The provisions of this Chapter shall apply to certain adult offenders convicted of crimes in the State of Washington and to those officials charged with the supervision of such offenders.

7.040 CONDITIONAL DISCHARGE FROM PAROLE SUPERVISION Conditional Discharge from Supervision is defined as that state of parole where a parolee is no longer required to report to an officer of the Department of Corrections but is required to observe all laws and make an annual written report to the Board. Civil rights lost at the time of conviction are not restored.

When a paroled offender has adequately performed the obligations of his (her) release for such time as shall satisfy the Board of Prison Terms and Paroles, and his (her) conditional discharge from supervision is compatible with the best interests of society or the welfare of the paroled individual, and upon receipt of a full report from the parole officer, the Board may grant a Conditional Discharge from Supervision; Provided that the following minimum periods of active parole supervision shall be observed for certain parolees unless waived by the Board:

<u>Offense History</u>	<u>Parole Supervision Required Prior to CDFS</u>
Crime(s) against persons	Recommendation of parole officer and not less than 18 months active parole supervision
Multiple convictions	Recommendation of parole officer and not less than 36 months (violation-free) active parole supervision
All others	Recommendation of parole officer

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Six months assignment to a minimum caseload for each parolee is recommended prior to the submission of a request for conditional discharge from supervision.

The Board may grant a conditional discharge from supervision at the time of parole from an institution in unusual cases.

7.050

FINAL DISCHARGE FROM PAROLE SUPERVISION When a paroled offender has adequately performed the obligations of his (her) release for such time as shall satisfy the Board of Prison Terms and Paroles, and further, when he (she) has completed a violation-free period in conditional discharge from supervision (CDFS) status, and has requested a final discharge and upon receipt of a report from the parole officer and a determination made that a final discharge from supervision is compatible with the best interests of society and the welfare of the paroled individual, the Board may grant a Final Discharge Restoring Civil Rights; Provided that the following minimum periods of CDFS status shall be observed prior to consideration:

<u>Offense History</u>	<u>CDFS Period Required</u>
Murder First Degree	5 years and parole officer reco.
Murder Second Degree	5 years and parole officer reco.
Crime against persons	3 years and parole officer reco.
Crime against property w/ prior felony conviction	2 years and parole officer reco.
Crime against property w/out prior felony conviction	1 year and parole officer reco.
Habitual Criminal	Final Discharge not permitted by law (RCW 9.95.040-3)

The right to possess or control firearms is not restored.

In cases where the maximum term has expired, the Board is empowered to grant a Final Discharge Restoring Civil Rights upon application if it believes such action is in the best interests of society.

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7.060

CLEMENCY It is the policy of the Office of the Governor that all applications for pardon, reprieve, or commutation of sentence shall be submitted to the Board of Prison Terms and Paroles for their review and recommendation, prior to acceptance for consideration by the Governor. Clemency is granted in only the most unusual circumstances where other remedies are not available, and where the reasons to support the request for clemency are compelling.

¹ The Board, on its own motion, may submit selected cases to the Governor for relief when, in its opinion, the interests of justice will be best served by such action.

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(4) (b)

Grant
add 82-17-018
Richard Thompson

WASHINGTON STATE BOARD OF
PRISON TERMS & PAROLES

GUIDELINES FOR
FIXING OF MINIMUM TERMS

Effective December 1, 1978

Amended:

July 1, 1979

May 1, 1980

February 1, 1981

STATE OF WASHINGTON
FILED

JUN 29 1982

CODE REVISIONS OFFICE
WSR 82-08-001

Prepared by:
Management Information Section

St. Andrew's Page 1

SUMMARY

GUIDELINE FOR FIXING OF MINIMUM TERMS
AND
GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

The Board of Prison Terms and Paroles has adopted guidelines designed to channel its discretion in fixing minimum terms of confinement and the review of those terms.

Minimum Terms

The guidelines for fixing minimum terms specify a period of incarceration for offenders based on:

1. The offender's behavior in criminal acts leading to the current incarceration.
2. The offender's prior convictions and parole revocations for felony-like behavior.

Criminal acts are grouped into eight offense categories (see Table 1). Acts in a given category are assigned a base time (in months of confinement) to which further time is added for the presence of certain aggravating circumstances (see Tables 2A-2H). Additional time is given to offenders based on the number and type of prior convictions or parole revocations and on the category of the felony acts leading to the current incarceration (see Tables 3 and 4).

Outside Guidelines

The Board may go outside the guidelines, provided members give written reasons for such decisions. Certain of the more commonly cited reasons have been codified and may be found in the pages following the section devoted to the minimum term guidelines (between blue and yellow pages).

Reconsideration of Minimum Terms

Reconsideration guidelines provide a means for modifying the length of sentence based upon probability statements about parole performance for various groups of offenders. Offender groups are defined in Table 1 (yellow pages).

The scores associated with the probability statements, termed Public Safety Scores, are based upon offender attributes found to be positively correlated with parole success. The attributes are listed by offense group in Exhibit 1A-1F. The possible percent reductions in length of confinement associated with Public Safety Scores may be found in Tables 2A-2I.

Summary 8/2/82

GUIDELINES FOR FIXING OF MINIMUM TERMS

To promote consistent exercise of discretion and to effect fair and equitable decision making without removing individual case consideration, the Board has established guidelines for fixing minimum terms of confinement.

1. These guidelines establish the customary range of minimum terms to be fixed for various admission classes, based on aggravating and mitigating circumstances and prior criminal record.
2. All admissions subsequent to a court commitment or a revocation of parole for felony-level violations are subject to the provisions of these guidelines.
3. The guidelines shall apply to all persons committed to Board authority under applicable Washington State statutes and all persons readmitted to Washington Correctional institutions as a result of revocation of parole on or after the date of adoption of the guidelines. Decisions concerning persons admitted for behavior not specifically covered in the guidelines shall be made on a case-by-case basis.
4. Decisions outside the guidelines may be made by panels of the Board, provided that written reasons are given. Written reasons for the Board's decision need not be given if the minimum term of confinement falls within the guidelines.
5. All minimum terms fixed at more than 18 months above or more than 18 months below the guidelines, must be referred to the full Board for approval.
6. Mandatory minimum terms shall be fixed in accordance with the Revised Code of Washington and Board Rule 1.110. When the guideline term is less than the mandatory minimum term, the mandatory minimum term takes precedence.
7. When the guideline term is greater than the statutory maximum term, the statutory maximum term takes precedence.
8. The Board shall review the guidelines six months after adoption and at least annually thereafter, and may revise or modify the guidelines based on appropriate new information.
9. The Board shall disclose to the offender all adverse information used to determine the guideline minimum term.

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- GUIDELINES FOR FIXING OF MINIMUM TERMS -
WASHINGTON STATE BOARD OF PRISON TERMS AND PAROLES

COURT COMMITMENT AND FELONY-LEVEL PAROLE VIOLATION CASES

I. Defining and Measuring the Severity of Criminal Behavior

A. Defining the Unit of Criminal Behavior - The Criminal Act

A criminal act is the set of all behaviors and circumstances that results in a felony conviction. The criminal act includes all actions related by their closeness in time, location, intent or consequences. Two types of criminal acts are considered in this section of the guidelines:

1. Commitment Acts

A "commitment act" is a criminal act resulting in one conviction and the present incarceration.

2. Felony-Level Parole Violations

A "felony-level parole violation" is a criminal act which did not result in a court commitment but which resulted in the revocation of parole and is prosecutable as a felony under current Washington State statute. To be included in the guidelines, guilt must be established for the violation under due process by the Board or by the courts.

B. Measuring the Severity of the Criminal Act - Felony Class and Act Circumstances

The severity of a criminal act is determined by the felony class of the act and circumstances which are present in the act. The measure of the severity of a criminal act is the number of months of confinement for the act.

1. Felony Classes

a. Definition

For the guidelines, the over 250 felony offenses defined in the Revised Code of Washington are grouped into 8 felony classes according to common elements. These felony classes, listed in decreasing order of severity, and the most common offense within them are given in Table 1, page 7.

b. Rules for Classification of Criminal Acts

i) Convictions

The commitment act is assigned to the felony class of that conviction according to Table 1.

ii) Felony-Level Parole Violations

Felony-level parole violations are assigned to the felony class which best describes the behavior in the violations.

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2. Minimum Measure of Criminal Act Severity - Base Time

For each felony class, the base time defines the minimum measure of act severity for the class. The base times for the 8 felony classes are given in Tables 2A to 2H beginning on page 8.

3. Circumstances of Each Felony Class

a. Definition

Act circumstances are those behaviors and circumstances which determine the severity of the act within a felony class.

The act circumstances indicate that acts within a felony class are viewed by the Board as differing in severity. That is, the label of the felony class does not sufficiently define the severity of the act.

b. Specifying and Measuring Act Circumstances

The presence of each aggravating circumstance in an act increases the time of confinement for the act. The presence of each mitigating circumstance decreases the time of confinement for the act. Through the guidelines the Board has specified a set of circumstances for each felony class and the number of months of increased or decreased confinement for each circumstance.

Tables 2A to 2H give the circumstances and corresponding months of increased or decreased confinement for all felony classes. These months of increased or decreased confinement are referred to as act circumstance times.

Detailed definitions for each of the act circumstances are included in Tables 2A through 2H.

4. Act Severity Time

The act severity time is the sum of the base time and act circumstance time(s). It is the assessment (in terms of months of confinement) of the severity of a criminal act, based on specific behaviors in the act. Thus, the major contributors to the act severity time are the act circumstance times. The role of the felony class is mainly to determine which set of act circumstances are to be used in calculating the act severity time.

C. Integrating Act Severity Times with Court Sentence Structures - Total Act Time

The total act time is the number of months of confinement for all criminal acts considered in setting the minimum term. The total act time is a combination of the act severity time(s) and the sentence structure imposed by the courts.

The following rules determine the total act time:

1. Single Criminal Acts

The total act time for single act cases is the act severity time of the single criminal act.

2. Multiple Criminal Acts - Concurrent Sentences

If there is more than one criminal act and the sentences associated with criminal acts are concurrent, the total act time is the act severity time of the most serious act--the act with the highest number of months.

Summary of 82-08

3. Multiple Criminal Acts - Consecutive Sentences

If there is more than one criminal act and the sentences associated with the criminal acts are consecutive, the total act time is the sum of the individual act severity times.

4. Parole Revocations With No New Commitment

If the offender is admitted as a result of a parole revocation with no new commitment, the parole violations are considered as having concurrent sentences. The total act time is the act severity time of the most serious violation--the act with the highest number of months confinement.

5. Parole Revocation With New Commitment

If the offender is admitted as a parole violator with a new commitment, the total act time is the act severity time of the most serious criminal act leading to admission.

D. Admission Felony Class

The admission felony class is the felony class of the most serious act--the act resulting in the highest act severity time.

II. Defining and Measuring Severity of Prior Record

A. Definition of Prior Record Entries Considered in Guidelines

Two types of prior criminal behavior are considered in the guidelines: adult felony convictions and felony-level parole revocations. Each type must predate and not be associated with the present admission.

1. Prior adult felony convictions considered as prior record entries are:

- a. Those convictions committed by a person age 18 or older at the time of convictions -or- those convictions committed by a person treated as an adult by the criminal justice system -and which are-

- b. Washington State convictions for felonies -or- convictions in other jurisdictions which would constitute felony offenses under applicable Washington State statute or their equivalent in common law.

In situations where it is difficult to determine if the conviction is a felony conviction, the sentence imposed must have resulted in

- i) Incarceration in a state or federal correctional institution -or- more than one year on probation, -and-

- ii) The nature of the conviction must indicate that the offense could be a felony in Washington State.

Each count is considered a separate conviction.

2. Prior felony-level revocations considered in the guidelines are:

- a. Those revocations of Washington State parole which are not the result of, nor accompanied by any new conviction -and which are-

- b. Precipitated by felony-level violations, i.e., violations prosecutable as felonies under current Washington State statute -and which are-

- c. Violations for which guilt has been established under due process by the Board.

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B. Measuring Severity of Prior Record Entries

1. Classification of Prior Record Entries

a. Definition of Prior Record Classes

Nine felony classes are used in the assessment of prior record severity. The prior record classes coincide with the felony classes for criminal acts with one exception: prior felony convictions or felony parole revocations not included in the eight felony classes (see Table 1) default to the prior record class Other. The nine prior record classes in decreasing order of severity are:

Most Serious:	Murder
	Manslaughter
	Sexual Molestation
	Robbery
	Assault
	Property
	Drugs
	Escape
Least Serious:	Other

b. Rules for Classification

i) Prior felony convictions are assigned to one of the prior record classes above (see Table 1 for common offense titles in each class).

ii) Since a parole revocation is a single entry in the prior record and more than one felony violation may be involved in the revocation, the following rule is applied to classify the parole revocation for guideline use:

Each felony-level parole violation leading to a revocation is assigned to the prior record class most nearly describing the behavior in the violation. The revocation is then assigned to the prior record class of the "most serious" violation.

c. Procedure for Eliminating Prior Record Entries

i) Prior murder convictions are never eliminated from guideline consideration.

ii) If the offender has spent ten continuous years in the community without felony convictions or incarceration in a state or federal correctional institution, all manslaughter, sex offense, assault and robbery prior record entries which predate the ten year period are eliminated from guideline consideration.

iii) If the offender has spent five continuous years in the community without felony convictions or incarceration in a state or federal correctional institution, all property, drug and other felony prior record entries which predate the five year period are eliminated from guideline consideration.

Table 3 contains the number of years in the community between convictions or incarcerations necessary to eliminate a prior conviction or parole revocation from guideline consideration.

As an example, assume an offender convicted on June 10, 1969 for burglary was released from incarceration July 15, 1971. The offender was convicted in June 1972 for auto theft and was released in January 1974. In May 1979, the offender was convicted of theft 2 and committed to Board authority. Since the offender remained in the community for more than five years with no felony convictions or incarcerations in state or federal institutions, the prior burglary and auto theft are not considered in the prior record guidelines.

Summary 6/88

2. Prior Record Time--The Measure of Prior Record Severity

As with the criminal act severity, the severity of an offender's prior record is expressed in terms of an increased term of confinement. The Board is explicitly stating that repeat offenders will be given more time in accordance with the severity of their prior record.

The prior record time is a function of the admission felony class and the frequencies and classes of prior record entries. For each prior record entry, a fixed number of months is added to the prior record time. The number of months added for each entry, based on the admission felony class, is given in Table 4, page 33.

For example, assume an offender has three prior record entries--two property convictions and a robbery parole revocation. The offender is being admitted for an assault conviction. From Table 4 each property conviction for an assault admission adds 6 months to the prior record time. The robbery parole revocation for an assault admission adds 12 months to the prior record time. The prior record time for the offender is the sum of the times for each entry, in this case 24 months.

The magnitude of the prior record time is limited only when both the admission felony class and all prior record classes are not higher than the property felony class. In that case, if the prior record time exceeds the act severity time it shall be lowered to equal the act severity time.

III. Minimum Term Setting Guidelines

A. Guideline Term

The guideline term is the sum of the total act time and the prior record time.

B. Guideline Range

1. To allow flexibility for individual case differences, a range is associated with each guideline term. This guideline range defines the explicit policy of the Washington State Board of Prison Terms and Paroles for the fixing of minimum terms.
2. The guideline range represents approximately a 12½% variation above or below the guideline term, rounded to increments of three months. Actual minimum terms set inside the range are said to be within the guidelines. Table 5 defines the corresponding above/below guideline term variation for guideline terms up to 30 years.

For example, the guideline variation for a guideline term of 42 months is 6 months. Thus the corresponding guideline range is 36 to 48 months.

C. Outside the Guideline Range

Guidelines are an aid to consistent decision making, rather than deterministic rules for fixing minimum terms. Therefore, it is expected that Board panels will go outside the guideline range whenever they encounter atypical circumstances in a case. For these atypical cases, written reasons will be given to declare why the case is an exception to the general rule.

Summary 798

IV. Review of Minimum Term Setting Guidelines

A. Offender Review

Each offender reviews the information used to determine the total act time and the prior record time. The offender can comment on the information prior to it being forwarded to the Board for scoring.

B. Challenge to Guideline Information

If the offender challenges the accuracy of guideline information, makes claims to missing information, or indicates that the guideline information is otherwise incomplete or false, the Board will disclose the source of the guideline information and request that the offender provide verified information supporting the offender's contention. The offender has 60 days to respond. All new information provided by the offender will be considered and adjustments to the guideline scoring will be made where appropriate. The Board will then proceed with the guideline setting process.

TABLE 1 - OFFENSES INCLUDED IN BOARD FELONY CLASSES

<u>FELONY CLASS</u>	<u>OFFENSES INCLUDED IN FELONY CLASS</u>
1. Murder II	Murder II
2. Manslaughter	Manslaughter I, II, III, Motor Vehicular Homicide
3. Sexual Molestation	Rape I, II, III, Statutory Rape I, II, III, Indecent Liberties, Other Sex Offenses
4. Robbery	Robbery I, II, Extortion I, II
5. Assault	Assault I, II, III, Kidnapping I, II, Unlawful Imprisonment, Feon in Possession of Firearm
6. Property	Burglary I, II, Auto Theft, Theft I, II, Credit Card Theft, Other Thefts, Possession of Stolen Property I, II, Forgery I, II, Unlawful Issuance of Bank Checks, Credit Card Forgery, Uttering a Forged Instrument
7. Drugs	Sale of Controlled substance for Profit; Sale of Heroin for Profit; Sale, Delivery or Possession of Drugs with Intent to Sell; Violation of the Uniform Controlled Substance Act; Uttering a Forged Prescription
8. Escape (Temporarily Suspended)	Escape I, II

Summary 8/9/8

TABLE ZA

FELONY CLASS: MURDER II

42 BASE TIME

VICTIM - Person who is:

- a. Directly/indirectly threatened or injured by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

48 1. RELATED TO ANOTHER FELONIOUS ACT/ OPPORTUNITY FOR FORETHOUGHT

A. Felony Related - act occurred as result of offender committing or intending to commit, any felony:

- 1. Robbery
- 2. Rape
- 3. Arson
- 4. Burglary
- 5. Kidnapping
- 6. Any other class A, B, or C felonies.

-OR-

B. Forethought - offender had time to consider actions before committing act. Evidence of forethought may be:

- 1. Leaving and returning to scene
- 2. Seeking out/waiting for victim
- 3. Discussing intent
- 4. Plotting/laying plans for execution of act.

(i.e., offender's actions were a deliberated course of action, not just a spontaneous reaction to a situation)

36 2. VICTIM WAS VULNERABLE--NOT RESULT OF AGE

A handicap or disadvantage made the victim especially vulnerable. Such disadvantage is indicated by any of the following:

- 1. Victim was mentally retarded or physically handicapped
- 2. Victim was pregnant
- 3. Victim was weak or frail in comparison with offender (more than just a difference in sex between offender and victim)
- 4. Offender capitalized on the immediate defenselessness of a victim who was unconscious, drugged, unclothed, forcibly restrained or otherwise hampered or inhibited from defending self.
- 5. Offender deliberately acted to render the victim defenseless prior to assault.

Note: None of the above circumstances can be considered if they result solely from victim weakness due to age.

36 3. VICTIM WAS VULNERABLE BY AGE

Offender was aware of and took advantage of age of the victim. The victim was:

- 1. Under the age of 18 -or-
- 2. Over the age of 49

18 4. OFFENDER ACTED WITH NO PROVOCATION FROM VICTIM

Victim did not provoke offender into assaultive behavior. At the time of the act, victim had:

- 1. Not enraged/incited offender
- 2. Not stimulated offender
- 3. Not precipitated act through any words or actions.

(i.e., victim did not taunt, gibe, ridicule or motivate offender to violence)

-8-

Table 2A 192

5. CAUSE OF INJURY/DEATH

(Only one of the following circumstances applies)

18 **PHYSICAL FORCE**

Use of feet, fists, hands or other body parts exclusive of any implement external to offender's body to injure or kill victim.

18 **WEAPON**

Use of any implement external to offender's body, without the use of "physical force" (as defined above), to injure or kill victim.

48 **PHYSICAL FORCE AND WEAPON**

Use of both, as described above, to injure or kill victim.

24 **6. SEXUAL OVERTURES OR ABUSE BY OFFENDER**

Without victim's consent or voluntary compliance, or if by virtue of victim's age consent could not be given, any of the following behaviors occurred:

1. Attempted or actual exposure of the offender's genitals or breasts to victim
2. Attempted or actual exposure of victim's genitals or breasts by offender
3. Touching of the victim's genitals or breasts
4. Touching by victim of offender's genitals or breasts
5. Vaginal intercourse
6. Anal/oral sex.

12 **7. VICTIM FORCED TO ANOTHER LOCATION**

Victim was:

1. Removed to another location by force -or-
2. Removed to another location without consent or voluntary compliance.

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

Table 2A 292

TABLE 2B

FELONY CLASS: MANSLAUGHTER

(MANSLAUGHTER, MOTOR VEHICULAR HOMICIDE)

27 BASE TIME

VICTIM - Person who is:

- a. Directly or indirectly threatened or injured by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

12 1. MORE THAN ONE VICTIM KILLED OR INJURED

More than one victim is considered involved if, as a result of offender's behavior:

- 1. More than one person was directly threatened, injured, or killed -or-
- 2. More than one person was recklessly endangered -or-
- 3. More than one person could have been injured or killed.

6 2. VICTIM DID NOT RECKLESSLY AND/OR KNOWINGLY ENDANGER SELF

Circumstances of act must indicate that:

- 1. Victim could not have been cognizant of dangers involved in offender's actions

-and-

- 2. Did not willingly participate in activities resulting in injury to self.

3. CAUSE OF INJURY/DEATH

(More than one of the following circumstances may apply)

42 PHYSICAL FORCE

Use of feet, fists, hands or other body parts exclusive of any implement external to offender's body to injure or kill victim.

39 WEAPON

Use of any implement external to offender's body without the use of "physical force" (as defined above) to injure or kill victim.

Note: If both physical force and weapon use are present consider both aggravating circumstances in determining the act severity.

Table 2B 1 Page

TABLE 2C

FELONY CLASS: SEXUAL MOLESTATION
(SEX OFFENSES)

12 BASE TIME

VICTIM - Person who is:

- a. Directly/indirectly threatened, injured or abused by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

-12 1. VICTIM PROVOKED ASSAULT (MITIGATING)

Victim provoked offender into committing act. At the time of the act, victim had:

- 1. Enraged/incited offender -or-
- 2. Precipitated the act through any words or actions.

(i.e., victim did taunt, gibe, or ridicule offender to commit act.)

2. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)

12 OPPORTUNITY FOR FORETHOUGHT

- 1. Offender had time to consider actions before committing act -or-
- 2. Offender's actions were not a spontaneous reaction to a situation -or-
- 3. A sufficient period of time and opportunity existed for the offender to abandon course of action -or-
- 4. Offender left and then returned to scene -or-
- 5. Offender had mentioned intent prior to act.

24 DELIBERATE

In addition to having the opportunity for forethought before committing the act, the offender took steps in advance to commit the act. Evidence of such may be:

- 1. Plotting/laying plans for execution of act -or-
- 2. Partner collaboration to plan and execute act -or-
- 3. Gaining access to victim through fraud, breaking and entering, kidnapping or other illegal means.

48 PREDATORY - HEINOUS

- 1. A predatory situation in which the offender actively rendered victim helpless before completing the act by tying victim up, or rendering victim unconscious by drugs or violence in order to further assault or molest victim -or-
- 2. Offender carried out act in heinous manner by prolonging victim's agony or humiliation or physically/mentally torturing victim.

12 3. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

Table 2c
1 of 4

4. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim. The victim was:

- 12 13 - 15 OR 50 - 59 YEARS OLD
- 18 10 - 12 OR 60 - 69 YEARS OLD
- 24 6 - 9 OR 70 - 79 YEARS OLD
- 30 1 - 5 OR 80 YEARS OR OLDER

5. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

9 PHYSICAL FORCE

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shot-guns, etc.

6. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)

6 MINOR INJURY

In the act, the principal victim received a physical injury requiring medical attention.

18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH

In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.

24 RECEIVED MAJOR/PERMANENT INJURY

Offender inflicted one of the following types of injury:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

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7. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 8. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

- 1. By force -or-
- 2. Without consent or voluntary compliance

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

9. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. verbal demands -or-
- 2. attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. use or threat of use of physical force or weapon -or-
- 2. use or any mental coercion -or-
- 3. forcing victim to another location -or-
- 4. creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

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18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

10. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE

(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

1. Subjecting the same victim to two or more incidents or types of sexual abuse.
2. Subjecting more than one victim to any type of sexual abuse.

6 ADDITIONAL INCIDENT OF FLASHING

9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE

12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE

18 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR ORAL SEX

Handwritten:
4
8
7

TABLE 2D
FELONY CLASS: ROBBERY
(ROBBERY, EXTORTION)

12 BASE TIME

VICTIM - Person who is:

- a. Directly/indirectly threatened or injured by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

1. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)

12 PLANNED

The act which was planned or involved some forethought as distinguished from a spontaneous reaction to an opportune situation. Evidence of planning may be:

- 1. Leaving and returning to scene -or-
- 2. Loitering at scene prior to act -or-
- 3. Prior discussion of intent -or-
- 4. Possession of a firearm, real or simulated, in commission of act.

24 SOPHISTICATED

Planning, beyond the level discussed in previous item, was evident in the act. Evidence of sophistication may be:

- 1. Use of masks and disguises -or-
- 2. Victim incapacitation -or-
- 3. Getaway vehicle with driver waiting in vehicle while robbery is committed -or-
- 4. Use of look-outs -or-
- 5. Use of multiple firearms.

48 PROFESSIONAL

Circumstances indicate a robbery which goes beyond the level of sophistication discussed in previous item. Evidence may be:

- 1. Disabling alarm system -or-
- 2. Timed partner coordination in execution of steps necessary to attempt the type of robbery -or-
- 3. Circumstances indicating detailed preparation was necessary to attempt the type of robbery -or-
- 4. Use of blue prints/maps in planning -or-
- 5. Use of tear gas, explosives, etc.

12 2. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

3. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim. The victim was:

Table 2D F 874

- 12 13 - 15 OR 50 - 59 YEARS OLD
- 18 10 - 12 OR 60 - 69 YEARS OLD
- 24 6 - 9 OR 70 - 79 YEARS OLD
- 30 1 - 5 OR 80 YEARS OR OLDER

4. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

9 PHYSICAL FORCE

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shotguns, etc.

5. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)

6 MINOR INJURY

In the act, the principal victim received a physical injury requiring medical attention.

18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH

In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.

24 RECEIVED MAJOR/PERMANENT INJURY

Offender inflicted one of the following types of injury:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

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6. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 7. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

- 1. By force -or-
- 2. Without consent or voluntary compliance.

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

8. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. Verbal demands -or-
- 2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. Use or threat of use of physical force or weapon -or-
- 2. Use or any mental coercion -or-
- 3. Forcing victim to another location -or-
- 4. Creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

3 P 4

18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

9. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE

(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

1. Subjecting the same victim to two or more incidents or types of sexual abuse.
2. Subjecting more than one victim to any type of sexual abuse.

6 ADDITIONAL INCIDENT OF FLASHING

9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE

12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE

13 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR ORAL SEX

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TABLE 2E

FELONY CLASS: ASSAULT

(ASSAULT, KIDNAPPING, FELON IN POSSESSION OF FIREARM)

12

BASE TIME

VICTIM - Person who is:

- a. *Directly/indirectly threatened, injured or abused by offender -or-*
- b. *Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.*

-12

1. VICTIM PROVOKED ASSAULT (MITIGATING)

Victim provoked offender into committing act. At the time of the act, victim had:

- 1. Enraged/incited offender -or-
- 2. Precipitated the act through any words or actions.

(i.e., victim did taunt, gibe, or ridicule offender to commit act.)

2. DEGREE OF FORETHOUGHT

(At most one of the following circumstances may apply)

12

OPPORTUNITY FOR FORETHOUGHT

- 1. Offender had time to consider actions before committing act -or-
- 2. Offender's actions were not a spontaneous reaction to a situation -or-
- 3. A sufficient period of time and opportunity existed for the offender to abandon course of action -or-
- 4. Offender left and then returned to scene -or-
- 5. Offender had mentioned intent prior to act.

24

DELIBERATE

In addition to having the opportunity for forethought before committing the act, the offender took steps in advance to commit the act. Evidence of such may be:

- 1. Plotting/laying plans for execution of act -or-
- 2. Partner collaboration to plan and execute act -or-
- 3. Gaining access to victim through fraud, breaking and entering, kidnapping or other illegal means.

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PREDATORY - HEINOUS

- 1. A predatory situation in which the offender actively rendered victim helpless before completing the act by tying victim up, or rendering victim unconscious by drugs or violence in order to further assault or molest victim -or-
- 2. Offender carried out act in heinous manner by prolonging victim's agony or humiliation or physically/mentally torturing victim.

12

3. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

Table 2E
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4. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim.
The victim was:

- 12 13 - 15 OR 50 - 59 YEARS OLD
- 18 10 - 12 OR 60 - 69 YEARS OLD
- 24 6 - 9 OR 70 - 79 YEARS OLD
- 30 1 - 5 OR 80 YEARS OR OLDER

5. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

9 PHYSICAL FORCE

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle or capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shot-guns, etc.

6. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)

6 MINOR INJURY

In the act, the principal victim received a physical injury requiring medical attention.

13 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH

In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.

24 RECEIVED MAJOR/PERMANENT INJURY

Offender inflicted one of the following types of injury:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonable expected to continue throughout the victim's life.

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7. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 8. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

- 1. By force -or-
- 2. Without consent or voluntary compliance

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

9. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. Verbal demands -or-
- 2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. Use or threat of use of physical force or weapon -or-
- 2. Use or any mental coercion -or-
- 3. Forcing victim to another location -or-
- 4. Creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

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18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX
Offender attempted vaginal penetration, contact between mouth and
genitals or contact with anus.

24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX
Offender's actions involved actual vaginal penetration, or contact
between mouth and genitals or contact with anus.

10. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE
(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

1. Subjecting the same victim to two or more incidents or types
 of sexual abuse.
2. Subjecting more than one victim to any type of sexual abuse.

6 ADDITIONAL INCIDENT OF FLASHING

9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE

12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE

13 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE,
ANAL SEX OR ORAL SEX

24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX, OR
ORAL SEX

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TABLE 2F

FELONY CLASS: PROPERTY - PART I

(BURGLARY, CHECK/CREDIT CARD ABUSE, THEFT, FRAUD, AUTO THEFT, POSSESSION OF STOLEN PROPERTY)

3 BASE TIME

1. TYPE OF PROPERTY ACT

(More than one circumstance may apply)

The intent of the criminal act against property was:

9 **BURGLARY**

Knowingly entering or remaining unlawfully in a building with the intent to commit a crime against person or property.

6 **EMBEZZLEMENT/FRAUD**

- 1. Fraudulent appropriation to one's own use or benefit of money entrusted to one's care -or-
- 2. Intentional perversion of truth or false representation of facts to obtain other's belongings.

3 **FORGERY**

- 1. Unauthorized signing of a name other than one's own name to any document -or-
- 2. Intent to defraud through any false making or material altering of any writing which, if genuine, might be of legal efficacy.

3 **AUTO THEFT**

- 1. Theft of a motor vehicle -or-
- 2. Riding in a motor vehicle known by offender to be stolen.

6 2. VICTIM WAS VULNERABLE

The person(s) suffering damage or loss of personal property due to offender's actions was (were):

- 1. Someone on a fixed or limited income such as social security, retirement fund, unemployment compensation, disability payments, public assistance, etc. -or-
- 2. Someone with a physical or mental weakness due to age, mental retardation, physical handicap or infirmity.

3. DEGREE OF PLANNING

(At most one of the following circumstance applies)

6 **PLANNED**

Forethought, as distinguished from a spontaneous reaction to an opportune situation, was evident in the act. Evidence may include:

- 1. In Burglary:
 - a. Leaving and returning to scene -or-
 - b. Loitering at scene prior to act -or-
 - c. Prior discussion of intent -or-
 - d. Illegal entry by more than simple force.
- 2. In Auto Theft:
 - a. Obtaining keys prior to theft -or-
 - b. Using concealment to remove vehicle -or-
 - c. Using deceit to remove vehicle.

*Table 2F
1074*

- 3. In Check/Credit Card Abuse:
 - a. Planned always applies, unless clear indication that act was spur of the moment.
- 4. In Possession of Stolen Property:
 - a. Planned always applies.
- 5. In Theft:
 - a. Partner coordination -or-
 - b. Prior discussion of theft -or-
 - c. A scheme of concealment -or-
 - d. Casing establishment, leaving and returning to scene, loitering at scene.

12

SOPHISTICATED

A level of planning indicating a more criminally oriented or sophisticated mode of operation was evident in the act. Evidence may include:

- 1. In Burglary:
 - a. Use or possession of burglary tools -or-
 - b. Illegal entry through roof or above ground floor -or-
 - c. Burgling warehouses, jewelry stores, banks, furriers, or other large commercial establishments known to contain goods of high value, or large sums of money, -or-
 - d. Use of look-outs.
- 2. In Auto Theft:
 - a. Having keys copied -or-
 - b. Hot wiring -or-
 - c. Using tools.
- 3. In Non-Sufficient Funds (NSF):
 - a. Account(s) set up for fraudulent purposes -or-
 - b. Account(s) set up under fictitious name -or-
 - c. Account(s) set up with minimal funds and immediately overdrawn -or-
 - d. Unauthorized use of check protector.
- In Forgery:
 - a. Use of stolen or false identification in addition to the forged instrument -or-
 - b. Unauthorized use of check protector -or-
 - c. Forgery on multiple accounts where all accounts belong to a single individual.
- 4. In Possession of Stolen Property:
 - a. Stolen goods possessed were taken from several different sources or persons -or-
 - b. Amount and type of goods are a clear indication of retail selling -or-
 - c. Receiving stolen goods and paying for goods with marijuana/hashish.
- 5. In Theft:
 - a. Knowledge of layout of premises and/or its business procedures necessary to execute theft -or-
 - b. Fraudulent appropriation to one's own use or benefit of money entrusted to one's care -or-
 - c. Intentional perversion of truth or false representation of facts in order to obtain another's belongings.

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PROFESSIONAL

The highest level of planning is indicated by a professional orientation in the mode of operation. Evidence may include:

1. In Burglary:
 - a. Use of stolen vehicles or deceptively labeled vehicles to haul goods away -or-
 - b. Disabling alarm systems prior to entry -or-
 - c. Cracking safes -or-
 - d. Use of blue prints/maps -or-
 - e. Timed partner coordination in execution of steps necessary to commit burglary -or-
 - f. Leader or equal partner in a burglary ring.

2. In Auto Theft:
 - a. Use of punch locks -or-
 - b. Use of tow trucks -or-
 - c. Theft of several vehicles -or-
 - d. Leader or equal partner in an auto theft ring.

3. In Check/Credit Card Abuse:

For NSF cases:

 - a. Transferring of funds among accounts to create false impression of solvency (kiting) -or-
 - b. A leader or equal partner in a check/credit card ring.

For Forgery Cases:

 - a. Forgery on accounts belonging to two or more individuals -or-
 - b. Leader or equal partner in a forgery ring.

4. In Possession of Stolen Property:
 - a. Fencing or wholesaling in stolen goods -or-
 - b. Receiving stolen goods and paying for goods with hard drugs.

5. In Theft:
 - a. An extremely complicated scheme necessary to accomplish theft -or-
 - b. A leader or equal partner in a theft ring.

4. OBJECTIVE OF ACT AGAINST PROPERTY

(Exactly one of the following circumstances applies)

These circumstances identify the objective or intent of the act, regardless of whether the goods or services are actually obtained.

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TO OBTAIN GOODS FOR PERSONAL CONSUMPTION

1. To obtain small amounts of goods for immediate personal use - alcohol, food, tobacco, essential clothing and miscellaneous items -or-
2. To obtain property or services valued at less than \$250 -or-
3. To obtain a motor vehicle for joyriding.

3

TO OBTAIN RETAIL LEVEL GOODS

1. To obtain goods saleable to an individual purchaser such as television, stereo, minor electrical appliance, check/credit card, auto parts, drugs, tools, etc. -or-
2. To obtain property or services valued at \$250-\$749

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9 TO OBTAIN MIDDLE LEVEL GOODS

- 1. To obtain goods saleable to a retailer, such as large appliances, furniture, office equipment, weapons, etc. -or-
- 2. To obtain property or services valued at \$750-\$1499 -or-
- 3. To obtain a motor vehicle to travel outside the state or country.

15 TO OBTAIN WHOLESALE LEVEL GOODS

- 1. To obtain goods in wholesale quantities, such as warehouse goods, goods from large commercial establishments, jewelry stores, etc. -or-
- 2. To obtain property or services valued at \$1500 or more -or-
- 3. To obtain motor vehicle to strip for parts or sell.

6

5. RESIDENTIAL THEFT

The goods were taken from inside a dwelling which was illegally entered. Dwellings include:

- 1. Motel rooms -or-
- 2. Hotel rooms -or-
- 3. Any private homes or apartments.

6

6. VANDALISM

Any willful, malicious, purposeless destruction, defacement or vandalism of property.

Note: Destruction resulting from forced entry or ransacking for purpose of searching for goods or money is not vandalism.

7. HIGH SPEED CHASE

6

HIGH SPEED CHASE - NO DAMAGE

A chase occurred in which vehicle was driven by offender in excess of speed limit to avoid apprehension.

6

8. DAMAGE TO VEHICLE

A vehicle other than the offender's own was damaged:

- 1. In the criminal act -or-
- 2. As a result of the criminal act -or-
- 3. As a result of the offender's flight from the act or from pursuit by authorities.

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FELONY CLASS: PROPERTY - PART II

USE THIS SECTION WHEN A VICTIM IS THREATENED OR INJURED IN THE PROPERTY CRIME

12 9. VICTIM CONFRONTED WITH THREAT/ASSAULT

This circumstance is present in the criminal act if a victim is actually confronted by the offender in the criminal act and physically assaulted or threatened with bodily harm or placed in danger of physical harm.

12 10. VICTIM WAS PHYSICALLY/MENTALLY HANDICAPPED

A handicap (not the result of age) made the victim especially vulnerable to the offender. The victim was:

- 1. Mentally retarded -or-
- 2. Mentally ill -or-
- 3. Physically handicapped -or-
- 4. Pregnant -or-
- 5. Seriously ill.

11. VICTIM VULNERABLE BY AGE

(At most one of the following circumstances may apply)

Offender was aware of and took advantage of age of the victim. The victim was:

- 12 13 - 15 OR 50 - 59 YEARS OLD
- 18 10 - 12 OR 60 - 69 YEARS OLD
- 24 6 - 9 OR 70 - 79 YEARS OLD
- 30 1 - 5 OR 80 YEARS OR OLDER

12. METHOD OF VIOLENCE

(More than one circumstance may apply)

The primary method of violence is that method of violence relied upon to accomplish the act. If a victim(s) received an injury by more than one method of violence, include all methods resulting in injury as primary. The primary method(s) of violence is (are):

9 PHYSICAL FORCE

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle, or capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shot-guns, etc.

*Property - Part II
1983*

13. INJURY TO VICTIM BY OFFENDER

(At most one circumstance may apply)

6 MINOR INJURY

In the act, the principal victim received a physical injury requiring medical attention.

18 IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY OR DEATH

In the act, the offender exhibited behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death.

24 RECEIVED MAJOR/PERMANENT INJURY

Offender inflicted one of the following types of injury:

1. Life threatening injury -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

14. MORE THAN ONE VICTIM THREATENED/INJURED

(At most one of the following circumstances may apply)

3 MORE THAN ONE VICTIM THREATENED BY OFFENDER

In the act, the offender verbally or physically threatened or abused an additional victim.

6 MORE THAN ONE VICTIM RECEIVED MINOR INJURY

In the act, the offender inflicted a minor injury on an additional victim.

18 MORE THAN ONE VICTIM PLACED IN IMMINENT DANGER OF RECEIVING A MAJOR/PERMANENT INJURY

In the act, the offender placed an additional victim in imminent danger of receiving a major/permanent injury or death.

24 MORE THAN ONE PERSON RECEIVED MAJOR/PERMANENT INJURY

In the act, the offender inflicted a major/permanent injury on an additional person.

12 15. VICTIM FORCED TO ANOTHER LOCATION

Victim was removed to another location:

1. By force -or-
2. Without consent or voluntary compliance.

Note: For purposes of this aggravating circumstance, involuntary detainment alone does not constitute being "forced to another location".

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16. NON-CONSENSUAL SEXUAL ABUSE BY OFFENDER

(Only the MOST SERIOUS sexual abuse occurring in the act applies)

Non-consensual sexual abuse is the touching or exposure of the genitals or breasts against the victim's wishes or against a victim incapable of consent by reason of age, infirmity or mental incapability.

Attempted sexual abuse involves an intent to commit some sexual abuse as evidenced by:

- 1. Verbal demands -or-
- 2. Attempted or actual removal of clothing -or- touching victim's genitals or breasts.

-and-

substantial steps taken to carry out the sexual intent as evidenced by:

- 1. Use or threat of use of physical force or weapon -or-
- 2. Use or any mental coercion -or-
- 3. Forcing victim to another location -or-
- 4. Creating in the victim a well founded fear of injury.

6 FLASHING

The offender exposed self to victim.

9 ATTEMPTED SEXUAL FONDLING/EXPOSURE

The offender attempted to fondle, touch, or expose the victim's genitals or breasts.

12 SEXUAL FONDLING/EXPOSURE

Offender fondled, touched or exposed the victim's genitals or breasts.

18 ATTEMPTED VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender attempted vaginal penetration, contact between mouth and genitals or contact with anus.

24 VAGINAL INTERCOURSE, ORAL SEX OR ANAL SEX

Offender's actions involved actual vaginal penetration, or contact between mouth and genitals or contact with anus.

17. ADDITIONAL INCIDENTS OF NON-CONSENSUAL SEXUAL ABUSE

(Only the MOST SERIOUS additional incident; if any, applies)

Additional incident of sexual abuse involves:

- 1. Subjecting the same victim to two or more incidents or types of sexual abuse.
- 2. Subjecting more than one victim to any type of sexual abuse.

6 ADDITIONAL INCIDENT OF FLASHING

9 ADDITIONAL INCIDENT OF ATTEMPTED SEXUAL FONDLING/EXPOSURE

12 ADDITIONAL INCIDENT OF SEXUAL FONDLING/EXPOSURE

18 ADDITIONAL INCIDENT OF ATTEMPTED VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

24 ADDITIONAL INCIDENT OF VAGINAL INTERCOURSE, ANAL SEX OR ORAL SEX

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TABLE 2G
FELONY CLASS: DRUGS
(ALL DRUG OFFENSES)

Acts in felony class drugs are subject to treatment under only one of the following subclasses.

FELONY SUBCLASS: DRUG POSSESSION

Offender possessed or attempted to possess drugs in a quantity which could reasonably be used by the offender -and- there is no evidence the drugs were for sale.

6 BASE TIME

6 1. CONTROLLED SUBSTANCE

This circumstance applies if any of the drugs possessed are controlled substances. This excludes Marijuana, Cannabis Sativa, Hashish, and THC and prescription drugs which are not controlled substances.

6 2. CHEMICAL DEPENDENCY (DRUGS/ALCOHOL)

Offender is unable to function without frequent intake of alcohol/drugs, or is unable to function at all, as evidenced by documentation.

FELONY SUBCLASS: DRUG SALES

Any actual sale or attempted sale of drugs -or- possession of drugs or attempted to possess drugs in quantities exceeding an amount that could reasonably be used by the offender.

12 BASE TIME

12 1. CONTROLLED SUBSTANCE

This circumstance applies if any drugs involved in selling are controlled substances. This excludes Marijuana, Cannabis Sativa, Hashish, THC and prescription drugs which are not controlled substances.

2. LEVEL OF SELLING

(At most one of the following circumstances applies)

12 MIDDLE LEVEL

Evidence of middle level selling includes:

1. Sale of drugs in bulk for -or-
2. Apprehension of offender with drugs in bulk form -or-
3. Offender's possession of drug sale equipment -or-
4. Possessing/selling/or attempting to obtain drugs with street value of \$5,000 to \$15,000.

30 MAJOR LEVEL

Evidence of major level selling/dealing includes:

1. Offender receiving shipments of drugs from out-of-state or out-of-country sources -or-
2. Sale of drugs in bulk form -or-
3. Possessing/selling/or attempting to obtain drugs with street value in excess of \$15,000 -or-
4. Manufacturing/refining drugs.

Table 2G Page 089

TABLE 2H
FELONY CLASS: ESCAPE
(SUSPENDED PENDING FURTHER DEVELOPMENT)

12 BASE TIME

VICTIM - Person who is:

- a. Directly or indirectly threatened or injured by offender -or-
- b. Recklessly endangered by offender's actions--could have been injured or killed by offender's actions.

1. CUSTODY CLASSIFICATION AT TIME OF ESCAPE

(At most one circumstance applies)

There are three levels which correspond to those defined by Adult Corrections Division in Section 206.20 to 206.40 of Resident's Classification Manual.

18 MAXIMUM

This classification applies if offender escaped from:

- 1. Washington State Adult Correction institution -and-
- 2. Most secure housing within that institution -and-
- 3. Constant, 24-hour supervision.

12 CLOSE

This classification applies if offender escaped from:

- 1. Washington State Adult Corrections Institution -and-
- 2. A walled or fenced enclosure and secure single cells or room housing -and-
- 3. Frequent supervision.

6 MEDIUM

This classification applies if offender escaped from:

- 1. County Jail or Washington State Adult Corrections Institution -and-
- 2. Fenced enclosure and secure single cells, rooms, or dormitory housing -and-
- 3. Periodic supervision.

2. METHOD OF VIOLENCE IN ESCAPE

9 PHYSICAL FORCE AGAINST VICTIM

Offender's use or threat of use of feet, fists, hands, or other body parts exclusive of any implement external to offender's body.

15 WEAPON OTHER THAN KNIFE OR FIREARM

Any weapon other than a knife or firearm used by offender to threaten or injure. Includes toy firearms, air pistols, pellet guns, etc.

18 KNIFE

Any weapon/implement consisting of a sharp blade fastened to a handle -or- capable of inflicting cut or stab wounds.

24 FIREARM

A firearm is any weapon from which a shot may be discharged by an explosion of gun powder. Commonly includes rifles, pistols, shotguns, etc.

Table 2 H
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3. INJURY TO VICTIM

(At most one of the following circumstance applies)

6 MINOR INJURY RECEIVED

Any physical injury requiring medical attention.

18 PLACED IN IMMINENT DANGER OF MAJOR/PERMANENT INJURY

Evidenced by the offender:

1. Exhibiting behavior indicating an attempt or intent (with ability to carry out) to inflict major/permanent injury or death -or-
2. Acting with reckless disregard for the physical safety of others placing them in imminent fear of major/permanent injury or death.

24 MAJOR/PERMANENT INJURY RECEIVED

Offender inflicted one of the following types of injury:

1. Life threatening -or-
2. Injury threatening permanent loss/alteration of bodily functions -or-
3. Psychological damage resulting (or threatening to result) in permanent loss of ability to function in normal capacity -or-
4. Loss of limb or injury causing recognizable handicaps or permanent job disability -or-
5. Permanent noticeable (facial) disfigurement -or-
6. Any injury that is reasonably expected to continue throughout the victim's life.

12 4. ADDITIONAL CRIMINAL BEHAVIOR WHILE ON ESCAPE

Offender is reported to have committed additional behavior while on escape which is criminal under Washington State statutes.

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TABLE 3

ELIMINATION OF PRIOR RECORD ENTRIES OVER TIME

Number of Years in Community Between Convictions or Parole Revocations Necessary to Eliminate Convictions or Parole Revocations from Guideline Consideration

Type of Prior Record

Murder	Life
Manslaughter	10 Years
Sex Offense	10 Years
Assaults	10 Years
Robbery	10 Years
Property Offenses	5 Years
Drug Offenses	5 Years
Other Offenses	5 Years

TABLE 4

NUMBER OF MONTHS ADDED FOR EACH PRIOR RECORD ENTRY BY ADMISSION FELONY CLASS¹

PRIOR RECORD CLASS	ADMISSION FELONY CLASS							
	MURDER	SEX OFFENSE	ROBBERY	ASSAULT	MAN-SLAUGHTER	PROPERTY OFFENSE	DRUG OFFENSE	OTHER ²
MURDER	96	48	48	48	48	18	24	18
SEX OFFENSE	24	24	12	12	12	6	6	6
ROBBERY	14	12	24	12	12	6	6	6
ASSAULT	24	12	12	24	12	6	6	6
MANSLAUGHTER	48	12	12	12	36	12	12	12
PROPERTY OFFENSE	6	6	6	6	6	6	6	6
DRUG OFFENSE	6	6	6	6	6	6	6	6
OTHER	6	6	6	6	6	6	6	6

¹Note: Each column represents the felony class of the current admission. Each figure in a column is the number of months added for each entry within the prior record classes.

Prior record time shall not exceed act severity time when both the admission felony class and all prior record classes are not above the Property Felony class.

²Other offenses include felony classes Felon in Possession of a firearm, Escape and all other types of criminal acts not included in the previous felony classes.

TABLE 5

ABOVE/BELOW GUIDELINE VARIATION BY GUIDELINE TERM

<u>GUIDELINE TERM</u> (In Months)	<u>ABOVE/BELOW GUIDELINE VARIATION</u> (In Months)
12 to 33	3
36 to 57	6
60 to 81	9
84 to 105	12
108 to 129	15
132 to 153	18
156 to 177	21
180 to 201	24
204 to 225	27
228 to 249	30
252 to 273	33
276 to 297	36
300 to 321	39
324 to 345	42
348 to 369	48

Guideline Range = Guideline Term + Guideline Variation

*Table 3
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STATE OF WASHINGTON
BOARD OF PRISON TERMS AND PAROLES

Guidelines are an aid to consistent decision making, rather than determinate rules for fixing minimum terms. Therefore, it is expected that Board panels will go outside the guideline range whenever they encounter atypical circumstances in a case.

For these atypical cases, explicit reasons will be given to declare why the case is an exception to the general rule. A list of circumstances which may result in a decision outside the guidelines is given. This list is not complete, since there undoubtedly are additional reasons for outside guideline decisions.

*Just outside Guideline
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Prepared by:
Management Information Section

Effective January 1979
Amended Effective May 1, 1980

REASONS FOR OUTSIDE GUIDELINE DECISIONS

NAME _____

DSHS # _____

OFFENDER CHARACTERISTICS:

AGGRAVATING

1. OFFENDER'S JUVENILE RECORD INDICATES A MORE SERIOUS PRIOR INVOLVEMENT IN CRIMINAL ACTIVITIES THAN REFLECTED IN THE ADULT PRIOR RECORD.
2. OFFENDER'S POTENTIAL FOR VIOLENCE IS NOT LIKELY TO BE APPRECIABLY LESSENED BY THE END OF THE GUIDELINE TERM OF CONFINEMENT.
3. OFFENDER'S POTENTIAL FOR COMMITTING NON-VIOLENT CRIMES IS NOT LIKELY TO BE APPRECIABLY LESSENED BY THE END OF THE GUIDELINE TERM OF CONFINEMENT.
4. OFFENDER'S ADULT RECORD OF FELONY CONVICTIONS UNDERSTATES OFFENDER'S DEGREE OF CRIMINAL ORIENTATION (EXTENSIVE HISTORY OF PRIOR MISDEMEANOR CONVICTIONS, VIOLATIONS OF PROBATION, ETC.)
5. JUDGE'S RECOMMENDATIONS IN SENTENCING SUGGEST MINIMUM TERM HIGHER THAN THE GUIDELINE TERM.
6. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT WAS FOUND UNSAFE TO BE AT LARGE.
7. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT IMMEDIATELY RE-OFFENDED WITH A CRIME SIMILAR TO THE COMMITMENT OFFENSES.
8. OFFENDER HAS PARTICIPATED IN A COURT-ORDERED TREATMENT PROGRAM FOR THE COMMITMENT OFFENSES, BUT MADE NO GOOD FAITH EFFORT TO COMPLETE PROGRAM.
9. OFFENDER FAILED TO TAKE ADVANTAGE OF REPEATED OPPORTUNITIES TO REHABILITATE SELF.
10. OFFENDER FAILED TO MAKE RESTITUTION DESPITE OPPORTUNITIES TO DO SO.

MITIGATING

11. COMMUNITY-BASED TREATMENT PROGRAM HAS BEEN RECOMMENDED FOR THE OFFENDER.
12. STRONG POSITIVE COMMUNITY RESOURCES AND RELATIONSHIPS ARE AVAILABLE TO THE OFFENDER.
13. OFFENDER HAS ABSOLUTELY NO PRIOR CONTACTS WITH ANY LAW ENFORCEMENT AUTHORITIES.
14. OFFENDER POSES NO THREAT TO SOCIETY.
15. OFFENDER IS ESPECIALLY YOUNG.
16. OFFENDER IS ESPECIALLY OLD.
17. OFFENDER IS MENTALLY RETARDED, PHYSICALLY WEAK, TERMINALLY OR SERIOUSLY ILL, OR SENILE.
18. OFFENDER HAS EMOTIONAL/PSYCHIATRIC PROBLEMS WHICH RENDER THE OFFENDER UNABLE TO COPE WITH PRISON ENVIRONMENT.
19. OFFENDER NEEDS TREATMENT FOR SEVERE MENTAL/PHYSICAL PROBLEMS WHICH REQUIRE FACILITIES NOT AVAILABLE WITHIN THE INSTITUTION.
20. JUDGE'S RECOMMENDATIONS IN SENTENCING SUGGEST A MINIMUM TERM LOWER THAN THE GUIDELINE TERM.
21. OFFENDER HAS SPENT TIME IN A COURT-ORDERED TREATMENT FOR THE COMMITMENT OFFENSES.
22. OFFENDER HAS MADE SUBSTANTIAL PROGRESS IN REHABILITATING SELF SINCE ORIGINALLY CONVICTED.
23. OFFENDER'S ADULT RECORD OF FELONY CONVICTIONS OVERSTATES THE OFFENDER'S DEGREE OF CRIMINAL ORIENTATION.

OFFENSE CIRCUMSTANCES:

AGGRAVATING

24. OFFENDER USED OR THREATENED TO USE VIOLENCE IN EXCESS OF THAT NECESSARY TO CARRY OUT THE CRIME (BRUTALITY).
25. OFFENDER'S CRIMINAL BEHAVIOR CLEARLY INDICATED AN INTENT TO INFLICT A MAJOR/PERMANENT INJURY.
26. OFFENDER RESISTED ARREST WITH A WEAPON OR ENDANGERED/INJURED OTHERS BY RESISTING ARREST.
27. OFFENDER RECRUITED OR COERCED OTHERS INTO COMMITTING OFFENSES.
28. OFFENDER'S RELATION TO PARTNERS INDICATES A GREATER DEGREE OF CULPABILITY THAN REFLECTED BY THE GUIDELINES.
29. OFFENDER EXHIBITED ASSAULTIVE OR DISRUPTIVE BEHAVIOR WHILE IN CUSTODY PRIOR TO COMMITMENT TO STATE INSTITUTION.
30. OFFENSE INVOLVES FELONY BEHAVIOR NOT CONSIDERED IN THE GUIDELINES.
31. OFFENDER'S FAILURE TO COOPERATE WITH LAWFULLY CONSTITUTED AUTHORITIES INDICATES A CONTINUED CRIMINAL ORIENTATION.
32. OFFENDER PREYED UPON THE VICTIM FROM A CONCEALED POSITION (AMBUSHED).
33. OFFENDER EXHIBITED BIZARRE OR DEVIANT SEXUAL BEHAVIOR IN EXCESS OF THAT INHERENT IN THE OFFENSE.

MITIGATING

34. OFFENDER'S RELATIONSHIP TO PARTNERS INDICATES A LESSER DEGREE OF CULPABILITY THAN REFLECTED BY THE GUIDELINES (E.G., NAIVE FOLLOWER, UNAWARE OF PARTNER'S INTENTIONS OR ACTIONS, ETC.)
35. OFFENDER MADE COMPLETE RESTITUTION FOR OFFENSE.
36. OFFENDER VOLUNTARILY TURNED SELF IN TO LAW ENFORCEMENT AUTHORITIES IMMEDIATELY AFTER THE CRIME.
37. OFFENDER ACTED UNDER EXTREME MENTAL OR PHYSICAL DURESS.
38. OFFENDER COOPERATED WITH AUTHORITIES.
39. THERE IS INFORMATION THAT THE VICTIM IS IN FAVOR OF LENIENCY FOR THIS CASE.
40. THERE IS INFORMATION THAT THE COMMUNITY IS IN FAVOR OF LENIENCY FOR THIS CASE.
41. OFFENDER'S CRIMINAL BEHAVIOR CLEARLY INDICATED NO INTENT TO INFLICT ANY INJURY.
42. OFFENDER HAS SPENT TIME INCARCERATED FOR THIS OFFENSE IN ANOTHER JURISDICTION OR IN COUNTY JAIL.

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SPECIFIC OFFENSE CIRCUMSTANCES

MURDER:

- 43. MORE THAN ONE VICTIM KILLED OR INJURED.
- 44. VICTIM IS PUBLIC OFFICIAL MURDERED AS A RESULT OF OFFICE OR IN THE LINE OF DUTY.

MANSLAUGHTER:

- 45. MORE THAN NEGLIGENCE ON THE OFFENDER'S PART CAUSED THE VICTIM'S DEATH.

SEXUAL MOLESTATION:

- 46. COMMERCIAL EXPLOITATION OF VICTIM INVOLVED.
- 47. OFFENDER NON-SEXUALLY ASSAULTED PERSON(S) IN ADDITION TO THE PERSON(S) SEXUALLY MOLESTED.
- 48. OFFENDER COERCED VICTIM THROUGH THREATS AGAINST A THIRD PARTY (E.G., CHILD OF VICTIM) OR THREATS AGAINST PROPERTY OR RIGHTS OF VICTIM.
- 49. OFFENDER USED FORCE TO GAIN ACCESS TO THE VICTIM (DOMESTIC INVASION).
- 50. OFFENDER USED RUSE OR DECEPTION TO GAIN ACCESS TO THE VICTIM.

ROBBERY:

- 51. OFFENDER USED FORCE TO GAIN ACCESS TO THE VICTIM (DOMESTIC INVASION)
- 52. OBJECTIVE OF ROBBERY WAS TO OBTAIN GOODS FOR IMMEDIATE PERSONAL CONSUMPTION (E.G., FOOD, ALCOHOL, MISCELLANEOUS ITEMS) ONLY.
- 53. OBJECTIVE OF ROBBERY WAS TO GAIN DRUGS IN EXCESS OF PERSONAL CONSUMPTION/NEEDS.
- 54. OBJECTIVE OF ROBBERY WAS TO OBTAIN WEAPONS/EXPLOSIVES.
- 55. THE ROBBERY INVOLVED EXTORTION.

BURGLARY:

- 56. BURGLARY INVOLVED SOPHISTICATION IN EXCESS OF PLANNING--PROFESSIONALLY EXECUTED BURGLARY.
- 57. THERE IS EVIDENCE THAT THE OFFENDER BELIEVED SELF TO HAVE LEGITIMATE CLAIM TO GOODS INVOLVED IN BURGLARY.
- 58. PREDATORY BURGLARY--OFFENDER KNOWINGLY BURGLARIZED A VULNERABLE VICTIM (E.G., A VICTIM VULNERABLE BY REASON OF AGE, INFIRMITY, OR ECONOMIC STRAIGHTS).
- 59. OFFENDER BELIEVED SELF TO HAVE "COLOR OF RIGHT" TO ENTER PREMISES.

99. **ADDITIONAL REASONS:**

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ASSAULT:

- 60. ASSAULT IS A RESISTANCE OF ARREST.
- 61. VICTIM IS A PUBLIC OFFICIAL ASSAULTED IN THE LINE OF DUTY OR AS A RESULT OF PUBLIC OFFICE (EXCLUDING RESISTING ARREST).
- 62. THEET OF PROPERTY/EXTORTION ALSO INVOLVED IN THE ASSAULT.
- 63. OFFENDER ACTED WITH NO PROVOCATION FROM THE VICTIM.
- 64. VICTIM PROVOKED OFFENDER INTO ASSAULT.
- 65. OFFENDER GAINED ACCESS TO VICTIM THROUGH FORCE, ILLEGAL ENTRY, OR RUSE.
- 66. ASSAULT INVOLVED CHILD ABUSE.

THEFT:

- 67. THEFT INVOLVED DRUGS IN EXCESS OF IMMEDIATE PERSONAL CONSUMPTION/USE.
- 68. THEFT INVOLVED WEAPONS, EXPLOSIVES, ETC.
- 69. THEFT OF GOODS OR MATERIALS RESULTED IN A PUBLIC HAZARD.

AUTO THEFT:

- 70. WEAPONS WERE FOUND IN THE STOLEN VEHICLE.
- 71. DRUGS WERE FOUND IN THE STOLEN VEHICLE.
- 72. STOLEN PROPERTY WAS FOUND IN THE STOLEN VEHICLE.
- 73. OFFENDER IS PART OF AN AUTO THEFT RING.

CHECK/CREDIT CARD ABUSE:

- 74. PREDATORY THEFT--OFFENDER KNOWINGLY EXPLOITED A VULNERABLE VICTIM (VICTIM WAS VULNERABLE BY REASON OF AGE, INFIRMITY, ECONOMIC STRAIGHTS, ETC.).

DRUGS:

- 75. OFFENDER WAS SELLING DRUGS TO MINORS.
- 76. OFFENDER WAS INFLUENCING OTHERS TO USE DRUGS.
- 77. OFFENDER POSSESSED A WEAPON AT TIME OF ARREST OR DURING DRUG TRANSACTION.
- 78. OFFENDER WAS DEALING IN DRUGS IN RETURN FOR STOLEN PROPERTY/WEAPONS.
- 79. OFFENDER WAS ACCEPTING EARNINGS OF A PROSTITUTE IN PAYMENT FOR DRUGS.

FELON IN POSSESSION OF FIREARM:

- 80. OFFENDER POSSESSED MORE THAN ONE WEAPON - OFFENDER WAS DEALING IN WEAPONS.

STATE OF WASHINGTON
BOARD OF PRISON TERMS AND PAROLES

GUIDELINES FOR RECONSIDERATION OF
LENGTH OF CONFINEMENT

Effective July 1, 1979

Amended:

May 1, 1980

February 1, 1981

*Guidelines - Recons
1077*

Prepared by:
Management Information Section

GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

In order to promote consistent exercise of discretion and effect fair and equitable decision-making, without jeopardizing public safety or removing individual case consideration, the Board has established guidelines for the reconsideration of length of confinement. In this section, the term "guidelines" refers to the guidelines for the reconsideration of length of confinement.

1. The guidelines modify length of confinement based upon probability statements concerning parole performance for various groups of offenders.
2. The guidelines shall apply to all offenders receiving minimum terms under the provisions of Guidelines for Fixing of Minimum Terms. Decisions concerning offenders admitted under circumstances not specifically stated in the guidelines shall be handled on a case-by-case basis.
3. Decisions outside the guidelines may be made by panels of the Board, provided that written reasons for these decisions are given. Written reasons need not be given if the decision falls within the guidelines.
4. When the guidelines indicate a length of confinement which is less than the mandatory minimum term, the mandatory minimum term will take precedence.
5. The Board shall review the guidelines six months after adoption and at least annually thereafter, and may revise or modify the guidelines based upon appropriate new information.
6. The Board shall disclose to the offender all adverse information used to determine the guideline for reconsideration of length of confinement.

2 of 7

GUIDELINES FOR RECONSIDERATION OF LENGTH OF CONFINEMENT

Washington State Board of Prison Terms and Paroles

I. DEFINING PAROLE PERFORMANCE

Parole performance, which is defined as an offender's status in the criminal justice system after 18 months of parole supervision, is divided into three categories as follows:

- A. No Violations - During the 18 month follow-up period, the offender was not guilty of violating parole conditions.
- B. Misdemeanor-level/Technical Violations - During the 18 month follow-up period, the offender was found guilty of misdemeanor-level or technical violation(s) of parole conditions only.
- C. Felony Violations - During the 18 month follow-up period, the offender was found guilty of felony-level violation(s) or felony offense(s).

II. DEFINING PROBABILITY STATEMENTS CONCERNING PAROLE PERFORMANCE

A probability statement is an estimate of the likelihood of the occurrence of an event. A probability statement concerning parole performance is, therefore, an estimate of the likelihood of an offender having a specific parole performance.

These probability statements are functions of the offender's group Public Safety Score (PS Score) and the associated proportions of the three types of parole performance. The proportions are derived for offenders within each offender group having identical PS Scores.

A. Offender Groups

Under these guidelines, offenders are classified into nine offender groups based upon minimum term felony class, sex of the offender, and type of admission (see Table 1).

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B. Public Safety Scores (PS Scores)

For each offender group, statistical analyses have demonstrated that various attributes of offenders are related to parole performance. In these guidelines, the presence of an attribute is a positive trait related to no violations. The Public Safety Score (PS Score) is the total number of attributes possessed by an offender. Within each offender group, offenders with high scores have higher probabilities of no violations than those with low scores. Exhibits 1A through 1F present the attributes for the offender groups.

C. Parole Performance Proportions

For a given PS Score within an offender group, the probability statements for each parole performance are based upon the proportions of offenders actually exhibiting that performance.

When a current offender is said to have a certain probability of a specific parole performance, it is to be understood that this probability is numerically equal to the proportion of all like offenders who have actually exhibited that performance (i.e., the behavior of offender groups in the analysis sample is used to estimate the probable behavior of current offender groups).

Tables 2A through 2I present the PS Scores and the associated probabilities of parole performances for each offender group.

III. GUIDELINE RULES AND PROCEDURES

The primary concern of the Board is public safety. The Board is, however, cognizant of the high cost of prolonged incarceration to the public and its potentially negative impact on offenders. Therefore, the Board has elected to reconsider the length of confinement for certain offenders, while minimizing the threat to public safety, by using information predictive of their likelihood of re-offending after release. Thus, the greater the likelihood of no parole violation, the greater the potential for reduction in length of confinement. Conversely, as the likelihood of felony violation increases, the potential for reduction decreases. Furthermore, the Board has elected to consider larger reductions in length of confinement for property offenders than for offenders convicted of more serious offenses (e.g., Murder 2, Assault, Sexual Molestation, etc.).

The guideline rules and the procedures for calculating reductions in length of confinement are presented in Section A.

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A. Rules For Calculation of Guideline Reduction of Length of Confinement (In Months)

1. Potential Guideline Reduction. Equation 1 presents the formula for calculation of the offender's potential guideline reduction in length of confinement (i.e., the largest reduction in length of confinement for which an offender is eligible under these guidelines).

Equation 1

$$\text{Potential Guideline Reduction} = \left[\begin{array}{c} \text{Percent} \\ \text{Reduction} \\ \text{(Tables 2A-I)} \end{array} \right] \times \left[\begin{array}{c} \text{Two-thirds} \\ \text{of Minimum} \\ \text{Term} \end{array} \right]$$

2. Guideline Adjustment. Equation 2 presents the formula for calculating the guideline adjustment to a minimum term.

Equation 2

$$\text{Guideline Adjustment} = \left[\begin{array}{c} \text{Potential} \\ \text{Guideline} \\ \text{Reduction} \end{array} \right] + \left[\begin{array}{c} \text{"Good Time"} \\ \text{Credits} \\ \text{Granted} \end{array} \right]$$

3. Guideline Length of Confinement. Equation 3 presents the formula for calculating an offender's length of confinement under these guidelines.

Equation 3

$$\text{Guideline Length of Confinement} = \left[\begin{array}{c} \text{Minimum} \\ \text{Term} \end{array} \right] - \left[\begin{array}{c} \text{Guideline} \\ \text{Adjustment} \end{array} \right]$$

4. Earliest Possible Release Date (EPRD). Equation 4 presents the formula for calculating an offender's EPRD.

Equation 4

$$\text{EPRD} = \left[\begin{array}{c} \text{Time} \\ \text{Start} \end{array} \right] + \left[\begin{array}{c} \text{Guideline} \\ \text{Length of} \\ \text{Confinement} \end{array} \right]$$

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B. Application of Rules for Calculation of Reduction of Length of Confinement

The following two examples illustrate the application of the preceding equations:

Example 1: Offender A receives a minimum term of 36 months for an Assault II conviction. Due to his large number of infractions, he is granted only six months "good time" credits (out of a maximum of 12 months).

Offender A has a PS Score of 16.5 which is associated with a 84% chance of no violation and an 8% chance of felony violation which calls for a 24% reduction (see Table 2A). Applying the prior equations, offender A's projected term of confinement is summarized below:

- a. Minimum Term = 36 months
- b. "Good Time" Credits Granted = 6 months
- c. Person Offender Reduction = 24% (Table 2A)
- d. Potential Guideline Reduction = 6 months (Equation 1)
- e. Guideline Adjustment = 12 months (Equation 2)
- f. Guideline Length of Confinement = 24 months (Equation 3)

Example 2: Offender B receives a minimum term of 36 months for an Assault II conviction. He is granted all of the "good time" credits permitted by statute (1/3 of the minimum term--12 months).

Offender B has a PS Score of 16.5 which is associated with a 84% chance of no violation and an 8% chance of felony violation which calls for a 24% reduction (see Table 2A). Applying the prior equations, Offender B's projected term of confinement is summarized below:

- a. Minimum Term = 36 months
- b. "Good Time Credits Granted = 12 months
- c. Person Offender Reduction = 24% (Table 2A)
- d. Potential Guideline Reduction = 6 months (Equation 1)
- e. Guideline Adjustment = 18 months (Equation 2)
- f. Guideline Length of Confinement = 18 months (Equation 3)

C. Review of Guideline Adjustment

1. Review Procedure

One month prior to the Earliest Possible Release Date (EPRD) an authorized panel of the Board will administratively review an offender's case and determine whether or not to grant the guideline adjustments.

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The following documents are required by the Parole Board at that time:

- a. Progress Report
- b. Preparole Investigation
- c. Certification of "Good Time" Credits
- d. Public Safety Score - Part II

2. Guideline Decisions

At the review, the guideline decision to be considered by the Board is to grant or not grant the offender the guideline adjustment.

a. Within Guideline Decisions

If the adjustment granted by the Board results in a length of confinement that is within 30 days of the guideline length of confinement, the decision is within the guidelines.

b. Outside Guideline Decisions

If the adjustment granted by the Board results in a length of confinement that varies by more than 30 days of the guideline length of confinement, the decision is outside of the guidelines.

It is expected that Board panels will go outside the guidelines whenever they encounter atypical circumstances. Explicit written reasons for the decision will be given.

c. Limitations

There will be an automatic forfeiture of the guideline adjustment if the offender has been found guilty of an infraction at a disciplinary hearing or if the offender has been convicted of another felony committed during this incarceration period.

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Table 1 191

TABLE 1
CONDITIONS FOR GROUP MEMBERSHIP

OFFENDER GROUP	SEX OF OFFENDER	TYPE OF ADMISSION	MINIMUM TERM FELONY CLASS*	OFFENSE LEADING TO ADMISSION
1. Homicide/Assault/Sex	Male	Court Commitment	Murder II Manslaughter Sexual Molestation Assault	Murder II Manslaughter I, II All Sex Offenses Assault I, II Felon in Possession of Fire-arm
2. Robbery	Male	Court Commitment	Robbery	Robbery I, II
3. Property	Male	Court Commitment	Property	Burglary I, II, Theft I, II, Possession of Stolen Property I, II, Forgery, Uttering a Forged Instrument, Unlawful Issuance of Bank Checks, Credit Card Forgery, Auto Theft
4. Drugs	Male	Court Commitment	Drugs	Sale of Controlled Substances for Profit; Sale of Heroin for Profit; Sale, Delivery or Possession of Drug With Intent to Sell
5. Parole Violator	Male	Parole Violators revoked with no new commitment offense	All Classes	N/A
6. Women - Person Offense	Female	Court Commitment	Classes 1 and 2	All Offenses in Class.
7. Women - Property Offenses	Female	Court Commitment	Class 3	All Offenses in Class.
8. Women - Drug Offenses	Female	Court Commitment	Class 4	All Offenses in Class.
9. Women - Parole Violators	Female	Parole Violator	All Classes	N/A

*Note: See Guideline for Fixing of Minimum Terms for explanation of Minimum Term Felony Class. If an offender has been convicted for more than one offense at this admission, offender is classified according to the offense with the highest act severity time (see Guideline for Fixing of Minimum Terms for explanation of highest act time).

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EXHIBIT 1A

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OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigorin)
- 2.0 Drugs/Substances Other than opiates, marijuana or hashish
- 4.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 6.0 No illegal drug use OR no indication in record of illegal drug use.

*Minimum Term Felony Classes: Murder II, Manslaughter, Sexual Molestation and Assault.

Exhibit 1A
1 of 5

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OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)

ITEM

A3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 2.0 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 4.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 6.0 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

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OFFENDER GROUP I: HOMICIDE/ASSAULT/SEX OFFENSES (MALE)

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ITEM

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

3 0 5

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OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX (MALE)

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

0.5 One or more "general infractions (any infraction not included in above listing).

1.0 No infractions.

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OFFENDER GROUP 1: HOMICIDE/ASSAULT/SEX (MALE)

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I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2A

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

HOMICIDE/ASSAULT/SEX OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	47.6%	31.1%	21.3%	--
0.5	46.4	30.4	23.2	--
1.0	45.2	29.7	25.1	--
1.5	44.0	29.0	27.0	--
2.0	42.8	28.3	28.9	--
2.5	41.6	27.6	30.8	--
3.0	40.4	26.9	32.7	--
3.5	39.2	26.2	34.6	--
4.0	38.0	25.5	36.5	--
4.5	36.8	24.8	38.4	--
5.0	35.6	24.1	40.3	--
5.5	34.4	23.4	42.2	--
6.0	33.2	22.7	44.1	--
6.5	32.0	22.0	46.0	--
7.0	30.8	21.3	47.9	--
7.5	29.6	20.6	49.8	--
8.0	28.4	19.9	51.7	3%
8.5	27.2	19.2	53.6	4
9.0	26.0	18.5	55.5	5
9.5	24.8	17.8	57.4	6
10.0	23.6	17.1	59.3	8
10.5	22.4	16.4	61.2	9
11.0	21.2	15.7	63.1	10
11.5	20.0	15.0	65.0	11
12.0	18.8	14.3	66.9	13
12.5	17.6	13.6	68.8	14
13.0	16.4	12.9	70.7	15
13.5	15.2	12.2	72.6	16
14.0	14.0	11.5	74.5	18
14.5	12.8	10.8	76.4	19
15.0	11.6	10.1	78.3	20
15.5	10.4	9.4	80.2	21
16.0	9.2	8.7	82.1	22
16.5	8.0	8.0	84.0	24
17.0	6.8	7.3	85.9	25
17.5	5.6	6.6	87.8	26
18.0	4.4	5.9	89.7	27
18.5	3.2	5.2	91.6	29
19.0	2.0	4.5	93.5	30
19.5	0.8	3.8	95.4	31
20.0	0.0	2.7	97.3	32

Table 2A
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EXHIBIT 13

OFFENDER GROUP 2: ROBBERY OFFENSES (MALE)*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 2.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demoral, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigorric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

*Minimum Term Felony Class: Robbery.

*Exhibit 13
1 of 3*

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OFFENDER GROUP 2: ROBBERY OFFENSES (MALE)

ITEM

A3 WEAPON IN OFFENSE (Pre-Sentence Report)

The question to be answered here is: "Were there any weapons involved (use, threat or possession) in the offender's criminal act(s) or felony violation?" Note: It does not matter whether the offender OR his partners possessed or used the weapon(s)!

Code

- 0.0 Weapon(s) involved in offense
- 3.0 No weapons involved in offense

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable indication of prior living arrangement in record
- 0.5 With siblings or friends
- 1.0 With parents or relatives other than parents or siblings
- 1.5 With spouse and/or children

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony convictions

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OFFENDER GROUP2: ROBBERY OFFENSES (MALE)

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ITEM

- I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender at any time during this incarceration been placed in segregation as a result of disciplinary infractions?"

Code

- 0.0 Place in disciplinary segregation
1.5 No infractions OR not placed in disciplinary segregation.

- I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Report, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program at release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2B

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

ROBBERY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	40.9%	22.6%	36.5%	--
0.5	39.6	22.1	38.3	--
1.0	38.3	21.6	40.1	--
1.5	37.0	21.1	41.9	--
2.0	35.7	20.6	43.7	--
2.5	34.4	20.1	45.5	--
3.0	33.1	19.6	47.3	--
3.5	31.8	19.1	49.1	--
4.0	30.5	18.6	50.9	2%
4.5	29.2	18.1	52.7	3
5.0	27.9	17.6	54.5	4
5.5	26.6	17.1	56.3	5
6.0	25.3	16.6	58.1	7
6.5	24.0	16.1	59.9	8
7.0	22.7	15.6	61.7	9
7.5	21.4	15.1	63.5	10
8.0	20.1	14.6	65.3	11
8.5	18.8	14.1	67.1	13
9.0	17.5	13.6	68.9	14
9.5	16.2	13.1	70.7	15
10.0	14.9	12.6	72.5	16
10.5	13.6	12.1	74.3	18
11.0	12.3	11.6	76.1	19
11.5	11.0	11.1	77.9	20
12.0	9.7	10.6	79.7	21
12.5	8.4	10.1	81.5	23
13.0	7.1	9.6	83.3	24
13.5	5.8	9.1	85.1	25
14.0	4.5	8.6	86.9	26
14.5	3.2	8.1	88.7	28
15.0	1.9	7.6	90.5	29
15.5	0.6	7.1	92.3	30

*Table 2B
1071*

EXHIBIT 1C

OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.5 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigorin)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

*Minimum Term Felony Class: Property.

Exhibit 1C
1095

ITEM

A3 EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 1.5 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 3.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 4.5 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4 ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

285

OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

19

ITEM

A5 TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

375

OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

1.0 One or more "general infractions (any infraction not included in above listing).

2.0 No infractions.

4075

OFFENDER GROUP 3: PROPERTY OFFENSES (MALE)

21

12 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

5/5

TABLE 2C

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

PROPERTY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	63.0%	20.7%	16.3%	--
0.5	61.3	20.5	18.2	--
1.0	59.6	20.3	20.1	--
1.5	57.9	20.1	22.0	--
2.0	56.2	19.9	23.9	--
2.5	54.5	19.7	25.8	--
3.0	52.8	19.5	27.7	--
3.5	51.1	19.3	29.6	--
4.0	49.4	19.1	31.5	--
4.5	47.7	18.9	33.4	--
5.0	46.0	18.7	35.3	--
5.5	44.3	18.5	37.2	--
6.0	42.6	18.3	39.1	--
6.5	40.9	18.1	41.0	--
7.0	39.2	17.9	42.9	--
7.5	37.5	17.7	44.8	--
8.0	35.8	17.5	46.7	--
8.5	34.1	17.3	48.6	--
9.0	32.4	17.1	50.5	14%
9.5	30.7	16.9	52.4	16
10.0	29.0	16.7	54.3	18
10.5	27.3	16.5	56.2	19
11.0	25.6	16.3	58.1	21
11.5	23.9	16.1	60.0	22
12.0	22.2	15.9	61.9	24
12.5	20.5	15.7	63.8	25
13.0	18.8	15.5	65.7	27
13.5	17.1	15.3	67.6	28
14.0	15.4	15.1	69.5	30
14.5	13.7	14.9	71.4	31
15.0	12.0	14.7	73.3	33
15.5	10.3	14.5	75.2	34
16.0	8.6	14.3	77.1	36
16.5	6.9	14.1	79.0	37
17.0	5.2	13.9	80.9	39

*Table 2C
10/1*

EXHIBIT 1D

OFFENDER GROUP 4: DRUG OFFENSES (MALE)

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 2.0 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigoric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

*Exhibit 1D
1985*

*Minimum Term Felony Class: Drugs.

ITEM

A3

EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 0.5 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 1.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 1.5 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

285

OFFENDER GROUP 4: DRUG OFFENSES (MALE)

25

ITEM

A4

TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

395

CURRENT INCARCERATION ITEMS ONLY

ITEM

II INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

0.5 One or more "general infractions (any infraction not included in above listing).

1.0 No infractions.

4055

OFFENDER GROUP 4: DRUG OFFENSES (MALE)

27

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 0.5 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 1.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 2.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.5 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

575

TABLE 2D

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

DRUG OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	42.5%	19.2%	38.3%	--
0.5	40.5	18.7	40.8	--
1.0	38.5	18.2	43.3	--
1.5	36.5	17.7	45.8	--
2.0	34.5	17.2	48.3	--
2.5	32.5	16.7	50.8	1%
3.0	30.5	16.2	53.3	2
3.5	28.5	15.7	55.8	4
4.0	26.5	15.2	58.3	6
4.5	24.5	14.7	60.8	8
5.0	22.5	14.2	63.3	10
5.5	20.5	13.7	65.8	11
6.0	18.5	13.2	68.3	13
6.5	16.5	12.7	70.8	15
7.0	14.5	12.2	73.3	17
7.5	12.5	11.7	75.8	19
8.0	10.5	11.2	78.3	21
8.5	8.5	10.7	80.8	22
9.0	6.5	10.2	83.3	24
9.5	4.5	9.7	85.8	26
10.0	2.5	9.2	88.3	28
10.5	0.5	8.7	90.8	30
11.0	0.0	6.7	93.3	31
11.5	0.0	4.2	95.8	32
12.0	0.0	1.7	98.3	32

*Table 2 D
10/1*

EXHIBIT 1E

OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 JUVENILE RECORD (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever been committed to a state or federal juvenile institution?"

Code

- 0.0 Offender was committed to a juvenile institution
- 1.5 Offender was never committed to a juvenile institution OR no indication in record of ever being committed to a juvenile institution.

A2 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "What is the extent of the offender's illegal drug/controlled substance usage?" That is, identify the one most dangerous substance the offender has ever illegally used. If, for example, the offender has illegally used opiates and marijuana, enter the code for opiates (the substances are ranked in order of decreasing severity).

Code

- 0.0 Opiates (Opium, morphine, codeine, heroin, herogyn, demural, dilaudid, methadone, metopon, laudane, laudanum, pantopon, perigorric)
- 1.0 Drugs/Substances Other than opiates, marijuana or hashish
- 2.0 Marijuana or Hashish OR evidence of illegal drug use, but type of drugs cannot be identified
- 3.0 No illegal drug use OR no indication in record of illegal drug use.

*All male offenders not admitted under court commitment.

*Exhibit 1E
1085*

30

OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

ITEM

A3

EMPLOYMENT RECORD DURING TWO YEARS PRIOR TO ADMISSION (Admission Summary, Pre-Sentence Report)

Indicate the offender's employment record during the two years prior to this admission.

Code

- 0.0 Verified information that offender has never had a job OR there is no verifiable information indicating offender had ever had a job.
- 1.0 Verified information that offender had been employed before the two year period prior to this admission, but has not had a job during the two years prior to admission OR there is verifiable information indicating that the offender has previously been employed but no verifiable information indicating any employment during the two years prior to admission.
- 2.0 Offender had verifiable employment during the two year period prior to admission -and- the offender was unemployed for at least one continuous period of six months or more.
- 3.0 Offender had verifiable employment during two years prior to admission -and- the offender was never continuously unemployed for six months or more during this period.

A4

ASSESSMENT OF PERSONAL SUPPORT - LIVING ARRANGEMENT (Admission Summary, Pre-Sentence Report)

Prior to this admission the offender was living in the community:

Code

- 0.0 Alone OR No Verifiable Indication of Prior Living Arrangement in Record
- 0.5 With Siblings or Friends
- 1.0 With Parents or Relatives Other Than Parents or Siblings
- 1.5 With Spouse and/or Children

285

OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

31

ITEM

A5

TOTAL FELONY CONVICTIONS (Pre-Sentence Report, FBI Rap Sheet)

Indicate the total number of adult felony convictions received by the offender (include both Washington State and other jurisdiction felony conviction(s)).

Adult felony convictions are convictions for crimes:

Committed by a person age 18 or older at the time of the convictions -or- Committed by a person under age 18 but treated as an adult by the criminal justice system.

-AND-

Resulting in one or more years of probation (suspended or deferred sentence) -or- Resulted in a sentence to an adult correctional institution.

Include all felony convictions prior to this admission and all convictions leading to the current commitment, regardless of sentence structure.

Code

- 0.0 Five or more felony convictions
- 0.5 Four felony convictions
- 1.0 Three felony convictions
- 1.5 Two felony convictions
- 2.0 One felony conviction

305

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

The question to be answered here is: "Has the offender received any infraction reports during the current period of incarceration? If so, indicate the most serious type of infraction."

Code

0.0 One or more of the following "serious" infractions:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

1.0 One or more "general infractions (any infraction not included in above listing).

2.0 No infractions.

405

OFFENDER GROUP 5: PAROLE VIOLATORS (MALE)

I2 EMPLOYMENT/EDUCATION PROGRAM AT RELEASE/WORK-TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports, Pre-Release Investigation Reports)

Enter the code which best describes the offender's verified employment/education program release and participation in a work/training release program.

Code

- 0.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 1.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 2.0 Employment/education program upon release has not been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).
- 3.0 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).
- 4.0 Employment/education program upon release has been verified by the investigating parole officer AND offender did not participate in a work/training release program.
- 5.0 Employment/education program upon release has been verified by the investigating parole officer AND offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

5 4 5

TABLE 2E

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

MALE PAROLE VIOLATORS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	60.9%	17.6%	21.5%	--
0.5	59.2	17.9	22.9	--
1.0	57.5	18.2	24.3	--
1.5	55.8	18.5	25.7	--
2.0	54.1	18.8	27.1	--
2.5	52.4	19.1	28.5	--
3.0	50.7	19.4	29.9	--
3.5	49.0	19.7	31.3	--
4.0	47.3	20.0	32.7	--
4.5	45.6	20.3	34.1	--
5.0	43.9	20.6	35.4	--
5.5	42.2	21.0	36.8	--
6.0	40.5	21.3	38.2	--
6.5	38.8	21.6	39.6	--
7.0	37.1	21.9	41.0	--
7.5	35.4	22.2	42.4	--
8.0	33.7	22.5	43.8	--
8.5	32.0	22.8	45.2	--
9.0	30.3	23.1	46.6	--
9.5	28.6	23.4	48.0	--
10.0	26.9	23.7	49.4	--
10.5	25.2	24.0	50.8	4%
11.0	23.5	24.3	52.2	6
11.5	21.8	24.6	53.6	7
12.0	20.1	24.9	55.0	8
12.5	18.4	25.2	56.4	9
13.0	16.7	25.5	57.8	11
13.5	15.0	25.8	59.2	12
14.0	13.3	26.1	60.6	13
14.5	11.6	26.4	62.0	15
15.0	9.9	26.7	63.4	16
15.5	8.2	27.0	64.8	17
16.0	6.5	27.3	66.2	19
16.5	4.8	27.6	67.6	20
17.0	3.1	27.9	69.0	21
17.5	1.4	28.2	70.4	22
18.0	0.0	28.2	71.8	24
18.5	0.0	26.8	73.2	24
19.0	0.0	25.4	74.6	25

Table 2E
181

EXHIBIT 1F

OFFENDER GROUP 6: WOMEN - PERSON OFFENSES*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

*Exhibit 1F
102*

*Minimum Term Felony Classes: Murder II, Manslaughter, Sexual Molestation, Assault and Robbery.

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).

2.0 Offender did not participate in a work/training release program.

4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

2072

TABLE 2F

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PERSON OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31

*Table 2F
181*

EXHIBIT 1G

OFFENDER GROUP 7: WOMEN - PROPERTY OFFENSES*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

*Exhibit 1g
1 of 2*

*Minimum Term Felony Class: Property.

OFFENDER GROUP 7: WOMEN - PROPERTY OFFENDERS

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).

2.0 Offender did not participate in a work/training release program.

4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2G

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PROPERTY OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTIONS
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	17%
3.5	24.7	22.2	53.1	18
4.0	23.6	21.5	54.9	20
4.5	22.5	20.9	56.6	21
5.0	21.4	20.2	58.4	22
5.5	20.3	19.6	60.1	23
6.0	19.2	18.9	61.9	25
6.5	18.1	18.3	63.6	26
7.0	17.0	17.6	65.4	27
7.5	15.9	17.0	67.1	28
8.0	14.8	16.3	68.9	30
8.5	13.7	15.7	70.6	31
9.0	12.6	15.0	72.4	32
9.5	11.5	14.4	74.1	33
10.0	10.4	13.7	75.9	34
10.5	9.3	13.1	77.6	36
11.0	8.2	12.4	79.4	37
11.5	7.1	11.8	81.1	38
12.0	6.0	11.1	82.9	40
12.5	4.9	10.5	84.6	41
13.0	3.8	9.8	86.4	42
13.5	2.7	9.2	88.1	43
14.0	1.6	8.5	89.9	44
14.5	0.5	7.9	91.6	46
15.5	0.0	4.9	95.1	48

*Table 2G
181*

EXHIBIT 1H

OFFENDER GROUP 8: WOMEN - DRUG OFFENSES*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
- 1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
- 3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
- 1.0 Three or more felony convictions AND one prison commitment
- 2.0 Two felony convictions AND one prison commitment
- 3.0 One felony conviction AND one prison commitment

*Minimum Term Felony Class: Drugs.

*Exhibit 1H
1/82*

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not place in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).

2.0 Offender did not participate in a work/training release program.

4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

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TABLE 2H

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - DRUG OFFENDERS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31

*Table 2H
181*

OFFENDER GROUP 9: WOMEN - PAROLE VIOLATORS*

INSTRUCTIONS FOR CODING PUBLIC SAFETY SCORE SHEETS

ADMISSION ITEMS ONLY

ITEM

A1 HISTORY OF DRUG ABUSE (Admission Summary; Pre-Sentence Report)

The question to be answered here is: "Has the offender ever illegally used marijuana or hashish OR any drugs/controlled substances other than marijuana or hashish?"

Code

- 0.0 Illegal use of drugs other than marijuana or hashish
1.5 No illegal use of drugs other than marijuana or hashish OR illegal drug use indicated, but type of drug not identified OR no record of any illegal drug use.

A2 ASSESSMENT OF PERSONAL SUPPORT - BAIL STATUS (Pre-Sentence Report)

Indicate whether the offender was granted bail, released on personal recognizance or held in jail following most recent arrest and subsequent admission to institution.

Code

- 0.0 Held in Jail Until Trial or Plea
3.0 Granted Bail OR Released on Personal Recognizance

A3 ADULT CRIMINAL RECORD (Pre-Sentence Report; FBI Rap Sheet)

Enter the code which best indicates the total number of felony convictions and the total number of times the offender has been committed to Washington State and other jurisdiction adult correctional institution(s) or prison(s) for felony convictions, including this commitment.

Code

- 0.0 Two or more prison commitments
1.0 Three or more felony convictions AND one prison commitment
2.0 Two felony convictions AND one prison commitment
3.0 One felony conviction AND one prison commitment

Exhibit 11

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*All female offenders not admitted under court commitment.

CURRENT INCARCERATION ITEMS ONLY

ITEM

I1 INSTITUTIONAL/WORK RELEASE/FURLOUGH CONDUCT (Progress Reports; Infraction Reports)

This item summarizes the offender's institutional/work release/furlough conduct during the current incarceration.

Code

0.0 Offender was placed in segregation as a result of disciplinary infractions OR offender has received any of the following "serious" infractions and was placed in segregation as a result of these infractions or suffered the loss of institution privileges:

<u>Infraction Type</u>	<u>Infraction Code</u>
Assault	501 to 505, 521, 701
Riot	651 to 653
Contraband-Weapons	601, 602
Contraband-Drugs	603, 606, 655
Contraband-General	604, 605, 654
Escape	551
Other	552 to 555, 600, 656, 657, 700

2.0 Offender received any of the above "serious" infractions and was not placed in segregation and did not lose any institution privileges.

4.0 Offender has not received any infractions during this incarceration period OR offender has not received any "serious" infractions and has not been placed in segregation as a result of infractions.

I2 WORK/TRAINING RELEASE PROGRAM PARTICIPATION (Progress Reports)

Enter the code which best describes the offender's participation in a work/training release program during this period of incarceration.

Code

0.0 Offender participated in a work/training release program, but was terminated from the program for cause (e.g., escaped, removed for law or program rule violations).

2.0 Offender did not participate in a work/training release program.

4.0 Offender participated in a work/training release program and successfully terminated from the program (e.g., paroled, program completed).

2 of 2

TABLE 21

POTENTIAL REDUCTIONS IN LENGTH OF CONFINEMENT BASED UPON
PROBABILITY ESTIMATES OF PAROLE PERFORMANCE

WOMEN - PAROLE VIOLATORS

PUBLIC SAFETY SCORE	PROBABILITY OF PAROLE PERFORMANCE OF:			PERCENT REDUCTION
	FELONY VIOLATION	MISD/TECH VIOLATION	NO VIOLATION	
0.0	32.4%	26.7%	40.9%	--
1.5	29.1	24.8	46.1	--
3.0	25.8	22.8	51.4	4%
3.5	24.7	22.2	53.1	5
4.0	23.6	21.5	54.9	6
4.5	22.5	20.9	56.6	7
5.0	21.4	20.2	58.4	9
5.5	20.3	19.6	60.1	10
6.0	19.2	18.9	61.9	11
6.5	18.1	18.3	63.6	12
7.0	17.0	17.6	65.4	13
7.5	15.9	17.0	67.1	14
8.0	14.8	16.3	68.9	15
8.5	13.7	15.7	70.6	16
9.0	12.6	15.0	72.4	18
9.5	11.5	14.4	74.1	19
10.0	10.4	13.7	75.9	20
10.5	9.3	13.1	77.6	21
11.0	8.2	12.4	79.4	22
11.5	7.1	11.8	81.1	23
12.0	6.0	11.1	82.9	24
12.5	4.9	10.5	84.6	25
13.0	3.8	9.8	86.4	27
13.5	2.7	9.2	88.1	28
14.0	1.6	8.5	89.9	29
14.5	0.5	7.9	91.6	30
15.5	0.0	4.9	95.1	31

Table 21
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EXHIBIT 2

DEFINITION OF ATTRIBUTES RELATED TO PAROLE PERFORMANCE

- Admission - Admission to the Washington State adult correctional system by court commitment or revocation of parole.
- Committed to Juvenile Institution - Commitment to a state or Federal juvenile institution by a juvenile or adult court for any reason.
- Drug Abuse - Any illegal use (including experimental) of narcotics or controlled substances.
- Employed - Worked at a legitimate job for wages or salary.
- Felony Conviction - Conviction in state or Federal court for a felony offense.
- "General" Infractions - "Minor" violations (e.g., refusing to work) of institution rules.
- Living Alone - Residing by one's self.
- Marijuana or Hashish - Cannabis or any of its derivatives.
- Opiates - The following substances are classified as opiates:
- | | |
|-------------|---------------|
| a. Opium | g. Methadone |
| b. Morphine | h. Metapon |
| c. Codeine | i. Laudane |
| d. Heroin | j. Laudanum |
| e. Demerol | k. Pantopon |
| f. Dilaudid | l. Perigroric |
- Parents - Natural or step-parents.
- Released on Bail or Own Recognizance - Released from custody following latest arrest after posting bond or released by the court on "own recognizance".
- "Serious" Infractions - "Major" violations (e.g., riot; possession of a weapon) of institution rules or felonious behavior.
- Siblings - Natural or step-siblings.
- Spouse - Legal spouse.
- Spouse and Children - Legal spouse and natural, adopted, or step-children.
- Successful Termination (Work/Training Release) - Completed program; job ended by employer; released on parole.

*Exhibit 2
1 of 2*

Unsuccessful Termination (Work/Training Release) - Escaped, violation of program rules, or law violation led to termination from program.

Verified Education Program - Education program may include college, vocational, apprenticeship programs, etc. Verification of an education program by parole officer must include acceptance by the program, an admission date, and a source of funding while in the program.

Verified Employment - Employment upon release as verified by investigating parole officer.

Weapons in Offense - Use of firearm, knife, or other instrument. Includes an implied weapon and possession of a weapon.

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WSR 82-08-002
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning new fees for inspecting installation of mobile homes and increased fees for inspecting factory-built structures;

that such agency will at 9:30 a.m., Wednesday, May 12, 1982, in the 300 West Harrison Building, Room 412, Seattle, Washington 98119, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, May 28, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 43.22.440, 43.22.475 and 43.22.480.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 9:30 a.m., Wednesday, May 12, 1982, Room 412, 300 West Harrison Building, Seattle, Washington 98119.

Dated: March 25, 1982

By: Sam Kinville
 Director

STATEMENT OF PURPOSE

Title and Number of Rules: WAC 296-150A-990 Fees and 296-150B-990 Fees.

Statutory Authority: RCW 43.22.440, 43.22.475 and 43.22.480.

Summary of the Rules: WAC 296-150A-990 increases the fees for inspections of factory-built structures by 40%. WAC 296-150B-990 adds a fee of \$175 for inspecting installations of single-unit mobile homes and \$250 for inspecting installations of multiple-unit mobile homes.

Description of the Purposes of the Rules: The Factory Assembled Structure (FAS) section of the Department of Labor and Industries is required by law to charge fees that cover the costs of administering and enforcing the law. The current fees do not cover the costs, and the FAS section currently is far into the red. If the fees for inspection of mobile home installations and factory-built structures are not raised, the FAS section will no longer exist at the end of the fiscal biennium (June 1983). The proposed fees, in conjunction with administrative cut-backs, will enable the FAS section to return to the black by the end of the biennium.

Reasons Supporting the Rules: The FAS section will become defunct unless it raises its fees. Currently, the fees for inspecting factory-built structures are about 40% lower than the cost of the inspections. The fee increase will enable the FAS section to continue to protect the public against shoddy construction, and to help manufacturers avoid costly mistakes.

The Agency Employee Responsible for the Drafting, Implementation and Enforcement of the Rules: James Louvier, Chief, FAS Section, 300 West Harrison, Room 525, Seattle, Washington 98119, (206) 464-6580.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rules: Department of Labor and Industries. The Factory-Built Structures Advisory Board and the Mobile Home Advisory Board, at a meeting on March 18, 1982, unanimously approved the proposed fee increases and recommended that the department adopt them.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rules: The fees set in the two rules are the department's best calculation as to the average cost to the department of inspecting factory-built structures and installations of mobile homes. The department intends only to cover its costs; if the fees set by this rule are too high or too low, the department will adjust the fees accordingly.

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

NEW SECTION

WAC 396-150A-990 FEES.

(1) Initial manufacturer filing fee:	\$ 35.00
(2) (a) Fee for filing a design plan:	100.00
(b) Fee for resubmittal of design plan:	50.00
(3) Design plan renewal fees.	
(a) Renewal of an unexpired and unrevoked design plan:	35.00
(b) Renewal of an expired or revoked design plan:	100.00
(4) Fee for transfer of design plan approval to a different manufacturer:	140.00
(5) Fees related to compliance control programs.	
(a) Fee for filing a component compliance control manual:	14.00
(b) Fee for filing a factory-built structure compliance control manual:	350.00
(c) Fee for resubmittal of a factory-built structure compliance control manual:	140.00
(d) Fee for revisions to a factory-built structure compliance control manual:	14.00 per page
(e) Renewal of approval of a factory-built structure compliance control manual:	70.00
(f) Transfer of approval of a factory-built structure compliance control manual:	175.00
(6) Fee for inspections and other technical services performed by the department:	70.00 minimum plus 35.00 for every half-hour or fraction of a half-hour over one hour.
(7) Insignia fees.	
(a) For each single section factory-built structure, or for the first section of a multiple section factory-built structure:	140.00
(b) For each additional section of a multiple section factory-built structure:	14.00
(c) For each service core:	70.00
(d) For each component other than a service core:	14.00
(e) For each reissuance of a factory-built structure insignia:	35.00
(f) For each notification to a local enforcement agency:	21.00
(8) Travel fees and expenses. If a manufacturer or other person outside the state of Washington requests an inspection or other technical service outside the state, the manufacturer must pay the travel expenses of the department's employees. The expenses shall be calculated pursuant to the following list:	
(a) Surface travel, per mile:	.185
(b) Air travel: Cost of air fare based on published rates.	

- (c) Hourly charge for air travel time: 35.00 per half-hour or fraction of a half-hour.
- (d) Expenses: expenses include, but are not limited to, car rental, parking lot charges, and personal expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances and costs set by the Washington State Office of Financial Management.
- (9) Fee for change in manufacturer's or dealer's name, address, or ownership: 21.00
- (10) Alteration insignia fee: 14.00

- expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances and costs set by the Washington State Office of Financial Management.
- (10) Fee for change in manufacturer's or dealer's name, address, or ownership: 15.00
- (11) Alteration insignia fee: 25.00
- (12) Mobile home installation inspection:
 - (a)(i) For the first inspection of a single unit mobile home: 175.00
 - (ii) For the first inspection of a multiple unit mobile home: 250.00
 - (b) For a reinspection of a single or multiple unit mobile home: 50.00 minimum plus 25.00 for every half-hour or fraction of a half-hour over one hour.

NEW SECTION

WAC 296-150B-990 FEES.

- (1) Initial manufacturer filing fee: \$ 25.00
- (2) Fees for application for design plan approval. The fees listed in this subsection cover the application filing fee and one hour of examination time. The applicant will be required to pay for examination time beyond the base hours pursuant to the fees set in subsection (6).
 - (a) Fee for application for commercial coach, recreational vehicle, or component design plan approval: 70.00
 - (b) Fees for resubmittals of a design plan for a commercial coach, recreational vehicle, or component: 50.00
- (3) Design plan renewal fees.
 - (a) Renewal of an unexpired and unrevoked commercial coach or recreational vehicle design plan or related group of plans: 30.00
 - (b) Renewal of an expired or revoked design plan: 100% of fee for new design plan.
- (4) Fee for transfer of design plan approval to a different manufacturer: 100.00
- (5) Fee for filing a commercial coach, recreational vehicle, or component quality control manual: 10.00
- (6)(a) Fee for inspections, examination of design plans, and other technical services performed by the department; other than inspections, examinations, and services for a HUD-labeled mobile home before it is sold or leased to a consumer: 50.00 minimum plus 25.00 for every half-hour or fraction of a half-hour over one hour.
- (b) Fee for inspections, examinations, and other technical services performed by the department for a HUD-labeled mobile home before it is sold or leased to a consumer: 32.00 minimum plus 16.00 for every half-hour or fraction of a half-hour over one hour.
- (7) Insignia fees.
 - (a) For each recreational vehicle: 10.00
 - (b) For each single width commercial coach, or for the first section of a multiple section commercial coach: 15.00
 - (c) For each additional section of a multiple section commercial coach: 10.00
 - (d) For each service core: 50.00
 - (e) For each component other than a service core: 10.00
 - (f) For each reissuance of a mobile home, commercial coach, or recreational vehicle insignia: 10.00
- (8) Fee for each notification to a local enforcement agency: 15.00
- (9) Travel fees and expenses. If a manufacturer or other person outside the state of Washington requests an inspection or other technical service outside the state, the manufacturer must prepay the travel expenses of the department's employees on an estimated basis to be corrected after the inspections are completed. The expenses shall be calculated pursuant to the following list:
 - (a) Surface travel, per mile: .185
 - (b) Air Travel: Cost of air fare based on published rates.
 - (c) Hourly charge for air travel time: 25.00 per half-hour or fraction of a half-hour.
 - (d) Expenses: expenses include, but are not limited to, car rental, parking lot charges, and personal

WSR 82-08-003
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning a new fee for late renewal of an electrical administrator's certificate; an increased fee for journeyman and specialty electrician licensing exams; and increased fees for electrical work permits (safe wiring labels) and other inspections of electrical installations;

that such agency will at 9 a.m., Friday, May 14, 1982, in the Large Conference Room, First Floor, General Administration Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Friday, May 28, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 19.28.060 and 19.28.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1982, and/or orally at 9:00 a.m., Friday, May 14, 1982, Large Conference Room, First Floor, General Administration Building, Olympia, Washington 98504.

Dated: March 25, 1982

By: Sam Kinville
 Director

STATEMENT OF PURPOSE

Title and Number of Rules: WAC 296-46-493 Electrical contracting and administrator certificate fees; 296-46-910 Appendix F—Inspection fees schedule; and 296-401-010 Examination and fees.

Statutory Authority: RCW 19.28.060 and 19.28.210.

Summary of the Rules: WAC 296-46-493 adds a new fee of \$40.00 for late renewal of an administrator's certificate. Amended WAC 296-46-910 increases the fees for electrical work permits, or safe wiring labels, from 50 to 70% on new service fees. The flat fees for other permits and inspections have also been raised. There are new fees for: A trip by an inspector to remove a red tag posted because unlicensed electricians were working; when an installer has not corrected electrical problems in a specified time; and when an installer has not paid a fee for a wiring permit before the department inspects the wiring. WAC 296-401-010 changes the fee for a journeyman or specialty electrician's license exam to \$35.00.

Description of the Purpose of the Rules: The electrical inspection section of the department is required by law to charge fees that cover the costs of administering and enforcing the law. The current fees do not cover the costs; the section currently is expending approximately \$90,000 per month more than it receives as income. If the fees are not raised, the section's dedicated fund will be depleted and the section will have to end its operations at the beginning of May, 1982. The emergency fees

will enable the department, in conjunction with administrative cutbacks, to balance revenues and expenditures. Among other cutbacks, the electrical section is lessening its workforce by 25 people; eliminating and combining offices; and reorganizing the personnel in this section.

Reasons Supporting the Rules: The department will not be able to continue inspecting electrical wiring and installations unless the fees are raised. A failure to inspect will harm the public immensely; unlicensed electricians and contractors will be able to prey freely on the unsuspecting public, and legitimate electrical contractors will lose supervision that will help them prevent costly and dangerous mistakes.

The Agency Employee Responsible for the Drafting, Implementation and Enforcement of the Rules: Wayne Deming, Chief, Electrical Licensing Section, 520 South Water Street, Olympia, WA 98504, (206) 753-2330.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Rules: Department of Labor and Industries. The Electrical Advisory Board has discussed the rules with the department and approved the adoption of the rules.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: The department has historically charged less for many of its services than the actual cost of the services. Any deficit was made up at the end of the fiscal biennium by dipping into the state's general fund. The legislature, however, will no longer allow agencies to pay its deficits through the general fund. Thus, the department cannot now charge less than cost for its services. The fee increase reflects the department's costs.

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purposes: None.

AMENDATORY SECTION (Amending Order No. 77-31, filed 1/31/78)

WAC 296-46-493 ELECTRICAL ((~~CONTRACTING~~)) CONTRACTOR LICENSE AND ADMINISTRATOR CERTIFICATE FEES.

(1) General electrical <u>contractor</u> license (annual)—	\$200
(2) Specialty <u>electrical contractor</u> license (annual)—	\$150
(3) Administrator <u>certificate</u> examination—	\$ 50
(4) Administrator <u>certificate</u> renewal (annual)—	\$ 20
(5) Late renewal of administrator <u>certificate</u> —	\$ 40

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 81-5, filed 2/27/81)

WAC 296-46-910 ((~~APPENDIX F~~))INSPECTION FEES ((~~SCHEDULE~~)).

((~~INSPECTION FEES SCHEDULE~~))

~~Appendix F~~

~~BUILDING AND CONSTRUCTION SAFETY INSPECTION SERVICES DIVISION~~

~~ELECTRICAL INSPECTION SECTION DEPARTMENT OF LABOR AND INDUSTRIES~~

~~FEES. For fee calculation purposes,)) To calculate the fees, amperage will be based on conductor ampacity. Voltage will be based on service conductor voltage ((as per National Electrical Code,)) in accordance with NEC Article 230-201, or load side of transformer.~~

Inspection fees shall be paid ((PRIOR TO)) before connection by serving utility.

(1) New Service Fees:

AMPS	Single Multi-Family Residence (Each Family Dwelling Unit)			Other Than Residential	
	120/208 240 Volts	1 phase	1 phase	3 phase	3 phase
1- 100		\$ ((20.00)) <u>32.00</u>	\$ ((20.00)) <u>32.00</u>	\$ ((20.00)) <u>40.00</u>	\$ ((20.00)) <u>48.00</u>
101- 200		((26.00)) <u>40.00</u>	((26.00)) <u>44.00</u>	((26.00)) <u>52.00</u>	((40.00)) <u>64.00</u>
201- 300		((30.00)) <u>48.00</u>	((30.00)) <u>52.00</u>	((48.00)) <u>76.00</u>	((60.00)) <u>96.00</u>
301- 400		((40.00)) <u>60.00</u>	((40.00)) <u>64.00</u>	((68.00)) <u>108.00</u>	((80.00)) <u>128.00</u>
401- 500		((52.00)) <u>84.00</u>	((52.00)) <u>88.00</u>	((88.00)) <u>140.00</u>	((108.00)) <u>172.00</u>
501- 600		((72.00)) <u>108.00</u>	((72.00)) <u>116.00</u>	((108.00)) <u>172.00</u>	((132.00)) <u>212.00</u>
601- 800		((80.00)) <u>124.00</u>	((80.00)) <u>128.00</u>	((120.00)) <u>192.00</u>	((152.00)) <u>244.00</u>
801- 1200		((95.00)) <u>144.00</u>	((95.00)) <u>152.00</u>	((140.00)) <u>224.00</u>	((176.00)) <u>280.00</u>
1201- 1600		((100.00)) <u>152.00</u>	((100.00)) <u>160.00</u>	((152.00)) <u>244.00</u>	((192.00)) <u>308.00</u>
1601- 2000			((108.00)) <u>172.00</u>	((156.00)) <u>252.00</u>	((200.00)) <u>320.00</u>
2001- 2500			((116.00)) <u>184.00</u>	((172.00)) <u>276.00</u>	((212.00)) <u>340.00</u>
2501- 3000			((120.00)) <u>192.00</u>	((180.00)) <u>288.00</u>	((228.00)) <u>364.00</u>
3001- 4000			((128.00)) <u>204.00</u>	((192.00)) <u>308.00</u>	((236.00)) <u>380.00</u>
4001- 5000			((132.00)) <u>212.00</u>	((200.00)) <u>320.00</u>	((252.00)) <u>404.00</u>
5001- 6000			((140.00)) <u>224.00</u>	((212.00)) <u>340.00</u>	((268.00)) <u>428.00</u>

- (2) A ((minimum)) fee of \$((+0)) 12 shall be charged for ((each of)) the following ((subject to noted limitations)).
 - a. Mobile home service connection in a mobile home park.
 - b. Mobile home feeder where service is existing in a mobile home park.
 - c. Each lot in a recreational vehicle park ((each lot)) to which power is supplied.
 - d. ((Boat space)) Each berth in a boat harbor or marina ((each berth)) to which power is supplied.
 - ~~((e. Calculation of or checking heat calculations, where required.~~
 - ~~f. Individual carnival concessions to which power is supplied.))~~
- (3) A ((minimum)) fee of \$15.00 shall be charged for each of the following ((subject to noted limitations)).
 - a. A temporary construction service for lighting and power of 20 KVA or less. The fee for a temporary construction service in excess of 20 KVA shall be 50% of the fee for a new service installation of like ampacity.
 - b. Yard pole meter loops or similar isolated metering installations.
 - c. ((Each adjacent farm building served from yard pole other than each residence. Exceptions: Installations exceeding 200 amperes shall be in accordance with the appropriate schedule.)) Calculation of or checking heat calculations.
 - d. Each unit of transient worker housing ((per unit)).
- (4) The fee for a circuit extension installed for controls and motors for central vacuum systems, garage door openers, and heating plants such as gas, oil, and electrical furnaces is \$10.00.

- (5) The fee for installations, increases, ((and/or)) relocations, ((at-tered)) and alterations of an existing service or feeder ((shall be 50% of the fee for a new service of like ampacity, with a minimum fee of \$15.00)) is \$20.00, plus \$1.00 for each new circuit installed. The total fee shall be no greater than the fee for a new service of like ampacity.
- (6) The fee for new circuits, circuit extensions, and circuit alterations((-)) where the service or feeder is not modified, shall be ((a total of)) \$((+5.00)) 20.00 for one to four circuits inspected at the same time on the same premises under a single label and \$3.00 for each additional circuit. The total fee shall be no greater than the fee for a new service of like ampacity.
- (7) The fee for sign and outline lighting circuits ((shall be a total of)) is \$10.00 for one to four circuits inspected at the same time on the same premises under a single label and \$2.00 for each additional circuit.
- (8) The fee for each electric sign installed ((shall be a minimum of)), other than portable indoor signs connected with an electrical cord, is \$10.00.
- (9) ((Where a feeder terminates in a separate building it shall be classed as a separate service.)) To calculate the fees, the following shall be classed as separate services:
 - a. Feeders that terminate in a separate building; and
 - b. Secondaries of transformers.
- (10) The fee for ((the first)) feeder installations with new services ((shall be)) is 25% of the fee for service installations of like ampacity with a minimum fee of \$10.00 for each ((such)) feeder.
- (11) ((Optional)) The fee ((schedule)) for a service to an individual motor((+)) will be \$((20.00)) 25.00 per motor for a motor rating ((25)) of 10 HP or less((-)). The fee for each ((additional)) horse power in excess of ((25)) 10 HP ((will be an additional fifty)) is

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75 cents per HP (~~with a~~). The maximum (~~of~~) fee is ~~\$(100)~~ 150, including an allowance of 5 KVA of auxiliary motor equipment.

The optional fee for a new service installation to an individual motor (~~(s)~~) may be calculated in accordance with (~~item (1)~~) ~~above based on HP rating or calculated per~~ the new service amperage (~~(schedule item)~~) fees in subsection (1) (~~above whichever is the lesser of the calculation methods so stated~~).

(12) In addition to the service and feeder installation fees, the fee for each electrically driven irrigation machine (~~shall be~~) is ~~\$(20.00)~~ 25.00 plus \$5.00 for each tower or drive motor.

(13) (~~Inspections requested for~~) The fee for inspecting existing electrical facilities will be \$25.00 for the first hour (~~or fraction thereof~~) and \$20.00 for each additional hour or fraction (~~thereof~~) of an hour.

(14) The fee (~~(s)~~) for a plan review request (~~s as noted in~~) pursuant to WAC 296-46-140(1) (~~will be based upon twenty~~) is 25 percent of the job label fee as determined by WAC 296-46-495, plus a fee of (~~twenty-five dollars~~) \$25.00. The fee (~~(s)~~) for (~~electrical~~) review of electrical plans voluntarily requested (~~as noted in~~) pursuant to WAC 296-46-140(4) (~~will be based upon an hourly charge of~~) is \$30.00 per hour or fraction of an hour.

(15) (~~Penalty~~) A fee of ~~\$(15.00)~~ 20.00 per hour or fraction (~~thereof~~) of an hour shall be paid (~~prior to~~) before approval of the installation if the following (~~inspector~~) services are necessary:

a. (~~Unnecessary trip or~~) Trips to inspect when the label submitter has given (~~premature~~) notice to the inspector that the work is ready for inspection when it is not, or if the submitter has given an erroneous address.

b. More than one additional inspection (~~call~~) per label to (~~view~~) inspect corrections required by (~~written notice of~~) the inspector as a result of carelessness (~~:~~) or neglect or for improperly responding to a corrective notice (~~(s)~~).

c. Each trip necessary to remove a red tag from a jobsite posted because unlicensed electricians were working on the jobsite.

d. When corrections have not been made in the prescribed time, unless an exception has been requested and granted.

(16) The fee for emergency, standby, and resource recovery generators up to 5 KW (~~will be~~) is \$10.00. (~~Such~~) The fee for generators over 5 KW (~~will be~~) is \$10.00 plus \$0.50 per KW up to a maximum fee of \$120.00. The fee (~~(s)~~) for a generator installation (~~(s)~~) that constitutes the main source of power for the installation will be (~~based upon~~) that for the applicable services and feeders (~~(schedule)~~).

(17) A person or business that fails to submit a fee and obtain an electrical wiring permit for electrical work before the department inspects the work must pay a double fee for the permit.

(18) Carnival fee. Each ride or concession \$ 3.00
Each feeder junction box 5.00
Each transformer or generator truck 15.00

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 No. 73-21, filed 11/5/73)

WAC 296-401-010 EXAMINATION AND FEES. A person who wants to take the examination for a journeyman or specialty electrician certificate of competency must pay a \$35.00 fee to the department to cover the cost of the examination. After the examination, the department (~~shall~~) will certify the results within thirty days after the examination and (~~shall~~) will notify the applicant whether he or she has passed or failed. An (~~y~~) applicant who has failed the examination may, after thirty days from the date of (~~notification~~) the notice, (~~petition~~) apply to the department to retake the examination upon payment of an additional ~~\$(15)~~ 35.00 examination fee.

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the amending of WAC 296-24-12005 Water supply deletes subsections dealing with specifications; 296-24-13501 Color identification; 296-24-13503 Color specification; and 296-24-14007 Sign design and colors; subsections of these sections are proposed for deletion because they are unnecessarily detailed; 296-24-16503 Machine construction general and 296-24-16539 Inspection and maintenance of woodworking machinery, delete redundant and obsolete subsections; 296-24-960 Proximity to overhead power lines is amended to correct minimum distances from high voltage lines and define a "qualified employee"; 296-32-250 Tools and personal protective equipment—General, a numbering error is corrected; 296-45-66007 Aerial manlift equipment proposes to delete subsection (26); 296-54-543 General requirements, the amendment pertains to the replacement of wire rope; 296-62-07109 Minimal acceptable respirator program; 296-62-07302 List of carcinogens; 296-62-07515 Control of chemical agents, correct references and spelling; The lead standard is decodified from 296-62-07349 and recodified as 296-62-07521 and amended to reflect OSHA regulations; 296-62-09003 Lighting and illumination establishes minimal levels of illumination; 296-62-09031 Hearing protectors; 296-62-09033 Hearing protector attenuation; and 296-62-09051 Appendix C: Acoustic calibration of audiometers, correct references; 296-62-14515 Electrical hazards is amended for clarification; 296-78-71023 Lighting, references the occupational health standard; 296-79-020 General requirements and 296-79-050 Personal protection, correct references; 296-155-66501 Updates the minimum response table; 296-350-080, 296-35-35055 and 296-350-400, amendments in regard to the posting of a corrective notice of redetermination, notice of filing of appeal, and the notice of hearing; and 296-360-030 Filing a complaint of discrimination is amended to delete complaints of discrimination must be received in writing.

Written or oral submission 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.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

James P. Sullivan, Assistant Director

Industrial Safety and Health Division
 Post Office Box 207
 Olympia, Washington 98507
 Phone: (206) 753-6500

that such agency will at 9:30 a.m., Wednesday, May 12, 1982, in the Large Conference Room, General Administration Building, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Friday, June 11, 1982, in the Director's Office, Room 334, General Administration Building, Olympia.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 3, 1982, and/or orally at 9:30 a.m., Wednesday, May 12, 1982, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: March 25, 1982

By: Sam Kinville
 Director

STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: Chapter 296-24 WAC General safety and health; chapter 296-32 WAC Telecommunication; chapter 296-45 WAC Aerial manlift equipment; chapter 296-54 WAC Safety standards for logging operations; chapter 296-62 WAC General occupational health; chapter 296-78 WAC Sawmill operations; chapter 296-79 WAC Pulp, paper and paperboard; chapter 296-155 WAC Construction workers safety standards; chapter 296-350 WAC Reassumption of jurisdiction; and chapter 296-360 WAC Discrimination.

Statutory Authority: RCW 49.17.040 and 49.17.050.

Summary of the Rule(s): This notice proposes to amend the general safety and health, telecommunications, occupational health, construction workers safety standards; sawmill operations and pulp, paper and paperboard standards. Amendments are for housekeeping purposes, i.e. correct wrong references misspelling, etc. Sections of the general safety and health standard regarding cooperage machinery are proposed to be repealed in accordance with OSHA revocations. WAC 296-45-66007 Aerial manlift equipment proposed to delete subsection (26). WAC 296-54-543(7)(b) is amended to correct an oversight pertaining to the replacement of wire rope used as running lines on grapple yarders. Amendments to the administrative rules concern administrative hearings, reassumption of jurisdiction, discrimination and appeal board.

Description of the Purpose of the Rule(s): Chapter 296-24 WAC is amended by deleting subsections dealing with water supply as these specifications are more within the purview and expertise of community or state public health officials. Subsections dealing with color identification, specifications for accident prevention signs and tags, and fixed and portable tool requirements are proposed for deletion because they are unnecessarily detailed. WAC 296-24-960 is amended to correct deficiencies in the chart indicating the minimum distances to be maintained from high voltage lines. Verbiage that

can be construed to include cranes has been clarified. The WAC 296-32-250 amendment corrects a numbering error. The amendment to the electrical workers safety standards, WAC 296-45-66007, proposes to delete subsection (26) from the aerial manlift equipment as it infringes upon the rights of the U.S. Congress to regulate interstate commerce. The amendment to WAC 296-54-543(7)(b) provides the employer with an exception to the replacement of running lines on grapple yarders where there is no exposure to persons. The requirement to replace running lines puts a financial burden on the employer without any gain to employee safety. The section on lead in the occupational health standard has been decodified and recodified as WAC 296-62-07521. This section was incorrectly included with the carcinogens. Additional amendments to the lead standard implement federal regulations. The amendment to WAC 296-62-09003 lighting and illumination establishes minimal levels of illumination for safety purposes only. Electrical hazards, WAC 296-62-14515 is amended to clarify that portable tools used in confined spaces should conform to National Electric Code requirements. Additional occupational health amendments are to correct references. To avoid repetition, it is proposed to delete the lighting section in the sawmill code and add a reference to the lighting and illumination requirements of the general occupational health standards. Amendments to the pulp and paper standard correct references. The WAC 296-155-66501 amendment updates the minimum repose table. The administrative rules are amended to satisfy the basic purpose of the OSHA rule regarding the posting of a corrective notice of redetermination, notice of filing of appeal, and the notice of hearing. WAC 296-360-030 is amended so that complaints of discrimination can be made orally.

Reasons Supporting the Proposed Rule(s): To ensure safe and healthful working conditions for every man and woman working in the state of Washington and to be in compliance with Federal regulations.

The Agency Personnel Responsible for the Drafting: Richard E. Martin, Technical Services Chief, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504, 753-6381; Implementation and Enforcement: James P. Sullivan, Assistant Director, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504, 753-6500.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule(s): Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

Portions of the rules are necessary to comply with a federal law, 29 U.S.C. § 667(c)(2).

Any Other Information that may be of Assistance in Identifying the Rule or its Purposes: None.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)WAC 296-24-12005 WATER SUPPLY. (1) Potable water.

(a) Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

~~(b) ((Drinking fountain surfaces which become wet during fountain operation shall be constructed of materials impervious to water and not subject to oxidation. The nozzle of the fountain shall be at an angle and so located to prevent the return of water in the jet or bowl to the nozzle orifice. A guard shall be provided over the nozzle to prevent contact with the nozzle by the mouth or nose of persons using the drinking fountain. The drain from the bowl of the fountain shall not have a direct physical connection with a waste pipe, unless it is trapped.~~

(c)) Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, shall be capable of being closed, and shall be equipped with a tap.

~~((d) Ice in contact with drinking water shall be made of potable water and maintained in a sanitary condition.~~

(e)) (c) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

((f)) (d) A common drinking cup and other common utensils are prohibited.

((g) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

NOTE: Drinking water should be made available within 200 feet of any location at any location at which employees are regularly engaged in work:))

(2) Nonpotable water.

(a) Outlets for nonpotable water, such as water for industrial or firefighting purposes shall be posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and is not to be used for drinking, washing of the person, cooking, washing of food, washing of cooking or eating utensils, washing of food preparation or processing premises, or personal service rooms, or for washing clothes.

(b) Construction of nonpotable water systems or systems carrying any other nonpotable substance shall be such as to prevent backflow or backsiphonage into a potable water system.

Nonpotable water shall not be used for washing any portion of the person, cooking or eating utensils, or clothing. Nonpotable water may be used for cleaning work premises, other than food processing and preparation premises and personal service rooms: PROVIDED, That this nonpotable water does not contain concentrations of chemicals, fecal coliform, or other substances which could create unsanitary conditions or be harmful to employees.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)WAC 296-24-13501 COLOR IDENTIFICATION. (1) Red.

Red shall be the basic color for the identification of:

(a) Fire protection equipment and apparatus. ((i) Fire alarm boxes (pull boxes):

(ii) Fire blanket boxes;

(iii) Fire buckets or pails;

(iv) Fire exit signs;

(v) Fire extinguishers (if painting the extinguisher is impractical or undesirable, color should be used on the housing, wall, or support to identify the location);

(vi) Fire hose locations (color should be used on the reel, supports, or housing but not on the hose);

(vii) Fire hydrants (industrial);

(viii) Fire pumps;

(ix) Fire sirens;

(x) Post indicator valves for sprinkler system (it is suggested that if a traffic hazard is involved, the top should be colored red, and the barrel or post yellow and black stripes);

(xi) Sprinkler piping. (See ANSI Standard Scheme for the Identification of Piping Systems, A13.1-1956.)

(b) Danger. Safety cans or other portable containers of flammable liquids having a flashpoint at or below 80°F. table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents

conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2-1944. Danger signs shall be painted red.

(c) Stop. Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches used for emergency stopping of machinery shall be red.

~~(2) ((Orange. Orange shall be used as the basic color for designating dangerous parts of machines or energized equipment which may cut, crush, shock, or otherwise injure and to emphasize such hazards when enclosure doors are open or when gear belt, or other guards around moving equipment are open or removed, exposing unguarded hazards.~~

(3)) Yellow. Yellow shall be the basic color for designating caution and for marking physical hazards such as: striking against, stumbling, falling, tripping, and "caught in between". Solid yellow, yellow and black stripes, yellow and black checkers (or yellow with suitable contrasting background) should be used interchangeably, using the combination which will attract the most attention in the particular environment. Yellow shall be the basic color for designating caution, limited to warning against the starting, the use of, or the movement of equipment under repair or being worked upon.

~~((4) Green. Green shall be used as the basic color for designating "Safety" and the location of first aid equipment (other than firefighting equipment).~~

(5) Purple. Purple shall be the basic color for designating radiation hazards. "Radiation" as used in this subdivision refers to radiation types such as X-ray, alpha, beta, gamma, neutron, proton, deuteron, and meson. Yellow should be used in combination with purple for markers such as tags, labels, signs, and floor markers.

~~(6) Black, White, or Combinations of Black and White. Black, white, or a combination of these two, shall be the basic colors for the designation of traffic and housekeeping markings. Solid white, solid black, single color striping, alternate stripes of black and white, or black and white checkers should be used in accordance with local conditions:))~~

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)WAC 296-24-14007 SIGN DESIGN AND COLORS. (1) ((De-

sign Features. The colors, proportions, and location of the identification panels on each sign shall be in accordance with this section:)) All signs shall be furnished with rounded or blunt corners and shall be free form sharp edges, burrs, splinters, or other sharp projections. The ends or heads of bolts or other fastening devices shall be located in such a way that they do not constitute a hazard. ((When conditions warrant the use of a sign size not covered in the following tables, the ratio of the depth of the identifying panel (Danger, Caution, etc.) to the width of the sign shall be as established in Tables J-1 to J-4.))

(2) Danger Signs.

(a) The colors red, black, and white shall be those of opaque glossy samples as specified in Table 1 of Fundamental Specification of Safety Colors for CIE Standard Source "C", American National Standard Z53.1-1971.

(b) Standard Proportions shall be as indicated in Table J-1, and format shall be as in Fig. J-1.

(3) Radiation Warning Signs.

(a) Standard color of the background shall be yellow; the panel, reddish purple with yellow letters; the symbol, reddish purple; any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) The standard symbol shall be as in Figure J-3. Method of dimensioning, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated. The symbol shall be prominently displayed, and of a size consistent with the size of the equipment or material or area to which it is attached.

(c) Format shall be as in Figure J-2. Sign proportions shall be the same as those for danger signs in Table J-1.

(4) Caution Signs.

(a) Standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-2, and format shall be as in Figure J-4.

(5) Exit Signs. Exit signs shall be in accordance with WAC 296-24-56531.

(6) Safety Instruction Signs.

(a) Standard color of the background shall be white; and the panel, green with white letters. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-3, and format shall be as in Figure J-5.

(7) Directional Signs.

(a) Standard color of the background shall be white; and the panel, black with white directional symbol. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-4, and format shall be as in Figure J-6.

(8) In-Plant Traffic Signs. Regulatory and control signs required for the safe movement of vehicles and pedestrians on thoroughfares on plant property shall conform to the standards established in American National Standard Manual on Uniform Traffic Control Devices for Streets and Highways, D6.1-1971.

(9) Informational Signs. Blue shall be the standard color for informational signs. It may be used as the background color for the complete sign or as a panel at the top of such types of "Notice" signs, which have a white background. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(10) Slow-moving Vehicle Emblem. This emblem (see Fig. J-7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night. The emblem is intended as a unique identification for, and it shall be used only, on vehicles which by design move slowly (25 M.P.H. or less) on the public roads. The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1-1971).

(11) Symbols. Symbols used on signs shall follow recognized practices, such as in Figure J-8. For radioactive materials, see symbol in Figure J-3.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-16503 MACHINE CONSTRUCTION GENERAL. (1) Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.

(2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play.

~~(3) ((The use of wooden bandsaw wheels other than those of commercial manufacture is prohibited.~~

~~((4))~~ Any automatic cutoff saw that strokes continuously without the operator being able to control each stroke shall not be used.

~~((5))~~ (4) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.

~~((6))~~ (5) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.

~~((7))~~ (6) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.

~~((8))~~ (7) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.

~~((9))~~ (8) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of WAC 296-24-20501 through 296-24-20533.

~~((10))~~ (9) It is recommended that each power-driven woodworking machine be provided with a disconnect switch that can be locked in the off position.

~~((11))~~ (10) The frames and all exposed, noncurrent-carrying metal parts of portable electric woodworking machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.

~~((12))~~ (11) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table, that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required, with a guard that shall be so arranged as to prevent accidental contact with the saw.

~~((13))~~ (12) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular ripsaws, according to the kind of saws mounted on the arbors.

~~((14))~~ (13) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.

~~((15))~~ (14) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding and rabbeting.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-16539 INSPECTION AND MAINTENANCE OF WOODWORKING MACHINERY. (1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.

(6) Emphasis is placed upon the importance of maintaining cleanliness around woodworking machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.

(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

~~(10) ((Twists or kinks in bandsaws and band resaws shall be promptly removed with a hammer.~~

~~((11) To avoid vibration, brazed joints in bandsaws and band resaws shall be the same thickness as the saw blade.~~

~~((12))~~ The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

~~((13))~~ (11) Whenever veneer slicers or rotary veneer-cutting-machines have been shutdown for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other workmen are not in a hazardous position before starting the machine.

~~((14))~~ (12) Operators shall not ride the carriage of a veneer slicer.

AMENDATORY SECTION (Amending Order 81-31, filed 12/24/81)

WAC 296-24-960 PROXIMITY TO OVERHEAD POWER LINES. (1) General requirements - high voltage lines.

(a) Minimum clearance.

(i) No work shall be performed, no material shall be piled, stored or otherwise handled, no scaffolding, commercial signs, or structures shall be erected or dismantled, nor any tools, machinery or equipment operated within the specified minimum distances from any energized high

voltage electrical conductor capable of energizing the material or equipment (~~unless workers are protected in accordance with this section:~~

(ii) ~~The following minimum distances shall be maintained from high voltage lines:~~

Voltage	Minimum Distance
750 V to 50,000 V	10'
50,000 V to 250,000 V	17'
250,000 V to 550,000 V	20'
550,000 V to 750,000 V	22')

except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work, or where insulating barriers not a part of or an attachment to the equipment have been erected, to prevent physical contact with the lines, equipment shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(i) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the equipment or load shall be 10 feet.

(ii) For lines rated over 50 kv. minimum, clearance between the lines and any part of the equipment or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(b) Overhead electric lines. Where overhead electric conductors are encountered in proximity to a work area, the employer shall be responsible for:

(i) Ascertaining the voltage and minimum clearance distance required, and

(ii) Maintaining the minimum clearance distance, and

(iii) Ensuring that the requirements of subsection (1) of this section are complied with.

(c) Exception. This regulation does not apply to qualified employees. A "qualified employee" is any worker who ~~((by reason of his/her training and experience has demonstrated his/her ability to safely perform his/her duties around voltages in excess of 750 volts))~~ is familiar with the construction of, or operation of such lines and/or equipment that concerns his position and who is fully aware of the hazards connected therewith, OR, one who has passed a journeyman's examination for the particular branch of the electrical trades with which he may be connected.

(2) Low voltage lines. When work is being carried out in proximity to energized electrical service conductors operating at 750 volts or less, such work shall be performed in a manner to prevent contact by any worker with the energized conductors.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-250 TOOLS AND PERSONAL PROTECTIVE EQUIPMENT-GENERAL. (1) Personal protective equipment, protective devices and special tools needed for the work of employees shall be provided and the employer shall ensure that they are used by employees.

(a) Before each day's use the employer shall ensure that these personal protective devices, tools, and equipment are carefully inspected by a competent person to ascertain that they are in good condition.

(b) Tools found to be defective shall be taken out of service.

(2) Head Protection. Head protection meeting the requirements of ANSI Z89.2-1971, "Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B" shall be provided whenever there is exposure to Overhead hazards and/or possible high voltage electrical contact.

(a) Employees working in areas where there is a possible danger of head injury from impact, falling or flying objects, shall be protected by protective helmets. These helmets shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(b) The employer shall insure that the head protection is used by the employee.

(3) Eye Protection. Protective eye and face equipment shall be required where there is a possibility 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.

(4) Tent Heaters, Torches and Open Flame. Open flames shall not be used within ground tents or on platforms within aerial tents unless:

(a) The tent covers are constructed of fire resistant materials, and
(b) Ventilation is provided to maintain safe oxygen levels and avoid harmful buildup of combustion products and combustible gases.

(5) Portable Power Equipment.

(a) All portable power equipment used in the Telecommunications Industry shall be grounded.

(b) Nominal 120V, or less, portable generators used for providing power at work locations do not require grounding if the output circuit is completely isolated from the frame of the unit.

(c) Grounding shall be omitted when using soldering irons, guns or wire-wrap tools on telecommunication circuits.

(6) Vehicle-mounted Utility Generators. Vehicle-mounted utility generators used for providing nominal 240V AC or less for powering portable tools and equipment need not be grounded to earth if all of the following conditions are met:

(a) One side of the voltage source is solidly strapped to the metallic structure of the vehicle;

(b) Grounding-type outlets are used, with a "grounding" conductor between the outlet grounding terminal and the side of the voltage source that is strapped to the vehicle;

(c) All metallic encased tools and equipment that are powered from this system are equipped with three-wire cords and grounding-type attachment plugs, except as designated in subsection (7) of this section.

(7) Portable Lights, Tools and Appliances. When operated from commercial power such metal parts of these devices shall be grounded, unless these tools or appliances are protected by a system of double insulation, or its equivalent. Where such a system is employed, the equipment shall be distinctively marked to indicate double insulation.

(8) Lead Work. When operated from commercial power the metal housing of electric solder pots shall be grounded. Electric solder pots may be used with the power equipment described in this subsection, without a grounding conductor.

~~((a))~~ The employer shall ensure that wiping gloves or cloths and eye protection are used in lead wiping operations. A drip pan to catch hot lead drippings shall also be provided and used.

(9) Fire Extinguishers.

(a) Fire extinguishers shall be provided for the protection of both the building structure and the occupancy hazards contained therein.

(b) Employees shall be familiar with the location and operation of fire extinguishers.

(c) Any fire extinguishers showing defects shall be removed from service.

(d) Fire extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety once every year.

(e) Each fire extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person performing this service.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-45-66007 AERIAL MANLIFT EQUIPMENT. This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) Stability Test. All such equipment shall meet or exceed a safety factor of one and one-half to one (1 and 1/2 to 1) in all working positions, based upon the posted working load.

(b) Structural and Mechanical Tests. All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

(c) The Division of Industrial Safety and Health will accept, in lieu of subdivision (b) of this section, the safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the Division may require that such testing be performed on such equipment before it can be used. If the Division in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met.

(An obstructed view exists even though the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

(a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

(b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) Hydraulic Fluids. All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set. Wheel chocks shall be used to prevent accidental movement while parked on an incline. If the aerial manlift equipment has outriggers, the outriggers shall be used in accordance with manufacturer's specifications.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment as set forth in Table 1 unless protective equipment is installed by a qualified person.

(14) While working in aerial equipment employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(15) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(16) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(17) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(18) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(19) A tree trimmer may climb out of a basket into a tree or from a tree back into the basket so long as he is properly tied into the tree during the entire maneuver.

(20) Employees shall not belt to trees, structures, or equipment while performing work from aerial devices.

(21) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to ensure the safety of the operation and the employees.

(22) Power tools not in use shall be disconnected from external power sources.

(23) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(24) The basket shall be kept clean and all tools not in use shall be secured or removed.

(25) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(26) ~~((A braking system, independent of the drive-line braking system, shall be installed on all aerial manlift equipment where, from the engineering standpoint, it is feasible.~~

~~((27))~~ Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.

~~((28))~~ (27) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure; Provided, that no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

~~((29))~~ (28) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

~~((30))~~ (29) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

~~((31))~~ (30) The manufacturer's operator's instruction manual shall be kept on the vehicle.

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

WAC 296-54-543 GENERAL REQUIREMENTS. (1) Rigging.

(a) Rigging shall be arranged and operated so rigging or loads will not foul, or saw against lines, straps, blocks or other equipment.

(b) A thorough inspection of all blocks, straps, guylines and other rigging shall be made before they are placed in positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(c) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

(2) Shackles.

(a) Shackles with screw pins should have either a molle or cotter key when used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw-pin type or with the pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

(3) Straps.

(a) Safety straps of appropriate size shall be placed on all high lead blocks; also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4-inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2-inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

(4) Guylines.

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8-inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.

(l) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

(m) Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.

(n) All spliced guyline eyes shall be tucked at least three times.

(o) Extensions to guylines shall be:

(i) Equal in strength to the guyline to which they are attached; and

(ii) Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.

(p) Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over-stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.

(q) No person shall go up a raised metal spar unless suitable pass-line equipment is provided and used.

(r) Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.

(i) In no case shall the original safety factor of the equipment be reduced.

(ii) If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.

(s) When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.

(t) When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.

(u) Tail trees shall be supported by additional guylines if necessary to insure stability of the tree.

(v) Wood head spar trees shall be guyed as follows:

(i) All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline. This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.

(ii) Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.

(iii) Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.

(iv) Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.

(v) More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail trees and lift trees, or other equipment or rigging they support.

(w) Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(x) Guylines shall be attached to the upper portion of the wood spar by means of shackles.

(y) A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.

(5) Anchoring.

(a) Stump anchors used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.

(b) Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.

(c) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(d) Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.

(e) Rock bolts and other types of imbedded anchors may be used if properly designed and installed.

(f) Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.

(g) Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.

(6) Blocks.

(a) All blocks shall:

(i) Not be used for heavier strains or lines than those for which they are constructed;

(ii) Be fitted with line guards and shall be designed and used in a manner that prevents fouling, with the exception of special line blocks not designed with line guards;

(iii) Be kept in proper alignment when in use;

(iv) Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;

(v) Have sheaves of a size designed for the size of the wire rope used.

(b) Blocks with cracked or excessively worn sheaves shall not be used.

(c) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

(i) Be of the type and construction designed for this purpose;

(ii) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or 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 except running lines on grapple yarders when there is no exposure to persons when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;

(v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;

(vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and

(vii) Corroded, damaged or improperly applied end connections.

(c) Wire rope shall be kept lubricated as conditions of use require.

(8) Splicing Wire Rope.

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.

(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and

face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye to eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on single drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2-inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow Steel Diameter of Rope	Number of Clips Drop Forged	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 82-1, filed 1/15/82)

WAC 296-62-07109 MINIMAL ACCEPTABLE RESPIRATOR PROGRAM. (1) Standard operating procedures. Written standard operating procedures covering a complete respirator program shall be established and implemented in conformance with subsections (2) through (15) of this section. The employer shall, upon request, submit a copy of the written standard operating procedures to the director.

(2) Program administration. Responsibility and authority for the respirator program shall be assigned to a single person. This program administrator shall have sufficient knowledge of respiratory protection to properly supervise the respirator program.

(3) Physiological and psychological limitations for respirator wearers. The respirator program administrator or his or her designee, using guidelines established by a physician, shall determine whether or not a person may be assigned to a task requiring the use of a respirator. Persons with physical disabilities such as, but not limited to, respiratory impairments, or claustrophobia when wearing a respirator, shall not be assigned to tasks requiring the use of respirators unless it has been determined by a qualified physician that they are physically able to perform the work and use the equipment. All respirator user's medical status should be reviewed annually.

(4) Approved or accepted respirators shall be used. Any modification of an approved respirator that is not authorized by the approving agencies voids the approval.

(5) Respirator selection. Respirators shall be selected on the basis of the hazards to which the worker is exposed. (See WAC 296-62-07113)

(6) Training. Each worker required to wear a respirator shall be given training such that he or she is knowledgeable and proficient with respect to the respirator to be worn. Refresher training shall be given at least annually.

(7) Respirator fit. Each respirator wearer shall be fitted in accordance with WAC 296-62-07113. Each wearer of a respirator equipped with a facepiece shall check the seal of the respirator by appropriate means. This may be done by using procedures recommended by the respirator manufacturer.

(8) Facial hair, contact lenses, and eye and face protective devices. A negative pressure respirator, any self-contained breathing apparatus, or any respirator which is used in an atmosphere immediately dangerous to life or health (IDLH), equipped with a facepiece shall not be worn if facial hair comes between the sealing periphery of the facepiece and the face or if facial hair interferes with valve function. The wearer of a respirator shall not be allowed to wear contact lenses if the risk of eye damage is increased by their use. If a spectacle, goggle, face shield, or welding helmet must be worn with a facepiece, it shall be worn so as not to adversely affect the seal of the facepiece to the face. (See WAC 296-62-07115(3).)

(9) Issue of respirators. The proper type of respirator for each respiratory hazard shall be listed in the written standard operating procedures.

(10) Respirator inspection. The respirator shall be inspected by the wearer prior to each use to ensure that it is in proper working condition. Each respirator stored for emergency or rescue use shall be inspected at least once a month. (See WAC 296-62-07115 and 296-62-07117.)

(11) Monitoring respirator use. Supervisory personnel shall periodically monitor the use of respirators to ensure that they are worn properly. (See WAC 296-62-07115(7).)

(12) Evaluating respiratory hazard. Appropriate surveillance of work area conditions and degree of employee exposure or stress shall be maintained. (See WAC 296-62-07115(8) (~~and 296-62-07115(8))~~.)

(13) Medical and bioassay surveillance. When appropriate, medical surveillance, including bioassay, shall be carried out to determine if respirator wearers are receiving adequate respiratory protection. A physician shall determine the requirements of the surveillance program.

(14) Respirator maintenance. Respirator maintenance shall be performed regularly. Maintenance shall be carried out on a schedule which ensures that each respirator wearer is provided with a respirator that is clean and in good operating condition. Maintenance shall include: (a) Washing, sanitizing, rinsing, and drying, (b) inspection for defects, (c) replacement of worn or deteriorated parts, (d) repair if necessary, and (e) storage to protect against dust, sunlight, excessive heat, extreme cold, excessive moisture, damaging chemicals, and physical damage. (See WAC 296-62-07117.)

(15) Respirator program evaluation. An appraisal of the effectiveness of the respirator program shall be carried out at least annually. Action shall be taken to correct defects found in the program.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-07329 VINYL CHLORIDE. (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, re-packaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the Department of Transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means Chief, Industrial Hygiene Section, Department of Labor and Industries.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring.

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under paragraph (4)(a) of this section shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under subsection (4)(a) of this section shall be performed.

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this subdivision.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, re-packaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons. ~~((A daily roster shall be made of authorized persons who enter.))~~

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection (6) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection. Where respiratory protection is required under this section:

(a) The employer shall provide a respirator which meets the requirements of this subdivision and shall assure that the employee uses such respirator, except that until December 31, 1975, wearing of respirators shall be at the discretion of each employee for exposures not in excess of 25 ppm, measured over any 15-minute period. Until December 31, 1975, each employee who chooses not to wear an appropriate respirator shall be informed at least quarterly of the hazards of vinyl chloride and the purpose, proper use, and limitations of respiratory devices.

(b) Respirators shall be selected from among those jointly approved by the Mining Enforcement and Safety Administration, Department of the Interior, and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(c) A respiratory protection program meeting the requirements of chapter 296-62 WAC shall be established and maintained.

(d) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	(A) Combination type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply; or (B) Combination type C, supplied air respirator continuous flow type, with full or half facepiece, and auxiliary self-contained air supply.
(iii) Not over 1,000 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	(A) Combination type C supplied air respirator demand type, with full facepiece, and auxiliary self-contained air supply; or (B) Open-circuit self-contained breathing apparatus with full facepiece, in demand mode; or (C) Type C supplied air respirator, demand type, with full facepiece.
(v) Not over 25 ppm	(A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or (B) Gas mask, front or back-mounted canister which provides

Atmospheric concentration of Vinyl Chloride

Required Apparatus

(vi) Not over 10 ppm

a service life of at least 4=p hours for concentrations of vinyl chloride up to 25 ppm.
 (A) Combination type C supplied-air respirator, demand type, with half facepiece, and auxiliary self-contained air supply; or
 (B) Type C supplied-air respirator, demand type, with half facepiece; or
 (C) Any chemical cartridge respirator with an organic vapor cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.

(e)(i) Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and

(ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, fire-fighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride.

(f) Where air-purifying respirators are used:

(i) Air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and

(ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.

(g) Apparatus prescribed for higher concentrations may be used for any lower concentration.

(8) Hazardous operations.

(a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use;

(i) Respiratory protection in accordance with subsections (3) and (6) of this section; and

(ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.

(b) Protective garments shall be provided clean and dry for each use.

(i) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:

(A) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in subsection (8) of this section;

(B) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.

(9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.

(a) The program shall include:

(i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;

(ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;

(iii) The purpose for, proper use, and limitations of respiratory protective devices;

(iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;

(v) The purpose for and a description of the monitoring program;

(vi) The purpose for and a description of, the medical surveillance program;

(vii) Emergency procedures:

(A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and

(B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.

(b) All materials relating to the program shall be provided upon request to the director.

(10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.

(a) At the time of initial assignment, or upon institution of medical surveillance;

(i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (See Appendix A).

(ii) A medical history shall be taken, including the following topics:

(A) Alcohol intake,

(B) Past history of hepatitis,

(C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,

(D) Past history of blood transfusions, and

(E) Past history of hospitalizations.

(iii) A serum specimen shall be obtained and determinations made of:

(A) Total bilirubin,

(B) Alkaline phosphatase,

(C) Serum glutamic oxalacetic transaminase (SGOT),

(D) Serum glutamic pyruvic transaminase (SGPT), and

(E) Gamma glutamyl transpeptidase.

(b) Examinations provided in accordance with this subdivision shall be performed at least:

(i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and

(ii) Annually for all other employees.

(c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.

(d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.

(e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.

(f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.

(g) If the examining physician determines that alternative medical examinations to those required by subsection (10)(a) of this section will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of subsection (10)(a) of this section, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT AREA AUTHORIZED PERSONNEL ONLY

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA PROTECTIVE EQUIPMENT REQUIRED AUTHORIZED PERSONNEL ONLY

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

CONTAMINATED WITH VINYL CHLORIDE CANCER-SUSPECT AGENT

(d) Containers of polyvinyl chloride shall be legibly labeled:

POLYVINYL CHLORIDE (OR TRADE NAME) CONTAINS VINYL CHLORIDE VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

(e) Containers of vinyl chloride shall be legibly labeled either:

VINYL CHLORIDE EXTREMELY FLAMMABLE GAS UNDER PRESSURE CANCER-SUSPECT AGENT (or)

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

CANCER-SUSPECT AGENT

applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records.

(a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring and medical records shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209; and WAC 296-62-05213 through 296-62-05217. These records shall be provided upon request to the director. Authorized personnel rosters shall also be provided upon request to the assistant director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) ~~Authorized personnel rosters shall be maintained for not less than 30 years.~~

(iii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(c) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer. The employer shall also comply with any additional requirements set forth in WAC 296-62-05215.

(d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports.

(a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(i) Effective January 1, 1975, the provisions set forth in WAC 296-62-07329 shall apply.

APPENDIX A SUPPLEMENTARY MEDICAL INFORMATION

When required tests under paragraph (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: Urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: Forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: Lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: Hepatitis B antigen, and liver scanning.

AMENDATORY SECTION (Amending Order 81-20, filed 7/27/81)

WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Abate	—	10
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin	—	0.3
Aldrin—Skin	—	0.25
Allyl alcohol—Skin	2	3
Allyl chloride	1	5
C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
Alundum (Al ₂ O ₃)	—	10
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
Ammonia	50	35
Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin	—	0.5
Antimony & Compounds (as Sb)	—	0.5
ANTU (alpha Naphthyl thiourea)	—	0.3
Argon	Simple	Asphyxiant
Arsenic & Compounds (as As) which are exempt from WAC 296-62-07347	—	0.5
Arsine	0.05	0.2
Asphalt (petroleum) fumes	—	5
Azinphos methyl—Skin	—	0.2
Barium (soluble compounds)	—	0.5
p-Benzoquinone, see Quinone		
Benzoyl peroxide	—	5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5.0
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan		

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
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
C Cadmium oxide fume (as Cd)	—	0.1
Calcium carbonate	—	10
Calcium arsenate See WAC 296- 62-07347	—	—
Calcium oxide	—	5
Camphor (synthetic)	2	12
Carbaryl (Sevin ^[R])	—	5
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Cellulose (paper fiber)	—	10
Chlordane—Skin	—	0.5
Chlorinated camphene—Skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
C Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (Phenacylchloride)	0.05	0.03
Chlorobenzene (Monochlorobenzene)	75	350
o-Chlorobenzylidene malonitrile (OCBM)—Skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodiphenyl (42% Chlorine)— Skin	—	1
Chlorodiphenyl (54% Chlorine)— Skin	—	0.5
1-Chloro,2,3-epoxy propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
Chloroform (Tri-chloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-bu- tadiene)—Skin	25	90
Chromium, sol. chromic, chromous salts as Cr.	—	0.5
Chromium Metal & insol. salts	—	1
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—	0.2
Cobalt, metal fume & dust	—	0.1
Copper fume	—	0.1
Dusts and Mists	—	1.0
Corundum (Al ₂ O ₃)	—	10
Cotton Dust (raw)	—	1
Crag ^[R] 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

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Demeton ^[R] —Skin	—	0.1
Diacetone alcohol (4-hydroxy-4- methyl-2-pentanone)	50	240
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
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
1,1-Dichloroethane	100	400
1,2-Dichloro-ethylene	200	790
C Dichloroethyl ether—Skin	15	90
Dichloromethane, see Methyl- ene-chloride	—	—
Dichloromonofluoro-methane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylene-dichloride	—	—
Dichlorotetra-fluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin	—	1
Dieldrin—Skin	—	0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
C Diethylene triamine—Skin	1	4
Diethylether, see Ethyl ether	—	—
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone	—	—
Diisobutyl ketone	50	290
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (N-Dimethylan- iline)—Skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl, 1,2-dibromo-2,2-di- chloroethyl phosphate, see DiBrom	—	—
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate	—	5
Dimethylsulfate—Skin	1	5
Dinitrobenzene (all isomers)— Skin	—	1
Dinitro-o-cresol—Skin	—	0.2
Dinitrotoluene—Skin	—	1.5
Dioxane (Diethylene dioxide)— Skin	100	360
Diphenyl	0.2	1
Diphenyl amine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether—Skin	100	600
Di-sec-octyl phthalate (Di-2- ethylhexyl-phthalate)	—	5
Emery	—	10
Endosulfan (Thiodan ^[R])—skin	—	0.1
Endrin—Skin	—	0.1
Epichlorhydrin—Skin	5	19
EPN—Skin	—	0.5
1,2-Epoxypropane, see Propylene-oxide	—	—
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	Simple	Asphyxiant

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Ethanthiol, see Ethylmercaptan		
Ethanolamine	3	6
2-Ethoxyethanol—Skin	200	740
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- <i>amyl</i> ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene	Simple	Asphyxiant
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	0.2 (See note d)	—
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)—Skin	25	120
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidene chloride, see 1,1-Dichloroethane		
n-Ethylmorpholine—Skin	20	94
Ferbam	—	15
Ferrovandium dust	—	1
Fluoride as dust	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
C Formaldehyde	2	3
Formic acid	5	9
Furfuryl—Skin	5	20
Furfuryl alcohol	50	200
Glass, fibrous or dust (See note e)	—	10
Glycerin mist	—	10
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol		
Graphite (Synthetic)	—	10
Guthion [®] , see Azinphosmethyl		
Gypsum	—	10
Hafnium	—	0.5
Helium	Simple	Asphyxiant
Heptachlor—Skin	—	0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin	—	0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
156 sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen	Simple	Asphyxiant
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen fluoride	3	2
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
Hydroquinone	—	2
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iron oxide fume	—	10
Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
Isophorone	10	55

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
Isopropylether	250	1,050
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	10
Ketene	0.5	0.9
Lead and its inorganic compounds which are exempt from WAC 296-62-07349	—	0.2
Lead arsenate—See WAC ((296-62-07347)) 296-62-07521	—	0.15
Limestone	—	10
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (Liquified petroleum gas)	1,000	1,800
Magnesite	—	10
Magnesium oxide fume	—	10
Malathion—Skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Marble	—	10
Mesityl oxide	25	100
Methane	Simple	Asphyxiant
Methanethiol, see Methyl mercaptan		
Methoxychlor	—	10
2-Methoxyethanol—skin (Methyl cellosolve)	25	80
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl 2-cyano-acrylate	2	8
Methyl isoamyl ketone	100	475
Methyl (n- <i>amyl</i>) ketone (2-Heptanone)	100	465
Methyl bromide—Skin	15	60
Methyl butyl ketone, see 2-Hexanone		
Methyl cellosolve—skin, see 2-Methoxyethanol		
Methyl cellosolve acetate—Skin, see Ethylene glycol monomethyl ether acetate		
Methyl chloride	100	210
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclo-hexanone—Skin	100	460
Methylcyclopentadienyl manganese tricarbonyl (as Mn)—skin	0.1	0.2
Methyl demeton—skin	—	0.5
Methyl ethyl ketone (MEK), see 2-Butanone		
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone		
Methyl isocyanate—Skin	0.02	0.05
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion—skin	—	0.2
Methyl propyl ketone, see 2-Pentanone		
C Methyl silicate	5	30
C α -Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Molybdenum (soluble compounds)	—	5
(insoluble compounds)	—	10
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
Morpholine—Skin	20	70
Naphtha (coal tar)	100	400
Naphthalene	10	50
Neon	Simple	Asphyxiant
Nickel carbonyl	0.001	0.007 (See note a)
Nickel, metal and soluble compounds, as Ni	—	1
Nicotine—Skin	—	0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin	—	1
Nitroethane	100	310
Nitrogen	Simple	Asphyxiant
C Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
C Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin	—	—
Nitrous Oxide	Simple	Asphyxiant
Octachloronaphthalene—Skin	—	0.1
Octane	400	1,900
Oil mist, particulate	—	5 (See note f)
Osmium tetroxide	—	0.002
Oxalic acid	—	1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin	—	0.5
Parathion—Skin	—	0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin	—	0.5
Pentachlorophenol—Skin	—	0.5
Pentaerythritol	—	10
Pentane	500	1,500
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Phenol—Skin	5	19
p-Phenylene diamine—Skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether—Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene	—	—
Phenyl glycidyl ether (PGE)	10	60
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	—	10
Platinum (Soluble Salts) as Pt	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls	—	—
Propane	Simple	Asphyxiant
Propargyl alcohol—Skin	1	—
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride (1,2-Dichloropropane)	75	350
Propylene glycol monomethyl ether	100	360
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene	—	—
Pyrethrum	—	5

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
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 products (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	10
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.4
Silicon Carbide	—	10
Silver, metal and soluble compounds	—	0.01
Sodium fluoroacetate (1080)—Skin	—	0.05
Sodium hydroxide	—	2
Starch	—	10
Stibine	0.1	0.5
Stoddard solvent	200	1,150
Strychnine	—	0.15
Sucrose	—	10
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ^[R]	—	—
2,4,5 T	—	10
Tantalum	—	5
TEDP—Skin	—	0.2
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin	—	0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
Tetrachloromethane, see Carbon tetrachloride	—	—
Tetrachloronaphthalene—Skin	—	2
Tetraethyl lead (as Pb)—Skin	—	0.100 (See note h)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin	—	0.150 (See note h)
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-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	—	10
Titanium dioxide	—	10
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene	—	—
Tributyl phosphate	—	5
1,1,1-Trichloroethane, see Methyl chloroform	—	—
1,1,2-Trichloroethane—Skin	10	45
Trichloromethane, see Chloroform	—	—
Trichloronaphthalene—Skin	—	5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromono-bromomethane	1,000	6,100
Trimethyl benzene	25	120

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (See note a)	mg/M ³ (See note b)
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl		
Trinitrotoluene—Skin	—	1.5
Triorthoecresyl 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
Vinyl acetate	10	30
Vinyl bromide	250	1,100
Vinyl toluene	100	480
Warfarin	—	0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium	—	1
Zinc chloride fume	—	1
Zinc oxide fume	—	5
Zirconium compounds (as Zr)	—	5

- a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.
- b) Approximate milligrams of substance per cubic meter of air.
- d) An atmospheric concentration of not more than 0.02 ppm, or personal protection may be necessary to avoid headache.
- e) <5-7 μm in diameter.
- f) As sampled by method that does not collect vapor.
- g) According to analytically determined composition.
- h) For control of general room air, biologic monitoring is essential for personnel control.

+ TABLE 2
(See note ^a)

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
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 (Z37.23-1969)	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.

+ TABLE 2
(See note ^a)

Material	8-hour time weighted average	Acceptable ceiling concentration	Acceptable maximum peak above the acceptable ceiling concentration for an 8 hour shift.	
			Concentration	Maximum duration
Hydrogen sulfide (Z37.2-1966)	10 ppm	20 ppm	50 ppm	10 minutes once only if no measurable exposure occurs.
Mercury (Z37.8-1971)	0.05 mg/M ³	0.1 mg/M ³		
Chromic acid and chromates (Z37.7-1973)	0.1 mg/M ³	0.3 mg/M ³		

NOTE: ^a Acceptable ceiling concentrations. An employee's exposure to a material listed in table 2 shall not exceed at any time during an 8-hour shift the acceptable ceiling concentration limit given for the material in the table, except for a time period, and up to a concentration not exceeding the maximum duration and concentration allowed in the column under "acceptable maximum peak above the acceptable ceiling concentration for an 8-hour shift".

Example. During an 8-hour work shift, an employee may be exposed to a concentration of Benzene above 25 ppm (but never above 50 ppm) only for a maximum period of 10 minutes. Such exposure must be compensated by exposures to concentrations less than 10 ppm so that the cumulative exposure for the entire 8-hour work shift does not exceed a weighted average of 10 ppm.

+TABLE 3
PARTICULATES

Substance	Mppcf (See note e)	mg/M ³
Silica:		
Crystalline: (See note f)		
Quartz (respirable)		10mg/M ³ m
Quartz (total dust)		%SiO ₂ +2 30mg/M ³
Cristobalite: Use 1/2 the value calculated from the mass formulae for quartz.		%SiO ₂ +3
Tridymite: Use 1/2 the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	80mg/M ³
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 10mg/M ³
For more than 5% SiO ₂		%SiO ₂ +2
Inert or Nuisance Dust:		
Respirable fraction		5mg/M ³
Total dust		10mg/M ³
Total Particulates (less than 1% SiO ₂)		10mg/M ³
Respirable fraction		5mg/M ³

NOTE: Conversion factors—
mppcf X 35.3 = million particles per cubic meter
= particles per c.c.

c Millions of particles per cubic foot of air, based on impinger samples counted by light-field techniques.

f The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

m Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of a 2.4 mg/M³ in the table for coal dust is 4.5 mg/M³.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-62-07302 LIST OF CARCINOGENS. (1) The following substances are deemed to be carcinogens for the purposes of WAC 296-62-073 through 296-62-07316.

(2) Any reference to carcinogens in WAC 296-62-07304 through 296-62-07316 shall mean only those carcinogens listed in WAC 296-62-07302.

(a) 4-Nitrobiphenyl - Chemical Abstracts Registry Number 92933.

(b) Alpha-Naphthylamine - Chemical Abstracts Registry Number 134327.

(c) 4,4' Methylene bis - Chemical Abstract Service Registry Number 101144.

(d) Methyl ((chloroethyl)) chloromethyl ether - Chemical Abstracts Service Registry Number 107302.

(e) 3,3'-Dichlorobenzidine (and its salts) - Chemical Abstracts Service Registry Number 91941.

(f) Bis-Chloromethyl ether - Chemical Abstracts Service Registry Number 542881.

(g) Beta-Naphthylamine - Chemical Abstracts Service Registry Number 91598.

(h) Benzidine - Chemical Abstracts Service Registry Number 92875.

(i) 4-Aminodiphenyl - Chemical Abstracts Service Registry Number 92671.

(j) Ethyleneimine - Chemical Abstracts Service Registry Number 151564.

(k) Beta-Propiolactone - Chemical Abstracts Service Registry Number 57578.

(l) 2-Acetylaminofluorene - Chemical Abstracts Service Registry Number 53963.

(m) 4-Dimethylaminoazobenzene - Chemical Abstract Service Registry Number 60117.

(n) N-Nitrosodimethylamine - Chemical Abstracts Service Registry Number 62759.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-14515 ELECTRICAL HAZARDS. (1) Electrical circuits in the confined area which may present a hazard shall be disconnected, locked out and tagged in accordance with WAC 296-62-14513(1)(a). All temporary lights shall be protected against damage and cords shall be heavy duty and kept clear of working spaces and walkways. Only low voltage, battery operated, or ground fault protected equipment shall be used on water-slides of boilers or when electrically conductive liquids are involved.

(2) Electric ((lighting or)) supply circuits, lighting, and portable tools used where potentially hazardous concentrations of flammable vapors, gases or dusts are present or may develop shall conform to the current National Electric Code requirements.

(3) Portable electric tools shall be grounded or isolation transformers, ground fault interrupters or double insulated tools shall be required.

AMENDATORY/RECODIFICATION SECTION (Amending Order 81-21, filed 8/27/81; decodified and recodified as WAC 296-62-07521)

WAC 296-62-07521 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 µg/m³) 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 µg/m³) 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:

$$\text{Maximum permissible limit (in } \mu\text{g/m}^3) = 400 \div \text{hours worked in the day.}$$

(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 termination, 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) Methods 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:))~~

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, 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 below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (6) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 $\mu\text{g}/\text{m}^3$, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 $\mu\text{g}/\text{m}^3$.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$ ³	100 $\mu\text{g}/\text{m}^3$ ³	50 $\mu\text{g}/\text{m}^3$ ³
Primary lead production	(3)	3	10
Secondary lead production	(3)	3	5
Lead-acid battery manufacturing	(3)	2	5
((Nonferrous foundries	(3)	1	5
Lead pigment manufacturing	(3)	3	5
All other industries	(3)	Not	1
		Applicable))	
Automobile manufacture/ solder grinding	(3)	N/A	7
Electronics, gray iron found- ries, ink manufacture, paints and coatings man- ufacture, wall paper man- ufacture, can manufac- ture, and printing	(3)	N/A	1
Lead pigment manufacture, nonferrous foundries, leaded steel manufacture, lead chemical manufac- ture, shipbuilding and ship repair, battery breaking in the collection and pro- cessing of scrap (excluding collection and processing of scrap which is part of a secondary smelting op- eration), secondary lead smelting of copper, and lead casting	(3)	N/A	N/A
All other industries	(3)	N/A	2 1/2

¹ Includes ancillary activities located on the same worksite.

² Expressed 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.

³ On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 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 ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

¹ Respirators specified for high concentrations can be used at lower concentrations of lead.

² Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³ A 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 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, hats, and shoes or disposable shoe coverlets; and
- (iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009(1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100\text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with Medical Removal Protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to sub-items (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(aa) Blood lead level;

(bb) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(cc) Zinc protoporphyrin;

(dd) Blood urea nitrogen; and

(ee) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(aa) To review any findings, determinations or recommendations of the initial physician; and

(bb) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(aa) The employee informing the employer that he or she intends to seek a second medical opinion, and

(bb) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(aa) To review any findings, determinations or recommendations of the prior physicians; and

(bb) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(aa) A copy of this regulation for lead including all appendices;

(bb) A description of the affected employee's duties as they relate to the employee's exposure;

(cc) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(dd) A description of any personal protective equipment used or to be used;

(ee) Prior blood lead determinations; and

(ff) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(aa) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(bb) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(cc) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(dd) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(aa) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(bb) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(1) 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) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(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.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. This standard shall become effective thirty days after filing with the code reviser.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206)753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(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 µg/m³ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than 200 µg/m³ - 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 76-6, filed 3/1/76)

WAC 296-62-09003 LIGHTING AND ILLUMINATION.

((1) General Level. A level of illumination shall be maintained for the various types of jobs in all shops as indicated below. Where there is no level indicated for the specific operation or industry, use that level which is most similar to the job in question.))

Table with 2 columns: Job Category and Footcandle Level. Categories include Footcandles Measured 30 Inches Above Floor, Assembly, Automobile Manufacturing, Bakeries, Book Binding, etc.

Table with 2 columns: Job Category and Footcandle Level. Categories include Assembly (Rough, Medium, Fine, Extra fine), Automobile Manufacturing (Assembly line, Frame Assembly, Body Manufacturing, Parts, Assembly, Finishing and Inspecting), Bakeries, Book Binding (Folding, Assembling, Pasting, etc., Cutting, Punching and Stitching, Embossing), etc.

Table with 2 columns: Job Category and Footcandle Level. Categories include Footcandles Measured 30 Inches Above Floor.

Table with 2 columns: Job Category and Footcandle Level. Categories include Breweries (Brew House, Boiling, Keg Washing & Filing, Bottling).

Table with 2 columns: Job Category and Footcandle Level. Categories include Candy Making (Box Department, Chocolate Department, Bean Cleaning and Sorting, Wrapping, Milling, Cream Making, Mixing, Cooking and Molding, Gum Drops and Jellied Forms, Hand Decorating, Hard Candy, etc.), Canning and Preserving, Chemical Works (Hand Furnaces, Boiling Tanks, Stationary Driers, Stationary and Gravity Crystallizers, Mechanical Furnaces, Generators and Stills, Mechanical Driers, Evaporators, Filtration, Mechanical Crystallizers, Bleaching, Tanks for Cooking, Extractors, Percolators, Nitration, Electrolytic Cells), Clay Products and Cements (Grinding, Filter Presses, Kiln Rooms, Molding, Pressing, Cleaning and Trimming, Enameling, Color and Glazing), Cleaning and Pressing Industry (Checking and Sorting, Dry and Wet Cleaning and Steaming, Inspection and Spotting, Pressing, Machine, Hand, Receiving and Shipping, Repair and Alteration), Cloth Products (Cutting, Inspecting, Sewing, Light Goods, Dark Goods, Pressing, Cloth Treating (Oil Cloth, etc.), Light Goods, Dark Goods), Coal Tipples and Cleaning Plants (Breaking, Screening and Cleaning, Picking), Construction - Indoor (General), Elevators - Freight and Passenger, Engraving, Forge Shops and Welding, Garages - Automobiles (Storage - Live, Storage - Dead, Repair Department and Washing).

Table with 2 columns: Job Category and Footcandle Level. Category: Canning and Preserving.

Table with 2 columns: Job Category and Footcandle Level. Category: Chemical Works.

Table with 2 columns: Job Category and Footcandle Level. Category: Clay Products and Cements.

Table with 2 columns: Job Category and Footcandle Level. Category: Cleaning and Pressing Industry.

Table with 2 columns: Job Category and Footcandle Level. Category: Cloth Products.

Table with 2 columns: Job Category and Footcandle Level. Category: Coal Tipples and Cleaning Plants.

Table with 2 columns: Job Category and Footcandle Level. Category: Construction - Indoor.

Table with 2 columns: Job Category and Footcandle Level. Category: Elevators - Freight and Passenger.

Table with 2 columns: Job Category and Footcandle Level. Category: Engraving.

Table with 2 columns: Job Category and Footcandle Level. Category: Forge Shops and Welding.

Table with 2 columns: Job Category and Footcandle Level. Category: Garages - Automobiles.

	((Minimum Footcandles Measured 30 Inches Above Floor ^{A*}))
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	((Minimum Footcandles Measured 30 Inches Above Floor ^{A*}))
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Glass Works:

- Mix and Furnace Rooms, Pressing and Lehr, Glass Blowing Machines 10
- Grinding, Cutting Glass to Size, Silvering 20
- Fine Grinding, Polishing, Beveling, Etching, and Decorating 50 C*
- Inspection B* C*

Glove Manufacturing:

- Pressing, Knitting, Sorting—
- Light Goods 10
- Dark Goods 20
- Cutting, Stitching, Trimming, Inspection—
- Light Goods 20
- Dark Goods A*

Hangars—Airplane:

- Storage—Live 10
- Repair Department 50

Hat Manufacturing:

- Dyeing, Stiffening, Braiding, Cleaning, and Refining—
- Light 20
- Dark 30
- Forming, Sizing, Pouncing, Flanging, Finishing and Ironing—
- Light 20
- Dark 30
- Sewing—
- Light 20
- Dark A*

Ice Making—Engine and Compressor Room 10

Inspection:

- Rough 20
- Medium 30
- Fine B*
- Extra Fine A*

Jewelry and Watch Manufacturing A*

Laundries 20

Leather Manufacturing

- Vats 5
- Cleaning, Tanning and Stretching 10
- Cutting, Fleshing and Stuffing 20
- Finishing and Scarfing 30

Leather Working:

- Pressing, Winding and Glazing—
- Light 20
- Dark A*

Locker Rooms 10

Machine Shops:

- Rough Bench and Machine Work 20
- Medium Bench and Machine Work, Ordinary Automatic Machines, Rough Grinding, Medium Buffing and Polishing 30
- Fine Bench and Machine Work, Fine Automatic Machines, Medium Grinding, Fine Buffing and Polishing B*
- Extra Fine Bench and Machine Work—Fine Work A*

Meat Packing:

- Slaughtering 10
- Cleaning, Cutting, Cooking, Grinding, Canning, Packing 20

Milling—Grain Foods:

- Cleaning, Grinding and Rolling 10
- Baking or Roasting 20
- Flour Grading 30

Offices:

- Bookkeeping, Typing and Accounting 50
- Business Machines—Power Driven (Transcribing and Tabulating) Calculators, Key Punch, Bookkeeping B*
- Conference Room—
- General Meetings 25
- Office Activities—Sec Desk Work Corridors and Stairways 5
- Desk Work—
- Intermittent Reading and Writing 25
- Prolonged Close Work, Computing, Studying, Designing, etc. 50
- Reading Blueprints and Plans 30
- Drafting—
- Prolonged Close Work—Art Drafting and Designing in Detail 50
- Rough Drawing and Sketching 30
- Filing and Index References 25
- Lobby 10
- Mail Sorting 25
- Reception Rooms 10
- Stenographic Work 50
- Vault 10

Packing and Boxing 10

Paint Mixing 10

Paint Shops:

- Dipping, Simple Spraying, Firing 10
- Rubbing, Ordinary Hand Painting and Finishing, Art, Stencil and Special Spraying 20
- Fine Hand Painting and Finishing B*
- Extra Fine Hand Painting and Finishing (Automobile Bodies, Piano Cases, etc.) A*

Paper Box Manufacturing:

- Light 10
- Dark 20
- Storage 5

Paper Manufacturing:

- Beaters, Grinding, Calendaring 10
- Finishing, Cutting, Trimming, Paper Making Machines 20

Plating 10

Polishing and Burnishing 20

Power Plants, Engine Room, Boilers:

- Boilers, Coal and Ash Handling, Storage Battery Rooms 5
- Auxiliary Equipment, Oil Switches and Transformers 10
- Engines, Generators, Blowers, Compressors 20
- Switchboards 30

Printing Industries:

- Type Foundries—
- Matrix Making, Dressing Type A*
- Font Assembly—Sorting B*
- Hand Casting 30
- Machine Casting 20

Printing Plants:

- Presses 30
- Imposing Stones A* C*
- Proof Reading A*

((Minimum
Footcandles
Measured 30
Inches Above
Floor **))

((Minimum
Footcandles
Measured 30
Inches Above
Floor **))

Electrotyping:

— Molding, Finishing, Leveling Molds, Routing,
Trimming B*

— Blocking, Tinning 30

— Electroplating, Washing, Dacking 20

Photo Engraving:

— Etching, Staging 20

— Blocking 30

— Routing, Finishing, Proofing B*

— Tint Laying A*

Receiving and Shipping 10

Rubber Tire and Tube Manufacturing:

— Stock Preparation—

Plasticating 20

Milling 20

Calendering 30

Branbury 20

— Fabric Preparation—

Stock Cutting 30

Bead Building 30

— Tube Tubing Machines 20

Tread Tubing Machines 20

— Tire Building—

Solid Tire 20

Pneumatic Tire 50

— Curing Department—

Tube Curing B*

Casing Curing B*

— Final Inspection—

Tube B*

Casing A*

— Wrapping 20

— Warehouse 5

Mechanical Rubber Goods:

— Stock Preparation—

Plasticating 20

Milling 20

Calendering 30

Branbury 20

— Fabric Preparation—

Stock Cutting 30

Hose Looms 30

— Molded Products B*

— Extruded Products 30

— Curing B*

— Inspection A*

— Boxing 20

— Warehouse 5

Sheet Metal Works:

— Miscellaneous Machines, Ordinary Bench Work ... 20

— Punches, Presses, Shears, Stamps, Spinning, Medi-
um Bench Work 20 C*

— Tin Plate Inspection B* C*

Shoe Manufacturing (Leather):

— Cutting and Stitching—

Cutting Tables 20

Marking, Buttonholing, Skiving, Sorting,
Vamping and Counting—

— Light Materials 20

— Dark Materials 50

Stitching—

— Light Materials 50

— Dark Materials B*

— Making and Finishing—

Stitchers, Mailers, Sole Layers, Welt Beaters and
Scarfers, Trimmers, Welters, Lasters, Edge
Setters, Sluggers, Randers, Wheelers, Treers,
Cleaning, Spraying, Buffing, Polishing, Em-
bossing—

— Light Materials 30

— Dark Materials 50

— Storage, Packing and Shipping 10

Shoe Manufacturing (Rubber):

— Washing, Coating, Mill Run Compounding 10

— Varnishing, Vulcanizing, Calendering, Upper and
Sole Cutting 30

— Sole Rolling, Lining, Making and Finishing Pro-
cesses 50

Soap Manufacturing:

— Kettle Houses, Cutting, Soap Chip and Powder ... 10

— Stamping, Wrapping and Packing, Fitting and
Packing Soap Powder 20

Stairways, Passageways 5

Stone Crushing and Screening:

— Belt Conveyor Tubes, Main Line Shafting Spaces,
Chute Rooms, Inside of Bins 5

— Primary Breaker Room, Auxiliary Breakers under
Bins 5

— Screens 10

Storage Battery Manufacturing:

— Molding of Grids 10

Store and Stock Rooms:

— Rough Bulky Material 5

— Medium or Fine Material Requiring Care 10

Structural Steel Fabrication 10

Sugar Grading 30

Testing:

— Rough 20

— Fine 30

— Extra Fine Instruments, Scales, etc. A*

Textile Mills (Cotton):

— Opening, Mixing, Picking, Carding, and Drawing ... 10

— Slubbing, Roving, Spinning 20

— Spooling, Warming on Comb 20

— Beaming and Slashing on Comb—

Grey Goods 20

Denims B*

— Inspection—

Grey Goods (Hand Turning) 50

Denims (Rapidly Moving) A*

Automatic Tying-in, Weaving B*

Drawing-in by Hand A*

Weaving 25

	(Minimum
Footcandles	Measured 30
Inches Above	Floor**

Silk and Rayon Manufacturing:

Soaking, Fugitive Tinting, and Conditioning or Setting of Twist	10
Winding, Twisting, Rewinding, and Conning, Quilling, Slashing	30
Warping (Silk or Cotton System) on Creel on Running Ends, on Reel, on Beam, on Warp at Beaming	50
Drawing in—	
On Heddles	A*
On Reed	A*
Weaving—	
On Heddles and Reeds	10
On Warp Back of Harness	20
On Woven Cloth	30

Woolen:	
Carding, Picking, Washing, Combing	15
Twisting, Dyeing	15
Drawing in, Warping	A*
Weaving—	
Light Goods	25
Dark Goods	50
Knitting Machines	20

Tobacco Products:	
Drying, Stripping, General	10
Grading and Sorting	A*

Foilets and Washrooms	10
Upholstering—Automobile, Coach Furniture	20
Warehouse	5
Welding	30

Woodworking:	
Rough Sawing and Bench Work	15
Sizing, Planing, Rough Sanding, Medium Machine and Bench Work, Gluing, Veneering, Cooperage	20
Fine Bench and Machine Work, Fine Sanding and Finishing	50

**Figures represent average level for area with lowest level in area to be 50 percent of the listed value. The levels are exclusive of the levels established for more difficult seeing tasks which follow in Groups A, B and C and which are light levels on the task measurements.

*Lighting for the more difficult seeing tasks, as indicated by A, B, and C in the foregoing table, are given in the following:

Group A. These seeing tasks involve (a) the discrimination of extremely fine detail under conditions of (b) extremely poor contrast, (c) for long periods of time. To meet these requirements, illumination levels above 100 footcandles are recommended.

To provide illumination of this order, a combination of at least 20 footcandles of general lighting plus specialized supplementary lighting is necessary. The design and installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light, diffusion, eye protection, and in so far as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group B. This group of visual tasks involves (a) the discrimination of fine detail under conditions of (b) a fair degree of contrast, (c) for long periods of time. Illumination levels from 50 to 100 footcandles are required.

To provide illumination of this order a combination of at least 20 footcandles of general lighting plus specialized supplementary lighting is necessary. The design and installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light diffusion, eye protection, and in so far as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group C. The seeing tasks of this group require the discrimination of fine detail by utilizing (a) the reflected image of a luminous area or (b) the transmitted light from a luminous area.

The essential requirements are (1) that the luminous area shall be large enough to cover the surface which is being inspected and (2) that the brightness be within the limits necessary to obtain comfortable contrast conditions. This involves the use of sources of large area and relatively low brightness in which the source brightness is the principal factor rather than the footcandles produced at a given point.

(3) **Diffusion and Distribution of Artificial and Natural Light.** Artificial light sources shall be installed in regard to mounting height, spacing and reflectors or other suitable accessories, as to secure a reasonable uniform distribution of illumination and to avoid glare and sharply defined shadows from overhanging structural parts or persons in normal working positions. Suitable awnings, window shades, diffusive or refractive window glass shall be used where necessary to improve the diffusion and distribution of natural light. (1) **Lighting** which is adequate to provide a margin of safety in production and inspection tasks shall be provided and maintained. The minimum level of task lighting shall be 10 foot candles.

(2) If uniform lighting is not provided throughout the work place, the employer shall provide general area illumination which is adequate to provide visibility of nearby objects which might be potential hazards or to see to operate emergency control equipment. The minimum level of nontask lighting shall be 5 foot candles.

NOTE: This section establishes minimal levels of illumination for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in Practice for Industrial Lighting, ANSI/IES RP7-1979.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-09031 HEARING PROTECTORS. (1) Employers shall make hearing protectors available to all employees exposed to a time-weighted average of 85 dBA or greater at no cost to the employees. Hearing protectors shall be replaced as necessary.

(2) Employers shall ensure that hearing protectors are worn by all employees:

(a) Who are exposed to a time-weighted average of 85 dBA or greater and who have experienced a permanent significant threshold shift; or

(b) Who are required by WAC 296-62-09011((6)(c)) (7)(a) to wear personal protective equipment.

(3) Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer.

(4) The employer shall provide training in the use and care of all hearing protectors provided to employees.

(5) The employer shall ensure proper initial fitting and supervise the correct use of all hearing protectors.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-09033 HEARING PROTECTOR ATTENUATION. (1) The employer shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used by one of the methods described in WAC 296-62-09053, Appendix D: Methods for Estimating ((the)) Adequacy of Hearing Protector Attenuation, or by other methods if approved by the director.

(2) Hearing protectors must attenuate employee exposure to at least to a time-weighted average of 90 dBA as required by WAC 296-62-09011((6)(c)) (7)(a).

(3) For employees who have experienced a significant threshold shift, hearing protectors must attenuate employee exposures to a time-weighted average of 85 dBA or below.

(4) The adequacy of hearing protector attenuation shall be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. The employer shall provide more effective hearing protectors where necessary.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-09051 APPENDIX C: ACOUSTIC CALIBRATION OF AUDIOMETERS. Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National

Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerance permitted by American National Standard Specifications for Audiometers, S3.6-1969(R1973).

- (1) Sound pressure output check.
 - (a) Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.
 - (b) Set the audiometer's hearing threshold level (HTL) dial to 70 dB.
 - (c) Measure the sound pressure level of the tones at each test frequency from 500 Hz through 6000 Hz for each earphone.

(d) At each frequency the readout on the sound level meter should correspond to the levels in Table C-1 or Table C-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

- (2) Linearity check.
 - (a) With the earphone in place, set the frequency to 1000 Hz and the HTL dial on the audiometer to 70 dB.
 - (b) Measure the sound levels in the coupler at each 10-dB decrement from 70 dB to 10 dB, noting the sound level meter reading at each setting.

(c) For each 10(=)dB decrement on the audiometer the sound level meter should indicate a corresponding 10 dB decrease.

(d) This measurement may be made electrically with a voltmeter connected to the earphone terminals.

(3) Tolerances.
 When any of the measured sound levels deviate from the levels in Table C-1 or Table C-2 by ± 3 dB at any test frequency between 500 and 3000 Hz, 4 dB at 4000 Hz, or 5 dB at 6000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than 10 dB at any test frequency.

Table C-1 - Reference Threshold Levels for Telephonics - TDH-39 Earphones

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading, dB
500	11.5	81.5
1000	7	77
2000	9	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5

TABLE C-2 - Reference Threshold Levels for Telephonics - TDH-49 Earphones

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading, dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-71023 LIGHTING. ((1) Adequacy. Illumination shall be provided and designed to supply adequate general and local lighting to rooms, buildings and work areas during the time of use.

(2) Effectiveness. Factors upon which the adequacy and effectiveness of illumination will be judged, include the following:

- (a) The quantity of light in footcandle intensity shall be sufficient for the work being done.

(b) The quality of the light shall be such that it is free from glare and has correct direction, diffusion and distribution.

(c) Shadows and extreme contrasts shall be avoided or kept to a minimum.

(3) The following table of light footcandles are taken from the General Occupational Health Standards, WAC 296-62-09003, and shall be used as a minimum requirement for mills and related work areas measured thirty inches above the floor**.

Assembly:	
Rough	10
Medium	20
Fine	B*
Extra Fine	A*
Construction - Indoor, General	10
Elevators - Freight and Passenger	10
Forge Shops and Welding	10
Garages - Automotive Equipment:	
Storage - Live	10
Storage - Dead	2
Repair Department and Washing	30
Locker Rooms	10
Machine Shops:	
Rough Bench and Machine Work	20
Medium Bench and Machine Work	30
Fine Bench and Machine Work	B*
Extra Fine Bench and Machine Work	A*
Offices:	
Bookkeeping, Typing and Accounting	50
Business Machines	B*
Conference Rooms:	
General Meetings	25
Desk Work:	
- Intermittent Reading and Writing	25
- Prolonged close work	50
Corridors and Stairways	5
Reading Blueprints and Plans	30
Drafting:	
Prolonged close work	50
Rough Drawing and Sketching	30
Filing and Indexing	25
Lobby	10
Mail Sorting	25
Reception Rooms	10
Stenographic Work	50
Vault	10
Packing and Boxing	10
Paint Mixing	10
Paints Shops:	
Dipping, Simple Spraying, Firing	10
Rubbing, Ordinary Hand Painting and Finishing, Art, Stencil and Special Spraying	20
Fine Hand Painting and Finishing	B*
Extra Fine Hand Painting and Finishing	A*
Plating	10
Polishing and Burnishing	20
Power Plants, Engine Rooms, Boilers:	
Boilers, Coal and Ash Handling, Storage Battery Rooms	5
Auxiliary Equipment, Oil Switches and Transformers	10
Engines, Generators, Blowers, Compressors	20
Switchboards	30
Receiving and Shipping	10
Sheet Metal Works:	
Miscellaneous Machines, Ordinary Bench Work	20
Punches, Presses, Shears, Stamps, Spinning, Medium Bench Work	20 C*
Stairways, Passageways	5
Store and Stock Rooms:	
Rough Bulky Material	5
Medium or Fine Material Requiring Care	10
Testing:	
Rough	20
Fine	30
Extra Fine Instruments, Scales, etc.	A*
Toilets and Washrooms	10
Warehouse	5
Welding	30
Woodworking:	
Rough Sawing and Bench Work	15
Sizing, Planing, Rough Sanding,	

—Medium Machine and Bench Work;	
—Grinding, Veneering, Cooperate	20
—Fine Bench and Machine Work;	
—Fine Sanding and Finishing	50

NOTE: ** Figures represent average level for area with lowest level in area to be fifty percent of the listed value. The levels are exclusive of the levels established for more difficult seeing tasks which follow in Groups A, B and C and which are light levels on the task measurements.

* Lighting for the more difficult seeing tasks, as indicated by A, B and C in the foregoing table, are given in the following:

Group A. These seeing tasks involve (a) the discrimination of extremely fine detail under conditions of (b) extremely poor contrast, (c) for long periods of time. To meet these requirements, illumination levels above one hundred footcandles are recommended.

To provide illumination of this order, a combination of at least twenty footcandles of general lighting plus specialized supplementary lighting is necessary. The design and installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light, diffusion, eye protection, and insofar as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group B. This group of visual tasks involves (a) the discrimination of fine detail under conditions of (b) a fair degree of contrast, (c) for long periods of time. Illumination levels from fifty to one hundred footcandles are required.

To provide illumination of this order a combination of at least twenty footcandles of general lighting plus specialized supplementary lighting is necessary. The design and installation of the combination systems must not only provide a sufficient amount of light but also must provide the proper direction of light diffusion, eye protection, and insofar as possible must eliminate direct and reflected glare as well as objectionable shadows.

Group C. The seeing tasks of this group require the discrimination of fine detail by utilizing (a) the reflected image of a luminous area or (b) the transmitted light from a luminous area.

The essential requirements are (1) that the luminous area shall be large enough to cover the surface which is being inspected and (2) that the brightness be within the limits necessary to obtain comfortable contrast conditions. This involves the use of sources of large area and relatively low brightness in which the source brightness is the principal factor rather than the footcandles produced at a given point.

(4) Diffusion and distribution of artificial and natural light. Artificial light sources shall be installed in regard to mounting height, spacing and reflectors or other suitable accessories, as to secure a reasonable uniform distribution of illumination and to avoid glare and sharply defined shadows from overhanging structural parts or persons in normal working positions. Suitable awnings, window shades, diffusive or refractive window glass shall be used where necessary to improve the diffusion and distribution of natural light.) The lighting and illumination requirements of the General Occupational Health Standards, WAC 296-62-09003, shall apply.

AMENDATORY SECTION (Amending Order 77-12, filed 7/11/77)

WAC 296-79-020 GENERAL REQUIREMENTS. (1) House-keeping. Floors shall be kept reasonably clear of spilled or leaking oil, grease, water, broke, etc., that may cause slipping, tripping or falling. Non-skid type surfacing shall be installed in vehicular or pedestrian traffic areas in which slipping hazards otherwise would exist.

In areas where it is not possible to keep the floor free of materials which cause a slipping hazard, mats, cleats, or other suitable materials which will effectively minimize or eliminate the hazard shall be installed.

(2) Storage of Hoses, Cords, Slings or Similar Items or Equipment. Hoses, cords, slings or similar items or equipment shall be stored in such a manner that they will not create a hazard.

(3) Storage and Transportation of Materials. Materials, objects or equipment shall be stored or transported by use of means or methods which will prevent them from falling, tipping or rolling.

(4) Compressed Gas Cylinders. Compressed gas cylinders shall be stored away from heat sources, combustible materials or other materials which may cause hazardous conditions. Storage facilities shall comply with the requirements of the General Safety and Health Standards, chapter 296-24 WAC. Cylinders shall be secured in a manner which will prevent them from tipping or falling. Acetylene cylinders shall be stored, transported, or used while in the upright position only.

(5) Warning of Obstructions. Open manholes or excavations shall be roped off, barricaded, or adequately safeguarded by an approved method when located in or adjacent to walkways, aiseways, or roadways. During periods of darkness or reduced visibility, such areas shall be provided with warning lights or lanterns.

(6) Employees to be Instructed. Employees shall not be permitted to operate any machine or equipment until they have received proper instruction and are familiar with safe operating procedures.

(7) Training Personnel to Handle Emergencies. In each area where hazardous substances may be encountered, personnel shall be trained to cope with emergencies arising from breaks, ruptures, or spills which would create a hazardous condition.

(8) Working Alone. When an employee is assigned to work alone in a remote or isolated area, a system shall be instituted whereby such employee reports by use of radio or telephone to someone periodically or a designated person shall check on his safety at reasonable intervals. All persons involved in working alone shall be advised of the procedures to be followed.

(9) Lifting or Moving Objects. Employees shall be instructed in proper lifting or moving techniques and methods. Mechanical devices should be used or employees should ask for assistance in lifting or moving heavy objects.

(10) Reporting Hazards. Any faulty equipment or hazardous condition shall be promptly reported to the person in charge.

(11) ((Exists)) Exits from Hazardous Areas. Where physically and reasonably possible, there shall be at least two unobstructed exits from any hazardous area. Such exits shall preferably be on opposite walls.

(12) Safe Work Area. Sufficient clearance shall be maintained between machines to allow employees a safe work area.

(13) Protection from Overhead Hazard. Warning signs shall be placed in conspicuous locations below areas where overhead work is being done and shall be removed promptly when work is completed.

(14) Welding Areas Protected. Areas in which welding is being done shall be screened or barricaded to protect persons from flash burns, when practical. If the welding process cannot be isolated, all persons who may be exposed to the hazard of arc flash shall be properly protected.

(15) Testing Safety Devices. Brakes, back stops, anti-runaway devices, overload releases and other safety devices shall be inspected and tested frequently to ((insure)) ensure that all are operative and maintained in good repair.

(16) Starting and Stopping Devices. Electrically or manually operated power disconnecting devices shall be provided within easy reach of the operator while in his normal operating position. If necessary for safety of the operation, the machine shall be so equipped that retarding or braking action can be applied at the time of or after the source of power is deactivated.

(17) Use of Compressed Air for Cleaning Purposes. Compressed air shall not be used for cleaning purposes if it may endanger other persons in the area or for cleaning clothing while it is being worn.

(18) Coupling High Pressure Air Hoses. Sections of high pressure air hoses shall be properly coupled and have safety chains or equivalent safety device attached between the sections (30 psi or more is high pressure air).

(19) Punch Bars. Open pipes shall not be used as punch bars if the use would create a hazard.

(20) Saw Table Limit Stop or Extension. Employees shall be protected from contact with the front edge of a circular saw by a limit stop which will prevent the forward swing of the cutting edge from extending beyond the edge of the table or a table extension shall be installed.

(21) Explosive-Actuated Tools. Explosive-actuated tool design, construction, operation and use shall comply with all requirements specified in ((Safety Requirements for Explosive-Actuated Fastening Tools)) "Safety requirements for powder actuated fastening systems," adopted by the Department of Labor and Industries. In addition, after using such tools a careful check shall be made in order to ascertain that no cartridges or charges are left where they could enter equipment or be accidentally discharged in any area where they could create a fire or explosion hazard.

(22) Approved Life Buoys. Where work is being performed on docks or adjacent to open water five feet or more in depth U.S. Coast Guard approved life buoys shall be provided. Such life buoys shall have sufficient line attached and be spaced at intervals not exceeding 200 feet.

(23) Ladders Required on Waterfront Docks. Either permanent ladders or portable ladders which are readily available for emergency use shall be provided on all waterfront docks. Such ladders shall extend

from the face of the dock to the water line at its lowest elevation. Spacing between ladder installations shall not exceed 400 feet. The dock area immediately adjacent to ladder locations shall be painted with a bright color which contrasts with the surrounding area. A suitable method shall be used to secure the ladders.

(24) Protection from Hot Pipes. All exposed hot pipes within seven feet of the floor or working platform, or within 15" measured horizontally from stairways, ramps or fixed ladders, shall be covered with an insulating material or be guarded in such a manner as to prevent contact.

(25) Prevent Overhang While Removing Materials. Extreme care shall be taken to prevent material from creating an overhang while removing the materials from piles or bins.

(26) Establishments subject to chapter 296-79 WAC shall comply with the following standards of the American National Standards Institute:

(a) ((ANSI Z24.22-1957, Method of Measurement of Real-Ear Attenuation of Ear Protectors at threshold;))

((b)) ANSI Z33.1-1961, Installation of Blower and Exhaust Systems for Dust, Stock and Vapor Removal or Conveying;

((c)) (b) ANSI B56.1-1969, Safety Standard for Powered Industrial Trucks.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-050 PERSONAL PROTECTION. (1) Personal Protective Equipment and Clothing. Personal protective clothing and equipment as required by the General Safety and Health Standards and the General Occupational Health Standards shall be furnished by the employer and worn or used by the employee when needed to eliminate or minimize the degree of hazard involved with any specific operation.

(a) Required Clothing, Caps, etc. Employees shall wear sufficient clothing to protect them from hazards to which they may be exposed while performing their duties. Consideration must be given to temperatures in certain areas in which persons work. Employees whose hair is long enough to be caught in machinery or equipment around which they work shall wear caps, hair nets or other protection which will adequately confine the hair while performing their duties.

Rings or other jewelry which could create a hazard should not be worn by employees while in the performance of their work.

(b) Protective Footwear. Employees who work in areas where there is a possibility of foot injury due to falling or rolling objects shall wear safety type footwear. Shoe guards and toe protectors will be supplied by management. Management shall also make safety shoes available for purchase by employees at not more than actual cost to management.

Calks or other suitable footwear which will afford reasonable protection from slipping shall be worn while working on logs. Calk boots shall be made available at cost.

(2) Working Over or Near Water. (a) Employees working over or near water who are exposed to the danger of drowning shall be provided with and shall wear U.S. Coast Guard approved personal flotation devices.

(b) Prior to and after each use, buoyant work devices shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(3) Protection from Noise. (a) Employees shall be protected from the effects of noise exposures which exceed the noise levels deemed to be safe as defined by the General Occupational Health Standards adopted by the Department of Labor and Industries.

(b) Noise levels which exceed the maximum allowable amount deemed to be safe shall be reduced by feasible administrative or engineering control.

(c) When feasible administrative and engineering controls do not lower the noise levels below the limits deemed to be safe, all persons exposed shall be provided with and shall use proper personal protective equipment.

(d) In all cases where the noise levels in any area exceed the levels deemed to be safe, a ((continuous)) continuing effective hearing conservation program as defined in ((WAC 296-62-0901)) chapter 296-62 WAC, General Occupational Health Standards, shall be administered.

(4) Respiratory Protection. (a) Respiratory protective equipment is designed to protect the wearer from inhalation of hazardous atmospheres. Such equipment shall include air purifying respirators, airline

respirators, hose masks, self-contained breathing apparatus and combinations thereof.

(b) Where reasonable engineering or operational controls will afford the proper protection, these shall be instituted by the employer in preference to requiring employees to wear respiratory protective equipment. Where control by engineering or operational means is impractical, workers shall be required to wear respiratory protective equipment in hazardous atmospheres.

(c) The Respiratory Protective Devices Manual published by the American Conference of Governmental Industrial Hygienists and the American Industrial Hygiene Association shall be used as a guide for selecting respiratory protective equipment.

(d) Respiratory protective equipment and its use shall be approved by the Department of Labor and Industries. The Department will accept approval by the U.S. Bureau of Mines, U.S. Department of Agriculture, Atomic Energy Commission and the U.S. Department of Defense for the conditions for which the equipment has been approved.

(e) When the use of respiratory protective equipment is required the proper equipment shall be furnished by the employer and it shall be used in the prescribed manner by the employee. The employer shall provide training, maintenance and surveillance to insure this equipment is properly used. (Refer to the General Occupational Health Standards.)

(f) Self-contained breathing apparatus, air supplied masks or other approved respiratory protective equipment compatible with the conditions which may be encountered shall be provided for emergency or rescue purposes in areas throughout the plant where they may be needed. Storage locations shall be clearly identified and persons shall familiarize themselves with the locations.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-66501 TABLE N-1.

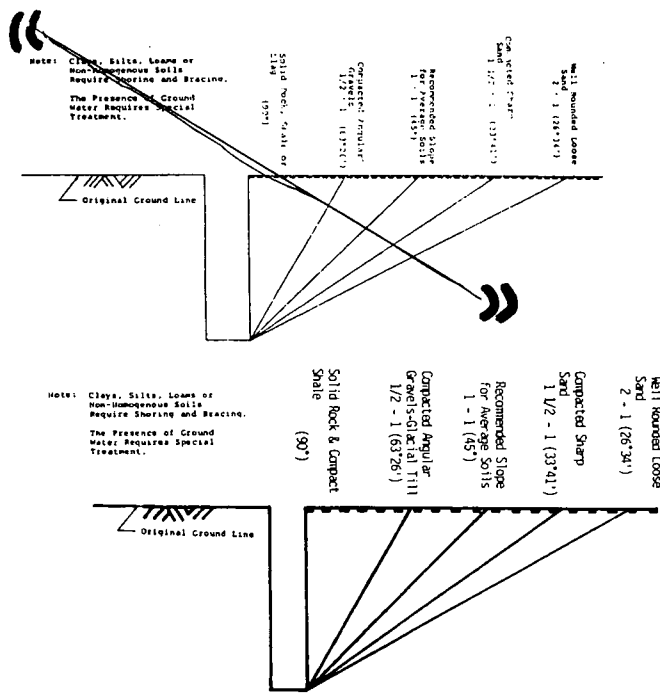


TABLE N-1
MINIMUM ANGLE OF REPOSE
For Sloping of Sides of Excavation and/or Trenches

NOTE: Clays, Silts, Loams or Non-Homogenous Soils Require Shoring and Bracing.

The Presence of Ground Water Requires Special Treatment.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-350-080 REASSUMPTION OF JURISDICTION—FINAL DETERMINATION—MAILING. (1) Immediately following the informal conference the presiding officer shall complete a status report of the reassumption of jurisdiction which shall include a summary of findings and conclusions and shall state therein the redetermination and final decision of the department. The presiding officer shall then complete and submit those documents which are necessary for the expeditious processing of these redeterminations and final decisions such that all corrective abatement, relating to the subject matter of the reassumption of jurisdiction, can be issued by the department within fifteen working days of the determination to reassume jurisdiction over the subject matter of the appeal.

(2) Corrective notices issued following reassumption of jurisdiction shall be forwarded by certified mail or personal delivery or service. Upon receipt of a corrective notice of redetermination issued by the department pursuant to RCW 49.17.140(3), the employer shall immediately post the corrective notice of redetermination or a copy thereof in a prominent place at or near each place a violation referred to in the corrective notice of redetermination occurred. The corrective notice of redetermination or a copy thereof shall remain posted as required by this section until the violation(s) have been abated, or for three working days, whichever is longer.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-35055 EXTENSION OF ABATEMENT DATE(S)—HEARINGS. (1) The Assistant Director shall designate personnel of the staff of the Division of Industrial Safety and health to act as hearing officers at hearings on applications for extension of abatement date(s).

(2) A hearing officer shall be present and preside over the proceedings at all hearings conducted. The hearing officer may be accompanied by an assistant attorney general who shall be able to render legal advice to the hearing officer. The assistant attorney general may, at the hearing officer's request, preside over the proceedings.

(3) Prior to the commencement of the hearing, the hearing officer may confer with the parties attending the hearing concerning the material to be presented for the record in order to determine an orderly method of procedure.

(4) ~~The provisions of chapter 34.04 RCW ((and chapter 296-08 WAC relating to practice and procedure in contested cases, as now or hereafter amended,)) are applicable to hearings conducted pursuant to the provisions of this section.~~

(5) All proceedings relating to a hearing under this section shall be recorded mechanically or otherwise. Copies of transcripts of such recordings will be made available to any parties involved, upon request therefore and payment of the reasonable costs thereof.

AMENDATORY SECTION (Amending Order 75-14, filed 4/14/75)

WAC 296-350-400 POSTING OF NOTICES—POSTING OF CITATION AND NOTICE—AVAILABILITY OF ACT AND APPLICABLE STANDARDS. (1) Definitions. The definitions of WAC 296-350-010 and 296-27-020 shall apply to this section.

(2) Each employer shall post and keep posted a notice or notices (the WISHA Poster, WISHERS No. 1) to be furnished by the Division of Industrial Safety and Health, Department of Labor and Industries, informing employees of the protections and obligations provided for in the act and that for assistance and information, including copies of the act, and of specific safety and health standards employees should contact the employer or the nearest office of the Department of Labor and Industries. Such notice or notices shall be posted by the employer at each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to assure that such notices are not altered, defaced or covered by other material.

(3) The notice identified in subsection (2) of this section shall be posted in each establishment of the employer as defined in WAC 296-27-020(7).

(4) All notices required to be posted by provisions of the act, provisions of this chapter or the provisions of any other safety and health standard, rule or regulation adopted pursuant to the authority of the act, shall be posted as required by this section, or as required by the act, or as required by the provision of the applicable safety and health standard, rule or regulation.

(5) Unless otherwise specified in this section, the act, or the applicable safety and health standard, rule or regulation, notices or other materials required to be posted, shall be posted in each establishment of the employer, as defined in WAC 296-27-020(7).

(6) Copies of the act, all regulations published in this chapter and all applicable standards shall be available at all regional offices of the Division of Industrial Safety and Health, Department of Labor and Industries. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative on the same day the request is made, or at the earliest time mutually convenient to the employee or his authorized representative and the employer, for review by the requesting employee or authorized representative.

(7) Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 12 and 18 of the act. (RCW 49.17.120 and RCW 49.17.180.)

(8) Documents required to be posted include, but shall not be limited to the following:

(a) A copy or copies of an application or applications for a variance or variances from any safety and health standards applied for in accordance with RCW 49.17.080 or RCW 49.17.090 shall be posted at each establishment to which the variance, if granted, will apply. The manner of posting such applications shall be in accordance with subsections (4) and (5) of this section.

(b) Upon receipt of any CITATION AND NOTICE issued by the department pursuant to RCW 49.17.120 or RCW 49.17.130, the employer shall immediately post the CITATION AND NOTICE or a copy thereof in a prominent place at or near each place a violation referred to in the CITATION AND NOTICE occurred. Where, because of the nature of the employer's operations, it is not practicable to post the CITATION AND NOTICE or a copy thereof at or near each place of violation, the CITATION AND NOTICE or a copy thereof shall be posted in the establishment of the employer, as defined in WAC 296-27-020(7).

The posted CITATION AND NOTICE or copy thereof shall be complete and shall not be abstracted, edited or otherwise changed from the original. The posted CITATION AND NOTICE or copy thereof shall be readily visible, and shall not be defaced or covered by other material.

The CITATION AND NOTICE or copy thereof shall remain posted as required by this subsection until the violation(s) has been abated, or for three working days, whichever is longer.

(c) A copy of the Notice of Filing of Appeal pursuant to RCW 49-17.140, the Notice of Conference pursuant to WAC 263-12-090, and the Notice of Hearing pursuant to WAC 263-12-100 shall be posted by the employer at each establishment to which the Notices apply in a conspicuous place or places where notices to employees are customarily posted. The manner of posting such notices shall be in accordance with subsections (4) and (5) of this section.

(d) A copy of any proposed agreement of parties settling an appeal of a citation and notice to the board of industrial insurance shall be posted by the employer at each establishment to which the agreement applies in a conspicuous place or places where notices to employees are customarily posted. The agreement shall be posted for ten days before it is filed with the board of industrial insurance appeals. The manner of posting shall be in accordance with subsections (4) and (5) of this section.

(e) Notices required to be posted by specific provisions of any safety and health standard or other rule or regulation duly adopted by the director shall be posted according to the standard, rule or regulation requiring such posting. If the provision containing the requirement for posting does not specify the manner of posting, such posting shall conform to the requirements of subsections (4) and (5) of this section.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-030 FILING A COMPLAINT OF DISCRIMINATION. (1) Who may file. A complaint of RCW 49.17.160 discrimination may be filed by the employee him- or herself, or by a representative authorized to do so on his or her behalf.

(2) Nature of filing. No particular form of complaint is required(; ~~but the complaint must be in writing~~).

(3) Place of filing. The complaint should be filed with the division.

(4) Time for filing. RCW 49.17.160(3) provides that an employee who believes that he or she has been discriminated against in violation

of RCW 49.17.160 "may, within thirty days after such violation occurs" file a complaint with the assistant director. A major purpose of the thirty-day period is to allow the assistant director to decline to entertain complaints that have become stale. Accordingly, the division will presume that complaints not filed within thirty days of an alleged violation are untimely. There may be circumstances, however, that justify tolling the thirty-day period on recognized equitable principles or because strongly extenuating circumstances exist, e.g., where the employer has concealed, or misled the employee regarding the grounds for, discharge or other adverse action. In the absence of circumstances justifying a tolling of the thirty-day period, the division shall not accept untimely complaints.

REPEALER

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

- (1) WAC 296-24-170 COOPERAGE MACHINERY.
- (2) WAC 296-24-17001 DEFINITIONS.
- (3) WAC 296-24-17003 HEADING BOLT SAWING MACHINE.
- (4) WAC 296-24-17005 BOLT, EQUALIZER, STAVE, AND HEADING SAWS (TILTING TABLE STYLE).
- (5) WAC 296-24-17007 BARREL STAVE SAWS (CYLINDRICAL SAWS).
- (6) WAC 296-24-17009 HAND-FED RIPSAWS.
- (7) WAC 296-24-17011 SELF-FEED STAVE AND HEADING EQUALIZER SAWS.
- (8) WAC 296-24-17013 STAVE AND HEADING PLANERS (SINGLE AND DOUBLE HEADS).
- (9) WAC 296-24-17015 STAVE JOINTING MACHINES (WHEEL).
- (10) WAC 296-24-17017 HEADING JOINTER AND DOWELER MACHINE (WHEEL).
- (11) WAC 396-24-17019 HEADING ROUNDER.
- (12) WAC 296-24-17021 POWER WINDLASS MACHINE.
- (13) WAC 296-24-17023 CROZING MACHINE (STATIONARY HEADS).
- (14) WAC 296-24-17025 HEADING-UP MACHINE.
- (15) WAC 296-24-17027 HEAD CHARRING MACHINE.
- (16) WAC 296-24-17029 BILGE TRUSS HOOP RING REMOVING MACHINE.
- (17) WAC 296-24-17031 HOOP ELEVATORS AND CONVEYORS.
- (18) WAC 296-24-17033 BARREL SANDING MACHINE.
- (19) WAC 296-24-17035 HOOP DRIVERS AND TRUSSERS.
- (20) WAC 296-24-17037 HEAD SANDING MACHINE.
- (21) WAC 296-24-17039 HAND JOINTER.
- (22) WAC 296-24-17041 HOOP PUNCHING AND COILING MACHINE.
- (23) WAC 296-24-17043 HOOP RIVETING MACHINE.
- (24) WAC 296-24-17045 HOOP FLARING AND EXPANDING MACHINE.
- (25) WAC 296-24-17047 INSPECTION AND MAINTENANCE OF COOPERAGE MACHINERY.

WSR 82-08-005

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 82-21—Filed March 25, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitt, 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 regulations needed through April 17, 1982 as permanent regulations become effective on April 18, 1982. All regulations in this order have been adopted as permanent regulations; see Order 82-19 for individual justifications.

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 25, 1982.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-20-01000G GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH. Notwithstanding the provisions of WAC 220-20-010, effective immediately it shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the Columbia River, the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the Department of Fisheries.

NEW SECTION

WAC 220-56-12800A PERSONAL-USE FISHERY—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-128, effective immediately: (1) It is 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 is lawful, unless otherwise provided, 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.

(3) It is unlawful to take, fish for, or possess food fish for personal use in those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) from October 16 through May 31.

(4) It is unlawful to take, fish for or possess food fish for personal use in those Columbia River waters between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse.

NEW SECTION

WAC 220-56-18000F BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective April 1, 1982, the bag limit codes are:

(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 these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 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 these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 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 chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

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 chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho

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.

NEW SECTION

WAC 220-56-19000H SALTWATER SEASONS AND BAG LIMITS—SALMON Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice the waters of Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty are closed to salmon angling.

NEW SECTION

WAC 220-56-11200A SAMPLING DATA AND TAG RECOVERY. It is unlawful for any person to fail to comply with the directions of authorized Department of Fisheries personnel related to the collection of sampling data or material from salmon or other food fish. It is also unlawful for any person to fail to relinquish upon request to the department any fish tag or any part of a salmon or other food fish containing coded wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

NEW SECTION

WAC 220-57A-08200A (UPPER) GOOSE LAKE (GRANT COUNTY) Bag limit of five salmon not less than 6 inches in length or an aggregate daily catch of five salmon and other fish not exceeding six pounds and one fish. Open entire year.

NEW SECTION

WAC 220-56-29000A STURGEON ANGLING HOURS. Notwithstanding the provisions of WAC 220-56-290, effective immediately it is unlawful to take, fish for or possess sturgeon for personal use in all freshwater areas, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

NEW SECTION

WAC 220-57-00100A FRESHWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-57-001, effective immediately it shall be unlawful to take, fish for or possess salmon taken for personal use, except from the following areas during the seasons, in the quantities, sizes, and for the species designated as follows in chapters 220-57 and 220-57A WAC and for the bag limits as defined in WAC 220-56-180.

NEW SECTION

WAC 220-57-16000T COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160, effective immediately until further notice that portion of the Columbia River downstream from the Melger-Astoria Bridge to a north and south line through Buoy 10 is closed to salmon angling.

NEW SECTION

WAC 220-57-42500D SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective

immediately through April 17, 1982 the Skagit River is closed to salmon angling.

NEW SECTION

WAC 220-57A-06500A DUCK LAKE (GRAYS HARBOR COUNTY). Notwithstanding the provisions of WAC 220-57A-065, effective immediately the bag limit in Duck Lake is I and it is open the entire year.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000R COLUMBIA RIVER (82-12)

**WSR 82-08-006
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-22—Filed March 25, 1982]**

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitten, 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 present regulation allows mutilation of salmon if no size restriction is in force. This regulation will allow salmon identification to be made by patrol officers in the field.

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 25, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-14500A POSSESSION OF FOOD FISH OR SHELLFISH IN UNLAWFUL CONDITION. Notwithstanding the provisions of WAC 220-56-145, effective immediately until further notice:

(1) It shall be unlawful to possess in the field for any purpose any salmon in such a condition that its size cannot be determined.

(2) It shall be unlawful to possess in the field for any purpose any shellfish and food fish other than salmon in such a condition that its size cannot be determined, if a size restriction is prescribed for said species.

(3) It shall be unlawful to possess in the field for any purpose any salmon, other food fish and shellfish in such a condition that its weight or sex cannot be determined, if a weight or sex restriction is prescribed for said species.

**WSR 82-08-007
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Memorandum—March 26, 1982]**

State Plan for the Federal Fiscal Year 1983
Supplemental Food Program for Women, Infants
and Children (WIC Program)

A public hearing has been scheduled by the Department of Social and Health Services for the purpose of encouraging public participation in the development of the annual state plan for "Program Operation and Administration for the Supplemental Food Program for Women, Infants and Children", (known as the WIC program).

The hearing is scheduled for 2:00 to 4:00 p.m., Thursday, May 20, 1982 at the North District Health Center, 10501 Meridian North, Suite C (Ground Level), Seattle, Washington.

As required by federal statute, the proposed plan will include the following items:

The names and addresses of participating state and local agencies and applicant agencies.

A map identifying the areas served within the state.

An Affirmative Action Plan which ranks areas of the state according to need.

Description of the financial management system utilized.

The fair hearing procedures.

State agency monitoring procedures.

Description of the agency outreach program.

Plan for the provision of nutrition education.

Method of certification of participants.

Specific nutritional risk criteria used in eligibility determination.

Any other information required by federal regulations or deemed desirable by those participating in the plan formulation.

The hearing site is in a location which is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. If either is required, please contact William B. Pope, Chief, Office of Administrative

Regulations, Department of Social and Health Services, Olympia, Washington, Telephone (206) 753-7015 by May 6, 1982.

WSR 82-08-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-23—Filed March 26, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, 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 adjustment is made at the request of the Pacific Fishery Management Council.

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 26, 1982.

By W. R. Wilkerson
 for Rolland A. Schmitten
 Director

NEW SECTION

WAC 220-44-04000F COASTAL BOTTOM-FISHING—PACIFIC OCEAN PERCH QUOTA. Notwithstanding the provisions of WAC 220-44-040, effective immediately, until further notice, it is unlawful to fish for or transport through the waters of the state or land in any Washington state ports, any Pacific ocean perch (*Sebastes alutus*) taken from Coastal Marine Fish Shellfish Management and Catch Reporting Areas 59, 60A, 61 and that portion of Area 58 within the United States fishery conservation zone, in amounts in excess of 5,000 pounds or 10 per cent of the total weight of fish on board, whichever is greater.

WSR 82-08-009
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum, Secretary—March 24, 1982]

Notice is hereby given that the members of the board of regents have concurred that the regular April meeting of the board, previously scheduled for April 9, 1982, be cancelled.

The next regular meeting will be held on May 21, 1982 in room 301, Administration Building.

WSR 82-08-010
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 160—Filed March 26, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to fishing season extension on the Elwah River (Clallam County), WAC 232-28-60407.

We, the Game 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 the public interest. A statement of facts constituting such emergency is water conditions on the Elwah River have not been adequate to allow anglers the opportunity to harvest game fish stocks. Therefore, a fishing season extension on the Elwah River is necessary to provide increased recreational opportunity and additional sport harvest on game fish stocks. Such an extension will not result in an underescapement or in damage to the game fish stocks in the Elwah River.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission 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 March 26, 1982.

By Archie U. Mills
 Chairman

NEW SECTION

WAC 232-28-60407 FISHING SEASON EXTENSION ON THE ELWAH RIVER (CLALLAM COUNTY). Notwithstanding the provisions of WAC 232-28-604, it shall be lawful for any sport fishermen to

take, fish for, or possess game fish in the Elwah River from the mouth to 200 feet below the south spillway on the Aldwell Power Dam through April 15, 1982.

WSR 82-08-011
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 161—Filed March 26, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to closure of the Hoh River System and Puyallup River System to the taking of steelhead trout by treaty Indians, WAC 232-32-145.

We, the Game 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 the public interest. A statement of facts constituting such emergency is data gathered by the Department of Game from information provided by fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Hoh River system and Puyallup River system pursuant to the reporting system approved by the United States District Court in United States vs. Washington indicates that the treaty Indian share of harvestable steelhead for the areas noted above has been reached or will have been reached on the effective date of this order. Therefore, closure of the Hoh River system and Puyallup River system is necessary to assure non-Indian sport fishermen their right to take their share.

Such rule is therefore adopted as an emergency rule to take effect upon filing with the code reviser.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission 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 March 26, 1982.

By Archie U. Mills
 Chairman

NEW SECTION

WAC 232-32-145 CLOSURE OF THE HOH RIVER SYSTEM AND PUYALLUP RIVER SYSTEM TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. Effective March 26, 1982, 6:00 p.m., to April 30, 1982, 12:00 midnight, it is unlawful

for treaty Indians to take, fish for or possess steelhead trout in the Hoh River system and Puyallup River system.

WSR 82-08-012
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
 [Order 162—Filed March 26, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to fishing season extension on the Quillayute, Bogachiel, Soleduck and Calawah Rivers, WAC 232-28-60408.

We, the Game 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 the public interest. A statement of facts constituting such emergency is sport catch of wild steelhead will be approximately 1,400 by the end of March which leaves 200 additional fish to be harvested. Therefore, a fishing season extension on the Quillayute, Bogachiel, Soleduck, and Calawah rivers is necessary to allow sport fishermen the opportunity to catch their allocation of wild steelhead. Such an extension will not result in an underescapement or in damage to the game fish stocks in the Quillayute, Bogachiel, Soleduck, or Calawah rivers.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission 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 State 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 March 26, 1982.

By Archie U. Mills
 Chairman, Game Commission

NEW SECTION

WAC 232-28-60408 FISHING SEASON EXTENSION ON THE QUILLAYUTE, BOGACHIEL, SOLEDUCK AND CALAWAH RIVERS. Notwithstanding the provisions of WAC 232-28-604, it shall be lawful for any sport fishermen to take, fish for, or possess game fish in the Quillayute River, Soleduck River from mouth to Highway 101 Bridge (3-1/2 miles north of the town of Forks), Bogachiel River from mouth to

Highway 101 Bridge and Calawah River from mouth to Highway 101 Bridge through April 15, 1982.

WSR 82-08-013
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 82-04]

SUPERSEDING EO 82-03

**ESTABLISHMENT OF BOUNDARIES, ENTRY,
AND
OCCUPANCY RULES, AND THE
ADMINISTRATION OF A
RESTRICTIVE ZONE SURROUNDING MT. ST.
HELENS**

WHEREAS, the potential for major eruptions, earthquakes, and ashfall from Mt. St. Helens continues to exist through out large portions of the state, threatening to cause more destruction of life, health, and property; and

WHEREAS, most of the land within the eastern portion of the present Mt. St. Helens restricted zones is administered by the U.S. Forest Service; and

WHEREAS, it is the intent of this order to have each jurisdiction's rules and procedures complement others in order to maximize the public safety; and

WHEREAS, in the opinion of scientific experts, allowing the public to enter specific hazardous areas surrounding Mt. St. Helens would unnecessarily imperil lives and property;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me under the provisions of chapter 43.06 RCW and chapter 38.52 RCW, do order that no person or persons shall enter and/or occupy at any time the areas described herein and designated herewith as the Restricted Zone, with the exception of:

- (1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments that require their presence in the Restricted Zone;
- (2) U.S. Forest Service personnel in performance of their official duties that require entry into the Restricted Zone;
- (3) U.S. Army Corps of Engineers personnel in performance of their official duties that require their presence in the Restricted Zone;
- (4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Restricted Zone. The sheriffs of Cowlitz and Skamania Counties or their designees shall have the authority to approve entry and/or occupation by search and rescue personnel;

- (5) Federal, state, county or local law enforcement and firefighting personnel whose jurisdiction is within the Restricted Zone and who are on official business within the Restricted zone;
- (6) Federal, state, county or local administrative personnel on official business within the Restricted Zone, specifically:
 - (a) The Director of the Washington State Department of Emergency Services (DES), or his designee(s), shall have the authority to approve entry and/or occupation by state, county, and local administrative personnel on official business; and
 - (b) Federal administrative personnel other than U.S. Forest Service and the U.S. Geological Survey shall be required to obtain and possess permits;
- (7) As approved by the Director of DES, or his designee(s), individual(s) who own and/or control real property, or personal property being used as a residence, and whose official permanent residence is within the Restricted Zone;
- (8) As approved by the Director of DES, or his designee(s), individual(s) with a legitimate business reason for being within the Restricted Zone.

Pursuant to RCW 38.52.050(3)(f), I hereby delegate to the Director of the Department of Emergency Services or his designee(s) the administrative authority vested in me by chapter 38.52 RCW.

Each individual given permission to enter and/or occupy the Restricted Zone shall obtain a special identification permit from the Washington State Department of Licensing prior to entry into that zone. This entry permit must be carried on his or her person at all times.

Prior to entry and/or occupation of the Restricted Zone, each individual shall be required to sign a "Waiver of Rights" form releasing and discharging the state of Washington and all its political subdivisions, and their officers or agents or employees, from all liability for any damages or losses incurred by the individual while within the Restricted Zone or as a result of entering or occupying that zone. The "Waiver of Rights" form shall be issued by the Washington State Department of Licensing.

All persons are advised of potential criminal penalties for violation of this Order, pursuant to RCW 43.06.220 and RCW 38.52.150.

RESTRICTED ZONE

The "Restricted Zone" is described as follows:

Beginning at the northwest corner of Section 6, Township 8 North, Range 5 East; Thence southeasterly to the northeast corner of Section 19, T8N, R5E; thence

John Spellman

Governor of Washington

southeasterly to the northwest corner of Section 28, T8N, R5E; thence east to the southwest corner of Section 24, T8N, R5E; thence north to the southeast corner of Section 14, T8N, R5E; thence northeasterly to the northeast corner of Section 12, T8N, R5E; thence northwesterly to the northwest corner of Section 35, T9N, R5E; thence northeasterly along the divide separating the Lewis and Green River drainage from the Toutle River drainage to Norway Pass located in the north half (N-1/2) of Section 31, T10N, R6E; thence northerly to Bear Pass in Section 30, T10N, R6E; thence westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); thence westerly along the south side of Coldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); thence north along the west boundary of the R5E line to the northeast corner of Section 36, T10N, R4E; thence west to the northeast corner of Section 33, T10N, R4E; thence northwesterly to the headwaters of the south fork of Hoffstadt Creek located in the south half (S-1/2) of Section 28, T10N, R4E; thence westerly along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); thence continuing westerly along the north bank of Hoffstadt Creek to the north high-water line of the impoundment of the Corps of Engineers' debris retaining structure (commonly known as the N-1 debris dam); thence westerly along the north high-water line to its intersection with the N-1 debris dam located in the north half (N-1/2) of Section 29, T10N, R3E; thence southwesterly along the fill base of the northerly segment of the N-1 debris dam to the point of intersection with the natural high ground; thence southwesterly to the north end of the west fill base of the southerly segment (main structure); thence southerly along said fill base to its intersection with the base of the high ground; thence westerly along the base of the hill to its intersection with the Weyerhaeuser 3001 Road; thence southerly and easterly along the east edge of the Weyerhaeuser 3001 Road to the intersection of Weyerhaeuser Roads 3001 and 3000 in the south half (S-1/2) of Section 32, T10N, R3E; thence south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 intersects the Weyerhaeuser 3090 Road in Section 26, T9N, R4E; thence southeasterly along the north edge of the Weyerhaeuser 3090 Road to its end in the east half (E-1/2) of Section 35, T9N, R4E; thence east to the east line of said Section 35; thence south along the section line to the southwest corner of Section 36, T9N, R4E; thence east to the northwest corner of Section 6, T8N, R5E and the point of beginning.

This Executive Order shall supersede all prior Executive Orders pertaining to Mt. St. Helens restrictive zones.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26th day of March, A.D., nineteen hundred and eighty-two.

BY THE GOVERNOR:

Helen W. Morris

Acting Deputy Secretary of State

WSR 82-08-014
PROCLAMATION
OFFICE OF THE GOVERNOR

AMENDING PROCLAMATIONS OF MARCH 11,
1982, AND MARCH 21, 1982, AND
EXTENDING THE 1982 FIRST
EXTRAORDINARY SESSION

On March 11, 1982, I issued a proclamation convening the legislature in extraordinary session for a period not to exceed ten days for the purpose of addressing the following issues:

- The state budget
- State and local revenues
- New state correctional facilities
- The Washington Public Power Supply System
- Ferry-labor relations
- Bills in dispute

On March 21, 1982, I extended the extraordinary session for seven days, in order to permit the legislature to complete its business. It has become apparent that the legislature will not have resolved the above issues by March 28, 1982. It is thus necessary to extend the session to the full period permitted by the State Constitution in order that the legislature accomplish the tasks for which it was called.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby extend the 1982 First Extraordinary Session and amend my proclamations of March 11, 1982, and of March 21, 1982, so that "a period of time not to exceed ten days" and "a period of time not to exceed seventeen days" are amended to "a period of time not to exceed thirty days."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 26th day of March, A.D. nineteen hundred and eighty-two.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Helen W. Morris

Acting Deputy Secretary of State

WSR 82-08-015
EMERGENCY RULES
DEPARTMENT OF EMERGENCY SERVICES
[Order 82-03-Filed March 26, 1982]

I, Hugh H. Fowler, director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, WA, the annexed rules relating to the repeal of emergency rules filed under DES Administrative Order 82-02, rules for permitted entry and/or occupation, chapter 118-03 WAC.

I, Hugh H. Fowler, Director, Department of Emergency Services, 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 Governor's Executive Order 82-04.

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

This rule is promulgated pursuant to chapters 43.06 and 38.52 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 36, 1982 [March 26, 1982].

By Hugh H. Fowler
Director

WSR 82-08-016
ADOPTED RULES
BOARD OF

PILOTAGE COMMISSIONERS

[Order 82-1, Resolution No. 82-1-Filed March 29, 1982]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to tariffs and pilotage rates, Grays Harbor pilotage district, WAC 296-116-185.

This action is taken pursuant to Notice Nos. WSR 82-02-068 and 82-05-035 filed with the code reviser on January 6, 1982 and February 16, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035(4) 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 11, 1982.

By Ralph E. White
Chairman

AMENDATORY SECTION (Amending Order 81-1, Resolution 81-1, filed 3/6/81)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on April 1, ((+980)) 1981:

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 \$31.35 per meter (or \$9.56 per foot) and the tonnage charge shall be ((-\$083)) \$.10 per net registered ton. The minimum net registered tonnage charge is \$350.00. The charge for an extra vessel (in case of tow) is \$200.00.

Boarding Fee:

Per each boarding/deboarding from a boat..... ((\$90.00))
\$150.00

NOTE: Fifty dollars of the boarding fee is to finance the purchase of the pilot boat "Chehalis" and "Grays Harbor." When the boats are fully amortized, the boarding fee is to be terminated. The ((forty-dollar)) one-hundred dollar additional fee will be placed in an account for maintenance of the pilot boats.

Harbor Shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage 250.00
Delays per hour 60.00
Cancellation charge (pilot only) 100.00
Cancellation charge (pilot boat only)..... 300.00

Travel Allowance:

Boarding or deboarding a vessel off Grays Harbor entrance 50.00
Pilot when traveling to an outlying

CLASSIFICATION OF PILOTAGE SERVICE RATE

port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~((\\$200))~~ \$250.00 for each day or fraction thereof, and the travel expense incurred.

Bridge Transit:

Charge for each bridge transited 110.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 60 days of invoice will be assessed at 1% per month late charge. At least a four hour notice shall be given for an arrival, sailing, or change of ETA or ETD.

WSR 82-08-017
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Order 82-1, Resolution No. 82-1—Filed March 29, 1982]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does promulgate and adopt the annexed rules relating to tariffs and pilotage rates, Grays Harbor pilotage district, WAC 296-116-185.

We, the Board of Pilotage Commissioners, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an annual adjustment in pilotage rates is required effective April 1, 1982. Due to delay while considering the permanent rule, the permanent rule cannot be implemented by April 1, 1982. Accordingly, this emergency rule is necessary.

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

This rule is promulgated pursuant to RCW 88.16.035(4) 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 11, 1982.

By Ralph E. White
Chairman

AMENDATORY SECTION (Amending Order 81-1, Resolution 81-1, filed 3/6/81)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on April 1, ~~((1980))~~ 1981:

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 \$31.35 per meter (or \$9.56 per foot) and the tonnage charge shall be ~~((\\$083))~~ \$10 per net registered ton. The minimum net registered tonnage charge is \$350.00. The charge for an extra vessel (in case of tow) is \$200.00.

Boarding Fee:

Per each boarding/deboarding from a boat ~~((\\$90.00))~~ \$150.00

NOTE: Fifty dollars of the boarding fee is to finance the purchase of the pilot boat "Chehalis" and "Grays Harbor." When the boats are fully amortized, the boarding fee is to be terminated. The ~~((forty-dollar))~~ one-hundred dollar additional fee will be placed in an account for maintenance of the pilot boats.

Harbor Shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage 250.00
Delays per hour 60.00
Cancellation charge (pilot only) 100.00
Cancellation charge (pilot boat only) 300.00

Travel Allowance:

Boarding or deboarding a vessel off Grays Harbor entrance 50.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ~~((\\$200))~~ \$250.00 for each day or fraction thereof, and the travel expense incurred.

Bridge Transit:

Charge for each bridge transited 110.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 60 days of invoice will be assessed at 1% per month late charge. At least a four

hour notice shall be given for an arrival, sailing, or change of ETA or ETD.

WSR 82-08-018
PROPOSED RULES
COMMUNITY COLLEGE
DISTRICT 17
 [Filed March 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington Community College District 17 intends to adopt, amend, or repeal rules concerning collective bargaining regarding tenure.

The formal adoption, amendment or repeal of such rules will take place at 1:30 p.m., Tuesday, May 11, 1982, in the Board Room, North 2000 Greene Street, Spokane, WA 99207.

The authority under which these rules are proposed is RCW 28B.50.852 and 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to Monday, May 3, 1982, and/or orally at 1:30 p.m., Tuesday, May 11, 1982, Board Room, North 2000 Greene Street, Spokane, WA 99207.

Dated: March 23, 1982

By: C. Nelson Grote
 District President

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 28B.19.033.

Add chapter 132Q-89 WAC. The purpose of adding chapter 132Q-89 WAC is to replace chapter 132Q-88 WAC which was repealed by the Board of Trustees of Washington Community College District 17 on December 8, 1981, and to establish guidelines for collective bargaining relating to tenure.

Statutory Authority: RCW 28B.50.852.

The Person Responsible for the Drafting, Implementation and Enforcement of this Rule: Dr. C. Nelson Grote, District President, Washington Community College District 17, North 2000 Greene Street, Spokane, Washington 99207.

These rules are not necessary as a result of federal laws, federal court decisions, or state court decisions.

Chapter 132Q-89

COLLECTIVE BARGAINING RELATING TO TENURE

WAC
 132Q-89-010 Tenure.

NEW SECTION

WAC 132Q-89-010 TENURE. This rule is adopted pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is the declared policy of the Board of Trustees that the collective bargaining agreement and/or policies of the college shall contain provisions relating to the following subject matter areas of implementation regarding tenure and shall be consistent with the laws of the State of Washington: recommendations for tenure; reduction in force procedures; dismissal procedures; hearing procedures; rights of appeal.

WSR 82-08-019
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed March 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Salary—Reemployment, amending WAC 356-14-090;

that such agency will at 10:00 a.m., Thursday, May 13, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 11, 1982, and/or orally at 10:00 a.m., Thursday, May 13, 1982, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: March 29, 1982

By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-14-090.

Title: Salary—Reemployment.

Purpose: Sets the salary to be paid to former employees who are reemployed.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposed change would require that salary, upon reemployment, be determined by the classification to which a person is being reemployed, rather than the salary they received when last employed.

Reasons: Under the present language, agencies are sometimes required to reemploy a person at a salary amount higher than the person was making when last employed in that particular classification.

Responsibility for Drafting: Robert Conner, Personnel Officer, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-4070; Implementation: All agencies under the jurisdiction of chapter 41.06 RCW; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, Governmental Organization.

AMENDATORY SECTION (Amending Order 75, filed 3/24/75)

WAC 356-14-090 SALARY—REEMPLOYMENT. An employee being reemployed as provided in these Rules shall be compensated at the salary step nearest the dollar amount received when ((separated)) last employed in the classification to which he/she is begin reemployed, or at the first step of the salary range, whichever is higher, unless the agency authorizes a different salary as provided in WAC 356-14-080.

WSR 82-08-020
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
[Memorandum—March 25, 1982]

The Board of Trustees of Western Washington University have cancelled their regular meeting for Thursday, April 1, 1982, which was to be held in Seattle, WA.

WSR 82-08-021
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order 669-DOL—Filed March 30, 1982—Eff. July 1, 1982]

I, John Gonsalez, director of the department of licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the standard form to be used in the state of Washington and filed in the counties for fixture filings under the Uniform Commercial Code.

This action is taken pursuant to Notice No. WSR 82-04-084 filed with the code reviser on February 3, 1982. Such rules shall take effect at a later date, such date being July 1, 1982.

This rule is promulgated pursuant to RCW 62A.9-409(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 March 22, 1982.

By John Gonsalez
Director

NEW SECTION

WAC 308-400-042 UCC-2 FIXTURE FILING FORM. Effective July 1, 1982, the following form shall be the standard UCC-2 Fixture Filing form prescribed by the Department of Licensing:

PLEASE TYPE FORM.

This FIXTURE FILING is presented pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s)) (last name first, and address(es))	2. FOR OFFICE USE ONLY
3. NUMBER OF ADDITIONAL SHEETS ATTACHED:	

4. SECURED PARTY(IES) (or assignee(s)) (name and address)	5. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))
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6. This FIXTURE FILING covers the following types or items of property:
- The goods are to become fixtures on...
 - The property is timber standing on...
 - The property is minerals or the like (including gas and oil) or accounts to be financed at the wellhead or minehead of the well or mine located on...
(Describe real estate. Use legal description.)

This fixture filing is to be filed for record in the real estate records. If the debtor does not have an interest of record in the realty, the name of a record owner is _____

Products of collateral are also covered.

7. RETURN ACKNOWLEDGMENT COPY TO:	FILE FOR RECORD WITH: COUNTY AUDITOR OF COUNTY IN WHICH REAL PROPERTY IS LOCATED
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8. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)
- (a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or
 - (b) which is proceeds of the original collateral described above in which a security interest was perfected, or
 - (c) as to which the filing has lapsed, or
 - (d) acquired after a change of name, identity, or corporate structure of the debtor(s).
- Complete fully if box (d) is checked; complete as applicable for (a), (b), and (c):
- Original recording number _____
- Filing office where filed _____
- Former name of debtor(s) _____

9. USE IF APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s))	TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))
SIGNATURE(S) OF DEBTOR(S) (or assignor(s))	SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))

10. TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the fixture filing bearing the recording number shown above.

NAME: _____

DATE: _____

Return to: COUNTY AUDITOR of County where original filing/recording was made.

SIGNATURE: _____

<p><u>Note:</u> All other information will be the same on plies 2 and 3 as is on ply 1. The ply legend is as follows: COPY 2 - DEBTOR COPY 3 - SECURED PARTY Plies 1 and 2 will each have a carbon behind them which must end at the bottom of box 9. Instructions will appear on the back of copy 3.</p>	

2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with one copy of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (1) as an acknowledgment. Indicate in Box 7 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-2. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (2) and (3). SEND copy (1) to the County Auditor of the county in which the real property is located.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy (1) may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with the signature. No fee is required for a termination statement.

WSR 82-08-022

NOTICE OF PUBLIC MEETINGS

SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum, Chairman—March 29, 1982]

The regular board of trustees meeting has been cancelled for Monday, April 5, 1982.

The next meeting is scheduled to be held on Monday, May 3, 1982, at 6:30 p.m., at Seattle Central Community College, 1701 Broadway, Seattle, WA 98122.

WSR 82-08-023
ADOPTED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
 [Order 82-1—Filed March 30, 1982]

I, Robert H. Lewis, Supervisor of the Division of Savings and Loan Associations, do promulgate and adopt at Olympia, Washington, the annexed rules relating to adding a new chapter, merger or acquisition of troubled associations.

This action is taken pursuant to Notice No. WSR 82-04-044 filed with the code reviser on January 29, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 33.12.014 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 11, 1982.

By Robert H. Lewis, Supervisor
 Division of Savings and Loan Associations

CHAPTER 419-52

MERGER OR ACQUISITION OF TROUBLED ASSOCIATIONS

WAC

- 419-52-010 Purpose.
- 419-52-020 Merger or acquisition of a troubled foreign association by a domestic association.
- 419-52-030 Acquisition of a troubled domestic association by a foreign association.

NEW SECTION

WAC 419-52-010 PURPOSE. The purpose of this chapter is to set forth the guidelines which allow for the interstate merger or acquisition of troubled savings and loan associations. The guidelines follow the Federal Home Loan Bank Board's statement of policy regarding interstate branching.

NEW SECTION

WAC 419-52-020 MERGER OR ACQUISITION OF A TROUBLED FOREIGN ASSOCIATION BY A DOMESTIC ASSOCIATION. Pursuant to RCW 33.12.012 and 33.12.014, a domestic savings and loan association may acquire or merge with a foreign association under the following circumstances:

- (1) The regulator of the foreign association believes that a merger is necessary to prevent the failure of the foreign association;

(2) The regulator of the foreign association believes that no adequate merger candidates exist within the regulator's jurisdiction;

(3) The regulator of the foreign association believes that it is appropriate for the foreign association to be acquired by a domestic association; and

(4) The supervisor believes that it is appropriate for the domestic association to acquire the foreign association.

Any acquisition made under this authority shall be conducted in the same manner so outlined in RCW 33.24.350-.380.

NEW SECTION

WAC 419-52-030 ACQUISITION OF A TROUBLED DOMESTIC ASSOCIATION BY A FOREIGN ASSOCIATION. Pursuant to RCW 33.12.012 and 33.12.014, and notwithstanding any other law to the contrary, a foreign savings and loan association may acquire a domestic association under the following circumstances:

(1) The supervisor believes that a merger is necessary to prevent the failure of the domestic association;

(2) The supervisor believes that no adequate merger candidates exist in Washington;

(3) The supervisor believes that it is appropriate for the domestic association to be acquired by a foreign association; and

(4) The regulator of the foreign association believes that it is appropriate for the foreign association to acquire the domestic association.

Any acquisition made under this authority shall be subject to RCW 33.24.350-.380.

WSR 82-08-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-24—Filed March 30, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitten, 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 regulations needed through April 17, 1982 as permanent regulations become effective on April 18, 1982. All regulations in this order have been adopted as permanent regulations; see Order 82-19 for individual justification.

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 30, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-25000A LINGCOD—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-250, effective immediately all of Salmon Punch Card Area 9 is closed to the taking of lingcod for personal use.

NEW SECTION

WAC 220-56-31000A SHELLFISH—POSSESSION LIMITS. Notwithstanding the provisions of WAC 220-56-310, effective April 1, 1982, the daily bag limit and possession limit for cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams is:

(1) Hood Canal south of a line projected from Tala Point to Foulweather Bluff - 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first.

(2) Puget Sound south of the Tacoma Narrows Bridge - 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(3) All portions of Puget Sound except those described in (1) and (2) of this subsection - Bag limit January 1 - May 31: 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first. Bag limit June 1 - December 31: 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(4) In Skagit Bay, east of a line projected from Brown's Point to Swinomish Slough entrance, diggers may retain up to 20 pounds of Eastern softshell clams in the shell in addition to the limit set in (3) of this subsection.

NEW SECTION

WAC 220-56-38000A OYSTERS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-380, effective April 1, 1982:

(1) It is unlawful to take or possess oysters for personal use from all Hood Canal beaches south of a line projected from Misery Point to Quatsap (Black) Point.

(2) It is lawful to take and possess oysters for personal use from all other Washington state public beaches.

REPEALER

The following section of the Washington Administrative Code is repealed effective April 1, 1982:

WAC 220-56-135 EDMONDS AND ELLIOTT BAY FISHING PIERS.

WSR 82-08-025
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-25—Filed March 30, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitt, 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 inclusion of northern Area 25B in lingcod moratorium required as declining abundance of large lingcod indicates population under stress.

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 30, 1982.

By Gary C. Alexander
 for Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-48-09800A LINGCOD—SEASONS.
Notwithstanding the provisions of WAC 220-48-098, effective April 15, 1982, it is unlawful to take, fish for or possess lingcod for commercial purposes from all of Marine Fish-Shellfish Catch Reporting Area 25B.

WSR 82-08-026
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 82-10—Filed March 30, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Director's Office, Olympia, Washington, the annexed rules relating to the amending of chapter 296-24 WAC general safety and health, to correct references and to delete redundant sections; chapter 296-45 WAC electrical workers safety standards is amended to address vehicles performing emergency service operations; chapter 296-52 WAC possession, handling and use of explosives is amended to be as effective as federal regulations, 29 CFR 1910.109, FR Vol. 43, No. 206, 10/24/78; chapter

296-62 WAC occupational health is amended to correct references, spelling and for clarification; chapter 296-155 WAC safety standards for construction work is amended to be as effective as federal regulations, 29 CFR 1926.451, FR Vol. 44, No. 29 2/9/79; and chapter 296-306 WAC safety standards for agriculture is amended to tighten the regulations on roll-over protection. The new electrical sections proposed in chapter 296-24 WAC contain design safety standards for electric utilization systems. The following sections of the Washington Administrative Code are each repealed: WAC 296-24-130 nonwater carriage disposal systems; 296-24-13001 acceptable industrial disposal systems; 296-24-13003 privy specifications; 296-24-13005 chemical toilet specifications; 296-24-13007 seepage pit construction; 296-24-13009 combustion toilet; 296-24-13011 recirculating toilet specifications; 296-24-13013 portable toilet construction; 296-24-955 National Electrical Code; 296-155-48501 Figure J-1; and 296-155-48502 Figure J-2.

This action is taken pursuant to Notice No. WSR 82-02-065 filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 30, 1982.

By Sam Kinville
 Director

REPEALER

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

- (1) WAC 296-24-130 NONWATER CARRIAGE DISPOSAL SYSTEMS.
- (2) WAC 296-24-13001 ACCEPTABLE INDUSTRIAL DISPOSAL SYSTEMS.
- (3) WAC 296-24-13003 PRIVY SPECIFICATIONS.
- (4) WAC 296-24-13005 CHEMICAL TOILET SPECIFICATIONS.
- (5) WAC 296-24-13007 SEEPAGE PIT CONSTRUCTION.
- (6) WAC 296-24-13009 COMBUSTION TOILET.
- (7) WAC 296-24-13011 RECIRCULATING TOILET SPECIFICATIONS.
- (8) WAC 296-24-13013 PORTABLE TOILET CONSTRUCTION.
- (9) WAC 296-24-955 NATIONAL ELECTRICAL CODE.
- (10) WAC 296-155-48501 FIGURE J-1.
- (11) WAC 296-155-48502 FIGURE J-2.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-24-12009 WASHING FACILITIES.

(1) General. Facilities for maintaining personal cleanliness shall be provided in every place of employment pursuant to the provisions of this section. These shall be convenient for the employees for whom they are provided and shall be maintained in a sanitary condition.

(2) Lavatories. (a) Lavatories shall be made available in all places of employment ~~((in accordance with the requirements for lavatories as set forth in table B-2 of this section. In a multiple-use lavatory, 24 lineal inches of wash sink or 20 inches of a circular basin, when provided with water outlets for each space, shall be considered equivalent to one lavatory))~~. The requirements of this subsection do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this section.

((TABLE B-2

Type of employment	Number of employees	Minimum number of lavatories
Nonindustrial office buildings, public buildings, and similar establishments	1 to 15 16 to 35 36 to 60 61 to 90 91 to 125 Over 125	1 2 3 4 5 1 additional fixture for each additional 45 employees.
Industrial factories, warehouses, loft buildings and similar establishments.	1 to 100 Over 100	1 fixture for each 10 employees. 1 fixture for each additional 15 employees.))

(b) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(c) Hand soap or similar cleansing agents shall be provided.

(d) Individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

~~((e) Receptacles shall be provided for disposal of used towels.~~

(f) Warm air blowers shall provide air at not less than 90°F. and shall have means to automatically prevent the discharge of air exceeding 140°F.

~~(g) Electrical components of warm air blowers shall meet the requirements of WAC 296-24-950 and WAC 296-24-955.)~~

(3) Showers. (a) Whenever showers are required by a particular standard, the showers shall be provided, in accordance with subdivisions (b) through (e) of this subsection.

(b) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(c) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in this section.

(d) Showers shall be provided with hot and cold water feeding a common discharge line.

(e) Employees who use showers shall be provided with individual clean towels.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-24-33001 DEFINITIONS. The following definitions are applicable to all sections of this chapter which include WAC 296-24-330 in the section number.

(1) Aerosol shall mean a material which is dispensed from its container as a mist, spray, or foam by a propellant under pressure.

(2) Atmospheric tank shall mean a storage tank which has been designed to operate at pressures from atmospheric through 0.5 p.s.i.g.

(3) Automotive service station shall mean that portion of property where flammable or combustible liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles and shall include any facilities available for the sale and service of tires, batteries, and accessories, and for minor automotive maintenance work. Major automotive repairs, painting, body and fender work are excluded.

(4) Basement shall mean a story of a building or structure having one-half or more of its height below ground level and to which access for fire fighting purposes is unduly restricted.

(5) Boiling point shall mean the boiling point of a liquid at a pressure of 14.7 pounds per square inch absolute (p.s.i.a.) (760 mm.). Where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, for purposes of this section the 10 percent point of a distillation performed in accordance with the Standard Method of Test for Distillation of Petroleum Products, ASTM D-86-62, may be used as the boiling point of the liquid.

(6) Boilover shall mean the expulsion of crude oil (or certain other liquids) from a burning tank. The light fractions of the crude oil burnoff producing a heat wave in the residue, which on reaching a water strata may result in the expulsion of a portion of the contents of the tank in the form of froth.

(7) Bulk plant shall mean that portion of a property where flammable or combustible liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing

such liquids by tank vessel, pipeline, tank car, tank vehicle, or container.

(8) Chemical plant shall mean a large integrated plant or that portion of such a plant other than a refinery or distillery where flammable or combustible liquids are produced by chemical reactions or used in chemical reactions.

(9) Closed container shall mean a container as herein defined, so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(10) Crude petroleum shall mean hydrocarbon mixtures that have a flash point below 150°F. and which have not been processed in a refinery.

(11) Distillery shall mean a plant or that portion of a plant where flammable or combustible liquids produced by fermentation are concentrated, and where the concentrated products may also be mixed, stored, or packaged.

(12) Fire area shall mean an area of a building separated from the remainder of the building by construction having a fire resistance of at least 1 hour and having all communicating openings properly protected by an assembly having a fire resistance rating of at least 1 hour.

(13) Fire resistance or fire resistive construction shall mean construction to resist the spread of fire.

(14) Flammable aerosol shall mean an aerosol which is required to be labeled "Flammable" under the Federal Hazardous Substances Labeling Act (15 U.S.C. 1261). For the purposes of WAC 296-24-33009, such aerosols are considered Class IA liquids.

(15) "Flashpoint" means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid, and shall be determined as follows:

(a) For a liquid which has a viscosity of less than 45 SUS at 100°F. (37.8°C), does not contain suspended solids, and does not have a tendency to form a surface film while under test, the procedure specified in the Standard Method of Test for Flashpoint by Tag Closed Tester (ASTM D-56-70) shall be used.

(b) For a liquid which has a viscosity of 45 SUS or more at 100°F. (37.8°C), or contains suspended solids, or has a tendency to form a surface film while under test, the Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (ASTM D-93-71) shall be used, except that the methods specified in Note 1 to section 1.1 of ASTM D-93-71 may be used for the respective materials specified in the Note.

(c) For a liquid that is a mixture of compounds that have different volatilities and flashpoints, its flashpoint shall be determined by using the procedure specified in ~~((29))15~~(a) or (b) of this section on the liquid in the form it is shipped. If the flashpoint, as determined by this test, is 100°F. (37.8°C) or higher, an additional flashpoint determination shall be run on a sample of the liquid evaporated to 90 percent of its original volume, and the lower value of the two tests shall be considered the flashpoint of the material.

(d) Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the

flashpoint determination methods specified in this section.

(16) Hotel shall mean buildings or groups of buildings under the same management in which there are sleeping accommodations for hire primarily used by transients who are lodged with or without meals including but not limited to inns, clubs, motels, and apartment hotels.

(17) Institutional occupancy shall mean the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained.

(18) Liquid shall mean, for the purpose of these standards, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with ASTM Test for Penetration for Bituminous Materials, D-5-65. When not otherwise identified, the term liquid shall include both flammable and combustible liquids.

(19) "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C.). Combustible liquids shall be divided into two classes as follows:

(a) "Class II liquids" shall include those with flashpoints at or above 100°F. (37.8°C.) and below 140°F. (60°C.), except any mixture having components with flashpoints of 200°F. (93.3°C.) or higher, the volume of which make up 99 percent or more of the total volume of the mixture.

(b) "Class III liquids" shall include those with flashpoints at or above 140°F. (60°C.). Class III liquids are subdivided into two subclasses:

(i) "Class IIIA liquids" shall include those with flashpoints at or above 140°F. (60°C.) and below 200°F. (93.3°C.) except any mixture having components with flashpoints of 200°F. (93.3°C.) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(ii) "Class IIIB liquids" shall include those with flashpoints at or above 200°F. (93.3°C.). This section does not cover Class IIIB liquids. Where the term "Class III liquids" is used in this section, it shall mean only Class IIIA liquids.

(c) When a combustible liquid is heated for use to within 30°F. (16.7°C.) of its flashpoint, it shall be handled in accordance with the requirements for the next lower class of liquids.

(20) "Flammable liquid" means any liquid having a flashpoint below 100°F. (37.8°C.), except any mixture having components with flashpoints of 100°F. (37.8°C.) or higher, the total of which make up 99 percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids. Class I liquids are divided into three classes as follows:

(a) Class IA shall include liquids having flashpoints below 73°F. (22.8°C.) and having a boiling point below 100°F. (37.8°C.)

(b) Class IB shall include liquids having flashpoints below 73°F. (22.8°C.) and having a boiling point at or above 100°F. (37.8°C.).

(c) Class IC shall include liquids having flashpoints at or above 73°F. (22.8°C.) and below 100°F. (37.8°C.).

(21) Unstable (reactive) liquid shall mean a liquid which in the pure state or as commercially produced or transported will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure, or temperature.

(22) Low-pressure tank shall mean a storage tank which has been designed to operate at pressures above 0.5 p.s.i.g. but not more than 15 p.s.i.g.

(23) Marine service station shall mean that portion of a property where flammable or combustible liquids used as fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or floating docks into the fuel tanks or self-propelled craft, and shall include all facilities used in connection therewith.

(24) Mercantile occupancy shall mean the occupancy or use of a building or structure or any portion thereof for the displaying, selling, or buying of goods, wares, or merchandise.

(25) Office occupancy shall mean the occupancy or use of a building or structure or any portion thereof for the transaction of business, or the rendering or receiving of professional services.

(26) Portable tank shall mean a closed container having a liquid capacity over 60 U.S. gallons and not intended for fixed installation.

(27) Pressure vessel shall mean a storage tank or vessel which has been designed to operate at pressures above 15 p.s.i.g.

(28) Protection for exposure shall mean adequate fire protection for structures on property adjacent to tanks, where there are employees of the establishment.

(29) Refinery shall mean a plant in which flammable or combustible liquids are produced on a commercial scale from crude petroleum, natural gasoline, or other hydrocarbon sources.

(30) Safety can shall mean an approved container, of not more than 5 gallons capacity, having a spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

(31) Vapor pressure shall mean the pressure, measured in pounds per square inch (absolute) exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)", "American Society for Testing and Materials ASTM D323-68.

(32) Ventilation as specified in these standards is for the prevention of fire and explosion. It is considered adequate if it is sufficient to prevent accumulation of significant quantities of vapor-air mixtures in concentration over one-fourth of the lower flammable limit.

(33) Storage: Flammable or combustible liquids shall be stored in a tank or in a container that complies with WAC 296-24-33009(2).

(34) Barrel shall mean a volume of 42 U.S. gallons.

(35) Container shall mean any can, barrel, or drum.

(36) Approved unless otherwise indicated, approved, or listed by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

(37) Listed see "approved" in WAC 296-24-33001(36).

(38) "SUS" means Saybolt Universal Seconds as determined by the Standard Method of Test for Saybolt Viscosity (ASTM D-88-56), and may be determined by use of the SUS conversion tables specified in ASTM Method D2161-66 following determination of viscosity in accordance with the procedures specified in the Standard Method of Test for Viscosity of Transparent and Opaque Liquids (ASTM D445-65).

(39) "Viscous" means a viscosity of 45 SUS or more.

NOTE: The volatility of liquids is increased when artificially heated to temperatures equal to or higher than their flashpoints. When so heated Class II and III liquids shall be subject to the applicable requirements for Class I or II liquids. These standards may also be applied to high flashpoint liquids when so heated even though these same liquids when not heated are outside of its scope.

NEW SECTION

WAC 296-24-956 ELECTRICAL. This section addresses electrical safety requirements that are necessary for the practical safeguarding of employees in their workplaces.

NEW SECTION

WAC 296-24-95601 DEFINITIONS APPLICABLE TO WAC 296-24-956 THROUGH 296-24-95615. Unless the context indicates otherwise, words used in this section shall have the meaning given.

(1) Acceptable. An installation or equipment is acceptable to the Director of Labor and Industries, and approved within the meaning of this section:

(a) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc. and Factory Mutual Engineering Corp; or

(b) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his authorized representatives.

(2) Accepted. An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

(3) Accessible. (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure of finish, or not permanently closed in

by the structure or finish of the building. (See "concealed" and "exposed.")

(4) Accessible. (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "Readily accessible.")

(5) Ampacity. Current-carrying capacity of electric conductors expressed in amperes.

(6) Appliances. Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

(7) Approved. Acceptable to the authority enforcing this section. The authority enforcing this section is the Director of Labor and Industries. The definition of "acceptable" indicates what is acceptable to the director and therefore approved within the meaning of this section.

(8) Approved for the purpose. Approved for a specific purpose, environment, or application described in a particular standard requirement.

Suitability of equipment or materials for a specific purpose, environment or application may be determined by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation as part of its listing and labeling program. (See "Labeled" or "Listed.")

(9) Armored cable. Type AC armored cable is a fabricated assembly of insulated conductors in a flexible metallic enclosure.

(10) Askarel. A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(11) Attachment plug (plug cap) (cap). A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(12) Automatic. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature, or mechanical configuration.

(13) Bare conductor, see "Conductor."

(14) Bonding. The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(15) Bonding jumper. A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(16) Branch circuit. The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

(17) Building. A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

(18) Cabinet. An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

(19) Cable tray system. A cable tray system is a unit or assembly of units or sections, and associated fittings, made of metal or other noncombustible materials forming a rigid structural system used to support cables. Cable tray systems include ladders, troughs, channels, solid bottom trays, and other similar structures.

(20) Cablebus. Cablebus is an approved assembly of insulated conductors with fittings and conductor terminations in a completely enclosed, ventilated, protective metal housing.

(21) Center pivot irrigation machine. A center pivot irrigation machine is a multimotored irrigation machine which revolves around a central pivot and employs alignment switches or similar devices to control individual motors.

(22) Certified. Equipment is "certified" if it (a) has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or (b) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and (c) it bears a label, tag, or other record of certification.

(23) Circuit breaker.

(a) (600 volts nominal, or less). A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without injury to itself when properly applied within its rating.

(b) (Over 600 volts, nominal). A switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(24) Class I locations. Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) Class I, Division 1. A Class I, Division 1 location is a location:

(i) In which hazardous concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release hazardous concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

NOTE: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents

are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; locations containing fat and oil extraction equipment using volatile flammable solvents; portions of cleaning and dyeing plants where flammable liquids are used; gas generator rooms and other portions of gas manufacturing plants where flammable gas may escape; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; the interiors of refrigerators and freezers in which volatile flammable materials are stored in open, lightly stoppered, or easily ruptured containers; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) Class I, Division 2. A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

NOTE: This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or a liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(25) Class II locations. Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) Class II, Division 1. A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosives or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

NOTE: This classification may include areas of grain handling and processing plants, starch plants, sugar-pulverizing plants, malting plants, hay-grinding plants, coal pulverizing plants, areas where metal dusts and powders are produced or processed, and other similar locations which contain dust producing machinery and equipment (except where the equipment is dust-tight or vented to the outside). These areas would have combustible dust in the air, under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures. Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) Class II, Division 2. A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures; and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be ignitable by abnormal operation or failure of electrical equipment or other apparatus.

NOTE: This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities

of dust would escape under abnormal operating conditions or be adjacent to a Class II Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

(26) Class III locations. Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) Class III, Division 1. A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

NOTE: Such locations usually include some parts of rayon, cotton, and other textile mills; combustible fiber manufacturing and processing plants; cotton gins and cottonseed mills; flax-processing plants; clothing manufacturing plants; woodworking plants, and establishments; and industries involving similar hazardous processes or conditions.

Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, and other materials of similar nature.

(b) Class III, Division 2. A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture.

(27) Collector ring. A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(28) Concealed. Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "Accessible. (As applied to wiring methods).")

(29) Conductor.

(a) Bare. A conductor having no covering or electrical insulation whatsoever.

(b) Covered. A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) Insulated. A conductor encased within material of composition and thickness that is recognized as electrical insulation.

(30) Conduit body. A separate portion of a conduit or tubing system that provides access through a removable cover(s) to the interior of the system at a junction of two or more sections of the system or at a terminal point of the system. Boxes such as FS and FD or larger cast or sheet metal boxes are not classified as conduit bodies.

(31) Controller. A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(32) Cooking unit, counter-mounted. A cooking appliance designed for mounting in or on a counter and

consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "Oven, wall-mounted.")

(33) Covered conductor. See "Conductor."

(34) Cutout. (Over 600 volts, nominal.) An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.

(35) Cutout box. An enclosure designed for surface mounting and having swinging doors or covers secured directly to and telescoping with the walls of the box proper. (See "Cabinet.")

(36) Damp location. See "Location."

(37) Dead front. Without live parts exposed to a person on the operating side of the equipment.

(38) Device. A unit of an electrical system which is intended to carry but not utilize electric energy.

(39) Dielectric heating. Dielectric heating is the heating of a nominally insulating material due to its own dielectric losses when the material is placed in a varying electric field.

(40) Disconnecting means. A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(41) Disconnecting (or Isolating) switch. (Over 600 volts, nominal.) A mechanical switching device used for isolating a circuit or equipment from a source of power.

(42) Dry location. See "Location."

(43) Electric sign. A fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with words or symbols designed to convey information or attract attention.

(44) Enclosed. Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

(45) Enclosure. The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

(46) Equipment. A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.

(47) Equipment grounding conductor. See "Grounding conductor, equipment."

(48) Explosion-proof apparatus. Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

(49) Exposed. (As applied to live parts.) Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "Accessible." and "Concealed.")

(50) Exposed. (As applied to wiring methods.) On or attached to the surface or behind panels designed to allow access. (See "Accessible. (As applied to wiring methods.)")

(51) Exposed. (For the purpose of WAC 296-24-95615(5), Communications systems.) Where the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.

(52) Externally operable. Capable of being operated without exposing the operator to contact with live parts.

(53) Feeder. All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

(54) Fitting. An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

(55) Fuse. (Over 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.

(56) Ground. A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

(57) Grounded. Connected to earth or to some conducting body that serves in place of the earth.

(58) Grounded, effectively. (Over 600 volts, nominal.) Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.

(59) Grounded conductor. A system or circuit conductor that is intentionally grounded.

(60) Grounding conductor. A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(61) Grounding conductor, equipment. The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

(62) Grounding electrode conductor. The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.

(63) Ground-fault circuit-interrupter. A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

(64) Guarded. Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the

likelihood of approach to a point of danger or contact by persons or objects.

(65) Health care facilities. Buildings or portions of buildings and mobile homes that contain, but are not limited to, hospitals, nursing homes, extended care facilities, clinics, and medical and dental offices, whether fixed or mobile.

(66) Heating equipment. For the purposes of WAC 296-24-95611(7), the term "heating equipment" includes any equipment used for heating purposes if heat is generated by induction or dielectric methods.

(67) Hoistway. Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.

(68) Identified. Identified, as used in reference to a conductor or its terminal, means that such conductor or terminal can be readily recognized as grounded.

(69) Induction heating. Induction heating is the heating of a nominally conductive material due to its own I²R losses when the material is placed in a varying electromagnetic field.

(70) Insulated conductor. See "Conductor."

(71) Interrupter switch. (Over 600 volts, nominal.) A switch capable of making, carrying, and interrupting specified currents.

(72) Irrigation machine. An irrigation machine is an electrically driven or controlled machine, with one or more motors, not hand portable, and used primarily to transport and distribute water for agricultural purposes.

(73) Isolated. Not readily accessible to persons unless special means for access are used.

(74) Isolated power system. A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(75) Labeled. Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, (a) makes periodic inspections of the production of such equipment, and (b) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

(76) Lighting outlet. An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(77) Listed. Equipment is "listed" if it is of a kind mentioned in a list which, (a) is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and (b) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner.

(78) Location.

(a) Damp location. Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements, some barns, and some cold-storage warehouses.

(b) Dry location. A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) Wet location. Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as vehicle-washing areas, and locations exposed to weather and unprotected.

(79) Medium voltage cable. Type MV medium voltage cable is a single or multiconductor solid dielectric insulated cable rated 2000 volts or higher.

(80) Metal-clad cable. Type MC cable is a factory assembly of one or more conductors, each individually insulated and enclosed in a metallic sheath of interlocking tape, or a smooth or corrugated tube.

(81) Mineral-insulated metal-sheathed cable. Type MI mineral-insulated metal-sheathed cable is a factory assembly of one or more conductors insulated with a highly compressed refractory mineral insulation and enclosed in a liquidtight and gaslight continuous copper sheath.

(82) Mobile x-ray. X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(83) Nonmetallic-sheathed cable. Nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors having an outer sheath of moisture resistant, flame-retardant, nonmetallic material. Nonmetallic sheathed cable is manufactured in the following types:

(a) Type NM. The overall covering has a flame-retardant and moisture-resistant finish.

(b) Type NMC. The overall covering is flame-retardant, moisture-resistant, fungus-resistant, and corrosion-resistant.

(84) Oil (filled) cutout. (Over 600 volts, nominal.) A cutout in which all or part of the fuse support and its fuse link or disconnecting blade are mounted in oil with complete immersion of the contacts and the fusible portion of the conducting element (fuse link), so that arc interruption by severing of the fuse link or by opening of the contacts will occur under oil.

(85) Open wiring on insulators. Open wiring on insulators is an exposed wiring method using cleats, knobs, tubes, and flexible tubing for the protection and support of single insulated conductors run in or on buildings, and not concealed by the building structure.

(86) Outlet. A point on the wiring system at which current is taken to supply utilization equipment.

(87) Outline lighting. An arrangement of incandescent lamps or electric discharge tubing to outline or call attention to certain features such as the shape of a building or the decoration of a window.

(88) Oven, wall-mounted. An oven for cooking purposes designed for mounting in or on a wall or other surface and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "Cooking unit, counter-mounted.")

(89) Overcurrent. Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by certain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

(90) Overload. Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A fault, such as a short circuit or ground fault, is not an overload. (See "Overcurrent.")

(91) Panelboard. A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "Switchboard.")

(92) Permanently installed decorative fountains and reflection pools. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage and are served by electrical circuits of any nature. These units are primarily constructed for their aesthetic value and not intended for swimming or wading.

(93) Permanently installed swimming pools, wading and therapeutic pools. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage whether or not served by electrical circuits of any nature.

(94) Portable x-ray. X-ray equipment designed to be hand-carried.

(95) Power and control tray cable. Type TC power and control tray cable is a factory assembly of two or more insulated conductors, with or without associated bare or covered grounding conductors under a nonmetallic sheath, approved for installation in cable trays, in raceways, or where supported by a messenger wire.

(96) Power fuse. (Over 600 volts, nominal.) See "Fuse."

(97) Power-limited tray cable. Type PLTC nonmetallic-sheathed power limited tray cable is a factory assembly of two or more insulated conductors under a nonmetallic jacket.

(98) Power outlet. An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to supply and control power to mobile homes, recreational vehicles or boats, or to serve as a means for distributing power required to operate mobile or temporarily installed equipment.

(99) Premises wiring system. That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware, fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(100) Qualified person. One familiar with the construction and operation of the equipment and the hazards involved.

(101) Raceway. A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this subpart. Raceways may be of

metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(102) Readily accessible. Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "Accessible.")

(103) Receptacle. A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(104) Receptacle outlet. An outlet where one or more receptacles are installed.

(105) Remote-control circuit. Any electric circuit that controls any other circuit through a relay or an equivalent device.

(106) Sealable equipment. Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

(107) Separately derived system. A premises wiring system whose power is derived from generator, transformer, or converter winding and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(108) Service. The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(109) Service cable. Service conductors made up in the form of a cable.

(110) Service conductors. The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(111) Service drop. The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(112) Service-entrance cable. Service-entrance cable is a single conductor or multiconductor assembly provided with or without an overall covering, primarily used for services and of the following types:

(a) Type SE, having a flame-retardant, moisture-resistant covering, but not required to have inherent protection against mechanical abuse.

(b) Type USE, recognized for underground use, having a moisture-resistant covering, but not required to have a flame-retardant covering or inherent protection against mechanical abuse. Single-conductor cables having an insulation specifically approved for the purpose do not require an outer covering.

(113) Service-entrance conductors, overhead system. The service conductors between the terminals of the

service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the servicedrap.

(114) Service entrance conductors, underground system. The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(115) Service equipment. The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(116) Service raceway. The raceway that encloses the service-entrance conductors.

(117) Shielded nonmetallic-sheathed cable. Type SNM, shielded nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors in an extruded core of moisture-resistant, flame-resistant metallic material, covered with an overlapping spiral metal tape and wire shield and jacketed with an extruded moisture-resistant, flame-resistant, oil-resistant, corrosion-resistant, fungus-resistant, and sunlight-resistant nonmetallic material.

(118) Show window. Any window used or designed to be used for the display of goods or advertising material, whether it is fully or partly enclosed or entirely open at the rear and whether or not it has a platform raised higher than the street floor level.

(119) Sign. See "Electric Sign."

(120) Signaling circuit. Any electric circuit that energizes signaling equipment.

(121) Special permission. The written consent of the authority having jurisdiction.

(122) Storable swimming or wading pool. A pool with a maximum dimension of 15 feet and a maximum wall height of 3 feet and is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

(123) Switchboard. A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "Panelboard.")

(124) Switches.

(a) General-use switch. A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) General-use snap switch. A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this subpart.

(c) Isolating switch. A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) Motor-circuit switch. A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(125) Switching devices. (Over 600 volts, nominal.) Devices designed to close and/or open one or more electric circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, interrupter switches, and oil (filled) cutouts.

(126) Transportable x-ray. X-ray equipment installed in a vehicle or that may readily be disassembled for transport in a vehicle.

(127) Utilization equipment. Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

(128) Utilization system. A utilization system is a system which provides electric power and light for employee workplaces, and includes the premises wiring system and utilization equipment.

(129) Ventilated. Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(130) Volatile flammable liquid. A flammable liquid having a flash point below 38 degrees C (100 degrees F) or whose temperature is above its flash point.

(131) Voltage (of a circuit). The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

(132) Voltage, nominal. A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, 600, etc.). The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(133) Voltage to ground. For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for undergrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(134) Watertight. So constructed that moisture will not enter the enclosure.

(135) Weatherproof. So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

(136) Wet location. See "Location."

(137) Wireways. Wireways are sheet-metal troughs with hinged or removable covers for housing and protecting electric wires and cable and in which conductors are laid in place after the wireway has been installed as a complete system.

NEW SECTION

WAC 296-24-95603 ELECTRIC UTILIZATION SYSTEMS. (1) Scope.

(a) Covered. The provisions of WAC 296-24-95603 through 296-24-95617 cover electrical installations and utilization equipment installed or used within or on buildings, structures, and other premises including:

- (i) Yards;
- (ii) Carnivals;
- (iii) Parking and other lots;
- (iv) Mobile homes;
- (v) Recreational vehicles;
- (vi) Industrial substations 750 volts and over, chapter 296-44 WAC, shall apply;
- (vii) Conductors that connect the installations to a supply of electricity; and
- (viii) Other outside conductors on the premises.

(b) Not covered. The provisions of WAC 296-24-95603 through 296-24-95617 do not cover:

- (i) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.
- (ii) Installations underground in mines.
- (iii) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

(iv) Installations of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

(v) Installations under the exclusive control of electric utilities for the purpose of communication or metering; or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(2) Extent of application.

(a) The requirements contained in the sections listed below shall apply to all electrical installations and utilization equipment, regardless of when they were designed or installed:

Sections:

WAC 296-24-95605(2) ———	Examination, installation, and use of equipment.
" " (3) ———	Splices.
" " (4) ———	Arcing parts.
" " (5) ———	Marking.
" " (6) ———	Identification of disconnecting means.
" " (7)(b) ———	Guarding of live parts.
WAC 296-24-95607(5)(a)(i) —	Protection of conductors and equipment.
" " (5)(a)(iv) —	Location in or on premises.
" " (5)(a)(v) —	Arcing or suddenly moving parts.
" " (6)(a)(ii) —	2-Wire DC systems to be grounded.
" " (6)(a)(iii) —	
and (iv) ———	AC Systems to be grounded.
" " (6)(a)(v) —	AC Systems 50 to 1000 volts not required to be grounded.

Sections:

<p>" (6)(c) —</p> <p>" (6)(d) —</p> <p>WAC 296-24-95607(6)(e)(iv)(A) through (D) —</p> <p>" (6)(e)(v) —</p> <p>" (6)(e)(vi) —</p> <p>" (6)(f)(i) —</p> <p>WAC 296-24-95609(7)(a)(i) and (ii) —</p> <p>" (7)(a)(iii) —</p> <p>" (7)(b)(ii) —</p> <p>" (7)(b)(iii) —</p> <p>WAC 296-24-95613 —</p>	<p>Grounding connections.</p> <p>Grounding path.</p> <p>Fixed equipment required to be grounded.</p> <p>Grounding of equipment connected by cord and plug.</p> <p>Grounding or nonelectrical equipment.</p> <p>Methods of grounding fixed equipment.</p> <p>Flexible cords and cables, uses.</p> <p>Flexible cords and cables prohibited.</p> <p>Flexible cords and cables, splices.</p> <p>Pull at joints and terminals of flexible cords and cables.</p> <p>Hazardous (classified) locations.</p>
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(b) Every electric utilization system and all utilization equipment installed after March 15, 1972, and every major replacement, modification, repair, or rehabilitation, after March 15, 1972, of any part of any electric utilization system or utilization equipment installed before March 15, 1972, shall comply with the provisions of WAC 296-24-956 through 296-24-95617.

NOTE: "Major replacements, modifications, repairs, or rehabilitations" include work similar to that involved when a new building or facility is built, a new wing is added, or an entire floor is renovated.

(c) The following provisions apply to electric utilization systems and utilization equipment installed after (effective date of this section):

<p>WAC 296-24-95605(8)(d)(i) and (ii) —</p> <p>WAC 296-24-95607(5)(a)(vi)(B) —</p> <p>" (5)(a)(vi)(C) —</p> <p>" (6)(g)(ii) —</p> <p>WAC 296-24-95611(3)(b) —</p> <p>" (9) —</p> <p>" (10)(e) —</p> <p>WAC 296-24-95615(1)(a)(ii) —</p> <p>" (3)(b) —</p> <p>" (4) —</p>	<p>Entrance and access to work space (over 600 volts).</p> <p>Circuit breakers operated vertically.</p> <p>Circuit breakers used as switches.</p> <p>Grounding of systems of 1000 volts or more supplying portable or mobile equipment.</p> <p>Warning signs for elevators and escalators.</p> <p>Electrically controlled irrigation machines.</p> <p>Ground-fault circuit interrupters for fountains.</p> <p>Physical protection of conductors over 600 volts.</p> <p>Marking of Class 2 and Class 3 power supplies.</p> <p>Fire protective signaling circuits.</p>
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NEW SECTION

WAC 296-24-95605 GENERAL REQUIREMENTS. (1) Approval. The conductors and equipment required or permitted by this section shall be acceptable only if approved.

(2) Examination, installation, and use of equipment.

(a) Examination. Electrical equipment shall be free from recognized hazards that are likely to cause death

or serious physical harm to employees. Safety of equipment shall be determined using the following considerations:

(i) Suitability for installation and use in conformity with the provisions of this subpart. Suitability of equipment for an identified purpose may be evidenced by listing or labeling for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

(iii) Electrical insulation.

(iv) Heating effects under conditions of use.

(v) Arcing effects.

(vi) Classification by type, size, voltage, current capacity, specific use.

(vii) Other factors which contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(b) Installation and use. Listed or labeled equipment shall be used or installed in accordance with any instructions included in the listing or labeling.

(3) Splices. Conductors shall be spliced or joined with splicing devices suitable for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device suitable for the purpose.

(4) Arcing parts. Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(5) Marking. Electrical equipment may not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment. Other markings shall be provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be of sufficient durability to withstand the environment involved.

(6) Identification of disconnecting means and circuits. Each disconnecting means required by this subpart for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

(7) 600 volts, nominal, or less.

(a) Working space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) Working clearances. Except as required or permitted elsewhere, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive may not be less than

indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

Table S-1—Working clearances

Nominal voltage to ground	Minimum clear distance for condition ² (ft)		
	(a)	(b)	(c)
0-150	3	3	3
151-600	3	3 1/2	4

¹Minimum clear distances may be 2 feet 6 inches for installations built prior to effective date of this section.

²Conditions (a), (b), (c), are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side (c) Exposed live parts on both sides of the workspace (not guarded as provided in Condition (a)) with the operator between.

(ii) Clear spaces. Working space required by this subpart may not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(iii) Access and entrance to working space. At least one entrance of sufficient area shall be provided to give access to the working space about electric equipment.

(iv) Front working space. Where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment may not be less than 3 feet.

(v) Illumination. Illumination shall be provided for all working spaces about service equipment, switchboards, panelboards, and motor control centers installed indoors.

(vi) Headroom. The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches.

NOTE: As used in this section, a motor control center is an assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(i) Except as required or permitted elsewhere in this section, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by approved cabinets or other forms of approved enclosures, or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(B) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with live parts or to bring conducting objects into contact with them.

(C) By location on a suitable balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(D) By elevation of 8 feet or more above the floor or other working surface.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(8) Over 600 volts, nominal.

(a) General. Conductors and equipment used on circuits exceeding 600 volts, nominal, shall comply with all applicable provisions of subsections (1) through (7) of this section and with the following provisions which supplement or modify those requirements. The provisions of (b), (c) and (d) of this subsection do not apply to equipment on the supply side of the service conductors.

(b) Enclosure for electrical installations. Electrical installations in a vault, room, closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other approved means, are considered to be accessible to qualified persons only. A wall, screen, or fence less than 8 feet in height is not considered to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot fence. The entrances to all buildings, rooms, or enclosures containing exposed live parts or exposed conductors operating at over 600 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(i) Installations accessible to qualified persons only. Electrical installations having exposed live parts shall be accessible to qualified persons only and shall comply with the applicable provisions of (c) of this subsection.

(ii) Installations accessible to unqualified persons. Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, access to which is controlled by a lock. If metal-enclosed equipment is installed so that the bottom of the enclosure is less than 8 feet above the floor, the door or cover shall be kept locked. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other

(b) Guarding of live parts.

similar associated equipment shall be marked with appropriate caution signs. If equipment is exposed to physical damage from vehicular traffic, suitable guards shall be provided to prevent such damage. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(c) **Workspace about equipment.** Sufficient space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment. Where energized parts are exposed, the minimum clear workspace may not be less than 6 feet 6 inches high (measured vertically from the floor or platform), or less than 3 feet wide (measured parallel to the equipment). The depth shall be as required in Table S-2. The workspace shall be adequate to permit at least a 90-degree opening of doors or hinged panels.

(i) **Working space.** The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment may not be less than specified in Table S-2 unless otherwise specified in this subpart. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. However, working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on deenergized parts on the back of enclosed equipment, a minimum working space of 30 inches horizontally shall be provided.

Table S-2—Minimum Depth of Clear Working Space in Front of Electric Equipment

Nominal voltage to ground	Conditions ² (ft)		
	(a)	(b)	(c)
601 to 2,500	3	4	5
2,501 to 9,000	4	5	6
9,001 to 25,000	5	6	9
25,001 to 75kV ¹	6	8	10
Above 75kV ¹	8	10	12

¹Minimum depth of clear working space in front of electric equipment with a nominal voltage to ground above 25,000 volts may be the same as for 25,000 volts under Conditions (a), (b) and (c) for installations built prior to April 16, 1981. (2) Conditions (a), (b) and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating materials. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. Concrete, brick, or tile walls will be considered as grounded surfaces. (c) Exposed live parts on both sides

of the workspace not guarded as provided in Condition (a) with the operator between.

(ii) **Illumination.** Adequate illumination shall be provided for all working spaces about electric equipment. The lighting outlets shall be so arranged that persons changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment. The points of control shall be so located that persons are not likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(iii) **Elevation of unguarded live parts.** Unguarded live parts above working space shall be maintained at elevations not less than specified in Table S-3.

Table S-3—Elevation of Unguarded Energized Parts Above Working Space

Nominal voltage between phases	Minimum elevation
601 to 7,500	*8 feet 6 inches.
7,501 to 35,000	9 feet.
Over 35kV	9 feet + 0.37 inches per kV above 35kV.

*Note.—Minimum elevation may be 8 feet 0 inches for installations if the nominal voltage between phases is in the range of 601-6600 volts.

(d) **Entrance and access to workspace.** (See WAC 296-24-95603(2)(c).)

(i) At least one entrance not less than 24 inches wide and 6 feet 6 inches high shall be provided to give access to the working space about electric equipment. On switchboard and control panels exceeding 48 inches in width, there shall be one entrance at each end of such board where practicable. Where bare energized parts at any voltage or insulated energized parts above 600 volts are located adjacent to such entrance, they shall be suitably guarded.

(ii) Permanent ladders or stairways shall be provided to give safe access to the working space around electric equipment installed on platforms, balconies, mezzanine floors, or in attic or roof rooms or spaces.

NEW SECTION

WAC 296-24-95607 WIRING DESIGN AND PROTECTION. (1) Use and identification of grounded and grounding conductors.

(a) **Identification of conductors.** A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors. A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors.

(b) **Polarity of connections.** No grounded conductor may be attached to any terminal or lead so as to reverse designated polarity.

(c) **Use of grounding terminals and devices.** A grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug may not be used for purposes other than grounding.

(2) Branch circuits.

(a) Ground-fault protection for personnel on construction sites. The employer shall use either ground-fault circuit interrupters as specified in item (a)(i) of this subsection or an assured equipment grounding conductor program as specified in item (a)(ii) of this subsection, to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(i) Ground-fault circuit interrupters. All 120-volt, single-phase, 15-ampere and 20-ampere receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees, shall have approved ground-fault circuit interrupters for personnel protection. Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5 kW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters.

(ii) Assured equipment grounding conductor program. The employer shall establish and implement an assured equipment grounding conductor program on construction sites covering all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and equipment connected by cord and plug, which are available for use or used by employees. This program shall comply with the following minimum requirements:

(A) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the director and any affected employee.

(B) The employer shall designate one or more competent persons (as defined in WAC 296-155-012) to implement the program.

(C) Each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indication of possible internal damage. Equipment found damaged or defective may not be used until repaired.

(D) The following tests shall be performed on all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and cord-connected and plug-connected equipment required to be grounded:

(I) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(II) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(E) All required tests shall be performed:

(I) Before first use;

(II) Before equipment is returned to service following any repairs;

(III) Before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and

(IV) At intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(F) The employer may not make available or permit the use by employees of any equipment which has not met the requirements of this item (a)(ii) of this subsection.

(G) Tests performed as required in this section shall be recorded. This test record shall identify each receptacle, cord set, and cord-connected and plug-connected equipment that passed the test, and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means, and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the director and any affected employee.

(b) Outlet devices. Outlet devices shall have an ampere rating not less than the load to be served.

(3) Outside conductors, 600 volts, nominal, or less. Subdivisions (a), (b), (c) and (d) of this subsection apply to branch circuit, feeder, and service conductors rated 600 volts, nominal, or less and run outdoors as open conductors. Subdivision (e) of this subsection applies to lamps installed under such conductors.

(a) Conductors on poles. Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(i) Power conductors below communication conductors—30 inches.

(ii) Power conductors alone or above communication conductors: 300 volts or less—24 inches; more than 300 volts—30 inches.

(iii) Communication conductors below power conductors with power conductors 300 volts or less—24 inches; more than 300 volts—30 inches.

(b) Clearance from ground. Open conductors shall conform to the following minimum clearances:

(i) 10 feet—above finished grade, sidewalks, or from any platform or projection from which they might be reached.

(ii) 12 feet—over areas subject to vehicular traffic other than truck traffic.

(iii) 15 feet—over areas other than those specified in item (b)(iv) of this subsection that are subject to truck traffic.

(iv) 18 feet—over public streets, alleys, roads, and driveways.

(c) Clearance from building openings. Conductors shall have a clearance of at least 3 feet from windows, doors, porches, fire escapes, or similar locations. Conductors run above the top level of a window are considered to be out of reach from that window and, therefore, do not have to be 3 feet away.

(d) Clearance over roofs. Conductors shall have a clearance of not less than 8 feet from the highest point of roofs over which they pass, except that:

(i) Where the voltage between conductors is 300 volts or less and the roof has a slope of not less than 4 inches in 12, the clearance from the roofs shall be at least 3 feet; or

(ii) Where the voltage between conductors is 300 volts or less and the conductors do not pass over more than 4 feet of the overhang portion of the roof and they are terminated at a through-the-roof raceway or approved support, the clearance from the roofs shall be at least 18 inches.

(e) Location of outdoor lamps. Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

(4) Services.

(a) Disconnecting means.

(i) General. Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) Simultaneous opening of poles. Each service disconnecting means shall simultaneously disconnect all ungrounded conductors.

(b) Services over 600 volts, nominal. The following additional requirements apply to services over 600 volts, nominal.

(i) Guarding. Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(ii) Warning signs. Signs warning of high voltage shall be posted where other than qualified employees might come in contact with live parts.

(5) Overcurrent protection.

(a) 600 volts, nominal, or less. The following requirements apply to overcurrent protection of circuits rated 600 volts, nominal, or less.

(i) Protection of conductors and equipment. Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current.

(ii) Grounded conductors. Except for motor running overload protection, overcurrent devices may not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.

(iii) Disconnection of fuses and thermal cutouts. Except for service fuses, all cartridge fuses which are accessible to other than qualified persons and all fuses and thermal cutouts on circuits over 150 volts to ground shall be provided with disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

(iv) Location in or on premises. Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices may not be located where they will be exposed to physical damage nor in the vicinity of easily ignitable material.

(v) Arcing or suddenly moving parts. Fuses and circuit breakers shall be so located or shielded that employees will not be burned or otherwise injured by their operation.

(vi) Circuit breakers.

(A) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.

(B) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position. (See WAC 296-24-95603(2)(c).)

(C) If used as switches in 120-volt, fluorescent lighting circuits, circuit breakers shall be approved for the purpose and marked "SWD." (See WAC 296-24-95603(2)(c).)

(b) Over 600 volts, nominal. Feeders and branch circuits over 600 volts, nominal, shall have short-circuit protection.

(6) Grounding. Subdivisions (a) through (g) of this subsection contain grounding requirements for systems, circuits, and equipment.

(a) Systems to be grounded. The following systems which supply premises wiring shall be grounded:

(i) All 3-wire DC systems shall have their neutral conductor grounded.

(ii) Two-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless:

(A) They supply only industrial equipment in limited areas and are equipped with a ground detector; or

(B) They are rectifier-derived from an AC system complying with items (a)(iii), (a)(iv), and (a)(v) of this subsection; or

(C) They are fire-protective signaling circuits having a maximum current of 0.030 amperes.

(iii) AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(iv) AC systems of 50 volts to 1000 volts shall be grounded under any of the following conditions, unless exempted by item (a)(v) of this subsection:

(A) If the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts;

(B) If the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor;

(C) If the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor; or

(D) If a service conductor is uninsulated.

(v) AC systems of 50 volts to 1000 volts are not required to be grounded under any of the following conditions:

(A) If the system is used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like.

(B) If the system is separately derived and is used exclusively for rectifiers supplying only adjustable speed industrial drives.

(C) If the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

- (I) The system is used exclusively for control circuits;
- (II) The conditions of maintenance and supervision assure that only qualified persons will service the installation;
- (III) Continuity of control power is required; and
- (IV) Ground detectors are installed on the control system.

(D) If the system is an isolated power system that supplies circuits in health care facilities.

(b) Conductors to be grounded. For AC premises wiring systems the identified conductor shall be grounded.

(c) Grounding connections.

(i) For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means, or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(ii) For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(iii) On extensions of existing branch circuits which do not have an equipment grounding conductor, grounding-type receptacles may be grounded to a grounded cold water pipe near the equipment.

(d) Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(e) Supports, enclosures, and equipment to be grounded.

(i) Supports and enclosures for conductors. Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded, except that:

(A) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; or

(B) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:

- (I) Runs are less than 25 feet;
- (II) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and
- (III) Enclosures are guarded against employee contact.

(ii) Service equipment enclosures. Metal enclosures for service equipment shall be grounded.

(iii) Frames of ranges and clothes dryers. Frames of electric ranges, wall-mounted ovens, counter-mounted

cooking units, clothes dryers, and metal outlet or junction boxes which are part of the circuit for these appliances shall be grounded.

(iv) Fixed equipment. Exposed noncurrent-carrying metal parts of fixed equipment which may become energized shall be grounded under any of the following conditions:

(A) If within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to employee contact.

(B) If located in a wet or damp location and not isolated.

(C) If in electrical contact with metal.

(D) If in a hazardous (classified) location.

(E) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.

(F) If equipment operates with any terminal at over 150 volts to the ground; however, the following need not be grounded:

(I) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(II) Metal frames of electrically heated appliances which are permanently and effectively insulated from ground; and

(III) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles at a height exceeding 8 feet above ground or grade level.

(v) Equipment connected by cord and plug. Under any of the conditions described in subitems (e)(v)(A) through (e)(v)(C) of this subsection, exposed noncurrent-carrying metal parts of cord-connected and plug-connected equipment which may become energized shall be grounded.

(A) If in hazardous (classified) locations (see WAC 296-24-95613).

(B) If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground.

(C) If the equipment is of the following types:

(I) Refrigerators, freezers, and air conditioners;

(II) Clothes-washing, clothes-drying and dishwashing machines, sump pumps, and electrical aquarium equipment;

(III) Hand-held motor-operated tools;

(IV) Motor-operated appliances of the following types: Hedge clippers, lawn mowers, snow blowers, and wet scrubbers;

(V) Cord-connected and plug-connected appliances used in damp or wet locations or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;

(VI) Portable and mobile x-ray and associated equipment;

(VII) Tools likely to be used in wet and conductive locations; and

(VIII) Portable hand lamps. Tools likely to be used in wet and conductive locations need not be grounded if supplied through an isolating transformer with an ungrounded secondary of not over 50 volts. Listed or labeled portable tools and appliances protected by an

approved system of double insulation, or its equivalent, need not be grounded. If such a system is employed, the equipment shall be distinctively marked to indicate that the tool or appliance utilizes an approved system of double insulation.

(vi) Nonelectrical equipment. The metal parts of the following nonelectrical equipment shall be grounded: Frames and tracks of electrically operated cranes; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and similar metal enclosures around equipment of over 750 volts between conductors.

(f) Methods of grounding fixed equipment.

(i) Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this section, shall be grounded by an equipment grounding conductor which is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(ii) Electric equipment is considered to be effectively grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded by the method specified for the noncurrent-carrying metal parts of fixed equipment in item (f)(i) of this subsection. For installations made before (eff. date) only, electric equipment is also considered to be effectively grounded if it is secured to, and in metallic contact with, the grounded structural metal frame of a building. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered to be effectively grounded.

(g) Grounding of systems and circuits of 1000 volts and over (high voltage.).

(i) General. If high voltage systems are grounded, they shall comply with all applicable provisions of subdivisions (a) through (f) of this subsection as supplemented and modified by the subdivision (g) of this subsection.

(ii) Grounding of systems supplying portable or mobile equipment. (See WAC 296-24-95603(2)(c).) Systems supplying portable or mobile high voltage equipment, other than substations installed on a temporary basis, shall comply with the following:

(A) Portable and mobile high voltage equipment shall be supplied from a system having its neutral grounded through an impedance. If a delta-connected high voltage system is used to supply the equipment, a system neutral shall be derived.

(B) Exposed noncurrent-carrying metal parts of portable and mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(C) Ground-fault detection and relaying shall be provided to automatically de-energize any high voltage system component which has developed a ground fault. The continuity of the equipment grounding conductor shall

be continuously monitored so as to de-energize automatically the high voltage feeder to the portable equipment upon loss of continuity of the equipment grounding conductor.

(D) The grounding electrode to which the portable or mobile equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 20 feet from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe, fence, etc.

(iii) Grounding of equipment. All noncurrent-carrying metal parts of portable equipment and fixed equipment including their associated fences, housings, enclosures, and supporting structures shall be grounded. However, equipment which is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus at a height exceeding 8 feet above ground or grade level need not be grounded.

NEW SECTION

WAC 296-24-95609 WIRING METHODS, COMPONENTS, AND EQUIPMENT FOR GENERAL USE. (1) Wiring methods. The provisions of this section do not apply to the conductors that are an integral part of factory-assembled equipment.

(a) General requirements.

(i) Electrical continuity of metal raceways and enclosures. Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) Wiring in ducts. No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type may be installed in any duct used for vapor removal or for ventilation of commercial-type cooking equipment, or in any shaft containing only such ducts.

(b) Temporary wiring. Temporary electrical power and lighting wiring methods may be of a class less than would be required for a permanent installation. Except as specifically modified in this paragraph, all other requirements of this subpart for permanent wiring shall apply to temporary wiring installations.

(i) Uses permitted, 600 volts, nominal or less. Temporary electrical power and lighting installations 600 volts, nominal, or less may be used only:

(A) During and for remodeling, maintenance, repair, or demolition of buildings, structures, or equipment, and similar activities;

(B) For experimental or development work; and

(C) For a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

(ii) Uses permitted, over 600 volts, nominal. Temporary wiring over 600 volts, nominal, may be used only during periods of tests, experiments, or emergencies.

(iii) General requirements for temporary wiring.

(A) Feeders shall originate in an approved distribution center. The conductors shall be run as multiconductor cord or cable assemblies, or, where not

subject to physical damage, they may be run as open conductors on insulators not more than 10 feet apart.

(B) Branch circuits shall originate in an approved power outlet or panelboard. Conductors shall be multiconductor cord or cable assemblies or open conductors. If run as open conductors they shall be fastened at ceiling height every 10 feet. No branch-circuit conductor may be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if run as open conductors.

(C) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor and all receptacles shall be electrically connected to the grounding conductor.

(D) No bare conductors nor earth returns may be used for the wiring of any temporary circuit.

(E) Suitable disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(F) Lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least 7 feet from normal working surface or by a suitable fixture lampholder with a guard.

(G) Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. Where passing through doorways or other pinch points, flexible cords and cables shall be provided with protection to avoid damage.

(c) Cable trays.

(i) Uses permitted.

(A) Only the following may be installed in cable tray systems:

(I) Mineral-insulated metal-sheathed cable (Type MI);

(II) Armored cable (Type AC);

(III) Metal-clad cable (Type MC);

(IV) Power-limited tray cable (Type PLTC);

(V) Nonmetallic-sheathed cable (Type NM or NMC);

(VI) Shielded nonmetallic-sheathed cable (Type SNM);

(VII) Multiconductor service-entrance cable (Type SE or USE);

(VIII) Multiconductor underground feeder and branch-circuit cable (Type UF);

(IX) Power and control tray cable (Type TC);

(X) Other factory-assembled, multiconductor control, signal, or power cables which are specifically approved for installation in cable trays; or

(XI) Any approved conduit or raceway with its contained conductors.

(B) In industrial establishments only, where conditions of maintenance and supervision assure that only qualified persons will service the installed cable tray system, the following cables may also be installed in ladder, ventilated trough, or 4 inch ventilated channel-type cable trays:

(I) Single conductor cables which are 250 MCM or larger and are Types RHH, RHW, MV, USE, or THW,

and other 250 MCM or larger single conductor cables if specifically approved for installation in cable trays. Where exposed to direct rays of the sun, cables shall be sunlight-resistant.

(II) Type MV cables, where exposed to direct rays of the sun, shall be sunlight-resistant.

(C) Cable trays in hazardous (classified) locations shall contain only the cable types permitted in such locations.

(ii) Uses not permitted. Cable tray systems may not be used in hoistways or where subjected to severe physical damage.

(d) Open wiring on insulators.

(i) Uses permitted. Open wiring on insulators is only permitted on systems of 600 volts, nominal, or less for industrial or agricultural establishments and for services.

(ii) Conductor supports. Conductors shall be rigidly supported on noncombustible, nonabsorbent insulating materials and may not contact any other objects.

(iii) Flexible nonmetallic tubing. In dry locations where not exposed to severe physical damage, conductors may be separately enclosed in flexible nonmetallic tubing. The tubing shall be in continuous lengths not exceeding 15 feet and secured to the surface by straps at intervals not exceeding 4 feet 6 inches.

(iv) Through walls, floors, wood cross members, etc. Open conductors shall be separated from contact with walls, floors, and wood cross members, or partitions through which they pass by tubes or bushings of noncombustible, nonabsorbent insulating material. If the bushing is shorter than the hole, a waterproof sleeve of nonconductive material shall be inserted in the hole and an insulating bushing slipped into the sleeve at each end in such a manner as to keep the conductors absolutely out of contact with the sleeve. Each conductor shall be carried through a separate tube or sleeve.

(v) Protection from physical damage. Conductors within 7 feet from the floor are considered exposed to physical damage. Where open conductors cross ceiling joints and wall studs and are exposed to physical damage, they shall be protected.

(2) Cabinets, boxes, and fittings.

(a) Conductors entering boxes, cabinets, or fittings. Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall also be effectively closed.

(b) Covers and canopies. All pull boxes, junction boxes, and fittings shall be provided with covers approved for the purpose. If metal covers are used they shall be grounded. In completed installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(c) Pull and junction boxes for systems over 600 volts, nominal. In addition to other requirements in this section for pull and junction boxes, the following shall apply to these boxes for systems over 600 volts, nominal:

(i) Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Boxes shall be closed by suitable covers securely fastened in place. Underground box covers that weight over 100 pounds meet this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(3) Switches.

(a) Knife switches. Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical a locking device shall be provided to ensure that the blades remain in the open position when so set.

(b) Faceplates for flush-mounted snap switches. Flush snap switches that are mounted in ungrounded metal boxes and located within reach of conducting floors or other conducting surfaces shall be provided with faceplates of nonconducting, noncombustible material.

(4) Switchboards and panelboards. Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures approved for the purpose and shall be dead front. However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(b) Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) Conductors for general wiring. All conductors used for general wiring shall be insulated unless otherwise permitted in this section. The conductor insulation shall be of a type that is approved for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other suitable means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Flexible cords and cables shall be approved and suitable for conditions of use and location. Flexible cords and cables shall be used only for:

- (A) Pendants;
- (B) Wiring of fixtures;
- (C) Connection of portable lamps or appliances;
- (D) Elevator cables;

(E) Wiring of cranes and hoists;

(F) Connection of stationary equipment to facilitate their frequent interchange;

(G) Prevention of the transmission of noise or vibration;

(H) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair; or

(I) Data processing cables approved as a part of the data processing system.

(ii) If used as permitted in subitem (a)(i)(C), (a)(i)(F) or (a)(i)(H) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet.

(iii) Unless specifically permitted in item (a)(i) of this subsection, flexible cords and cables may not be used:

(A) As a substitute for the fixed wiring of a structure;

(B) Where run through holes in walls, ceilings, or floors;

(C) Where run through doorways, windows, or similar openings;

(D) Where attached to building surfaces; or

(E) Where concealed behind building walls, ceilings, or floors.

(iv) Flexible cords used in show windows and show-cases shall be Type S, SO, SJ, SJO, ST, STO, SJT, SJTO, or AFS except for the wiring of chain-supported lighting fixtures and supply cords for portable lamps and other merchandise being displayed or exhibited.

(b) Identification, splices, and terminations.

(i) A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors. Types SJ, SJO, SJT, SJTO, S, SO, ST, and STO shall be durably marked on the surface with the type designation, size, and number of conductors.

(ii) Flexible cords shall be used only in continuous lengths without splice or tap. Hard service flexible cords No. 12 or larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iii) Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(8) Portable cables over 600 volts, nominal. Multiconductor portable cable for use in supplying power to portable or mobile equipment at over 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2,000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these cables shall be of a locking type with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables may not be operated with splices unless the splices are of the permanent molded, vulcanized, or other approved type. Termination enclosures shall be suitably marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified personnel.

(9) Fixture wires.

(a) General. Fixture wires shall be approved for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) Uses permitted. Fixture wires may be used:

(i) For installation in lighting fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) Uses not permitted. Fixture wires may not be used as branch-circuit conductors except as permitted for Class 1 power limited circuits.

(10) Equipment for general use.

(a) Lighting fixtures, lampholders, lamps, and receptacles.

(i) Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet above the floor may have exposed parts.

(ii) Handlamps of the portable type supplied through flexible cords shall be equipped with a handle of molded composition or other material approved for the purpose, and a substantial guard shall be attached to the lampholder or the handle.

(iii) Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(iv) Fixtures installed in wet or damp locations shall be approved for the purpose and shall be so constructed or installed that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) Receptacles, cord connectors, and attachment plugs (caps).

(i) Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

(ii) A receptacle installed in a wet or damp location shall be suitable for the location.

(c) Appliances.

(i) Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, may have no live parts normally exposed to employee contact.

(ii) A means shall be provided to disconnect each appliance.

(iii) Each appliance shall be marked with its rating in volts and amperes or volts and watts.

(d) Motors. This paragraph applies to motors, motor circuits, and controllers.

(i) In sight from. If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet from the other.

(ii) Disconnecting means.

(A) A disconnecting means shall be located in sight from the controller location. However, a single disconnecting means may be located adjacent to a group of coordinated controllers mounted adjacent to each other or a multimotor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means which is to be locked in the open position.

(B) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(C) If a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(I) The controller disconnecting means shall be capable of being locked in the open position.

(II) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(D) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(E) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(F) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(I) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or woodworking machine, crane, or hoist;

(II) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(III) If a group of motors is in a single room in sight from the location of the disconnecting means.

(iii) Motor overload, short-circuit, and ground-fault protection. Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions shall not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(iv) Protection of live parts—all voltages.

(A) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not have such parts guarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(I) By installation in a room or enclosure that is accessible only to qualified persons;

(II) By installation on a suitable balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons; or

(III) By elevation 8 feet or more above the floor.

(B) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, suitable insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(e) Transformers.

(i) The following paragraphs cover the installation of all transformers except the following:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers which are an integral part of an x-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signalling circuits; and

(E) Liquid-filled or dry-type transformers used for research, development, or testing, where effective safeguard arrangements are provided.

(ii) The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35kV shall be in a vault.

(iv) If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires which may originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Any pipe or duct system foreign to the vault installation may not enter or pass through a transformer vault.

(viii) Materials may not be stored in transformer vaults.

(f) Capacitors.

(i) All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge after the capacitor is disconnected from its source of supply.

(ii) Capacitors rated over 600 volts, nominal, shall comply with the following additional requirements:

(A) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently

displayed caution signs to prevent switching load current.

(B) For series capacitors (see WAC 296-24-95603(2)(c)), the proper switching shall be assured by use of at least one of the following:

(I) Mechanically sequenced isolating and bypass switches;

(II) Interlocks; or

(III) Switching procedure prominently displayed at the switching location.

(g) Storage batteries. Provisions shall be made for sufficient diffusion and ventilation of gases from storage batteries to prevent the accumulation of explosive mixtures.

NEW SECTION

WAC 296-24-95611 SPECIFIC PURPOSE EQUIPMENT AND INSTALLATIONS. (1) Electric signs and outline lighting.

(a) Disconnecting means. Signs operated by electronic or electromechanical controllers located outside the sign shall have a disconnecting means located inside the controller enclosure or within sight of the controller location, and it shall be capable of being locked in the open position. Such disconnecting means shall have no pole that can be operated independently, and it shall open all ungrounded conductors that supply the controller and sign. All other signs, except the portable type, and all outline lighting installations shall have an externally operable disconnecting means which can open all ungrounded conductors and is within the sight of the sign or outline lighting it controls.

(b) Doors or covers giving access to uninsulated parts of indoor signs or outline lighting exceeding 600 volts and accessible to other than qualified persons shall either be provided with interlock switches to disconnect the primary circuit or shall be so fastened that the use of other than ordinary tools will be necessary to open them.

(2) Cranes and hoists. This subsection applies to the installation of electric equipment and wiring used in connection with cranes, monorail hoists, hoists, and all runways.

(a) Disconnecting means.

(i) A readily accessible disconnecting means shall be provided between the runway contact conductors and the power supply.

(ii) Another disconnecting means, capable of being locked in the open position, shall be provided in the leads from the runway contact conductors or other power supply on any crane or monorail hoist.

(A) If this additional disconnection means is not readily accessible from the crane or monorail hoist operating station, to open the power circuit to all motors of the crane or monorail hoist.

(B) The additional disconnect may be omitted if a monorail hoist or hand-propelled crane bridge installation meets all of the following:

(I) The unit is floor controlled;

(II) The unit is within view of the power supply disconnecting means; and

(III) No fixed work platform has been provided for servicing the unit.

(b) Control. A limit switch or other device shall be provided to prevent the load block from passing the safe upper limit of travel of any hoisting mechanism.

(c) Clearance. The dimension of the working space in the direction of access to live parts which may require examination, adjustment, servicing, or maintenance while alive shall be a minimum of 2 feet 6 inches. Where controls are enclosed in cabinets, the door(s) shall either open at least 90 degrees or be removable.

(3) Elevators, dumbwaiters, escalators, and moving walks.

(a) Disconnecting means. Elevators, dumbwaiters, escalators, and moving walks shall have a single means for disconnecting all ungrounded main power supply conductors for each unit.

(b) Warning signs. If interconnections between control panels are necessary for operation of the system on a multicar installation that remains energized from a source other than the disconnecting means, a warning sign shall be mounted on or adjacent to the disconnecting means. The sign shall be clearly legible and shall read "Warning—Parts of the control panel are not de-energized by this switch." (See WAC 296-24-95603(2)(c).)

(c) Control panels. If control panels are not located in the same space as the drive machine, they shall be located in cabinets with doors or panels capable of being locked closed.

(4) Electric welders—disconnecting means.

(a) A disconnecting means shall be provided in the supply circuit for each motor-generator arc welder, and for each AC transformer and DC rectifier arc welder which is not equipped with a disconnect mounted as an integral part of the welder.

(b) A switch or circuit breaker shall be provided by which each resistance welder and its control equipment can be isolated from the supply circuit. The ampere rating of this disconnecting means may not be less than the supply conductor ampacity.

(5) Data processing systems—disconnecting means. A disconnecting means shall be provided to disconnect the power to all electronic equipment in data processing or computer rooms. This disconnecting means shall be controlled from locations readily accessible to the operator at the principal exit doors. There shall also be a similar disconnecting means to disconnect the air conditioning system serving this area.

(6) X-ray equipment. This subsection applies to x-ray equipment for other than medical or dental use.

(a) Disconnecting means.

(i) A disconnecting means shall be provided in the supply circuit. The disconnecting means shall be operable from a location readily accessible from the x-ray control. For equipment connected to a 120-volt branch circuit of 30 amperes or less, a grounding-type attachment plug cap and receptacle of proper rating may serve as a disconnecting means.

(ii) If more than one piece of equipment is operated from the same high-voltage circuit, each piece or each group of equipment as a unit shall be provided with a high-voltage switch or equivalent disconnecting means. This disconnecting means shall be constructed, enclosed,

or located so as to avoid contact by employees with its live parts.

(b) Control.

(i) Radiographic and fluoroscopic types. Radiographic and fluoroscopic-type equipment shall be effectively enclosed or shall have interlocks that de-energize the equipment automatically to prevent ready access to live current-carrying parts.

(ii) Diffraction and irradiation types. Diffraction-type and irradiation-type equipment shall be provided with a means to indicate when it is energized unless the equipment or installation is effectively enclosed or is provided with interlocks to prevent access to live current-carrying parts during operation.

(7) Induction and dielectric heating equipment.

(a) Scope. Subdivisions (b) and (c) of this subsection cover induction and dielectric heating equipment and accessories for industrial and scientific applications, but not for medical dental applications or for appliances.

(b) Guarding and grounding.

(i) Enclosures. The converting apparatus (including the DC line) and high-frequency electric circuits (excluding the output circuits and remote-control circuits) shall be completely contained within enclosures of non-combustible material.

(ii) Panel controls. All panel controls shall be of dead-front construction.

(iii) Access to internal equipment. Where doors are used for access to voltages from 500 to 1000 volts AC or DC, either door locks or interlocks shall be provided. Where doors are used for access to voltages of over 1000 volts AC or DC, either mechanical lockouts with a disconnecting means to prevent access until voltage is removed from the cubicle, or both door interlocking and mechanical door locks, shall be provided.

(iv) Warning labels. "Danger" labels shall be attached on the equipment and shall be plainly visible even when doors are open or panels are removed from compartments containing voltages of over 250 volts AC or DC.

(v) Work applicator shielding. Protective cages or adequate shielding shall be used to guard work applicators other than induction heating coils. Induction heating coils shall be protected by insulation and/or refractory materials. Interlock switches shall be used on all hinged access doors, sliding panels, or other such means of access to the applicator. Interlock switches shall be connected in such a manner as to remove all power from the applicator when any one of the access doors or panels is open. Interlocks on access doors or panels are not required if the applicator is an induction heating coil at DC ground potential or operating at less than 150 volts AC.

(vi) Disconnecting means. A readily accessible disconnecting means shall be provided by which each unit of heating equipment can be isolated from its supply circuit.

(c) Remote control. If remote controls are used for applying power, a selector switch shall be provided and interlocked to provide power from only one control point at a time. Switches operated by foot pressure shall be provided with a shield over the contact button to avoid accidental closing the switch.

(8) Electrolytic cells.

(a) Scope. These provisions for electrolytic cells apply to the installation of the electrical components and accessory equipment of electrolytic cells, electrolytic cell lines, and process power supply for the production of aluminum, cadmium, chlorine, copper, fluorine, hydrogen peroxide, magnesium, sodium, sodium chlorate, and zinc. Cells used as a source of electric energy and for electroplating processes and cells used for production of hydrogen are not covered by these provisions.

(b) Definitions applicable to this subsection.

Cell line: An assembly of electrically interconnected electrolytic cells supplied by a source of direct-current power.

Cell line attachments and auxiliary equipment: Cell line attachments and auxiliary equipment include, but are not limited to: Auxiliary tanks; process piping; duct work; structural supports; exposed cell line conductors; conduits and other raceways; pumps; positioning equipment and cell cutout or bypass electrical devices. Auxiliary equipment also includes tools, welding machines, crucibles, and other portable equipment used for operation and maintenance within the electrolytic cell line working zone. In the cell line working zone, auxiliary equipment includes the exposed conductive surfaces of ungrounded cranes and crane-mounted cell-servicing equipment.

Cell line working zone: The cell line working zone is the space envelope wherein operation or maintenance is normally performed on or in the vicinity of exposed energized surfaces of cell lines or their attachments.

Electrolytic cells: A receptacle or vessel in which electrochemical reactions are caused by applying energy for the purpose of refining or producing usable materials.

(c) Application. Installations covered by subsection (8) of this section shall comply with all applicable provisions of this section except as follows:

(i) Overcurrent protection of electrolytic cell DC process power circuits need not comply with the requirements of WAC 296-24-95607(5).

(ii) Equipment located or used within the cell line working zone or associated with the cell line DC power circuits need not comply with the provisions of WAC 296-24-95607(6).

(iii) Electrolytic cells, cell line conductors, cell line attachments, and the wiring of auxiliary equipment and devices within the cell line working zone need not comply with the provisions of WAC 296-24-95605 and 296-24-95607(2) and (3).

(d) Disconnecting means.

(i) If more than one DC cell line process power supply serves the same cell line, a disconnecting means shall be provided on the cell line circuit side of each power supply to disconnect it from the cell line circuit.

(ii) Removable links or removable conductors may be used as the disconnecting means.

(e) Portable electric equipment.

(i) The frames and enclosures of portable electric equipment used within the cell line working zone may not be grounded. However, these frames and enclosures may be grounded if the cell line circuit voltage does not exceed 200 volts DC or if the frames are guarded.

(ii) Ungrounded portable electric equipment shall be distinctively marked and may not be interchangeable with grounded portable electric equipment.

(f) Power supply circuits and receptacles for portable electric equipment.

(i) Circuits supplying power to ungrounded receptacles for hand-held, cord-and plug-connected equipment shall be electrically isolated from any distribution system supplying areas other than the cell line working zone and shall be ungrounded. Power for these circuits shall be supplied through isolating transformers.

(ii) Receptacles and their mating plugs for ungrounded equipment may not have provision for a grounding conductor and shall be of a configuration which prevents their use for equipment required to be grounded.

(iii) Receptacles on circuits supplied by an isolating transformer with an ungrounded secondary shall have a distinctive configuration, shall be distinctively marked, and may not be used in any other location in the plant.

(g) Fixed and portable electric equipment.

(i) AC systems supplying fixed and portable electric equipment within the cell line working zone need not be grounded.

(ii) Exposed conductive surfaces, such as electric equipment housings, cabinets, boxes, motors, raceways and the like that are within the cell line working zone need not be grounded.

(iii) Auxiliary electrical devices, such as motors, transducers, sensors, control devices, and alarms, mounted on an electrolytic cell or other energized surface, shall be connected by any of the following means:

(A) Multiconductor hard usage or extra hard usage flexible cord;

(B) Wire or cable in suitable raceways; or

(C) Exposed metal conduit, cable tray, armored cable, or similar metallic systems installed with insulating breaks such that they will not cause a potentially hazardous electrical condition.

(iv) Fixed electric equipment may be bonded to the energized conductive surfaces of the cell line, its attachments, or auxiliaries. If fixed electric equipment is mounted on an energized conductive surface, it shall be bonded to that surface.

(h) Auxiliary nonelectric connections. Auxiliary nonelectric connections, such as air hoses, water hoses, and the like, to an electrolytic cell, its attachments, or auxiliary equipment may not have continuous conductive reinforcing wire, armor, braids, and the like. Hoses shall be of a nonconductive material.

(i) Cranes and hoists.

(i) The conductive surfaces of cranes and hoists that enter the cell line working zone need not be grounded. The portion of an overhead crane or hoist which contacts an energized electrolytic cell or energized attachments shall be insulated from ground.

(ii) Remote crane or hoist controls which may introduce hazardous electrical conditions into the cell line working zone shall employ one or more of the following systems:

(A) Insulated and ungrounded control circuit;

(B) Nonconductive rope operator;

(C) Pendent pushbutton with nonconductive supporting means and having nonconductive surfaces or ungrounded exposed conductive surfaces; or

(D) Radio.

(9) Electrically driven or controlled irrigation machines. (See WAC 296-24-95603(2)(c).)

(a) Lightning protection. If an electrically driven or controlled irrigation machine has a stationary point, a driven ground rod shall be connected to the machine at the stationary point for lightning protection.

(b) Disconnecting means. The main disconnecting means for a center pivot irrigation machine shall be located at the point of connection of electrical power to the machine and shall be readily accessible and capable of being locked in the open position. A disconnecting means shall be provided for each motor and controller.

(10) Swimming pools, fountains, and similar installations.

(a) Scope. Subdivisions (b) through (e) of this subsection apply to electric wiring for and equipment in or adjacent to all swimming, wading, therapeutic, and decorative pools and fountains, whether permanently installed or storable, and to metallic auxiliary equipment, such as pumps, filters, and similar equipment. Therapeutic pools in health care facilities are exempt from these provisions.

(b) Lighting and receptacles.

(i) Receptacles. A single receptacle of the locking and grounding type that provides power for a permanently installed swimming pool recirculating pump motor may be located not less than 5 feet from the inside walls of a pool. All other receptacles on the property shall be located at least 10 feet from the inside walls of a pool. Receptacles which are located within 15 feet of the inside walls of the pool shall be protected by ground-fault circuit interrupters.

NOTE: In determining these dimensions, the distance to be measured is the shortest path the supply cord of an appliance connected to the receptacle would follow without piercing a floor, wall, or ceiling of a building or other effective permanent barrier.

(ii) Lighting fixtures and lighting outlets.

(A) Unless they are 12 feet above the maximum water level, lighting fixtures and lighting outlets may not be installed over a pool or over the area extending 5 feet horizontally from the inside walls of a pool. However, a lighting fixture or lighting outlet which has been installed before (eff. date), may be located less than 5 feet measured horizontally from the inside walls of a pool if it is at least 5 feet above the surface of the maximum water level and shall be rigidly attached to the existing structure. It shall also be protected by a ground-fault circuit interrupter installed in the branch circuit supplying the fixture.

(B) Unless installed 5 feet above the maximum water level and rigidly attached to the structure adjacent to or enclosing the pool, lighting fixtures and lighting outlets installed in the area extending between 5 feet and 10 feet horizontally from the inside walls of a pool shall be protected by a ground-fault circuit interrupter.

(c) Cord-connected and plug-connected equipment. Flexible cords used with the following equipment may not exceed 3 feet in length and shall have a copper equipment grounding conductor with a grounding-type attachment plug.

(i) Cord-connected and plug-connected lighting fixtures installed within 16 feet of the water surface of permanently installed pools.

(ii) Other cord-connected and plug-connected, fixed or stationary equipment used with permanently installed pools.

(d) Underwater equipment.

(i) A ground-fault circuit interrupter shall be installed in the branch circuit supplying underwater fixtures operating at more than 15 volts. Equipment installed underwater shall be approved for the purpose.

(ii) No underwater lighting fixtures may be installed for operation at over 150 volts between conductors.

(e) Fountains. All electric equipment operating at more than 15 volts, including power supply cords, used with fountains shall be protected by ground-fault circuit interrupters. (See WAC 296-24-95603(2)(c).)

NEW SECTION

WAC 296-24-95613 HAZARDOUS (CLASSIFIED) LOCATIONS. (1) Scope. This section covers the requirements for electric equipment and wiring in locations which are classified depending on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers which may be present therein and the likelihood that a flammable combustible concentration or quantity is present. Hazardous (classified) locations may be found in occupancies such as, but not limited to, the following: Aircraft hangars, gasoline dispensing and service stations, bulk storage plants for gasoline or other volatile flammable liquids, paint-finishing process plants, health care facilities, agricultural or other facilities where excessive combustible dusts may be present, marinas, boat yards, and petroleum and chemical processing plants. Each room, section or area shall be considered individually in determining its classification. These hazardous (classified) locations are assigned six designations as follows:

- Class I, Division 1
- Class I, Division 2
- Class II, Division 1
- Class II, Division 2
- Class III, Division 1
- Class III, Division 2

For definitions of these locations see WAC 296-24-95601(1). All applicable requirements in this subpart shall apply to hazardous (classified) locations, unless modified by provisions of this section.

(2) Electrical installations. Equipment, wiring methods, and installations of equipment in hazardous (classified) locations shall be intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location. Requirements for each of these options are as follows:

(a) Intrinsically safe. Equipment and associated wiring approved as intrinsically safe shall be permitted in

any hazardous (classified) location for which it is approved.

(b) Approved for the hazardous (classified) location.

(i) Equipment shall be approved not only for the class of location but also for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present.

NOTE: NFPA 70, the National Electrical Code, lists or defines hazardous gases, vapors, and dusts by "Groups" characterized by their ignitable or combustible properties.

(ii) Equipment shall be marked to show the class, group, and operating temperature or temperature range, based on operation in a 40 degrees C ambient, for which it is approved. The temperature marking may not exceed the ignition temperature of the specific gas or vapor to be encountered. However, the following provisions modify this marking requirement for specific equipment:

(A) Equipment of the nonheat-producing type, such as junction boxes, conduit, and fittings, and equipment of the heat-producing type having a maximum temperature not more than 100 degrees C (212 degrees F) need not have a marked operating temperature or temperature range.

(B) Fixed lighting fixtures marked for use in Class I, Division 2 locations only, need not be marked to indicate the group.

(C) Fixed general-purpose equipment in Class I locations, other than lighting fixtures, which is acceptable for use in Class I, Division 2 locations need not be marked with the class, group, division, or operating temperature.

(D) Fixed dust-tight equipment, other than lighting fixtures, which is acceptable for use in Class II, Division 2 and Class III locations need not be marked with the class, group, division, or operating temperature.

(c) Safe for the hazardous (classified) location. Equipment which is safe for the location shall be of a type and design which the employer demonstrates will provide protection from the hazards arising from the combustibility and flammability of vapors, liquids, gases, dusts, or fibers.

NOTE: The National Electrical Code, NFPA 70, contains guidelines for determining the type and design of equipment and installations which will meet this requirement. The guidelines of this document address electric wiring, equipment, and systems installed in hazardous (classified) locations and contain specific provisions for the following: Wiring methods, wiring connections; conductor insulation, flexible cords, sealing and drainage, transformers, capacitors, switches, circuit breakers, fuses, motor controllers, receptacles, attachment plugs, meters, relays, instruments, resistors, generators, motors, lighting fixtures, storage battery charging equipment, electric cranes, electric hoists and similar equipment, utilization equipment, signaling systems, alarm systems, remote control systems, local loud speaker and communication systems, ventilation piping,

live parts, lighting surge protection, and grounding. Compliance with these guidelines will constitute one means, but not the only means, of compliance with this subsection.

(3) Conduits. All conduits shall be threaded and shall be made wrench-tight. Where it is impractical to make a threaded joint tight, a bonding jumper shall be utilized.

(4) Equipment in Division 2 locations. Equipment that has been approved for a Division 1 location may be installed in a Division 2 location of the same class and group. General-purpose equipment or equipment in general-purpose enclosures may be installed in Division 2 locations if the equipment does not constitute a source of ignition under normal operating conditions.

(5) Motors and generators.

(a) Motors and generators shall conform to the following: Class I, Division 1. In Class I, Division 1 locations, motors, generators and other rotating electric machinery shall be: (i) Approved for Class I, Division 1 locations (explosion-proof); or (ii) of the totally enclosed type supplied with positive-pressure ventilation from a source of clean air with discharge to a safe area, so arranged to prevent energizing of the machine until ventilation has been established and the enclosure has been purged with at least 10 volumes of air, and also arranged to automatically de-energize the equipment when the air supply fails; or (iii) of the totally enclosed inert-gas-filled type supplied with a suitable reliable source of inert gas for pressuring the enclosure, with devices provided to ensure a positive pressure in the enclosure and arranged to automatically de-energize the equipment when the gas supply fails; or (iv) of a type designed to be submerged in a liquid which is flammable only when vaporized and mixed with air, or in a gas or vapor at a pressure greater than atmospheric and which is flammable only when mixed with air; and the machine is so arranged to prevent energizing it until it has been purged with the liquid or gas to exclude air, and also arranged to automatically de-energize the equipment when the supply of liquid, or gas or vapor fails or the pressure is reduced to atmospheric. Totally enclosed motors of types (ii) and (iii) shall have no external surface with an operating temperature in degrees Celsius in excess of eighty percent of the ignition temperature of the gas or vapor involved, as determined by ASTM test procedure (Designation: D-2155-69). Appropriate devices shall be provided to detect any increase in temperature of the motor beyond design limits and automatically de-energize the equipment or provide an adequate alarm. Auxiliary equipment shall be of a type approved for the location in which it is installed.

(b) An installation or equipment is acceptable to the director of labor and industries, and approved within the meaning of WAC 296-24-95601(1) under the following conditions as stated in WAC 296-24-950(4)(b):

(i) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc., and Factory Mutual Engineering Corporation; or

(ii) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another Federal agency, or by a state, municipal, or local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in WAC 296-24-956; or

(iii) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by, a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his authorized representatives.

NEW SECTION

WAC 296-24-95615 SPECIAL SYSTEMS. (1) Systems over 600 volts, nominal. Subdivisions (a) through (d) of this subsection cover the general requirements for all circuits and equipment operated at over 600 volts.

(a) Wiring methods for fixed installations.

(i) Above-ground conductors shall be installed in rigid metal conduit, in intermediate metal conduit, in cable trays, in cablebus, in other suitable raceways, or as open runs of metal-clad cable suitable for the use and purpose. However, open runs of nonmetallic-sheathed cable or of bare conductors or busbars may be installed in locations accessible only to qualified persons. Metallic shielding components, such as tapes, wires, or braids for conductors, shall be grounded. Open runs of insulated wires and cables having a bare lead sheath or a braided outer covering shall be supported in a manner designed to prevent physical damage to the braid or sheath.

(ii) Conductors emerging from the ground shall be enclosed in approved raceways. (See WAC 296-24-95603(2)(c).)

(b) Interrupting and isolating devices.

(i) Circuit breaker installations located indoors shall consist of metal-enclosed units or fire-resistant cell-mounted units. In locations accessible only to qualified personnel, open mounting of circuit breakers is permitted. A means of indicating the open and closed position of circuit breakers shall be provided.

(ii) Fused cutouts installed in buildings or transformer vaults shall be of a type approved for the purpose. They shall be readily accessible for fuse replacement.

(iii) A means shall be provided to completely isolate equipment for inspection and repairs. Isolating means which are not designed to interrupt the load current of the circuit shall be either interlocked with an approved circuit interrupter or provided with a sign warning against opening them under load.

(c) Mobile and portable equipment.

(i) Power cable connections to mobile machines. A metallic enclosure shall be provided on the mobile machine for enclosing the terminals of the power cable. The enclosure shall include provisions for a solid connection for the ground wire(s) terminal to effectively ground the

machine frame. The method of cable termination used shall prevent any strain or pull on the cable from stressing the electrical connections. The enclosure shall have provision for locking so only authorized qualified persons may open it and shall be marked with a sign warning of the presence of energized parts.

(ii) Guarding live parts. All energized switching and control parts shall be enclosed in effectively grounded metal cabinets or enclosures. Circuit breakers and protective equipment shall have the operating means projecting through the metal cabinet or enclosure so these units can be reset without locked doors being opened. Enclosures and metal cabinets shall be locked so that only authorized qualified persons have access and shall be marked with a sign warning of the presence of energized parts. Collector ring assemblies on revolving-type machines (shovels, draglines, etc.) shall be guarded.

(d) Tunnel installations.

(i) Application. The provisions of this subsection apply to installation and use of high-voltage power distribution and utilization equipment which is portable and/or mobile, such as substations, trailers, cars, mobile shovels, draglines, hoists, drills, dredges, compressors, pumps, conveyors, and underground excavators.

(ii) Conductors. Conductors in tunnels shall be installed in one or more of the following:

- (A) Metal conduit or other metal raceway,
- (B) Type MC cable, or
- (C) Other approved multiconductor cable.

Conductors shall also be so located or guarded as to protect them from physical damage. Multiconductor portable cable may supply mobile equipment. An equipment grounding conductor shall be run with circuit conductors inside the metal raceway or inside the multiconductor cable jacket. The equipment grounding conductor may be insulated or bare.

(iii) Guarding live parts. Bare terminals of transformers, switches, motor controllers, and other equipment shall be enclosed to prevent accidental contact with energized parts. Enclosures for use in tunnels shall be drip-proof, weatherproof, or submersible as required by the environmental conditions.

(iv) Disconnecting means. A disconnecting means that simultaneously opens all ungrounded conductors shall be installed at each transformer or motor location.

(v) Grounding and bonding. All nonenergized metal parts of electric equipment and metal raceways and cable sheaths shall be effectively grounded and bonded to all metal pipes and rails at the portal and at intervals not exceeding 1000 feet throughout the tunnel.

(2) Emergency power systems.

(a) Scope. The provisions for emergency systems apply to circuits, systems, and equipment intended to supply power for illumination and special loads, in the event of failure of the normal supply.

(b) Wiring methods. Emergency circuit wiring shall be kept entirely independent of all other wiring and equipment and may not enter the same raceway, cable, box, or cabinet as other wiring except either where common circuit elements suitable for the purpose are required, or for transferring power from the normal to the emergency source.

(c) Emergency illumination. Where emergency lighting is necessary, the system shall be so arranged that the failure of any individual lighting element, such as the burning out of a light bulb, cannot leave any space in total darkness.

(3) Class 1, Class 2, and Class 3 remote control, signaling, and power-limited circuits.

(a) Classification. Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits are characterized by their usage and electrical power limitation which differentiates them from light and power circuits. These circuits are classified in accordance with their respective voltage and power limitations as summarized in items (a)(i) through (a)(iii) of this subsection.

(i) Class 1 circuits.

(A) A Class 1 power-limited circuit is supplied from a source having a rated output of not more than 30 volts and 1000 volt-amperes.

(B) A Class 1 remote control circuit or a Class 1 signaling circuit has a voltage which does not exceed 600 volts; however, the power output of the source need not be limited.

(ii) Class 2 and Class 3 circuits.

(A) Power for Class 2 and Class 3 circuits is limited either inherently (in which no overcurrent protection is required) or by a combination of a power source and overcurrent protection.

(B) The maximum circuit voltage is 150 volts AC or DC for a Class 2 inherently limited power source, and 100 volts AC or DC for a Class 3 inherently limited power source.

(C) The maximum circuit voltage is 30 volts AC and 60 volts DC for a Class 2 power source limited by overcurrent protection, and 150 volts AC or DC for a Class 3 power source limited by overcurrent protection.

(iii) The maximum circuit voltages in items (a)(i) and (a)(ii) of this subsection apply to sinusoidal AC or continuous DC power sources, and where wet contact occurrence is not likely.

(b) Marking. A Class 2 or Class 3 power supply unit shall be durably marked where plainly visible to indicate the class of supply and its electrical rating. (See WAC 296-24-95603(2)(c).)

(4) Fire protective signaling systems. (See WAC 296-24-95603(2)(c).)

(a) Classifications. Fire protective signaling circuits shall be classified either as nonpower limited or power limited.

(b) Power sources. The power sources for use with fire protective signaling circuits shall be either power limited or nonlimited as follows:

(i) The power supply of nonpower-limited fire protective signaling circuits shall have an output voltage not in excess of 600 volts.

(ii) The power for power-limited fire protective signaling circuits shall be either inherently limited, in which no overcurrent protection is required, or limited by a combination of power source and overcurrent protection.

(c) Nonpower-limited conductor location. Nonpower-limited fire protective signaling circuits and Class 1 circuits may occupy the same enclosure, cable, or raceway

provided all conductors are insulated for maximum voltage of any conductor within the enclosure, cable or raceway. Power supply and fire protective signaling circuit conductors are permitted in the same enclosure, cable, or raceway only if connected to the same equipment.

(d) Power-limited conductor location. Where open conductors are installed, power-limited fire protective signaling circuits shall be separated at least 2 inches from conductors of any light, power, Class 1, and nonpower-limited fire protective signaling circuits unless a special and equally protective method of conductor separation is employed. Cables and conductors of two or more power-limited fire protective signaling circuits or Class 3 circuits are permitted in the same cable, enclosure, or raceway. Conductors of one or more Class 2 circuits are permitted within the same cable, enclosure, or raceway with conductors of power-limited fire protective signaling circuits provided that the insulation of Class 2 circuit conductors in the cable, enclosure, or raceway is at least that needed for the power-limited fire protective signaling circuits.

(e) Identification. Fire protective signaling circuits shall be identified at terminal and junction locations in a manner which will prevent unintentional interference with the signaling circuit during testing and servicing. Power-limited fire protective signaling circuits shall be durably marked as such where plainly visible at terminations.

(5) Communications systems.

(a) Scope. These provisions for communication systems apply to such systems as central-station-connected and noncentral-station-connected telephone circuits, radio and television receiving and transmitting equipment, including community antenna television and radio distribution systems, telegraph, district messenger, and outside wiring for fire and burglar alarm, and similar central station systems. These installations need not comply with the provisions of WAC 296-24-95605 through 296-24-95615(4) except WAC 296-24-95607(3)(a) and 296-24-95613(2).

(b) Protective devices.

(i) Communication circuits so located as to be exposed to accidental contact with light or power conductors operating at over 300 volts shall have each circuit so exposed provided with a protector approved for the purpose.

(ii) Each conductor of a lead-in from an outdoor antenna shall be provided with an antenna discharge unit or other suitable means that will drain static charges from the antenna system.

(c) Conductor location.

(i) Outside of buildings.

(A) Receiving distribution lead-in or aerial-drop cables attached to buildings and lead-in conductors to radio transmitters shall be so installed as to avoid the possibility of accidental contact with electric light or power conductors.

(B) The clearance between lead-in conductors and any lightning protection conductors may not be less than 6 feet.

(ii) On poles. Where practicable, communication conductors on poles shall be located below the light or power conductors. Communications conductors may not be attached to a crossarm that carries light or power conductors.

(iii) Inside of buildings. Indoor antennas, lead-ins, and other communication conductors attached as open conductors to the inside of buildings shall be located at least 2 inches from conductors of any light or power or Class 1 circuits unless a special and equally protective method of conductor separation, approved for the purpose, is employed.

(d) Equipment location. Outdoor metal structures supporting antennas, as well as self-supporting antennas such as vertical rods or dipole structures, shall be located as far away from overhead conductors of electric light and power circuits of over 150 volts to ground as necessary to avoid the possibility of the antenna or structure falling into or making accidental contact with such circuits.

(e) Grounding.

(i) Lead-in conductors. If exposed to contact with electric light and power conductors, the metal sheath of aerial cables entering buildings shall be grounded or shall be interrupted close to the entrance to the building by an insulating joint or equivalent device. Where protective devices are used, they shall be grounded in an approved manner.

(ii) Antenna structures. Masts and metal structures supporting antennas shall be permanently and effectively grounded without splice or connection in the grounding conductor.

(iii) Equipment enclosures. Transmitters shall be enclosed in a metal frame or grill or separated from the operating space by a barrier, all metallic parts of which are effectively connected to ground. All external metal handles and controls accessible to the operating personnel shall be effectively grounded. Unpowered equipment and enclosures shall be considered grounded where connected to an attached coaxial cable with an effectively grounded metallic shield.

NEW SECTION

WAC 296-24-95617 EFFECTIVE DATE. WAC 296-24-956 through 296-24-95617 shall become effective sixty days after filing with the Code Reviser.

NEW SECTION

WAC 296-24-95699 APPENDICES. Appendix A - Reference documents. The following references provide information which can be helpful in understanding and complying with the requirements contained in WAC 296-24-956 through 296-24-95615.

ANSI A17.1-71 Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks.

ANSI B9.1-71 Safety Code for Mechanical Refrigeration.

ANSI B30.2-76 Safety Code for Overhead and Gantry Cranes.

ANSI B30.3-75 Hammerhead Tower Cranes.

ANSI B30.4-73 Safety Code for Portal, Tower, and Pillar Cranes.

ANSI B30.5-68 Safety Code for Crawler, Locomotive, and Truck Cranes.

ANSI B30.6-77 Derricks.

ANSI B30.7-77 Base Mounted Drum Hoists.

ANSI B30.8-71 Safety Code for Floating Cranes and Floating Derricks.

ANSI B30.11-73 Monorail Systems and Underhung Cranes.

ANSI B30.12-75 Handling Loads Suspended from Rotorcraft.

ANSI B30.13-77 Controlled Mechanical Storage Cranes.

ANSI B30.15-73 Safety Code for Mobile Hydraulic Cranes.

ANSI B30.16-73 Overhead Hoists.

ANSI C2-81 National Electrical Safety Code.

ANSI C33.27-74 Safety Standard for Outlet Boxes and Fittings for Use in Hazardous Locations, Class I, Groups A, B, C, and D, and Class II, Groups E, F, and G.

ANSI K61.1-72 Safety Requirements for the Storage and Handling of Anhydrous Ammonia.

ASTM D2155-66 Test Method for Autoignition Temperature of Liquid Petroleum Products.

ASTM D3176-74 Method for Ultimate Analysis of Coal and Coke.

ASTM D3180-74 Method for Calculating Coal and Coke Analyses from As Determined to Different Bases.

IEEE 463-77 Standard for Electrical Safety Practices in Electrolytic Cell Line Working Zones.

NFPA 20-76 Standard for the Installation of Centrifugal Fire Pumps.

NFPA 30-78 Flammable and Combustible Liquids Code.

NFPA 32-74 Standard for Drycleaning Plants.

NFPA 33-73 Standard for Spray Application Using Flammable and Combustible Materials.

NFPA 34-74 Standard for Dip Tanks Containing Flammable or Combustible Liquids.

NFPA 35-76 Standard for the Manufacture of Organic Coatings.

NFPA 36-74 Standard for Solvent Extraction Plants.

NFPA 40-74 Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film.

NFPA 56A-73 Standard for the Use of Inhalation Anesthetics (Flammable and Nonflammable).

NFPA 56F-74 Standard for Nonflammable Medical Gas Systems.

NFPA 58-76 Standard for the Storage and Handling of Liquefied Petroleum Gases.

NFPA 59-76 Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants.

NFPA 70-78 National Electrical Code.

NFPA 70C-74 Hazardous Locations Classification.

NFPA 70E Standard for the Electrical Safety Requirements for Employee Workplaces.

NFPA 71-77 Standard for the Installation, Maintenance, and Use of Central Station Signaling Systems.

- NFPA 72A-75 Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems for Watchman, Fire Alarm, and Supervisory Service.
- NFPA 72B-75 Standard for the Installation, Maintenance, and Use of Auxiliary Protective Signaling Systems for Fire Alarm Service.
- NFPA 72C-75 Standard for the Installation, Maintenance, and Use of Remote Station Protective Signaling Systems.
- NFPA 72D-75 Standard for the Installation, Maintenance, and Use of Proprietary Protective Signaling Systems for Watchman, Fire Alarm, and Supervisory Service.
- NFPA 72E-74 Standard for Automatic Fire Detectors.
- NFPA 74-75 Standard for Installation, Maintenance, and Use of Household Fire Warning Equipment.
- NFPA 76A-73 Standard for Essential Electrical Systems for Health Care Facilities.
- NFPA 77-72 Recommended Practice on Static Electricity.
- NFPA 80-77 Standard for Fire Doors and Windows.
- NFPA 86A-73 Standard for Ovens and Furnaces; Design, Location and Equipment.
- NFPA 88A-73 Standard for Parking Structures.
- NFPA 88B-73 Standard for Repair Garages.
- NFPA 91-73 Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal, or Conveying.
- NFPA 101-78 Code for Safety to Life from Fire in Buildings and Structures. (Life Safety Code.)
- NFPA 325M-69 Fire-Hazard Properties of Flammable Liquids, Gases, and Volatile Solids.
- NFPA 493-75 Standard for Intrinsically Safe Apparatus for Use in Class I Hazardous Locations and Its Associated Apparatus.
- NFPA 496-74 Standard for Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations.
- NFPA 497-75 Recommended Practice for Classification of Class I Hazardous Locations for Electrical Installations in Chemical Plants.
- NFPA 505-75 Fire Safety Standard for Powered Industrial Trucks Including Type Designations and Areas of Use.
- NMAB 353-1-79 Matrix of Combustion-Relevant Properties and Classification of Gases, Vapors, and Selected Solids.
- NMAB 353-2-79 Test Equipment for Use in Determining Classifications of Combustible Dusts.
- NMAB 353-3-80 Classification of Combustible Dusts in Accordance with the National Electrical Code.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-65043 ALL MOTOR VEHICLE AND TRAILER OPERATIONS. When motor vehicles and trailers are operated on public right-of-way, highways or similar areas, the equipment shall be operated and maintained in conformance with the Motor Vehicle Code of the State of Washington, chapters 46.04 through 46.61 RCW.

(1) Whenever and wherever such motor vehicle is operated, such equipment shall have a safe functioning brake and an emergency brake. In addition, all motor vehicles and trailers shall have such equipment as is necessary for the safe operation of the vehicle(s).

(a) When traveling, employees must ride inside the vehicle and shall not ride on the sides or on the top, nor shall employees ascend or descend a motor vehicle when such vehicle is in motion.

(b) Employees shall not ride on trailers except in cases where the trailer requires an employee to steer or brake the trailer.

(c) A truck shall not be moved from place to place with the ladder erect other than when positioning the truck at a given location. This rule does not apply to approved tower or fixed ladder trucks.

(d) Warning signs, flares and other protective devices shall be used which shall conform with the requirements for road construction or maintenance as set forth in chapter 46.37 RCW.

(2) Vehicles shall be positioned as far off the driving lanes as possible, while performing emergency operations or repairs. The 4-way flashers and rotation amber lights shall be actuated. The rotating amber lights shall be visible at 360 degrees, in accordance with chapter 204-38 WAC. Safety cones shall be installed in front of and behind the vehicle. If the operation is for more than a short duration, they shall comply with traffic control procedures.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-52-043 USE OF EXPLOSIVES AND BLASTING AGENTS. (1) General provisions.

(a) While explosives are being handled or used, smoking, matches, or any other source of fire or flame shall not be allowed within 100 feet of the blast area. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or Class II magazines shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat or material that is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags and barricades.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location

and intended item of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by Washington State Department of Highways Manual M24-01 (HT), (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked(;).

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 Radio Pilot Lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5-25	100
25-50	150
50-100	220
100-250	350
250-500	450
500-1,000	650
1,000-2,500	1,000
2,500-5,000	1,500
5,000-10,000	2,200
10,000-25,000	3,500
25,000-50,000	5,000
50,000-100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1-10	5
10-30	10
30-60	15
60-250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) All loading and firing shall be directed and supervised by a licensed blaster thoroughly experienced in this field. The employer shall permit only licensed persons to prepare explosives at the blasting site.

(i) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(j) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(k) Electric detonators shall be shunted until wired into the blasting circuit.

(l) Explosives shall not be handled near open flames, uncontrolled sparks or open electric circuits.

(m) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(n) All loading and firing shall be directed and supervised by licensed persons thoroughly experienced in this field.

(o) User (blaster) qualifications:

(i) A user (blaster) shall be able to understand given written and oral orders.

(ii) A user (blaster) shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(iii) A user (blaster) shall be qualified by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local laws and regulations which pertain to explosives.

(iv) User (blaster) shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(v) The user (blaster) shall be knowledgeable and competent in the use of each type of blasting method used.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) Containers of explosives shall not be opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the department shall be notified. Such explosives must be carefully set aside and must not be used.

(3) Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

NOTE: Where it is necessary to clear obstacles for the moving of equipment there may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended at the blast site, unless properly stored.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than fifty feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden ((or)), mats or tracking of drills out of the loading area.

(k) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes.

Cables in the proximity of the blast area shall be deenergized and locked out.

(l) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(m) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(n) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

(o) A bore hole shall never be sprung when it is adjacent to or near a hole which has been loaded.

(p) No loaded holes shall be left unattended.

(q) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(r) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges – electric blasting.

(a) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous. Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with an approved testing device at the terminals before being connected to the blasting machine or other power source.

(f) The circuit including all caps shall be tested with an approved testing device before being connected to the firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty gauge (American Wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen gauge (American Wire gauge) solid core insulated wire. Bus wires – depends on the size

of the blast, fourteen gauge (American Wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "Off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "Off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "Off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting testers especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or properly stored.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three feet. When shooting choker holes, not less than three feet of fuse shall be used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot in forty seconds or slower than one foot in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossties between loops at intervals of not over two hundred feet.

(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

(7) Firing the blast.

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

TABLE T-1

WARNING SIGNAL — A 1-minute series of long blasts 5 minutes prior to blast signal.

BLAST SIGNAL — A series of short blasts 1 minute prior to the shot.

ALL CLEAR SIGNAL — A prolonged blast following the inspection of blast area.

(8) Inspection after blasting.

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

(9) Misfires.

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole reblasted. If refring of the misfired hole presents a hazard, the explosives may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

(10) Underwater blasting.

(a) A user (blaster) shall conduct all blasting operations.

(b) Loading tubes and casings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a nonsparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-043(9).

(11) Blasting in excavation work in pressurized air locks.

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No material, supplies, or equipment shall be brought through with the explosives.

(c) Primers, detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) Vibration and damage control. Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

(15) No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and

transportation of explosives or blasting agents constitutes an undue hazard to life.

(16) It shall be unlawful for any person to abandon explosives or explosive substances.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-52-090 CONSTRUCTION OF MAGAZINES. (1) Construction of permanent storage facilities.

(a) Definition. A Class 1 storage facility shall be a permanent structure; a building, an igloo or army-type structure, a tunnel, or a dugout. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated.

(b) Buildings. All building type storage facilities shall be constructed of masonry, wood, metal, or a combination of these materials and shall have no openings except for entrances and ventilation. Ground around such storage facilities shall slope away for drainage.

(c) Masonry wall construction. Masonry wall construction shall consist of brick, concrete, tile, cement block, or cinder block and shall be not less than 6 inches in thickness. Hollow masonry units used in construction shall have all hollow spaces filled with well tamped coarse dry sand or weak concrete (a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior wall shall be covered with a nonsparking material.

(d) Fabricated metal wall construction. Metal wall construction shall consist of sectional sheets of steel or aluminum not less than number 14 gauge, securely fastened to a metal framework. Such metal wall construction shall be either lined inside with brick, solid cement blocks, hardwood not less than 4 inches in thickness or material of equivalent strength, or shall have at least a 6 inch sand fill between interior and exterior walls. Interior walls shall be constructed of or covered with a nonsparking material.

(e) Wood frame wall construction. The exterior of outer wood walls shall be covered with iron or aluminum not less than number 26 gauge. An inner wall of nonsparking materials shall be constructed so as to provide a space of not less than 6 inches between the outer and inner walls, which space shall be filled with coarse dry sand or weak concrete.

(f) Floors. Floors shall be constructed of a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored.

(g) Foundations. Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings shall be enclosed with metal.

(h) Roof.

(i) Except for buildings with fabricated metal roofs, the outer roof shall be covered with no less than number 26-gauge iron or aluminum fastened to a 7/8 inch sheathing.

(ii) Where it is possible for a bullet to be fired directly through the roof and into the storage facility at such an angle that the bullet would strike a point below the top

of inner walls, storage facilities shall be protected by one of the following methods:

(A) A sand tray shall be located at the tops of inner walls covering the entire ceiling area, except that necessary for ventilation, lined with a layer of building paper, and filled with not less than 4 inches of coarse dry sand.

(B) A fabricated metal roof shall be constructed of 3/16 inch plate steel lined with 4 inches of hardwood or material of equivalent strength (For each additional 1/16 inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch).

(i) Doors. All doors shall be constructed of 1/4 inch plate steel and lined with 2 inches of hardwood or material of equivalent strength. Hinges and hasps shall be attached to the doors by welding, riveting or bolting (nuts on inside of door). They shall be installed in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(j) Locks. Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock, or with a mortise lock that requires two keys to open; or a three-point lock. Locks shall be five-tumbler proof. All padlocks shall be protected with 1/4 inch steel caps constructed so as to prevent sawing or lever action on the locks or hasps.

(k) Ventilation. Except at doorways, a 2 inch air space shall be left around ceilings and the perimeter of floors. Foundation ventilators shall be not less than 4 by 6 inches. Vents in the foundation, roof, or gables shall be screened and offset.

(l) Exposed metal. No sparking metal construction shall be exposed below the top of walls in the interior of storage facilities, and all nails therein shall be blind-nailed or countersunk.

(m) Igloos, army-type structures, tunnels and dugouts. Storage facilities shall be constructed of reinforced concrete, masonry, metal or a combination of these materials. They shall have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors shall be covered with a nonsparking material. Storage facilities of this type shall also be constructed in conformity with the requirements of subsection (1), subdivisions (a), (b), (f), (i), (j), (k) and (l) of this section.

(2) Construction of portable (field) storage facilities.

(a) Definition. A Class 2 storage facility shall be a box, a trailer, a semitrailer or other mobile facility. It shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Except as provided in subsection (3) of this section, hinges and hasps shall be attached to the covers or doors in the manner prescribed in subsection (1), subdivision (i) and the locking system shall be that prescribed in subsection (1) subdivision (j).

(b) Outdoor storage facilities. Outdoor storage facilities shall be at least one cubic yard in size and supported in such a manner so as to prevent direct contact with the ground. The sides, bottoms, tops and covers or doors shall be constructed of 1/4 inch steel and shall be lined with two inches of hardwood or material of equivalent strength. Edges of metal covers shall overlap sides at

least one inch. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or shall be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Division of Industrial Safety and Health.

NOTE: The following alternatives may be used. (All steel and wood dimensions indicated are actual thicknesses. To meet the concrete block and brick dimensions indicated, the manufacturer's represented thicknesses may be used.)

(i) Exterior of 5/8-inch steel, lined with an interior of any type of nonsparking material.

(ii) Exterior of 1/2-inch steel, lined with an interior of not less than 3/8-inch plywood.

(iii) Exterior of 3/8-inch steel, lined with an interior of two inches of hardwood.

(iv) Exterior of 3/8-inch steel, lined with an interior of three inches of softwood or 2-1/4-inches of plywood.

(v) Exterior of 1/4-inch steel, lined with an interior of five inches of softwood or 5-1/4-inches of plywood.

(vi) Exterior of 3/16-inch steel, lined with an interior of four inches of hardwood.

(vii) Exterior of 3/16-inch steel, lined with an interior of seven inches of softwood or 6-3/4-inches of plywood.

(viii) Exterior of 3/16-inch steel, lined with an intermediate layer of three inches of hardwood and an interior lining of 3/4-inch plywood.

(ix) Exterior of 1/8-inch steel, lined with an interior of five inches of hardwood.

(x) Exterior of 1/8-inch steel, lined with an interior of nine inches of softwood.

(xi) Exterior of 1/8-inch steel, lined with an intermediate layer of four inches of hardwood and an interior lining of 3/4-inch plywood.

(xii) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate layer of four inches solid concrete block or four inches solid brick or four inches of solid concrete, and an interior lining of 1/2-inch plywood placed securely against the masonry lining.

(xiii) Standard eight-inch concrete block with voids filled with well-tamped sand/cement mixture.

(xiv) Standard eight-inch solid brick.

(xv) Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate six-inch space filled with well-tamped dry sand or well-tamped sand/cement mixture.

(xvi) Exterior of 1/8-inch steel, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8 inches well-tamped dry sand or sand/cement mixture and an interior lining of 3/4-inch plywood.

(xvii) Exterior of any type of fire-resistant material, lined with a first intermediate layer of 3/4-inch plywood, a second intermediate layer of 3-5/8-inch well-tamped dry sand or sand/cement mixture, a third intermediate layer of 3/4-inch plywood, and a fourth intermediate layer of two inches of hardwood or 14-gauge steel and an interior lining of 3/4-inch plywood.

(xviii) Eight-inch thick solid concrete.

(3) Class 3 storage for 1,000 or less blasting caps in a locked uninhabited building. Storage facilities for blasting caps in quantities of 1,000 or less shall have sides, bottoms, and covers constructed of number 12 gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumble proof lock shall be sufficient for locking purposes.

(4) Construction of blasting agent storage facilities.

(a) A Class 4 storage facility may be a building, an igloo, or army-type structure, a tunnel, a dugout, a box, a trailer, or a semi-trailer or other mobile facility and shall be fire-resistant, weather-resistant, theft-resistant, and ventilated. They shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of such storage facilities shall be lined with a nonsparking material. The doors or covers shall be metal or solid wood covered with metal. The foundations, locks, lock protection, hinges, hasps, and interior shall be in conformity with the requirements of subsection (1), subdivisions (g), (i), (j), (k), and (l).

(b) Outdoor storage facilities. The ground around such storage facilities shall slope away for drainage. When unattended, vehicular storage facilities shall have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Division of Industrial Safety and Health.

(5) Smoking and open flames.

Smoking, matches, open flames, and spark-producing devices shall not be permitted in, or within 50 feet of, any outdoor storage facility.

(6) Quantity and storage restrictions.

General. Explosive materials in excess of 300,000 pounds and blasting caps in excess of 20 million shall not be stored in one storage facility. Blasting caps shall not be stored with other explosive materials in the same storage facility.

(7) Construction of day box storage facilities.

(a) A temporary storage facility shall be a "day-box" or other portable (facility. It shall be constructed in the same manner prescribed for Class 2 outdoor storage facilities in subsection (2), except that it may be less than one cubic yard in size, and shall be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and well ventilated. Hinges, hasps, locks, and lock protection shall be in conformity with the requirements of subsection (1), subdivisions (i) and (j) of this section) magazine. It must be fire-resistant, weather-resistant, and theft-resistant. A magazine is to be constructed of not less than number 12-gauge (.1046 inches) steel, lined with at least either 1/2-inch plywood or 1/2-inch Masonite-type hardboard. Doors must overlap sides by at least one inch. Hinges and hasps are to be attached by welding, riveting or bolting (nuts on inside). One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8-inch diameter is sufficient for locking purposes. Explosive materials are not to be left unattended in magazines and must be removed to class 1 or 2 magazines for unattended storage.

(b) The ground around such storage facilities shall slope away for drainage.

(c) No explosive materials shall be left in such facilities if unattended. The explosive materials contained therein must be removed to licensed storage facilities for unattended storage.

(d) When used for temporary storage at a site for blasting operations, magazines shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty feet shall be maintained between magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds, or less.

(8) Cap day box.

(a) Temporary storage facilities for blasting caps in quantities of 100 or less shall have sides, bottoms and covers constructed of number 12 gauge metal and lined with a nonsparking material. Hinges and hasps shall be attached thereto by welding. A single five-tumbler proof lock shall be sufficient for locking purposes.

(b) No explosive materials shall be left in such facilities if unattended. The explosive materials contained therein must be removed to licensed storage facilities for unattended storage.

(9) Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(b) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives. Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that metal slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(c) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(d) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(e) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(f) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(g) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines. The land surrounding a magazine shall be kept clear of all combustible materials for a distance of at least 25 feet. Combustible materials shall not be stored within 50 feet of magazines.

(h) Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

(i) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel has determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(10) Magazine heating systems requirements, NFPA Code No. 495, "Manufacture, Transportation, Storage and Use of Explosive Materials, 1973". The following will apply:

(a) Magazines requiring heat shall be heated by either hot water radiant heating within the magazine building; or air directed into the magazine building over either hot water or low pressure steam (15 psig) coils located outside the magazine building.

(b) The magazine heating systems shall meet the following requirements:

(i) The radiant heating coils within the building shall be installed in such a manner that the explosive materials or their containers cannot contact the coils and air is free to circulate between the coils and the explosive materials or their containers.

(ii) The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the explosive materials or their containers.

(iii) The heating device used in connection with a magazine shall have controls which prevent the ambient building temperature from exceeding 130°F.

(iv) The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine and shall be grounded.

(v) The electric fan motor and the controls for electrical heating devices used in heating water or steam shall have overloads and disconnects, which comply with the National Electrical Code, (National Fire Protection Association, NFPA No. 70-1971). All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

(vi) The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electrical and 50 feet when fuel-fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

(vii) The storage of explosive materials and their containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the explosive materials.

(11) Lighting. No lighting shall be placed or used in a storage facility of Class 1, 2, 3 or 4 except battery-activated safety lanterns.

(12) Underground storage.

(a) Explosives and related materials shall be stored in approved facilities required under the applicable provisions of WAC 296-61-280(7), (8), Safety Standard Metal and Nonmetallic Mines, Quarries, Pits, and Crushing Operations.

(b) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been developed.

(c) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(d) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

(e) Upon the approach of an electrical storm, unless a greater hazard would be created thereby, explosives at the adit or the top of any shaft leading to where persons are working shall be moved away from such location a distance equal to that required for inhabited buildings, as listed in the American table of distances for storage of explosive materials.

AMENDATORY SECTION (Amending Order 81-19, filed 7/27/81)

WAC 296-62-07101 SCOPE. This standard sets forth accepted practices when respiratory protection is used in controlling employee exposures to harmful air contaminants to comply with permissible exposure limits or to protect employees in oxygen-deficient atmospheres, or when respirators are utilized for emergency or rescue use.

AMENDATORY SECTION (Amending Order 81-19, filed 7/27/81)

WAC 296-62-07115 USE OF RESPIRATORS.

(1) Standard operating procedures. Written standard operating procedures shall cover a complete respirator program and shall include information necessary for the proper use of respirators, including training of respirator wearers, respirator sealing tests, issuance of respirators,

inspection of respirators prior to use, monitoring respirator use, monitoring respiratory hazard, and planning for routine, nonroutine, emergency, and rescue uses of respirators.

(a) The written standard operating procedures shall include plans necessary to ensure the safe routine use and nonroutine use of respirators. Emergency and rescue uses of respirators shall be anticipated, and the written standard operating procedures shall include plans necessary to ensure the safe emergency and rescue uses of respirators. Persons who wear respirators routinely, who wear respirators nonroutinely, and who may be required to wear respirators for emergency and rescue work shall be given adequate information concerning plans covering these respirator uses to ensure the safe use of respirators.

(b) Standard operating procedures for emergency and rescue use of respirators. It is recognized that it is not possible to foresee every emergency and rescue use of respirators for every kind of operation. Nevertheless, a wide variety of possible conditions requiring the emergency or rescue use of respirators can be envisioned and an adequate emergency and rescue respirator-response capability can be achieved through a serious effort to anticipate the worst possible consequences of particular malfunctions or mishaps.

The written standard operating procedures governing the emergency and rescue uses of respirators shall be developed in the following manner:

(i) An analysis of the emergency and rescue uses of respirators that may occur in each operation shall be made by careful consideration of materials, equipment, processes, and personnel involved. Such an analysis shall be reviewed by the person who is thoroughly familiar with the particular operation. Consideration shall be given to past occurrences requiring emergency or rescue uses of respirators as well as conditions which resulted in such respirator applications. The possible consequences of equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error shall be given consideration. All potential hazards which may result in emergency or rescue use of respirators shall be listed.

(ii) Based upon the analysis, appropriate types of respirators shall be selected, an adequate number shall be provided for each area where they may be needed for emergency or rescue use, and these respirators shall be maintained and stored so that they are readily accessible and operational when needed.

(iii) 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.

(iv) When self-contained breathing apparatus or (~~hose masks~~) airline respirators with (~~blowers~~) an escape provision are used in atmospheres immediately dangerous to life or health, standby workers must be present at the nearest fresh air base with suitable rescue equipment.

(v) 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 worker or workers with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(2) Training. The supervisor, the person issuing respirators, and the respirator wearers shall be given adequate training by a qualified person(s) to ensure the proper use of respirators. Written records shall be kept of the names of the persons trained and the dates when training occurred.

(a) Training of supervisor. A supervisor – that is, a person who has the responsibility of overseeing the work activities of one or more persons who must wear respirators – shall be given adequate training to ensure the proper use of respirators.

(b) Training of person issuing respirators. A person assigned the task of issuing respirators to persons who must wear respirators for protection against harmful atmospheres shall be given adequate training to ensure that the correct respirator is issued for each application in accordance with written standard operating procedures.

(c) Training of respirator wearer. To ensure the proper and safe use of a respirator, the minimum training of each respirator wearer shall include the following elements:

- (i) The reasons for the need of respiratory protection.
- (ii) The nature, extent, and effects of respiratory hazards to which the person may be exposed.
- (iii) An explanation of why engineering controls are not being applied or are not adequate and of what effort is being made to reduce or eliminate the need for respirators.
- (iv) An explanation of why a particular type of respirator has been selected for a specific respiratory hazard.
- (v) An explanation of the operation, and the capabilities and limitations, of the respirator selected.
- (vi) Instruction in inspecting, donning, checking the fit of, and wearing the respirator.
- (vii) An opportunity for each respirator wearer to handle the respirator, learn how to don and wear it properly, check its seals, wear it in a safe atmosphere, and wear it in a test atmosphere.
- (viii) An explanation of how maintenance and storage of the respirator is carried out.
- (ix) Instructions in how to recognize and cope with emergency situations.
- (x) Instructions as needed for special respirator use.
- (xi) Regulations concerning respirator use.

(A) Wearing instructions and training. Wearing instructions and training, including practice demonstrations, shall be given to each respirator wearer and shall cover:

- (aa) Donning, wearing, and removing the respirator.
- (bb) Adjusting the respirator so that its respiratory-inlet covering is properly fitted on the wearer and so that

the respirator causes a minimum of discomfort to the wearer.

(cc) Allowing the respirator wearer to wear the respirator in a safe atmosphere for an adequate period of time to ensure that the wearer is familiar with the operational characteristics of the respirator.

(dd) Providing the respirator wearer an opportunity to wear the respirator in a test atmosphere to demonstrate that the respirator provides protection to the wearer. A test atmosphere is any atmosphere in which the wearer can carry out activities simulating work movements and respirator leakage or respirator malfunction can be detected by the wearer.

(B) Retraining. Each respirator wearer shall be retrained as necessary to assure effective respirator use. Refresher training shall be given at least annually and shall include the provisions of WAC 296-62-07115(2)(c)(vii) through (2)(c)(xi)(cc).

(3) Respirator sealing problems. Respirators shall not be worn when conditions prevent a seal of the respirator to the wearer.

(a) A person who has hair (stubble, ((moustache)) mustache, sideburns, beard, low hairline, bangs) which passes between the face and the sealing surface of the facepiece of the respirator shall not be permitted to wear such a respirator.

(b) A person who has hair (((moustache)) mustache, beard) which interferes with the function of a respirator valve(s) shall not be permitted to wear the respirator.

(c) A spectacle which has temple bars or straps which pass between the sealing surface of a respirator full facepiece and the wearer's face shall not be used.

(d) A head covering which passes between the sealing surface of a respirator facepiece and the wearer's face shall not be used.

(e) The wearing of a spectacle, a goggle, a faceshield, a welding helmet, or other eye and face protective device which interferes with the seal of a respirator to the wearer shall not be allowed.

(f) If scars, hollow temples, excessively protruding cheekbones, deep creases in facial skin, the absence of teeth or dentures, or unusual facial configurations prevent a seal of a respirator facepiece to a wearer's face, the person shall not be permitted to wear the respirator.

(g) If missing teeth or dentures prevent a seal of a respirator mouthpiece in a person's mouth, the person shall not be allowed to wear a respirator equipped with a mouthpiece.

(h) If a person has a nose of a shape or size which prevents the closing of the nose by the nose clamp of a mouthpiece/nose-clamp type of respirator, the person shall not be permitted to wear this type of respirator.

(4) Respirator sealing tests. To ensure proper protection, the wearer of a respirator equipped with a facepiece shall check the seal of the facepiece prior to each entry into a hazardous atmosphere. This may be done using procedures recommended by respirator manufacturers or by approved field tests.

(5) Issuance of respirators. The proper respirator shall be specified for each application and shall be listed in the written standard operating procedures. If a respirator is marked for the worker to whom it is assigned or

for other identification purposes, the markings shall not affect the respirator performance in any way.

(6) Respirator inspection prior to use. Each person issued a respirator for routine, nonroutine, emergency, or rescue use shall inspect the respirator prior to its use to ensure that it is in good operating condition.

(7) Monitoring respirator use. The use of respirators on a routine or nonroutine basis shall be monitored to ensure that the correct respirators are being used, that the respirators are being worn properly and that the respirators being used are in good working condition.

(8) Evaluation of respiratory hazard during use. The level of the respiratory hazard in the workplace to which a person wearing a respirator is exposed shall be evaluated periodically.

(9) Leaving a hazardous area. A respirator wearer shall be permitted to leave the hazardous area for any respirator-related cause. Reasons which may cause a respirator wearer to leave a hazardous area include, but are not limited to, the following:

(a) Failure of the respirator to provide adequate protection.

(b) Malfunction of the respirator.

(c) Detection of leakage of air contaminant into the respirator.

(d) Increase in resistance of respirator to breathing.

(e) Severe discomfort in wearing the respirator.

(f) Illness of respirator wearer, including: sensation of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever, and chills.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-155-485 SCAFFOLDING. (1) General requirements.

(a) All applicable rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in chapter 296-24 WAC, "General Safety and Health Standards", shall apply within the construction industry. (See WAC 296-24-825 through 296-24-84013.)

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. (~~The guardrail shall not be more than 18 inches from the edge of the outside platform plank on the outside face (opposite the building wall or structure) except on plasterer's and lather's scaffolds as permitted by WAC 296-155-485(18)(i). On the inside face (next to building or structure) the scaffold shall be as close to the building or structure as possible, but in no case shall~~

~~the platform planks be more than 18 inches from the building or structure unless a standard guardrail is provided on the inside face of the scaffold:))~~ Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement and the platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (12) and ~~((24))~~ (23) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and it shall be constructed and erected in accordance with such design.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(i) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing.

(j) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(k) Longitudinal diagonal bracing on the inner and outer rows of poles shall be installed at approximately a 45° angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated load.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(d) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer.

(5) Manually propelled mobile scaffolds.

(a) When freestanding mobile scaffold towers are used, the height shall not exceed four times the minimum base dimension.

(b) Casters shall be properly designed for strength and dimensions to support four times the maximum intended load. All casters shall be provided with a positive locking device to hold the scaffold in position.

(c) Scaffolds shall be properly braced by cross bracing and horizontal bracing conforming with subsection (4)(c) of this section.

(d) Platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(e) A ladder or stairway shall be provided for proper access and exit and shall be affixed or built into the scaffold and so located that when in use it will not have a tendency to tip the scaffold. A landing platform must be provided at intervals not to exceed 35 feet.

(f) The force necessary to move the mobile scaffold shall be applied near or as close to the base as practicable and provision shall be made to stabilize the tower during movement from one location to another. Scaffolds shall only be moved on level floors, free of obstructions and openings.

(g) The employer shall not allow employees to ride on manually propelled scaffolds unless the following conditions exist:

(i) The floor or surface is within 3° of level, and free from pits, holes, or obstructions;

(ii) The minimum dimension of the scaffold base when ready for rolling, is at least one-half of the height. Outriggers, if used, shall be installed on both sides of staging;

(iii) The wheels are equipped with rubber or similar resilient tires;

(iv) All tools and materials are secured or removed from the platform before the mobile scaffold is moved.

(h) Scaffolds in use by any persons shall rest upon a suitable footing and shall stand plumb. The casters or wheels shall be locked to prevent any movement.

(i) Mobile scaffolds constructed of metal members shall also conform to applicable provisions of subsections (2), (3), and (4) of this section, depending on the material of which they are constructed.

(6) Elevating and rotating work platforms. Applicable requirements of American National Standards Institute A92.2-1969, Vehicle Mounted Elevating and Rotating Work Platforms, shall be complied with for such equipment, as required by the provisions of WAC 296-155-580.

(7) Outrigger scaffolds.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to anchorage point, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be securely anchored either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open

container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(8) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the Department of Labor and Industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall at all times remain on the drum. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of

equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(9) (Swinging scaffolds) two-point suspension.

(a) 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.

(b) The hangers of two-point suspension scaffolds shall be made of mild steel, or other equivalent materials, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the Department of Labor and Industries.

(d) The roof irons or hooks shall be of 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.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used.

(g) All wire ropes, fiber and synthetic 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.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break, the lanyard of the safety belt shall be tied off to a substantial member of the scaffold itself or

to a horizontal lifeline substantially attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be in the near proximity to the suspension droplines to prevent unnecessary side impact. The safety dropline shall also have a 6 to 1 safety factor.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of 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 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the 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-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than nominal 2- x 10-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 12 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 8 feet.

(iii) Beam-type platforms. 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- x 6-inch cross beams, 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. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the Department of Labor and Industries.

(10) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (9)(j), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

(11) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the Department of Labor and Industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall then comply with subsection (9) of this section.

(g) The supporting cable shall be vertical for its entire length, and the basket shall not be swayed nor the cable fixed to any intermediate points to change the original path of travel.

(h) Suspension methods shall conform to applicable provisions of subsections (8) and (9) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(12) Boatwain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thickness. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting.

(b) 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.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) 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.

(f) 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.

(13) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support.

(14) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(15) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(16) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225.

(17) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

~~(18) ((Plasterers' and lathers' tubular welded frame scaffolds:~~

~~(a) Plasterers' and lathers' scaffolds shall be erected in accordance with requirements of this section:~~

~~(b) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.~~

~~(c) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons:~~

~~(d) Scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed, constructed, and erected to safely support four times the maximum rated loads.~~

~~(e) Spacing of panels or frames shall be consistent with the loads imposed.~~

~~(f) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.~~

~~(g) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means:~~

~~(h) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.~~

~~(i) The outside face (opposite the building wall) of the scaffold shall be fully cross braced with a horizontal continuous guardrail attached to the lower cross brace lock pins. (See Figure J-1.)~~

~~(j) The inside face (next to building wall) of the scaffold shall have a continuous horizontal brace attached to the upper cross brace lock pins.~~

~~(k) The outrigger plank shall be no more than 18 inches from the finished wall.~~

~~(l) The scaffold platform shall be planked to leave no more than a 22-inch maximum opening between the outside plank and the outside vertical member of the scaffold frame. (See Figure J-2.)~~

~~NOTE: The scaffold frame may be utilized to travel from one working level to another working level, provided the scaffold is of the type typified in Figure J-2.~~

~~(m) Any scaffold over three frames high shall have a standard inside ladder installed.~~

~~(n) All end runs shall be provided with a standard top rail and mid rail.~~

~~(o) All outside ends of turns shall be provided with a standard top rail and mid rail or with a cross brace and horizontal rail at the bottom of the cross brace.~~

~~(p) If no wall or studs are present on the building side of any scaffold over ten feet high, safety belts shall be used.~~

~~(19)) Interior hung scaffolds.~~

~~(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.~~

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

~~((20)) (19) Ladder jack scaffolds.~~

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1968, Safety Code for Portable Wood Ladders, and A14.2-1968, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) Not more than two employees shall occupy any given 8 feet of any ladder jack scaffold at any one time.

~~((21)) (20) Window jack scaffolds.~~

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

~~((22)) (21) Roofing brackets.~~

(a) Roofing brackets shall be constructed to fit the pitch of the roof.

(b) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-

grade manila of at least 3/4-inch diameter, or equivalent.

(c) A catch platform shall be installed below the working area of roofs more than 16 feet from the ground to eaves with a slope greater than 4 inches in 12 inches without a parapet. In width, the platform shall extend 2 feet beyond the protection of the eaves and shall be provided with a guardrail, midrail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

~~((23))~~ (22) Crawling boards or chicken ladders.

(a) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1 1/2 inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

~~((24))~~ (23) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with WAC 296-155-225.

~~((25))~~ (24) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown

in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

~~((26))~~ (25) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds; and

(ii) Be capable of supporting without failure at least four times the maximum intended load.

(iii) The manufactured components shall not be loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d) (i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless safety belts with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

~~((27))~~ (26) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

~~((28))~~ (27) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

~~((29))~~ (28) Ladder supported scaffolds.

(a) Box scaffolds.

(i) A step ladder scaffold, trestle scaffold, or an extension trestle scaffold shall be composed of two or more step ladders, or trestle ladders, or trestle, or extension trestle placed in line and supporting the platform in the interval or intervals, or in paralleled lines supporting stringers in the interval or intervals, upon which are supported kick plank platforms, not exceeding one platform to each bay. Such scaffolds are also known as "box scaffolds."

(ii) The number of persons working on each bay shall not exceed three at any one time.

(b) Step ladder scaffolds.

(i) Platforms more than 8 feet above the floor level shall not be supported on step ladders.

(ii) Platforms shall not be supported on the top step of a step ladder unless it is provided with stops at least one inch high at each side to prevent the plank from slipping off.

(c) Trestle ladder scaffolds.

(i) Platforms more than 16 feet above the floor level shall not be supported on trestle ladders.

(ii) The top of the trestle ladder shall be at least three steps above the level of the scaffold platform.

(iii) Where an extension trestle ladder is used to support a scaffold platform the maximum height of the platform shall be 20 feet above the floor level and the point of support on the extension section shall not be more than 6 feet above the apex of the base section.

(d) Extension trestle scaffolds.

(i) Platforms supported on extension trestles shall not be more than 16 feet above the floor level.

(ii) Ladders shall be provided for access to extension trestle scaffolds. Workers shall not climb up or down on the extension trestle.

(iii) It shall be the individual responsibility of the supervisor and of each worker to make sure that all clamps and fastenings on the extension trestle are secure before employees are allowed to work on the scaffold.

~~((30))~~ (29) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two planks wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

~~((31))~~ (30) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-200 ROLL-OVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS USED IN AGRICULTURAL OPERATIONS. (1) Scope. Agricultural tractors manufactured after October 25, 1976, shall meet the requirements in this section.

(2) Roll-over protective structure. A roll-over protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in subsection (6) of this section, ROPS used on wheel-type tractors shall meet the test and performance requirements of WAC 296-306-250 through 296-306-25023 and ROPS used on track-type tractors shall meet the test and performance requirements of WAC 296-306-260 through 296-306-270. (See ROPS Design and Testing Criteria Addendum.)

(3) Seatbelts. (a) Where ROPS are required by this section, the employer shall:

(i) Provide each tractor with a seatbelt which meets the requirements of this subsection;

(ii) Require that each employee uses such seatbelt while the tractor is moving; and

(iii) Require that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.

(b) Each seatbelt shall meet the requirements set forth in Society of Automotive Engineers Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies,* except as noted hereafter:

(i) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.

(ii) The seatbelt anchorage shall be capable of withstanding tensile loading as required by WAC 296-306-275 through 296-306-275(2)(c).

(iii) The seatbelt webbing material shall have a resistance to acids, alkalis, mildew, aging, moisture and sunlight equal to or better than that of untreated polyester fiber.

(4) Protection from spillage. Batteries, fuel tanks, oil reservoirs and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.

(5) Protection from sharp surfaces. All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(6) Exempted uses. Items (2) and (3) of this section do not apply to the following uses:

(a) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use in incidental to the work performed therein.

(b) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate,

and while their use is incidental to the work performed therein.

(c) Tractors while used with mounted equipment which is incompatible with ROPS (e.g., cornpickers, cotton strippers, vegetable pickers and fruit harvesters.)

(d) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than 7-miles per hour, when used only for tillage or harvesting operations and while their use is incidental thereto, and which:

(i) Does not involve operating on slopes in excess of 40 degrees from horizontal, and

(ii) Does not involve operating on piled crop products or residue, as for example, silage in stacks or pits, and

(iii) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep which contain slopes of more than 40 degrees from horizontal, and

(iv) Does not involve construction-type operation, such as bulldozing, grading or land clearing.

(7) Remounting. Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this subsection.

(8) Labeling. Each ROPS shall have a label, permanently affixed to the structure, which states:

(a) Manufacturer's or fabricator's name and address;

(b) ROPS model number, if any;

(c) Tractor makes, models, or series numbers that the structure is designed to fit; and

(d) That the ROPS model was tested in accordance with the requirements of this section.

(9) Operating instructions. Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Exhibit A of this section and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.

*Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096.

EXHIBIT A

EMPLOYEE OPERATING INSTRUCTIONS

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments and holes.
3. Reduce speed when turning, crossing slopes and on rough, slick or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads and around trees.
6. Passengers, other than persons required for instruction or machine operation, shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.
7. Operate the tractor smoothly—no jerky turns, starts, or stops.

8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.

NOTE: See Number LI-414-28.

WSR 82-08-027

ADOPTED RULES

PARKS AND RECREATION COMMISSION

[Order 59—Filed March 31, 1982]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to moorage and the use of marine facilities. WAC 352-12-005 definitions; 352-12-010 moorage and use of marine facilities; 352-12-020 moorage fees; 352-12-030 seasonal permits; 352-12-040 use of onshore campsites; and 352-12-050 self-registration.

This action is taken pursuant to Notice No. WSR 82-04-058 filed with the code reviser on February 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.060 and is intended to administratively implement that statute.

The undersigned hereby declares that he had 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 15, 1982

By Robert T. McCoy
Rules Coordinator

NEW SECTION

WAC 352-12-005 DEFINITIONS. As used in this chapter, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Commission" shall mean the Washington state parks and recreation commission. Where appropriate, the term "Commission" also refers to the staff and employees of the Washington state parks and recreation commission.

(2) "Facility" shall mean state park floats, piers and mooring buoys.

(3) "Vessel" shall mean watercraft of every description, used or capable of being used as a means of transportation on the water.

(4) "Commercial vessel" shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, but shall not include vessels operated within the terms of a concession lease or agreement with the commission.

(5) "Length" shall mean the overall length of a vessel as measured in a straight line parallel to the keel from

the foremost part of the vessel to the aftermost part, not including bowsprit or bunkin or as shown on vessel's State or Coast Guard registration certificate.

(6) "Night" shall mean the period between 3 p.m. and 8 a.m.

AMENDATORY SECTION (Amending Order, filed 6/30/65)

WAC 352-12-010 MOORAGE AND USE OF MARINE FACILITIES. (1) No person or persons shall moor (~~(, dock)~~) or berth (~~(a boat or other object overnight)~~) a vessel of any type in a (~~(Washington state parks and recreation)~~) commission owned (~~(and/)~~) or operated park or marine area except in designated marine park areas and at designated facilities.

(2) Use of (~~(these)~~) designated marine park areas and facilities by commercial ((craft)) vessels is prohibited. (~~(For the purpose of this rule "commercial craft" shall mean craft used for any commercial purpose but shall not include a commercial craft operated within the terms of a concession lease with the commission.)~~)

(3) In order to afford the general public the greatest possible use of (~~(such)~~) marine park facilities, continuous moorage ((occupancy)) at a facility by the same vessel, person or persons ((of facilities in any area is)) shall be limited to ((thirty-six hours-)) three consecutive nights, unless otherwise posted ((Shorter or longer limitation for occupancy may be established)) by the ((Washington state parks and recreation)) commission at any individual facility or area.

(4) In order to maximize usable space at mooring floats, boaters shall, whenever necessary, moor their vessels as close as reasonably possible to vessels already moored. Rafting of vessels is also permitted, within posted limits, but not mandatory.

(5) Use of any state park marine facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(6) Dinghies shall be tied up only in designated spaces on moorage floats.

(7) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall be permitted on state park floats or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the ranger shall make final determination.

NEW SECTION

WAC 352-12-020 MOORAGE FEES. (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through Labor Day, inclusive, according to the following schedule:

(a) Twenty-six (26) feet in length, and over, \$5.00 per night;

(b) Under twenty-six (26) feet in length, \$3.00 per night: PROVIDED, however, vessels properly displaying

a valid seasonal permit shall not be charged a nightly moorage fee: PROVIDED FURTHER, there shall be no moorage fee for dinghies, vessels moored to state park buoys, or any vessel riding on its own anchor: PROVIDED FURTHER, there shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty (30) minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

NEW SECTION

WAC 352-12-030 SEASONAL PERMITS. (1) Seasonal moorage permits may be obtained for the period May 1 through Labor Day, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the commission headquarters, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504.

(2) Seasonal moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. Seasonal permits for vessels twenty-six (26) feet in length and over shall cost \$40.00; for vessels under twenty-six (26) feet in length shall cost \$24.00.

(3) Seasonal permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

NEW SECTION

WAC 352-12-040 USE OF ONSHORE CAMPSITES. If any person or persons from a vessel moored at a state park marine facility also occupies any designated campsite onshore, the appropriate fee for such campsite(s) established in WAC 352-32-250 shall be paid in addition to any moorage fee provided for herein.

NEW SECTION

WAC 352-12-050 SELF-REGISTRATION. In those marine park areas so posted by the commission, park visitors shall register for the use of marine facilities and onshore campsites, and pay the appropriate moorage and campsite fees as provided for herein, on a self-registration basis, in accordance with all posted instructions. Failure to so register and pay moorage and campsite fees may result in eviction from moorage and campsite space, in addition to any other penalty prescribed by law for violation of commission rules and regulations.

WSR 82-08-028

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—March 30, 1982]

The locations for the May and June meetings of the Human Rights Commission are as follows: May 20,

1982, East Central Community Center, South 500 Stone, Spokane, WA 99218; and June 17, 1982, Washington State Human Rights Commission, Conference Room, 4th Floor, 1601 2nd Avenue Building, Seattle, WA 98101.

The meetings will begin at the regular time of 9:30 a.m.

WSR 82-08-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-26—Filed March 31, 1982]

I, Rolland A. Schmitt, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing rules.

I, Rolland A. Schmitt, 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 regulation to change angling hours needed for Cowlitz River fishery. Regulation change on Cowlitz River needed to maximize the opportunity to harvest surplus hatchery return of spring chinook salmon.

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

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

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

APPROVED AND ADOPTED March 31, 1982.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-56-22500A SALMON ANGLING HOURS—FRESHWATER. *Notwithstanding the provisions of WAC 220-56-225, unless otherwise provided it is unlawful to take, fish for or possess salmon for personal use in all freshwater areas of the state from one hour after official sunset to one hour before official sunrise.*

NEW SECTION

WAC 220-57-17500J COWLITZ RIVER. *Notwithstanding the provisions of WAC 220-57-175, that portion of the Cowlitz River downstream of a line drawn perpendicular to the river from the mouth of Mill Creek is open to night-time fishing from April 1 to July 31.*

WSR 82-08-030
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1754—Filed March 31, 1982]

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to a new section in chapter 16-232 WAC regarding restricted use herbicides in Kittitas County.

This action is taken pursuant to Notice No. WSR 82-05-053 filed with the code reviser on February 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 17.21.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 25, 1982.

By M. Keith Ellis
Director

NEW SECTION

WAC 16-232-300 AREA UNDER ORDER. All lands lying within the boundaries of Kittitas County.

NEW SECTION

WAC 16-232-305 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 16-232-310 AREA 1. (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth Parallel Road for approximately three-fourths mile to Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using Danger Area Restrictions (see WAC 16-230-675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: PROVIDED, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: PROVIDED, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) 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 on all lands within 500 feet of all orchards.

NEW SECTION

WAC 16-232-315 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 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 16-232-320 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 16-230-600 through WAC 16-230-675 and WAC 16-228-165(1)(o).

WSR 82-08-031

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1755—Filed March 31, 1982—Eff. May 1, 1982]

I, M. Keith Ellis, director of the Washington Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted noxious weed seeds, chapter 16-300 WAC.

This action is taken pursuant to Notice No. WSR 82-04-080 filed with the code reviser on February 3, 1982. Such rules shall take effect at a later date, such date being May 1, 1982.

This rule is promulgated pursuant to RCW 15.49.370 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 31, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order No. 1604, filed 4/30/79)

WAC 16-300-020 RESTRICTED NOXIOUS WEED SEEDS. (1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label.

<u>English or Common Name</u>	<u>Botanical or Scientific Name</u>
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Dodder	Cuscuta spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Gromwell (only in small grain)	Lithospermum arvense
Halogeton	Halogeton glomeratus C.A. Mey.
Jointed goatgrass (only in small grain)	Aegilops ((Cylindrica) <i>cylindrica</i>)
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim.) Nevski
((Pacific Meadow-foxtail))	((Alopecurus myosuroides Huds. Fl. Angl.))
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
((Rye (only in other small grain))	((Secale cereale))
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.

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 82-08-032

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1756—Filed March 31, 1982—Eff. May 1, 1982.]

I, M. Keith Ellis, director of the Washington Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to seed testing charges, chapter 16-304 WAC.

This action is taken pursuant to Notice No. WSR 82-04-081 filed with the code reviser on February 3, 1982. Such rules shall take effect at a later date, such date begin May 1, 1982.

This rule is promulgated pursuant to RCW 15.49.370 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 31, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order No. 1688, filed 5/30/80)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY & GERM (c)	TETRA- ZOLIUM 200 Seeds
Bentgrass(*)	2 oz.	(\$19.50) \$21.50	(\$12.00) \$13.00	(\$10.50) \$11.50	(\$30.00) \$33.00	(\$16.00) \$18.00
Bluegrass(*)	4 oz.	(+6.00) 18.00	(+0.00) 11.00	(+1.00) 12.00	(+27.00) 30.00	(+16.00) 18.00
Bromegrass	6 oz.	(+7.50) 19.00	(+0.00) 11.00	(+9.00) 10.00	(+26.50) 30.00	(+16.00) 18.00
Fescue	4 oz.	(+6.00) 18.00	(+0.00) 11.00	(+9.00) 10.00	(+25.00) 28.00	(+16.00) 18.00
Orchardgrass	4 oz.	(+9.50) 21.00	(+2.00) 13.00	(+0.00) 11.00	(+29.50) 32.00	(+16.00) 18.00
Ryegrass	4 oz.	(+6.00) 18.00	(+0.00) 11.00	(+8.50) 9.50	(+24.50) 27.50	(+16.00) 18.00
Crested Wheatgrass	4 oz.	(+9.50) 21.50	(+2.00) 13.00	(+0.00) 11.00	(+29.50) 32.50	(+16.00) 18.00
Other Wheatgrasses	6 oz.	(+28.00) 31.00	(+7.00) 19.00	(+0.00) 11.00	(+38.00) 42.00	(+16.00) 18.00
Other grasses	4 oz.	(+4.00) 15.00	(+8.50) 9.50	(+0.50) 9.50	(+22.50) 24.50	(+16.00) 18.00
Beans & Peas	1 1/4 lb.	(+0.00) 11.00	(+5.50) 6.50	(+9.00) 10.00	(+19.00) 21.00	(+16.00) 18.00
Cereals	1 1/4 lb.	(+0.50) 11.50	(+7.00) 8.00	(+9.00) 10.00	(+19.50) 21.50	(+16.00) 18.00
Other crops	4 oz.	(+0.50) 11.50	(+7.00) 8.00	(+9.00) 10.00	(+19.50) 21.50	(+16.00) 18.00
Mixture (for each additional kind)		(+8.50) 9.50		(+0.00) 11.00		(+16.00) 18.00
(*)Separation of other varieties		6.50 (Required when labeling bentgrass or bluegrass by variety name:))				
Beets		(+1.00) 12.00	(+6.50) 7.50	(+4.00) 15.00	(+25.00) 27.00	(+16.00)

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: 1 gram - bluegrass; 5 grams - alfalfa; and 100 grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: 10 grams - bluegrass; 50 grams - alfalfa; ~~(+100)~~ 500 grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on 400 seeds.

(c) Purity and Germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium Test - a chemical test that measures viability and germination potential. (A germination test should also be obtained).

(2) Special Tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or Weed Exam Noxious only
fee plus \$3.50
(or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each 5 grams \$ ~~(+8.50)~~
Poa annua check for other grasses - each 10 grams \$ ~~(+7.00)~~ \$14.00

(c) Sod Seed Analysis - \$14.00
Bluegrass \$49.00
Fescue \$35.00
Ryegrass \$28.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use).

Bluegrass test includes purity, ~~(variety separation;))~~ 25 gram all weed/all crop, except 10 gram Poa annua exam. Ryegrass and Fescue test includes purity, 100 gram all weed/all crop.

(Fluorescent required on Ryegrass; germ and fluorescent test additional fee).

- (d) Fluorescent Test - (400 seed test) \$11.00
- (e) Pest & Disease, Soil Exam or similar \$14.00
(Reported on Seed Analysis Certificate). A visual examination of a representative sample. ~~((Phyto requested in addition to analysis certificate, additional fee of \$ 7.00))~~
- (f) Sod Analysis Check - 50 gram exam to evaluate if a lot appears to be Sod Quality (phone report only) \$13.00
- (g) Variety Separation of Kentucky blue-grass \$16.00
If separated at time of purity analysis \$ 8.00
- (3) Inventory Testing for Germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.
 - (a) Reports will not be mailed until all tests are completed.
 - (b) Samples must be plainly labeled "Inventory Samples".
 - (c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.
 - (d) The fee for this service will be one-half the regular germination fee ~~((except for mixtures where the primary ingredient will be tested at half price - balance to be tested at regular germination fee))~~.
 - (e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.
- (4) Miscellaneous Laboratory Fees:
 - (a) Rush Samples (including phone report if requested at time sample is submitted ~~(\$7.00))~~
\$8.00
 - (b) Phone reports on test result, per call \$2.50
 - (c) Preliminary report on germination (phone report only) \$7.00
 - (d) Morphological Test \$7.00
(Alfalfa or clover examined under magnification for combine damage).
 - (e) Additional mailing of report (each destination) \$1.50
 - (f) Recopies of reports (minimum fee) \$2.50
(or hourly fee when applicable)
 - (g) ISTA Test - Purity and germination fee plus 50 percent
 - (h) Extra charge for samples requiring special preparation for germination, i.e. Beets, pelleted seeds, etc. \$5.50
 - (i) Hourly fee for miscellaneous services . . ~~(\$11.00))~~
\$16.00

AMENDATORY SECTION (Amending Order No. 1736, filed 5/15/81)

WAC 16-304-050 MISCELLANEOUS CHARGES.

- (1) Sanitary Certificate \$20.00
- (2) Service Sampling or similar service: The fee for each service requested shall be:
 - (a) Peas, beans, small grains or seeds of similar size per cwt \$ 0.03
 - (b) For all other kinds - per cwt \$ 0.15
 - (c) Minimum charge ~~(\$15.00))~~
\$16.00
- (3) Tagging and Sealing or similar service: The fee for each service requested shall be:
 - (a) For all kinds of seed - per cwt \$ 0.15
 - (b) Minimum fee ~~(\$15.00))~~
\$16.00
- (4) Checkweighing, checkloading, or similar service shall be - per hour ~~(\$12.50))~~
16.00
Minimum fee ~~(\$15.00))~~
\$16.00
- (5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of \$16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of \$16.00 per man hour.
- (6) Test plot examinations or consultant work in plots, fields, ~~((processing))~~ conditioning plants, etc. shall be at the rate of \$16.00 per hour plus mileage and travel time.
- (7) Requests for services not listed - most appropriate fee.

WSR 82-08-033

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1757-Filed March 31, 1982-Eff. May 1, 1982]

I, M. Keith Ellis, director of the Washington Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general seed certification; bean seed certification; sod quality standards; grass seed standards; and grass and bean varieties, chapter 16-316 WAC.

This action is taken pursuant to Notice No. WSR 82-04-082 filed with the code reviser on February 3, 1982. Such rules shall take effect at a later date, such date being May 1, 1982.

This rule is promulgated pursuant to RCW 15.49.310 and 15.49.370 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 31, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order No. 1648, filed 8/31/79)

WAC 16-316-160 PROHIBITED NOXIOUS WEEDS. The following weeds shall be considered prohibited noxious weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	Rorippa austriaca (Crantz) Bess.
Field bindweed	Convolvulus arvensis L.
Hedge bindweed	Convolvulus sepium L.
Camelthorn	Alhagi camelorum Fisch.
Canada thistle	Cirsium ((arvansae)) arvense (L.) Scop.
Dodder	Cuscuta spp.
Hairy whitetop	Cardaria pubescens (C.A. Mey.)
Hoary cress	Cardaria draba (L.) Desv.
Jointed goatgrass	Aegilops cylindrica
Leafy spurge	Euphorbia esula L.
((Pacific meadow-foxtail))	((Alopecurus myosuroides Huds. Ft.)) ((Angl.))
Perennial pepperweed	Lepidium latifolium L.
Perennial sowthistle	Sonchus arvensis L.
Quackgrass	Agropyron repens (L.) Beauv.
Russian knapweed	Centaurea repens L.
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudangrass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

AMENDATORY SECTION (Amending Order No. 1612, filed 4/30/79)

WAC 16-316-165 OBJECTIONABLE WEEDS. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Halogeton	Halogeton glomeratus C.A. Mey.
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.
Gromwell (in small grain) ((Rye (in other small grain)))	Lithospermum arvense ((Secale cereale))

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 16-316-214 LIMITATION OF LIABILITY. The Washington State Department of Agriculture warrants that the seed has been produced and conditioned according to the certification rules and regulations promulgated under the Washington State Seed Act, Chapter 15.49 RCW. The Department of Agriculture makes no warranty, expressed or implied, or any representation as to the freedom from disease or quality of certified seed.

AMENDATORY SECTION (Amending Order No. 1691, filed 5/30/80)

WAC 16-316-270 CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:

Per variety, per grower \$10.00

(b) Acreage fee:

(i) One Inspection: (per acre) ~~(\$ 1.00)~~
\$ 1.50

((For)) One inspection is required for certification of Great Northern, Red Mexican, Pinto, Pink, and Small White Beans.

(ii) Two Inspections: (per acre) ~~(\$ 1.50)~~
\$ 3.00

Includes windrow inspection which is required for: Certification of Snap Beans, ((and)) Kidney Beans((;)), and ((Phyto-Sanitary Certificates, Eligibility)) eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection. ((Fifty cents of the \$1.50 acreage fee for two inspections is refundable if the second inspection is not made.))

(c) Late application penalty fee: \$10.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$20.00

If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: ~~(\$ 0.20)~~
\$ 0.30

The production fees are billed at completion of tests. ((If none of the seed is tagged, 10¢ of the 20¢ cwt. production fee charged is refundable.))

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this order shall be the most applicable fee established by the director of agriculture.

AMENDATORY SECTION (Amending Order No. 1650 filed 8/30/79)

WAC 16-316-370 SEED STANDARDS. Seed standards for grass shall be as follows:

PART ONE OF TABLE

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Fndt. Reg.	Cert.	Fndt. Reg.	Cert.	Fndt. Reg.	Cert.
Bluegrass							
Sherman	(A)	70	70	90	90	10	10
Canby	(A)	70	70	90	90	10	10
Kentucky	(A)	80(e)	80(e)	97	97(d)	3	3
Merion Kentucky	(A)	80(e)	80(e)	92	92(d)	8	8
Canada	(A)	80	80	96	92(d)	4	8
Smooth Brome	(C)	80	85	95	95	5	5
Meadow Brome	(C)	80	85	95	95	5	5
Mountain Brome	(S)	85	85	95	95	5	5
Deertongue	(C)	50	50	97	95	3	5
Fescue							
Tall	(C)	80	85	95	97	5	3
Hard Fescue	(C)	80	85	95	95	5	5
Other Fescue	(C)	80	90	95	95	5	5
Orchardgrass	(C)	80	85	85	90	15	10
			80 for Pennlate & Latar				
Ryegrass	(C)	85(g)	90(g)	96	97	4	3
Pennfine	(C)	85(g)	85(g)	96	97	4	3
Timothy	(C)	80	85	97	97	3	3
Wheatgrass							
Beardless	(C)	80	85	90	90	10	10
Intermediate	(C)	80	85	95	95	5	5
Pubescent	(C)	80	85	95	95	5	5
Streambank	(C)	80	85	90	90	10	10
Crested, and Siberian	(C)	80	85	90	95	10	5
Slender	(S)	80	85	90	95	10	5
Tall	(C)	80	85	95	95	5	5
Indian Ricegrass	(C)	80	80	95	90	5	10
Puccinellia distans	(C)	80	80	95	95	5	5

PART TWO OF TABLE

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Bluegrass						
Sherman	.05	.3	.1	.5	1/10 grams	1/1 gram
Canby	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 gram
Canada	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Meadow Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	1/50	10/50

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Deertongue	.50	.5(c)	1.0	1.0	1%	—
Fescue						
Tall	.03	.3(c)	.1	.5	2/50 grams	10/50 grams
Hard Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Other Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Orchardgrass	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
Ryegrass	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams
Wheatgrass						
Beardless	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Intermediate	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Pubescent	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Streambank	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Crested, and Siberian	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Slender	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Tall	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Indian Ricegrass	.3	.5	.5	1.0	1/50 grams	5/50 grams
Puccinellia distans	.3	.5	.5	1.0	1/10 grams	1/1 grams

(a) Not to exceed twenty-five hundredths of one percent (.25%) other grass species for certified seed.

(b) Grass seed must not contain more than 45 per lb. for registered seed, 90 (per cent) per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) Grass seed must be free of the seed of prohibited noxious weeds.

(c) A tolerance of .5% will be allowed for samples containing weedy bromus spp., provided the total of all other weed seeds does not exceed .3%.

(d) A 3% tolerance of other Kentucky Bluegrass varieties will be allowed in Merion. (Note: containing minimum 92% Merion.) ((In a Kentucky Bluegrass other than Merion, 2% of varieties other than the variety certified will be allowed:)) In Canada Bluegrass, 3% Kentucky Bluegrass will be permitted.

(e) A standard tetrazolium (200 seed) test may be used in lieu of germination test.

(f) A tolerance of .8% will be allowed in registered and certified wheatgrass containing small grain seed, providing the total of all other crop seed does not exceed .1% for registered class and .5% for certified class.

(g) Acceptable maximum fluorescence allowed:

Variety	Foundation	Registered	Certified
NK-100	3 - 12%	—	3 - 12%
Norlea	2%	—	5%
Pelo	1%	2%	5%
Pennfine	0 - 1%	—	0 - 3%
Cropper	0	—	3%
NK-200	0	—	3%
Yorktown	0	0	2%
Loretta		—	2%

AMENDATORY SECTION (Amending Order No. 1619, filed 4/30/79)

WAC 16-316-620 STANDARDS. Seed standards for sod quality grass seed are as follows:

Variety	Purity	Min-imum Germination	Maxi-mum* Other Crop	Maxi-mum((***) ** Weed
Merion Kentucky Bluegrass	95%	80%	0.1%((**))	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%((**))	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%

*Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover, ((and)) meadow foxtail and Canby bluegrass. Maximum allowable Canada bluegrass .02%.

((**Other Kentucky bluegrass - Maximum 2%.))

((***) **Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, Rattail fescue and prohibited noxious weed seeds.

AMENDATORY SECTION (Amending Order No. 1733, filed 5/15/81)

WAC 16-316-790 VARIETIES ELIGIBLE FOR SEED CERTIFICATION. (1) Following are the lists of varieties eligible and certification scheme:

* These varieties are certified on a limited generation basis where:

Foundation seed is eligible to produce certified seed;

Certified seed is not eligible for recertification.

** These varieties are certified on the generation basis where:

Foundation seed is eligible to produce registered seed;

Registered seed is eligible to produce certified seed;

Certified seed is not eligible for recertification.

*** These varieties are not certified on a generation basis:

Certified seed is eligible to produce certified seed.

pvpV=plant variety protected to be sold or advertised by variety name only as a class of certified seed.

(2) As the list of varieties is subject to change, other varieties may be eligible upon approval of the certifying agency.

AMENDATORY SECTION (Amending Order No. 1733, filed 5/15/81)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

- Bentgrass: Astoria Colonial***
(subject to poa annua quarantine) Bardot Colonial*
Highland Colonial**
Seaside Creeping***
Emerald Creeping**
- Big Bluegrass: Sherman**
- Canada Bluegrass: Reubens**
(subject to poa annua quarantine)
- Canby Bluegrass: Canbar**
- Kentucky Bluegrass: ((A20-6*)) A-20-6*
(subject to poa annua quarantine) A-34 (Bensun)**
Adelphi**
Argyle**
Baron**
Birka*
Bonnieblue (Pac)**
Bono (Birdie)*
Bristol*
Cheri (Golf)*
Cougar*
Delta*
Eclipse*
Enmundi*pvpV
Fylking**
Georgetown**
Geronimo*
Glade**
Holiday*
Kenblue*
I-13**
Majestic**
Merion**
Mystic*
Newport**
Nugget*
Pacific*pvpV
Parade*
Park**
Pennstar*
Plush*
Ram I*pvpV
Rugby*
Sydsport*
S-21**
Touchdown*

Troy**
 Victa*
 Wabash*
 Regar**
 Meadow Brome:
 Bromar**
 Mountain Brome:
 Baylor*
 Blair*
 Smooth Brome:
 Bromex*
 Manchar**
 ((Tempo))
 Sac**
 Saratoga*
 Deertongue:
 (((subject to poa annua
 quarantine)))
 Fescue:
 (subject to poa annua
 quarantine - except tall
 fescue)
 Cascade Chewings**
 Jamestown Chewings*pvpV
 ((Chewings*))
 Durar Hard**
 Scaldis Hard*
 Dawson Red*
 Novorubra Red*
 Pennlawn Red*
 Ruby Red*
 Wintergreen Red*
 Covar Sheep**
 Alta Tall**
 Fawn Tall*
 Forager Tall*
 Orchardgrass:
 Hay King*
 Latar**
 Pennlate*
 Potomac*
 Redtop:
 Streaker
 Indian Ricegrass:
 Nezpar**
 Perennial Ryegrass:
 Belle*
 Cropper*
 (subject to poa annua
 quarantine)
 Diplomat*pvpV
 Elka*
 Jackpot
 NK-100*
 Yorktown*pvpV
 Norlea*
 Pennfine*pvpV
 Pelo**
 Yorktown II*pvpV
 Manhattan*
 LP-20*
 Puccinellia distans:
 Fults*
 Timothy:
 Champlain*
 Climax*
 Clair*
 Mohawk**
 Pronto*

Wheatgrass:
 Whitmar Beardless**
 Secar Bluebunch**
 Fairway Crested*
 Nordan Crested**
 Amur Intermediate***
 Greenar
 Intermediate**
 Oahe Intermediate*
 Tegmar Intermediate*
 Siberian**
 Greenleaf Pubescent*
 Luna Pubescent**
 Topar Pubescent**
 Primar Slender**
 P-27 Siberian
 Sodar Streambank**
 Critana Thickspike**
 Alkar Tall**
 Basin Wild Rye:
 Magnar**

(2) VARIETY RESTRICTIONS.
 ((a) Penmlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.
 (b) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.
 (c) Deertongue: Life of stand limited to six years.
 (d) Bristol Kentucky Bluegrass: Maximum of four seed crops on foundation, five seed crops on certified.
 (e) Pacific Kentucky Bluegrass: Maximum of five seed crops on foundation, five seed crops on certified.))

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
(a) Kentucky Bluegrass:		
Baron	5	5
Birka	2 + 3 Cert.	5
Bonnieblue	2 + 5 Cert.	5
Bristol	4	4
Cougar	3	6
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Pacific	5	5
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport	5	5
Touchdown	2 + 5 Cert.	5
(b) Deertongue:		
Tioga		6
(c) Orchardgrass:		
Pennlate	3	6
(d) Perennial Ryegrass:		
Belle	4 + 2 Cert.	5
Diplomat	5 + 2 Cert.	5
Elka	4	4
Pennfine	2 + 2 Cert.	4
Yorktown II	4 + 3 Cert.	4
Manhattan	2 + 5 Cert.	5

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 No. 1697, filed 5/30/80)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*
 Chesapeake*
 ((E-688*p)) E-688*
 ((Flare*p)) Flare*
 ((Florex*pvp)) Florex*
 ((Florix*p)) Florix*
 ((Hamidori*p)) Hamidori*
 Kenland*
 Kenstar*pvpV

Lakeland*
 Pennscott*
 Prosper ((H*p)) I*
 ((Redland*pvp)) Redland*pvpV
 Redland ((H*p)) II*
 ((Redman*p)) Redman*
 ((Ruby*p)) Ruby**
 ((Tristan*p)) Tristan*

Ladak** WL-318*
 Ladak 65* 120*
 Liberty(({**}))** 123*
 Maverick*
 Marathon* 130*
 Mesilla** 521*
 Multileaf*pvpV 520*
 Narragansett** 530*
 Nomad**
 Nugget*
 Olympic*
 Oneida*pvpV
 Peak*
 Perry*
 Phytor*
 Polar II*
 ((Polar I*))
 Primal*
 Prowler*
 Raidor*
 Ramsey*
 Ranger**

(2) VARIETY RESTRICTIONS. Kenstar: No seed production permitted year of seeding.

NEW SECTION

WAC 16-316-815 OTHER CLOVER VARIETIES.

White Clover: Sacramento Ladino*
 Star*

AMENDATORY SECTION (Amending Order No. 1733, filed 5/15/81)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

A-24**	Saranac*
A-59**	Saranac AR* <u>pvpV</u>
Agate*	Spredor ((H* <u>p</u>)) 2*
Anchor*	SX-10*
Answer*	SX-418*
Apalachee*	Team*
Aquarius*	Tempo*
Apollo*	Thor*
<u>Apollo II*</u>	
Arc*	Titan*
Arnim*	Trident*
	<u>Trumpetor*</u>
Atlas*	Vernal*
Atra-55*	Vancor*
Baker* <u>pvpV</u>	Vanguard*
	Vernema*
Blazer*	Vista*
<u>Cimarron*</u>	
Citation*	Voris A77*
Classic*	WL-220*
Conquest*	Warrior*
Dawson*	Washoe*
Defender*	Weevlchek*
Delta**	WL-215*
Duke*	
Dupuits*	WL-219*
Epic*	WL-221*
Expo*	
G-777*	WL-311*
G-7730*	
((Glacier*))	WL-312*
Gladiator*	WL-313*
Hi-Phy*	
Honeoye* <u>pvpV</u>	WL-315*
Iroquois*	WL-316*

(2) VARIETY RESTRICTIONS.
 ((a) Baker: The length of stand, including the year of establishment, shall not exceed the following:
 (i) breeder seed, two years;
 (ii) foundation seed, three years with a fourth year option dependent on breeder approval;
 (iii) certified seed, six years both inside and outside the area of adaptation.
 (b) Ranger: Length of stand shall not exceed six years.
 (c) Trident: Maximum of two seed crops on foundation, five seed crops certified.)

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				5
Baker	2	3		6
Blazer				5
Defender	2			5
Duke				5
Epic				5
Expo				5
G-7730				5
Honeoye				5
Iroquois				5
Maverick				5
Multileaf				5
Oneida				5
Peak				5
Perry	2			6
Polar II	2			6
Prowler	2			6
Raidor	2			6
Ranger (Beginning with 1980 Plantings)				6
Saranac				6
Saranac AR				6
Spredor 2	2			6
Trident				6
Trumpetor	2			6
Vancor	2			6
Vernema				6
Voris A-77				6
WL-221				6
WL-313				6
WL-315				5
WL-316				6
120				6
123				4
130				5

AMENDATORY SECTION (Amending Order No. 1697, filed 5/30/80)

WAC 16-316-830 BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	Bigbend** NW-59** NW-63** Rufus**
Pinto:	NW-410 NW-590 Olathe**pvpV Pindak**
	U of I 114*** Wyo 166**
Pink:	Gloria** Roza** Viva**
Small White:	Chief** Aurora** Bonus**
	NW-395**
Kidney:	Royal Red**
Snap Bean:	Yakima** Apollo**Epoch**
Navy:	NW 395**
Great Northern:	Harris**
Black Turtle:	Black Turtle Soup** #39
	Black Beauty** Ebony**pvpV

- (15) WAC 16-316-0044 PROMULGATION
- (16) WAC 16-316-0045 PROMULGATION
- (17) WAC 16-316-0053 PROMULGATION
- (18) WAC 16-316-0058 PROMULGATION
- (19) WAC 16-316-0059 PROMULGATION
- (20) WAC 16-316-006 PROMULGATION
- (21) WAC 16-316-0062 PROMULGATION
- (22) WAC 16-316-0065 PROMULGATION
- (23) WAC 16-316-0081 PROMULGATION
- (24) WAC 16-316-0086 PROMULGATION
- (25) WAC 16-316-0096 PROMULGATION

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 16-316-0011 PROMULGATION
- (2) WAC 16-316-0016 PROMULGATION
- (3) WAC 16-316-0019 PROMULGATION
- (4) WAC 16-316-0020 PROMULGATION
- (5) WAC 16-316-0021 PROMULGATION
- (6) WAC 16-316-0022 PROMULGATION
- (7) WAC 16-316-0025 PROMULGATION
- (8) WAC 16-316-0026 PROMULGATION
- (9) WAC 16-316-0027 PROMULGATION
- (10) WAC 16-316-0029 PROMULGATION
- (11) WAC 16-316-0037 PROMULGATION
- (12) WAC 16-316-0038 PROMULGATION
- (13) WAC 16-316-004 PROMULGATION
- (14) WAC 16-316-0043 PROMULGATION

WSR 82-08-034

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1758—Filed March 31, 1982—Eff. May 1, 1982.]

I, M. Keith Ellis, director of the Washington Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chick pea standards, chapter 16-316 WAC.

This action is taken pursuant to Notice No. WSR 82-05-013 filed with the code reviser on February 9, 1982. Such rules shall take effect at a later date, such date being May 1, 1982.

This rule is promulgated pursuant to RCW 15.49.370 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 31, 1982.

By M. Keith Ellis
Director

NEW SECTION

WAC 16-316-727 CHICK PEA STANDARDS. (1) Chick pea – land, isolation, and field standards:

CLASS	LAND	ISOLATION	OFF-TYPE	OTHER CROP	ASCOCHYTA
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM PLANTS/ACRE	MAXIMUM PLANTS/ACRE	BLIGHT
Foundation	3	3	None	None*	None
Registered	2	3	10	10*	None
Certified	1	3	20	20*	None

*Refers to vetch except that no Austrian pea or rye is permitted

(2) Chick pea – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	None	99.00	1.00	None	0.25**	85.00
Certified	1	99.00	1.00	3*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.

** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED MAXIMUM

Registered	1/lb
Certified	2/lb

**WSR 82-08-035
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 82-9—Filed April 1, 1982]**

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to increasing the fees for electrical wiring labels and inspections of electrical installations. The fees are listed in WAC 296-46-910.

I, Sam Kinville, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the electrical inspection section of the department is required by law to charge fees that cover the costs of administering and enforcing the law. The section currently is expending approximately \$90,000 per month more than it receives as income. If the fees are not raised immediately, the electrical inspection section will go broke and will have to end its operations at the beginning of May 1982.

The department is also proposing to adopt the fee increases as a permanent rule. The public hearing on this

rule will be held on Friday, May 14, 1982, from 9 a.m. to 12 noon in the large conference room, 1st floor, General Administration Building, Olympia, Washington 98504.

At a special meeting of the Electrical Advisory Board held on March 16, 1982, the department reviewed the need for the fee increases with the board. Pursuant to RCW 19.28.210, the board approved the department's adoption of these increased fees by emergency rule.

To reduce its expenditures, the department will lessen its workforce by at least 25 people, and will consolidate many of its offices.

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

This rule is promulgated pursuant to RCW 19.28.210 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 25, 1982.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81)

WAC 296-46-910 ((APPENDIX F=))INSPECTION FEES SCHEDULE.

((INSPECTION FEES SCHEDULE

Appendix F

BUILDING AND CONSTRUCTION SAFETY
INSPECTION SERVICES DIVISION
ELECTRICAL INSPECTION SECTION
DEPARTMENT OF LABOR AND INDUSTRIES

FEES:)) For fee calculation purposes, amperage will be based on conductor ampacity. Voltage will be based on service conductor voltage as per National Electrical Code, Article 230-201, or load side of transformer.

Inspection fees shall be paid ((PRIOR TO)) before connection by serving utility.

(1) New Service Fees:

AMPS	Single Multi-Family Residence (Each Family Dwelling Unit)		Other Than Residential		
	1 phase	1 phase	120/208 240 Volts	480-600 Volts	601 & Over Volts
1- 100	\$ ((20.00)) <u>32.00</u>	\$ ((20.00)) <u>32.00</u>	\$ ((20.00)) <u>40.00</u>	\$ ((20.00)) <u>48.00</u>	\$ ((40.00)) <u>68.00</u>
101- 200	((26.00)) <u>40.00</u>	((26.00)) <u>44.00</u>	((26.00)) <u>52.00</u>	((40.00)) <u>64.00</u>	((72.00)) <u>124.00</u>
201- 300	((30.00)) <u>48.00</u>	((30.00)) <u>52.00</u>	((48.00)) <u>76.00</u>	((60.00)) <u>96.00</u>	((112.00)) <u>192.00</u>
301- 400	((40.00)) <u>60.00</u>	((40.00)) <u>64.00</u>	((68.00)) <u>108.00</u>	((80.00)) <u>128.00</u>	((156.00)) <u>268.00</u>
401- 500	((52.00)) <u>84.00</u>	((52.00)) <u>88.00</u>	((88.00)) <u>140.00</u>	((108.00)) <u>172.00</u>	((200.00)) <u>340.00</u>
501- 600	((72.00)) <u>108.00</u>	((72.00)) <u>116.00</u>	((108.00)) <u>172.00</u>	((132.00)) <u>212.00</u>	((240.00)) <u>408.00</u>
601- 800	((80.00)) <u>124.00</u>	((80.00)) <u>128.00</u>	((120.00)) <u>192.00</u>	((152.00)) <u>244.00</u>	((288.00)) <u>488.00</u>
801- 1200	((95.00)) <u>144.00</u>	((95.00)) <u>152.00</u>	((140.00)) <u>224.00</u>	((176.00)) <u>280.00</u>	((332.00)) <u>564.00</u>
1201- 1600	((100.00)) <u>152.00</u>	((100.00)) <u>160.00</u>	((152.00)) <u>244.00</u>	((192.00)) <u>308.00</u>	((352.00)) <u>600.00</u>
1601- 2000		((108.00)) <u>172.00</u>	((156.00)) <u>252.00</u>	((200.00)) <u>320.00</u>	((376.00)) <u>640.00</u>
2001- 2500		((116.00)) <u>184.00</u>	((172.00)) <u>276.00</u>	((212.00)) <u>340.00</u>	((400.00)) <u>680.00</u>
2501- 3000		((120.00)) <u>192.00</u>	((180.00)) <u>288.00</u>	((228.00)) <u>364.00</u>	((416.00)) <u>708.00</u>
3001- 4000		((128.00)) <u>204.00</u>	((192.00)) <u>308.00</u>	((236.00)) <u>380.00</u>	((440.00)) <u>748.00</u>
4001- 5000		((132.00)) <u>212.00</u>	((200.00)) <u>320.00</u>	((252.00)) <u>404.00</u>	((472.00)) <u>800.00</u>
5001- 6000		((140.00)) <u>224.00</u>	((212.00)) <u>340.00</u>	((268.00)) <u>428.00</u>	((496.00)) <u>844.00</u>

(2) A minimum fee of \$((10)) 12 shall be charged for each of the following ((subject to noted limitations)) only where two or more such services or feeders are inspected at one time.

- a. Mobile home service connection in a mobile home park.
- b. Mobile home feeder where service is existing in a mobile home park.
- c. Recreational vehicle park each lot to which power is supplied.
- d. Boat space in a boat harbor or marina each berth to which power is supplied.

((c. Calculation of or checking heat calculations, where required.

f. Individual carnival concessions to which power is supplied.))

(3) A minimum fee of \$15.00 shall be charged for each of the following subject to noted limitations.

- a. A temporary construction service for lighting and power of 20 KVA or less. The fee for a temporary construction service in excess of 20 KVA shall be 50% of the fee for a new service installation of like ampacity.
- b. Yard pole meter loops or similar isolated metering installations.
- c. ((Each adjacent farm building served from yard pole other than each residence. Exceptions: Installations exceeding 200 amperes shall be in accordance with the appropriate

~~schedule.~~) Calculation of or checking heat calculations, where required.

d. Transient worker housing per unit.

- (4) The fee for a circuit extension installed for controls and motors for central vacuum systems, garage door openers and heating plants such as gas, oil and electrical furnaces is \$10.00.
- (5) The fee for installations, increase and/or relocation (altered) of an existing service or feeder shall be 50% of the fee for a new service of like ampacity, with a minimum fee of ~~(\$15.00)~~ \$20.00, plus an additional fee of \$1.00 for each new circuit installed. The total fee shall be no greater than the fee for a new service of like ampacity.
- (6) The fee for new circuits, circuit extensions, circuit alterations, where the service or feeder is not modified, shall be a total of ~~\$(15.00)~~ 20.00 for one to four circuits inspected at the same time on the same premises under a single label and \$3.00 for each additional circuit. The total fee shall be no greater than the fee for a new service of like ampacity.
- (7) The fee for sign and outline lighting circuits shall be a total of \$10 for one to four circuits inspected at the same time on the same premises under a single label and \$2 for each additional circuit.
- (8) The fee for each electric sign installed, other than portable indoor signs connected with an electrical cord, shall be a minimum of \$10.00.
- (9) ~~((Where a feeder terminates in a separate building it shall be classed as a separate service.))~~ For purposes of calculating the proper fee, the following shall be classed as a separate service:
 - a. Where a feeder terminates in a separate building, and
 - b. The secondary of a transformer.
- (10) The fee for ~~((the first))~~ feeder installations with new services shall be 25% of the fee for service installations of like ampacity with a minimum fee of \$10.00 for each such feeder.
- (11) Optional fee schedule for service to individual motor(s) will be ~~\$(20.00)~~ 25.00 per motor for motor rating ~~((25))~~ of 10 HP or less; each additional horse power in excess of ((25)) 10 HP will be an additional ((fifty)) 75 cents per HP, with a maximum of \$(100) 150, including an allowance of 5 KVA of auxiliary motor equipment.

The optional fee for a new service installation to individual motor(s) may be calculated in accordance with item (11) above based on HP rating or calculated per the new service amperage schedule item (1) above whichever is the lesser of the calculation methods so stated.
- (12) In addition to the service and feeder installation fee, the fee for each electrically driven irrigation machine shall be ~~\$(20.00)~~ 25.00 plus \$5.00 for each tower or drive motor.

- (13) Inspections requested for existing electrical facilities will be \$25.00 for the first hour or fraction thereof and \$20 each additional hour or fraction thereof.
- (14) Fees for plan review requests as noted in WAC 296-46-140(1) will be based upon ~~((twenty))~~ 25 percent of the job label fee as determined by WAC 296-46-495, plus a fee of twenty-five dollars. Fees for electrical review of plans voluntarily requested as noted in WAC 296-46-140(4) will be based upon an hourly charge of \$30.00.
- (15) ~~((Penalty:))~~ A fee of ~~\$(15.00)~~ 20.00 per hour or fraction thereof shall be paid prior to approval of the installation if the following inspector services are necessary:
 - a. Unnecessary trip or trips to inspect when label submitter has given premature notice to the inspector that the work is ready for inspection when it is not or has given an erroneous address.
 - b. More than one additional inspection call per label to view corrections required by written notice of the inspector as a result of carelessness, neglect or for improperly responding to corrective notices.
 - c. Each trip necessary to remove a red tag from a jobsite posted because unlicensed electricians were working on the jobsite.
 - d. When corrections have not been made in the prescribed time, unless an exception has been requested and granted.
- (16) The fee for emergency, standby and resource recovery generators up to 5 KW will be \$10.00. Such generators over 5 KW will be \$0.50 per KW up to a maximum fee of \$120.00. Fees for generator installations that constitute the main source of power will be based upon the applicable service and feeder schedule.
- (17) A person or business that fails to submit a fee and obtain an electrical wiring permit for electrical work before the department inspects the work must pay a double fee for the permit.
- (18) Carnival fee. Each ride or concession \$ 3.00
Each feeder junction box. 5.00
Each transformer or generator truck 15.00

WSR 82-08-036
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 1, 1982]

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 information and referral, amending WAC 388-15-110.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-33 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 Franklin, Olympia, Washington, Phone (206) 753-7015, by April 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 12, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 19, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 10:00 a.m., Wednesday, May 12, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 30, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-15-110.

The purpose of the rule or rule change is to change the name of "information and referral" to "resource access services" and provide for minimal health support and family planning information.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Samuel Koshi, Program Manager, Bureau of Aging and Adult Services, Mailstop: OB-43G, Phone: 3-1241.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-110 ~~((INFORMATION AND REFERRAL))~~ **RESOURCE ACCESS SERVICES.** (1) ~~((Information and referral))~~ Resource access services are ~~((information about services provided under Title XX or by community resources. They include when appropriate a brief assessment of service need in order to make an appropriate referral and follow up services to learn the results of the referral and assess its effectiveness))~~ available to all persons requesting services from community services offices by phone, correspondence or in person. These individuals are provided with information and referral, as needed, to available services within the department or the community.

(2) The service ~~((is provided to individuals or those acting on their behalf who call or come into the office seeking information regarding resources in the community))~~ responds to service requests by determining the type of service needed (desired) and linking the individual to the appropriate service.

(3) Provision of minimal health support and family planning information is the responsibility of all social service staff. Minimal service

means providing names and locations of providers and general program description and other additional information as required.

~~((3))~~ (4) ~~((Information and referral))~~ Resource access services may be offered to accomplish any of the five goals described in WAC 388-15-010.

WSR 82-08-037
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1784—Filed April 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-33-377 Grant continuation pending fair hearing.
- Amd WAC 388-33-382 Notification of suspension or termination or reduction of grant—Effect on eligibility and grant.

This action is taken pursuant to Notice No. WSR 82-05-043 filed with the code reviser on February 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of 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) 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 31, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1695, filed 8/19/81)

WAC 388-33-377 GRANT CONTINUATION PENDING FAIR HEARING. (1) When a recipient of medical benefits, AFDC, refugee assistance, general assistance continuing and/or services files a request for fair hearing according to chapter 388-08 WAC within the advance notice period, assistance shall not be suspended, reduced, or terminated; except assistance shall not be continued when the sole issue is one of state or federal law requiring automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant, benefit, or service computation. Assistance will also not be continued if an automatic grant adjustment required either by state or federal law results in termination of a program.

(2) When a recipient requests a fair hearing within the advance notice period to appeal the department's planned action to reduce, suspend, or terminate assistance, which is not an automatic grant adjustment required by either state or federal law, the determination of whether the issue is one of policy or is an issue of fact

or judgment will be determined at the fair hearing by the hearing examiner.

(a) If there is an issue of fact or judgment including the correctness of application of the department's rules and policy, assistance will then continue through the month in which ((a)) an initial fair hearing decision is rendered.

(b) If the issue is one of policy, assistance is discontinued at the end of the month in which the initial hearing is held. The department shall promptly inform the client in writing if assistance will not be continued, based on the determination that the issue is one of policy.

(3) Assistance shall be reinstated in any case where the notice to reduce, suspend or terminate does not require advance notice, if the recipient requests a fair hearing within ten days of the mailing of the notice of action. Subsections (1) and (2) of this section apply.

(4) Assistance shall not be continued under the provisions in this section if the appellant requests in writing that assistance not be continued, or if the request is withdrawn in writing by the claimant or abandoned.

(5) When the appellant requests a delay in the hearing, the hearings examiner shall determine the reasonableness of the request and whether assistance will be continued during the extended period. Assistance shall be discontinued if the hearings examiner determines that the hearing has been unreasonably delayed by the appellant.

(6) Any assistance received pending a fair hearing or hearing decision is considered to be an overpayment when the fair hearing decision subsequently finds against the client.

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-382 NOTIFICATION OF SUSPENSION OR TERMINATION OR REDUCTION OF GRANT—EFFECT ON ELIGIBILITY AND GRANT. (1) Rules governing the effective dates of eligibility resulting from changes in circumstances are not altered by rules on notification.

(2) Compliance with a required advance notice period may in some instances necessitate issuing assistance on a partial month basis.

(a) When a proposed action cannot be effected on the date specified by rules on eligibility and grant changes, assistance shall be continued unchanged until the end of the advance notice period. Monthly payment shall be prorated for the number of days needed.

(b) Assistance granted during a required advance notice period is ((not)) considered to be an overpayment when the client is ineligible for payment or when payment is received because the required advance notice period extends into the following month during which the recipient is not eligible.

WSR 82-08-038
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1783—Filed April 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Eligibility—AFDC, amending WAC 388-24-125.

This action is taken pursuant to Notice No. WSR 82-05-036 filed with the code reviser on February 16, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of 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) 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 31, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

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

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

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

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

(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" as defined in this section.

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

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

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

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

All relationships shall be verified in accordance with WAC 388-38-200.

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

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

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

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

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

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

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

(C) Enrollment on or after September 1, 1981, in an Indian boarding school administered through the Bureau of Indian Affairs.

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

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

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

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

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

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

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

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

(i) The caretaker relative is otherwise eligible,

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

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

WSR 82-08-039
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1782—Filed April 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Eligibility determination—Medically needy in own home, amending WAC 388-99-020.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the department is required by 45 CFR 435 to coordinate medically needy income levels (MNIL) with financial grant standards. These standards are being adjusted April 1.

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 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) 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 April 1, 1982.

By David A. Hogan
Director, Division of Administration

WSR 82-08-040
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1777—Filed April 1, 1982]

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) *The medically needy income level (MNIL) shall be:*

(a) One person	\$ 303
(b) Two persons	\$ 434
(c) Three persons	((\$ 468)) \$ 451
(d) Four persons	((\$ 501)) \$ 531
(e) Five persons	((\$ 593)) \$ 612
(f) Six persons	((\$ 671)) \$ 693
(g) Seven persons	((\$ 778)) \$ 802
(h) Eight persons	((\$ 859)) \$ 887
(i) Nine persons	((\$ 939)) \$ 974
(j) Ten persons	((\$ 1,019)) \$1,058

and above

(2) *For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.*

(3) *For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.*

(4) *If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.*

(5) *If countable income is greater than the appropriate MNIL, the applicant is required to spend down the excess countable income based on a three-month calculation.*

(6) *Financial responsibility of relatives.*

(a) *For families and children,*

(i) *Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.*

(ii) *Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.*

(b) *For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.*

(7) *In mixed households (AFDC and SSI related members) eligibility shall be determined as for families and children.*

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to replacement of exempt property, amending WAC 388-28-474.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement federal regulations 45 CFR 233.20(a)(3)(ii)(D).

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 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) 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 April 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-474 REPLACEMENT OF EXEMPT PROPERTY. (1) *A ((general assistance)) recipient may, within sixty days of receipt((:));*

(a) *Reinvest in other exempt property funds acquired from a settlement covering destroyed or stolen exempt property;*

(b) *Pay medical bills for which the settlement was intended.*

(2) *A general assistance recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit.*

(3) *Any remaining portion of the settlement, after applying subsections (1) and (2) of this section, shall be considered newly acquired nonexempt income.*

WSR 82-08-041
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1785—Filed April 1, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement amendments to 45 CFR 273 and HB 980. Both are effective on April 1, 1982.

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.

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 April 1, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-660 APPLICATION AND PARTICIPATION—SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a nonprofit meal delivery service authorized by FNS, eligible household members:

- (a) Must be sixty years of age or over, or
- (b) Must be housebound, physically handicapped or otherwise disabled to the extent ((that they)) household members are unable to adequately prepare all ((their)) meals, or
- (c) Be the spouse of such a person.
- (2) Communal dining. Members of eligible households ((who are)) sixty years of age or older and ((their)) spouses, or ((those)) members receiving SSI and ((their)) spouses may use all or any part of ((their)) coupons to purchase meals prepared especially for ((them)) the household member at a communal dining facility authorized by FNS for that purpose.

(3) Residents of drug-alcohol treatment and rehabilitation programs. ((A member of an eligible household who is a)) Narcotics addicts or ((an)) alcoholics((; who)) regularly ((participates)) participating in a drug or alcoholic treatment and rehabilitation program on a

resident basis, may use food coupons to purchase food prepared for or served to ((him)) the resident during the program, provided:

(a) The program is administered by a private nonprofit organization or institution ((which has been)) authorized by FNS as a retailer or certified by the state as providing treatment ((that can lead)) leading to the rehabilitation of drug addicts or alcoholics pursuant to Public Law ((91-616)) 92-255; and

(b) A resident participant shall be certified only under the following conditions:

(i) ((He)) The resident must voluntarily elect to participate in the food stamp program;

(ii) ((He)) The resident must be certified through the use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization administering the treatment and rehabilitation program;

(iii) ((He)) The resident must be certified as a one-person household.

(c) The drug or alcohol treatment center ((which acts)) acting as the authorized representative must agree to the following conditions:

(i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic;

(ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;

(iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants;

(iv) The treatment center shall provide resident addicts or alcoholics with ((their)) ID cards and any untransacted ATP cards issued for the household when the household leaves the program;

(v) The treatment center shall provide the household with one-half of ((its)) the household's monthly coupon allotment when the household leaves the program prior to the sixteenth day of the allotment month;

(vi) The center shall provide the department with a certified list of currently participating residents on a monthly basis;

(vii) The treatment center shall return to the department household's ATP or coupons received after the household has left the center.

(4) Residents of group living arrangements receiving benefits under Title II or Title XVI of the Social Security Act. A group living arrangement is defined as: A public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agencies under regulations issued under section 1616(e) of the Social Security Act. The following applies:

(a) The resident must voluntarily apply for the food stamp program;

(b) If the resident makes an application through the use of a group home's authorized representative, the resident's eligibility shall be determined as a one-person

household. If the resident applies on his or her own behalf, the household size shall be in accordance with the definition in WAC 388-54-665;

(c) The department shall certify residents of group living arrangements using the same provisions applying to all other households;

(d) The department shall verify the group living arrangement is nonprofit and authorized by FNS or is certified by the appropriate agency or agencies of the state;

(e) The group living arrangement shall provide the department with monthly lists of participating residents signed by a responsible center official. The department shall conduct periodic random on-site visits to assure the accuracy of the lists;

(f) If the resident made an application on his or her own behalf, the household is responsible for reporting changes to the department. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the department of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement;

(g) The group living arrangement shall return any household's ATP cards or coupons to the department if received after the household has left the group arrangement;

(h) When the household leaves the facility, the group living arrangement shall provide the resident with the ID card and any untransacted ATP cards;

(i) The group living arrangement shall provide the departing household with the full allotment if issued by direct mail and if no coupons have been spent on behalf of the individual household. These provisions are applicable any time during the month. If the coupons have already been issued and any portion spent on behalf of the resident, the group living arrangement shall provide the resident with one-half of the monthly household's coupon allotment when the household leaves the facility prior to the sixteenth day of the allotment month;

(j) If a resident or a group of residents apply on their own behalf and retain the use of the coupons, the individuals are entitled to keep the coupon when leaving;

(k) If the group living arrangement acts as the authorized representative the facility must be knowledgeable about the household's circumstances and is responsible for any misrepresentation or fraud the facility knowingly commits in the certification of center residents.

(5) Shelters for battered women and children. Effective April 1, 1982, the following provisions apply prior to certifying residents:

(a) The department shall determine the shelter for battered women and children meets the definition in WAC 388-54-665(6)(d);

(b) Shelters having FNS authorization to redeem at wholesalers shall be considered as meeting the definition for battered women and children;

(c) Shelter residents recently leaving a food stamp household containing a person abusing him or her may apply for and (if otherwise eligible) participate in the program as separate households. Shelter residents included in a previously certified food stamp household

shall receive an additional allotment as a separate household only once a month;

(d) Shelter residents applying as separate households shall be certified solely on the basis of income, resources, and the expenses for which the residents are responsible. Residents will be certified without regard to the income, resources, and expenses of the former household;

(e) Jointly held resources shall be considered inaccessible in accordance with WAC 388-54-715. The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner still residing in the former household;

(f) The department shall take prompt action to ensure the former household's eligibility or allotment reflects the change in the household's composition.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided ((that)) such individuals or groups are not residents of an institution(;) or residents of a commercial boarding house(;; and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under eighteen years of age under parental control of a member of the household):

(a) An individual living alone.

(b) An individual(;;) living with others, but ((who)) customarily ((purchases)) purchasing food and ((prepares)) preparing meals for home consumption separate and apart from the others.

(c) A group of individuals(;;) living together((; for whom food is)) but customarily ((purchased in common)) purchasing food and ((for whom meals are prepared)) preparing meals together for home consumption((; except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is sixty years of age or older)) separate and apart from others.

((d) A household with which a boarder or boarders paying reasonable compensation for meals reside may participate in the program, excluding the boarder(s) and their income and resources from consideration as available, provided the household meets all the eligibility requirements for program participation. The amount of payment for boarding shall be treated as self-employment income. Boarders are ineligible to participate in the program.

(e) Residents of federally subsidized housing for the elderly and residents of Food and Nutrition Service approved drug or alcoholic treatment centers or group living arrangements serving no more than sixteen residents, those being blind or disabled and receiving Title II or XVI benefits.)

(2) Separate household status shall not be granted to the following:

(a) Children under eighteen years of age under the parental control of a member of the household;

(b) Parents living with children or children living with parents unless at least one parent is sixty years of age or older;

(c) A spouse of a member of the household. Spouse refers to either of two individuals:

(i) Defined as married to each other under applicable state law; or

(ii) Living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(d) A boarder as defined in WAC 388-54-665(4).

((2)) (3) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment and are termed non-household members. Nonhousehold members may, if otherwise eligible, qualify as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Live-in attendants. Individuals ((who reside)) residing with a household to provide medical, housekeeping, child care or other similar personal services.

(c) Ineligible aliens. Individuals ((who do)) not ((meet)) meeting the citizenship or eligible alien status.

(d) Students ((age eighteen or older)) enrolled in ((post-high school)) an institution of higher education who ((do)) are eligible because of not ((meet)) meeting the requirements of WAC 388-54-670((+)(c)).

(e) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause ((or students in higher education disqualified for failure to meet the requirements of WAC 388-54-670(2))).

(f) Other individuals ((who share)) sharing living quarters with the household but ((who)) do not customarily purchase food and prepare meals with the household.

((3)) (4) Boarders ((in private homes)) are not eligible ((for)) to participate in the program ((benefits)). ((Boarder status)) A boarder is defined as an individual ((to whom a)) residing with the household ((furnishes lodging)) and ((meals for a)) paying reasonable ((monthly payment)) compensation to the household for lodging and meals. If an applicant household identifies any individual in the household as a boarder, the following provisions apply:

(a) Boarder status shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents ((if)) or parents living with children, unless at least one parent is ((less than)) sixty years of age ((even if purchasing or preparing meals separately;)) or older.

(b) Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount ((which equals or exceeds)) equaling or exceeding the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount ((which equals or exceeds)) equaling or exceeding two-thirds of

the thrifty food plan for the appropriate size of the boarder household.

((4)) (5) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment ((which is)) licensed as a commercial enterprise ((which offers)) offering meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment ((which offers)) offering meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

(6) Residents of institutions. Individuals shall be considered residents of an institution when the institution provides the individual with the majority of meals as part of the institution's normal service and the institution has not been authorized to accept coupons. Residents of institutions are not eligible for participation in the program, with the following exceptions:

(a) Residents of federally subsidized housing for the elderly, built under either section 202 of the Housing Act of 1959 or section 236 of the National Housing Act;

(b) Narcotic addicts or alcoholics residing at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program;

(c) Disabled or blind individuals who are residents of group living arrangements and are blind or disabled and receive benefits under Title II or Title XVI of the Social Security Act. Group living arrangement is defined as a public or private nonprofit residential setting serving no more than sixteen residents and certified by appropriate state agencies;

(d) Effective April 1, 1982, women or women with children temporarily residing in a shelter for battered women and children. "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. Such persons temporarily residing in shelters shall be considered individual household units for the purposes of applying for and participating in the program.

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-685 RESIDENCY. (1) A household must be living in the project area ((in which it files)) where filing an application for participation.

(2) No individual may participate as a member of more than one household, or in more than one project area, in any month unless an individual is a resident of a shelter for battered women and children and was a member of a household containing the person abusing him or her.

(3) The department shall not impose any durational residency requirements.

(4) A fixed residence is not required nor shall residence require an intent to reside permanently in the state or project area.

(5) Persons in a project area solely for vacation purposes shall not be considered residents.

AMENDATORY SECTION (Amending Order 1767, filed 2/18/82)

WAC 388-54-695 RESOURCES—EXEMPT. The following resources shall be exempt:

(1) The home and surrounding property not separated from the home by intervening property owned by others. The home and surrounding property 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 the household intends to build or ~~((are))~~ is building a permanent home, shall receive an exemption for the value of the lot and, if the home 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 funds in pension plans with interest penalties for early withdrawals, such as a Keogh or IRA as long as funds ~~((are not withdrawn))~~ remain in the pension plan.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property ~~((which))~~ annually ~~((produces))~~ producing income consistent with the fair market value, even if only used on a seasonal basis, except ~~((that))~~ rental homes used by households for vacation purposes at some time during the year shall be counted as resources unless the property is producing annual income consistent with the fair 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, essential to the employment or self-employment of a household member.

(7) Resources of nonhousehold members such as roomers, ~~((boarders, or))~~ live-in attendants, or 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 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, security deposits on rental property or utilities, property in probate, real property and notes receivable not readily liquidated, if the household is making a good-faith effort to sell(:) at a reasonable price and has not been sold.

~~((a) Any))~~ Funds in a trust or transferred to a trust, and the income produced by that trust to the extent the trust is not available to the household, shall be considered inaccessible to the household if:

~~((a) The ((trust is under the control and management of an)) trustee administering the funds is either:~~

~~((i) A court, or institution, corporation or organization ((the trustee))) and is not under the direction or ownership of any household member,~~

~~((ii) The individual appointed by the court who has court imposed limitations placed on the household's use of the funds;~~

~~((b)) ((iii) ((If that trustee uses)) The funds held in irrevocable trust are either established from the household's own funds, if the 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 or established from nonhousehold funds by a nonhousehold member,~~

~~((c)) ((iv) ((If the)) Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction or influence of a household member(:) ;~~

~~((d)) ((b) If the trust arrangement will not likely cease during the certification period; and~~

~~((e)) ((c) 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 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))~~ received before January 1, 1980, as a result of Public Law 95-600, the Revenue Act of 1978;

(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 producing income consistent with the 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.~~

~~(15)) (14) A ((one-time)) payment or allowance made under any federal, state or local laws clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Among the federal payments excluded are energy assistance payments provided through the department of health and human services' low-income energy assistance program and the community services administration's energy crisis assistance and crisis intervention programs.~~

AMENDATORY SECTION (Amending Order 1767, filed 2/18/82)

WAC 388-54-735 INCOME-EXCLUSIONS.

The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970(;;):

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Payments under Title I (VISTA) to volunteers shall be excluded for individuals receiving public assistance or food stamps at the time the individual joined VISTA and for households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.

(5) Any payments received by Alaskan natives under the terms of the Alaskan Native Claims Settlement Act.

(6) Payments from the special crisis intervention program.

(7) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household, under eighteen years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. The exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from earnings or work performed by other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent ((that)) the funds are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Money received in the form of nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or reimbursements not representing a gain or benefit to the household(;;):

(a) The following are considered reimbursements excludable, and do not represent a gain or benefit:

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site(;;);

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of the volunteers' work(;;);

(iii) Reimbursement for medical or dependent care(;;);

(iv) Reimbursements or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant used for educational purposes regardless of the fact ((that)) the grantee must perform services to obtain the grant. Schools or institutions do not have the authority to designate a portion of "Pell Grant" (formerly BEOG) or work study funds. The United States department of education (DOE) is the only authority to earmark "Pell Grant" funds.

(b) The following are considered reimbursements not excludable, and do represent a gain or benefit(;;):

Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments not owed or payable directly to a household, but paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses the person's or organization's own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household((-));

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development (HUD) or by state or local housing authorities, are vendor payments and are excluded((-));

(c) Money (~~that is~~) legally obligated and otherwise payable to the household, but is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Money received and used for the care and maintenance of a third-party beneficiary not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household((-));

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded((-));

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(18) Money received as a department of housing and urban development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two-month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

(19) Clearly identified supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

~~((20) That portion of SSI state supplementary payments that state law designates as an energy standard for individuals, and couples in which both spouses are eligible for SSI.))~~

NEW SECTION

WAC 388-54-737 INCOME-ENERGY ALLOWANCE. (1) Effective April 1, 1982, the following energy allowance included in AFDC, continuing general

assistance and refugee assistance standards is excluded as food stamp income:

Household Size	Monthly Energy Allowance
1	\$21
2	27
3	32
4	39
5	44
6	50
7	59
8 or more	64

(2) An energy allowance is not included in assistance standards for households receiving:

- (a) Board and room payments,
- (b) Supplied shelter, or
- (c) Supplemental security income (SSI).

**WSR 82-08-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 1, 1982]**

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 food stamps, amending chapter 388-54 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis effective April 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 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 Franklin, Olympia, Washington, Phone (206) 753-7015, by April 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 12, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 19, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to May 12, 1982, and/or orally at 10:00 a.m., Wednesday, May 12, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: March 31, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending chapter 388-54 WAC.

The purpose of the rule or rule change is to establish food stamp eligibility for certain groups and implement the energy allowance in HB 980.

The Reason(s) These Rules are Necessary: To implement U.S. CFR 273 and HB 980.

Statutory Authority: RCW 74.04.510.

Summary of the Rule or Rule Change: The following groups will now be eligible for foods stamps: Residents of group living arrangements receiving benefits under Title II or XVI of the Social Security Act; and residents of shelters for battered women and children. The energy allowance in HB 980 is implemented.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule is: Roy Uppendahl, Program Manager, Division of Income Assistance, Mailstop: OB-31 C, Phone: 3-4382.

These rules are necessary as a result of federal law, 7 CFR Parts 271, 272, 273, 274 and 278.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-660 APPLICATION AND PARTICIPATION—SPECIAL CIRCUMSTANCES FOR PARTICIPATION. (1) Delivered meals. In order to purchase meals from a nonprofit meal delivery service authorized by FNS, eligible household members:

(a) Must be sixty years of age or over, or

(b) Must be housebound, physically handicapped or otherwise disabled to the extent ~~((that they))~~ household members are unable to adequately prepare all ~~((their))~~ meals, or

(c) Be the spouse of such a person.

(2) Communal dining. Members of eligible households ~~((who are))~~ sixty years of age or older and ~~((their))~~ spouses, or ~~((those))~~ members receiving SSI and ~~((their))~~ spouses may use all or any part of ~~((their))~~ coupons to purchase meals prepared especially for ~~((them))~~ the household member at a communal dining facility authorized by FNS for that purpose.

(3) Residents of drug-alcohol treatment and rehabilitation programs. ~~((A member of an eligible household who is a))~~ Narcotics addicts or ~~((an))~~ alcoholics ~~((who))~~ regularly ~~((participates))~~ participating in a drug or alcoholic treatment and rehabilitation program on a resident basis, may use food coupons to purchase food prepared for or served to ~~((him))~~ the resident during the program, provided:

(a) The program is administered by a private nonprofit organization or institution ~~((which has been))~~ authorized by FNS as a retailer or certified by the state as providing treatment ~~((that can lead))~~ leading to the rehabilitation of drug addicts or alcoholics pursuant to Public Law ~~((91-616))~~ 92-255; and

(b) A resident participant shall be certified only under the following conditions:

(i) ~~((He))~~ The resident must voluntarily elect to participate in the food stamp program;

(ii) ~~((He))~~ The resident must be certified through the use of an authorized representative who shall be an employee of, and designated by, the private nonprofit organization administering the treatment and rehabilitation program;

(iii) ~~((He))~~ The resident must be certified as a one-person household.

(c) The drug or alcohol treatment center ~~((which acts))~~ acting as the authorized representative must agree to the following conditions:

(i) The center must receive and spend the coupon allotment for meals prepared by or served to the addict or alcoholic;

(ii) The center must notify the department of changes in the participant's income, resources or household circumstances and when the addict or alcoholic leaves the treatment center, within ten days of the change;

(iii) The center shall be responsible for and can be penalized or disqualified for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident participants;

(iv) The treatment center shall provide resident addicts or alcoholics with ~~((their))~~ ID cards and any untransacted ATP cards issued for the household when the household leaves the program;

(v) The treatment center shall provide the household with one-half of ~~((its))~~ the household's monthly coupon allotment when the household leaves the program prior to the sixteenth day of the allotment month;

(vi) The center shall provide the department with a certified list of currently participating residents on a monthly basis;

(vii) The treatment center shall return to the department household's ATP or coupons received after the household has left the center.

(4) Residents of group living arrangements receiving benefits under Title II or Title XVI of the Social Security Act. A group living arrangement is defined as: A public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agencies under regulations issued under section 1616(e) of the Social Security Act. The following applies:

(a) The resident must voluntarily apply for the food stamp program;

(b) If the resident makes an application through the use of a group home's authorized representative, the resident's eligibility shall be determined as a one-person household. If the resident applies on his or her own behalf, the household size shall be in accordance with the definition in WAC 388-54-665;

(c) The department shall certify residents of group living arrangements using the same provisions applying to all other households;

(d) The department shall verify the group living arrangement is nonprofit and authorized by FNS or is certified by the appropriate agency or agencies of the state;

(e) The group living arrangement shall provide the department with monthly lists of participating residents signed by a responsible center official. The department shall conduct periodic random on-site visits to assure the accuracy of the lists;

(f) If the resident made an application on his or her own behalf, the household is responsible for reporting changes to the department. If the group living arrangement is acting in the capacity of an authorized representative, the group living arrangement shall notify the department of changes in the household's income or other household circumstances and when the individual leaves the group living arrangement;

(g) The group living arrangement shall return any household's ATP cards or coupons to the department if received after the household has left the group arrangement;

(h) When the household leaves the facility, the group living arrangement shall provide the resident with the ID card and any untransacted ATP cards;

(i) The group living arrangement shall provide the departing household with the full allotment if issued by direct mail and if no coupons have been spent on behalf of the individual household. These provisions are applicable any time during the month. If the coupons have already been issued and any portion spent on behalf of the resident, the group living arrangement shall provide the resident with one-half of the monthly household's coupon allotment when the household leaves the facility prior to the sixteenth day of the allotment month;

(j) If a resident or a group of residents apply on their own behalf and retain the use of the coupons, the individuals are entitled to keep the coupon when leaving;

(k) If the group living arrangement acts as the authorized representative the facility must be knowledgeable about the household's circumstances and is responsible for any misrepresentation or fraud the facility knowingly commits in the certification of center residents.

(5) Shelters for battered women and children. Effective April 1, 1982, the following provisions apply prior to certifying residents:

(a) The department shall determine the shelter for battered women and children meets the definition in WAC 388-54-665(6)(d);

(b) Shelters having FNS authorization to redeem at wholesalers shall be considered as meeting the definition for battered women and children;

(c) Shelter residents recently leaving a food stamp household containing a person abusing him or her may apply for and (if otherwise eligible) participate in the program as separate households. Shelter residents included in a previously certified food stamp household shall receive an additional allotment as a separate household only once a month;

(d) Shelter residents applying as separate households shall be certified solely on the basis of income, resources, and the expenses for which the residents are responsible. Residents will be certified without regard to the income, resources, and expenses of the former household;

(e) Jointly held resources shall be considered inaccessible in accordance with WAC 388-54-715. The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner still residing in the former household;

(f) The department shall take prompt action to ensure the former household's eligibility or allotment reflects the change in the household's composition.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-665 HOUSEHOLD DETERMINATION. (1) The following individuals or groups of individuals may make up a household provided ((that)) such individuals or groups are not residents of an institution((:)) or residents of a commercial boarding house((, and provided that separate household status shall not be granted to a spouse of a member of the household, or to children under eighteen years of age under parental control of a member of the household)):

(a) An individual living alone.

(b) An individual((:)) living with others, but ((who)) customarily ((purchases)) purchasing food and ((prepares)) preparing meals for home consumption separate and apart from the others.

(c) A group of individuals((:)) living together((, for whom food is)) but customarily ((purchased in common)) purchasing food and ((for whom meals are prepared)) preparing meals together for home consumption((, except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is sixty years of age or older)) separate and apart from others.

((d)) A household with which a boarder or boarders paying reasonable compensation for meals reside may participate in the program, excluding the boarder(s) and their income and resources from consideration as available, provided the household meets all the eligibility requirements for program participation. The amount of payment for boarding shall be treated as self-employment income. Boarders are ineligible to participate in the program.

(e) Residents of federally subsidized housing for the elderly and residents of Food and Nutrition Service approved drug or alcoholic treatment centers or group living arrangements serving no more than sixteen residents, those being blind or disabled and receiving Title H or XVI benefits:)

(2) Separate household status shall not be granted to the following:

(a) Children under eighteen years of age under the parental control of a member of the household;

(b) Parents living with children or children living with parents unless at least one parent is sixty years of age or older;

(c) A spouse of a member of the household. Spouse refers to either of two individuals:

(i) Defined as married to each other under applicable state law; or

(ii) Living together and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(d) A boarder as defined in WAC 388-54-665(4).

((2)) (3) The following individuals residing with a household shall not be considered household members in determining eligibility or allotment and are termed nonhousehold members. Nonhousehold members may, if otherwise eligible, qualify as separate households:

(a) Roomers. Individuals to whom a household furnishes lodging, but not meals, for compensation.

(b) Live-in attendants. Individuals ((who reside)) residing with a household to provide medical, housekeeping, child care or other similar personal services.

(c) Ineligible aliens. Individuals ((who do)) not ((meet)) meeting the citizenship or eligible alien status.

(d) Students ((age eighteen or older)) enrolled in ((post-high school)) an institution of higher education who ((do)) are eligible because of not ((meet)) meeting the requirements of WAC 388-54-670((+)(e)).

(e) Disqualified individuals. Individuals disqualified for fraud or failure to provide required social security numbers without good cause ((or students in higher education disqualified for failure to meet the requirements of WAC 388-54-670(2))).

(f) Other individuals ((who share)) sharing living quarters with the household but ((who)) do not customarily purchase food and prepare meals with the household.

((3)) (4) Boarders ((in private homes)) are not eligible ((for)) to participate in the program ((benefits)). ((Boarder status-)) A boarder is defined as an individual ((to whom a)) residing with the household ((furnishes lodging)) and ((meals for a)) paying reasonable ((monthly payment)) compensation to the household for lodging and meals. If an applicant household identifies any individual in the household as a boarder, the following provisions apply:

(a) Boarder status shall not be extended to the spouse of a member of a food stamp household, children under eighteen under parental control of a member of the household, children living with parents ((if)) or parents living with children, unless at least one parent is ((less than)) sixty years of age ((even if purchasing or preparing meals separately,)) or older.

(b) Boarder status shall not be extended to persons paying less than a reasonable monthly payment for meals. Boarders whose board arrangement is for more than two meals per day shall pay an amount ((which equals or exceeds)) equaling or exceeding the thrifty food plan for the appropriate size of the boarder household. Boarders whose board arrangement is for two meals or less per day shall pay an amount ((which equals or exceeds)) equaling or exceeding two-thirds of the thrifty food plan for the appropriate size of the boarder household.

((4)) (5) Residents of commercial boarding houses are not eligible for program benefits. A boarding house shall be defined as:

(a) An establishment ((which is)) licensed as a commercial enterprise ((which offers)) offering meals and lodging for compensation.

(b) In project areas without licensing requirements, a boarding house is a commercial establishment ((which offers)) offering meals and lodging for compensation with the intention of making a profit.

(c) The household of the proprietor of a boarding house may participate separate and apart from the residents if otherwise eligible.

(6) Residents of institutions. Individuals shall be considered residents of an institution when the institution provides the individual with the majority of meals as part of the institution's normal service and the institution has not been authorized to accept coupons. Residents of institutions are not eligible for participation in the program, with the following exceptions:

(a) Residents of federally subsidized housing for the elderly, built under either section 202 of the Housing Act of 1959 or section 236 of the National Housing Act;

(b) Narcotic addicts or alcoholics residing at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program;

(c) Disabled or blind individuals who are residents of group living arrangements and are blind or disabled and receive benefits under Title II or Title XVI of the Social Security Act. Group living arrangement is defined as a public or private nonprofit residential setting serving no more than sixteen residents and certified by appropriate state agencies;

(d) Effective April 1, 1982, women or women with children temporarily residing in a shelter for battered women and children. "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. Such persons temporarily residing in shelters shall be considered individual household units for the purposes of applying for and participating in the program.

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-685 RESIDENCY. (1) A household must be living in the project area ((in which it fits)) where filing an application for participation.

(2) No individual may participate as a member of more than one household, or in more than one project area, in any month unless an individual is a resident of a shelter for battered women and children and was a member of a household containing the person abusing him or her.

(3) The department shall not impose any durational residency requirements.

(4) A fixed residence is not required nor shall residency require an intent to reside permanently in the state or project area.

(5) Persons in a project area solely for vacation purposes shall not be considered residents.

AMENDATORY SECTION (Amending Order 1767, filed 2/18/82)

WAC 388-54-695 RESOURCES—EXEMPT. The following resources shall be exempt:

(1) The home and surrounding property not separated from the home by intervening property owned by others. The home and surrounding property 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 the household intends to build or ~~((are))~~ is building a permanent home, shall receive an exemption for the value of the lot and, if the home 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 funds in pension plans with interest penalties for early withdrawals, such as a Keogh or IRA as long as funds ~~((are not withdrawn))~~ remain in the pension plan.

(4) Vehicles as provided for in WAC 388-54-717.

(5) Property ~~((which))~~ annually ~~((produces))~~ producing income consistent with the fair market value, even if only used on a seasonal basis, except ~~((that))~~ rental homes used by households for vacation purposes at some time during the year shall be counted as resources unless the property is producing annual income consistent with the fair 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, essential to the employment or self-employment of a household member.

(7) Resources of nonhousehold members such as roomers, ~~((boarders, or))~~ live-in attendants, or 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 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, security deposits on rental property or utilities, property in probate, real property and notes receivable not readily liquidated, if the household is making a good-faith effort to sell~~((:))~~ at a reasonable price and has not been sold.

~~((a))~~ Any Funds in a trust or transferred to a trust, and the income produced by that trust to the extent the trust is not available to the household, shall be considered inaccessible to the household if:

~~((a))~~ The ~~((trust is under the control and management of an))~~ trustee administering the funds is either:

~~((i))~~ A court, or institution, corporation or organization ~~((the trustee))~~ and is not under the direction or ownership of any household member;

~~((ii))~~ The individual appointed by the court who has court imposed limitations placed on the household's use of the funds;

~~((b))~~ ~~((iii))~~ ~~((If that trustee uses))~~ The funds held in irrevocable trust are either established from the household's own funds, if the 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 or established from nonhousehold funds by a nonhousehold member;

~~((c))~~ ~~((iv))~~ ~~((If the))~~ Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction or influence of a household member~~((:))~~;

~~((d))~~ ~~((b))~~ If the trust arrangement will not likely cease during the certification period; and

~~((e))~~ ~~((c))~~ 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 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))~~ received before January 1, 1980, as a result of Public Law 95-600, the Revenue Act of 1978;

(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 producing income consistent with the 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.

~~((15))~~ (14) A ~~((one-time))~~ payment or allowance made under any federal, state or local laws clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. Among the federal payments excluded are energy assistance payments provided through the department of health and human services' low-income energy assistance program and the community services administration's energy crisis assistance and crisis intervention programs.

AMENDATORY SECTION (Amending Order 1767, filed 2/18/82)

WAC 388-54-735 INCOME—EXCLUSIONS. The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970~~((:))~~:

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Payments under Title I (VISTA) to volunteers shall be excluded for individuals receiving public assistance or food stamps at the time the individual joined VISTA and for households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.

(5) Any payments received by Alaskan natives under the terms of the Alaskan Native Claims Settlement Act.

(6) Payments from the special crisis intervention program.

(7) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(8) Income received as compensation for services as an employee or income from self-employment by a child residing in the household, under eighteen years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college or university. The exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from earnings or work performed by other household

members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(9) Income received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(10) All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred.

(11) Education loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, OASDI educational benefits, and the like to the extent ((that)) the funds are used for tuition and mandatory school fees at an institution of higher education, including correspondence schools at that level, or a school at any level for the physically or mentally handicapped.

(12) Money received in the form of nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), cash prizes, awards and gifts (except those for support maintenance, or the expense of education), inheritances, retroactive lump-sum social security and railroad retirement pension payments, income tax refunds and similar nonrecurring lump-sum payments.

(13) The cost of producing self-employment income.

(14) Reimbursements for past or future expenses not to exceed the actual expense or reimbursements not representing a gain or benefit to the household((-));

(a) The following are considered reimbursements excludable, and do not represent a gain or benefit:

(i) Flat allowances for job or training-related expenses such as per diem, travel, uniforms and transportation to and from the job or training site((-));

(ii) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of the volunteers' work((-);

(iii) Reimbursement for medical or dependent care((-);

(iv) Reimbursements or allowances to students for specific education expenses. Portions of a general grant or scholarship must be specifically earmarked by the grantor for educational expenses such as travel or books. For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant, and "grant or scholarship" shall include any grant used for educational purposes regardless of the fact ((that)) the grantee must perform services to obtain the grant. Schools or institutions do not have the authority to designate a portion of "Pell Grant" (formerly BEOG) or work study funds. The United States department of education (DOE) is the only authority to earmark "Pell Grant" funds.

(b) The following are considered reimbursements not excludable, and do represent a gain or benefit((-):

Reimbursements for normal living expenses such as rent or mortgage, personal clothing, or food eaten at home.

(15) Any gain or benefit not in money, such as in-kind benefits, including public housing, meals or clothing.

(16) Money payments not owed or payable directly to a household, but paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses the person's or organization's own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household((-);

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development (HUD) or by state or local housing authorities, are vendor payments and are excluded((-);

(c) Money ((that is)) legally obligated and otherwise payable to the household, but is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

(17) Money received and used for the care and maintenance of a third-party beneficiary not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household((-);

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded((-);

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members prorata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

(18) Money received as a department of housing and urban development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two-month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

(19) Clearly identified supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

~~((20) That portion of SSI state supplementary payments that state law designates as an energy standard for individuals, and couples in which both spouses are eligible for SSI.))~~

NEW SECTION

WAC 388-54-737 INCOME—ENERGY ALLOWANCE. (1) Effective April 1, 1982, the following energy allowance included in AFDC, continuing general assistance and refugee assistance standards is excluded as food stamp income:

Household Size	Monthly Energy Allowance
1	\$21
2	27
3	32
4	39
5	44
6	50
7	59
8 or more	64

(2) An energy allowance is not included in assistance standards for households receiving:

- (a) Board and room payments;
- (b) Supplied shelter; or
- (c) Supplemental security income (SSI).

WSR 82-08-043

PROPOSED RULES

BIG BEND

COMMUNITY COLLEGE

[Filed April 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Board of Trustees of Washington Community College District 18 intends to repeal rules concerning regulations on tenure, nonrenewal of faculty probationers' contracts, and faculty dismissals, chapter 132R-128 WAC and reduction-in-force policy—Academic employees—Declaration of emergency, chapter 132R-180 WAC.

The formal repeal of such rules will take place at 7:00 p.m., Monday, May 24, 1982, in the Board Room, Student Center and Administration Building, Big Bend Community College, Moses Lake, Washington.

The authority under which these rules are proposed is RCW 28B.50.852.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to Monday, May 24, 1982, and/or orally at 7:00 p.m., Monday, May 24, 1982, Board Room,

Student Center and Administration Building, Big Bend Community College, Moses Lake, Washington.

Dated: March 29, 1982

By: Peter D. DeVries
President

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 28B.19.033. Chapter 132R-128 WAC, Regulations on tenure, nonrenewal of faculty probationers' contracts, and faculty dismissals and chapter 132R-180 WAC, Reduction-in-force policy—Academic employees—Declaration of emergency are hereby repealed pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is declared that the collective bargaining agreement and/or policies of the college shall contain provisions relating to the following subject matter areas of implementation regarding tenure and shall be consistent with the laws of the state of Washington: Recommendations for tenure; reduction-in-force procedures; dismissal procedures; hearing procedures; rights of appeal.

Statutory Authority: RCW 28B.50.852.

Peter D. DeVries, President, Big Bend Community College, 24th and Andrews Streets, Moses Lake, Washington 98837, Telephone: (509) 762-5351, ext. 290, Scan 664-1290.

REPEALER

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

- (1) WAC 132R-128-010 PURPOSE.
- (2) WAC 132R-128-020 DEFINITIONS.
- (3) WAC 132R-128-030 COMPOSITION OF REVIEW COMMITTEES.
- (4) WAC 132R-128-040 REVIEW COMMITTEE EVALUATION PROCEDURES.
- (5) WAC 132R-128-050 REVIEW COMMITTEE EVALUATION STANDARDS.
- (6) WAC 132R-128-060 COMMUNICATION OF EVALUATION TO PROBATIONERS.
- (7) WAC 132R-128-070 RECOMMENDATIONS REGARDING TENURE.
- (8) WAC 132R-128-080 BOARD DECISIONS REGARDING TENURE.
- (9) WAC 132R-128-090 DISMISSALS.
- (10) WAC 132R-128-100 DISMISSAL FOR SUFFICIENT CAUSE.
- (11) WAC 132R-128-110 NONRENEWAL OF TENURED FACULTY CONTRACTS.
- (12) WAC 132R-128-120 TENURE CONSIDERATIONS.
- (13) WAC 132R-128-121 SUMMARY SUSPENSION.
- (14) WAC 132R-128-122 HEARING.
- (15) WAC 132R-128-130 SEVERABILITY.

REPEALER

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

- (1) WAC 132R-180-010 PURPOSE.
- (2) WAC 132R-180-020 DEFINITIONS.
- (3) WAC 132R-180-030 DETERMINATION OF NEED FOR REDUCTION IN FORCE.
- (4) WAC 132R-180-040 DETERMINATION OF COMPREHENSIVE EDUCATIONAL SERVICES.
- (5) WAC 132R-180-050 DETERMINATION OF NUMBER OF ACADEMIC EMPLOYEES TO BE LAID OFF.
- (6) WAC 132R-180-060 SENIORITY UNITS AND DETERMINATION OF SENIORITY.
- (7) WAC 132R-180-070 ORDER OF LAYOFF.

- (8) WAC 132R-180-080 REDUCTION-IN-FORCE HEARING REVIEW COMMITTEE.
- (9) WAC 132R-180-090 RIGHTS OF ACADEMIC EMPLOYEES ON LAYOFF STATUS.

WSR 82-08-044

**WITHDRAWAL OF PROPOSED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL**

[Filed April 2, 1982]

Pursuant to RCW 34.04.048, the Insurance Commissioner/State Fire Marshal hereby withdraws the Notice of Intention to Adopt Rules, filed September 4, 1981, under WSR 81-19-004, continued November 10, 1981, under WSR 81-23-011, relating to chapter 212-36 WAC, Boarding Homes, Standards for Fire Protection.

Dick Marquardt
Insurance Commissioner
By Thomas R. Bruce, Director
Division of State Fire Marshal

WSR 82-08-045

**NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD**

[Memorandum—April 2, 1982]

Beginning at 9:30 a.m., Thursday, April 15, 1982.

1. Minutes from UAB meeting on January 21, 1982.
2. Report of chairman.
3. Apportionment of funds deposited into the urban arterial trust account for the 1st quarter 1982.
4. Allocation of urban arterial trust funds to active projects for the 2nd quarter 1982.
5. Review proposed projects for authorization of urban arterial trust funds for the preliminary phase.
6. Review proposed projects for authorization of urban arterial trust funds for the construction phase.
7. Report on changes in project scope approved by chairman.
8. Report on completed audits.
9. Report on urban arterial trust fund increases to projects approved by chairman.
10. Review summary of long range plan and statewide arterial deficiencies.

WSR 82-08-046

**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGE
DISTRICT TWELVE**

[Memorandum—March 31, 1982]

The following change in location in the regular meeting schedule of the Board of Trustees of Community College District 12 is from Olympia Technical Community College, to Thursday, May 13, 1982, 7:30 p.m., Board Room, Centralia College.

WSR 82-08-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 82-27—Filed April 2, 1982]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, 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 allowable catch of pacific hake in Marine Fish-Shellfish Catch Reporting Areas 24A, 24B and 26A has been harvested.

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 April 2, 1982.

By Rolland A. Schmitten
 Director

NEW SECTION

WAC 220-48-09000C OTTER TRAWL AND BEAM TRAWL SEASONS. *Notwithstanding the provisions of WAC 220-48-090, effective 12:01 A.M. April 4, 1982, until further notice, it is unlawful to take, fish for or possess pacific hake for commercial purposes in Marine Fish-Shellfish Catch Reporting Areas 24A, 24B and 26A.*

WSR 82-08-048
PROPOSED RULES
DEPARTMENT OF LICENSING
(Optometry Board)
 [Filed April 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Optometry Board intends to adopt, amend, or repeal rules concerning WAC 308-53-080 minimum practical examination requirements; 308-53-085 grading examinations; and 308-53-151 credit for CPR training. A copy of the proposed rules and amendments is shown below, however, changes may be made at the hearing;

that such agency will at 9:15 a.m., Wednesday, May 19, 1982, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 18.54.070(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 19, 1982, and/or orally at 9:15 a.m., Wednesday, May 19, 1982, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: April 1, 1982

By: Stanley R. Haskins
 Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Optometry Board.

Purpose of Proposed Rules and Repealer: To list the subjects applicants for licensing as optometrists will be examined on and the scores necessary to successfully pass the examination; to add another method of obtaining continuing education credit, and to repeal a less-encompassing rule regarding examination subjects.

Statutory Authority: RCW 18.54.070(5).

Summary of Rules: WAC 308-53-080 Examination subjects; 308-53-085 Grading examinations; and 308-53-151 Credit for CPR training.

Reason for Proposed Rules: WAC 308-53-080, this proposed amendment is intended to state the content of the optometry licensing examination; 308-53-085, this proposed rule is intended to state the minimum scores that must be obtained by examinees; and 308-53-151, this proposed rule is intended to add CPR training as a means of obtaining continuing education in view of the future increase in required continuing education credit and CPR's relevance with the recent change in the optometry law (RCW 18.53.010(2)).

The Washington State Optometry Board and its executive secretary have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is: Stanley Haskins, P.O. Box 9649, Olympia, WA 98504, telephone (206) 753-0774 Comm; (206) 234-0774 Scan.

Proponents of the Proposed Amendment and Rules: These rules and amendment were proposed by the Washington State Optometry Board.

Agency Comments: These rules were proposed pursuant to RCW 18.54.070(5).

Federal Law or Federal or State Court Requirements: The proposed rules and amendment are not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order PL 326, filed 12/28/79)

~~WAC 308-53-080 ((MINIMUM PRACTICAL)) EXAMINATION ((REQUIREMENTS)) SUBJECTS. ((The practical examination portion of the optometry licensing examination shall cover at a~~

~~minimum the following subjects: retinoscopy, ocular pathology, biomicroscopy, contact lenses, tonometry, and case study.) Every qualified applicant for a license as an optometrist shall successfully pass an examination. The Board may choose to include, but need not be limited to, the following subjects: contact lenses; Washington State law; perimetry; pathology; visual training; ocular anatomy and physiology; optometric theory and methods; social, legal, economic and ethics of optometry; ocular pharmacology; lensometer; retinoscopy; biomicroscopy slit lamp; tonometry; radiuscopy; and oral interview and case history.~~

~~Every applicant will take a written examination section on contact lenses, Washington State law, perimetry and pathology slides. Applicants not having satisfactorily passed the National Board of Examiners in Optometry examination will also take a written examination section on visual training, ocular anatomy and physiology, theory and methods of optometry, social, legal, economics and ethics of optometry, ocular pathology and ocular pharmacology.~~

~~Every applicant will take a practical examination section on: lensometer, retinoscopy, biomicroscopy slip lamp, tonometry and radiuscope. Every applicant will take a practical oral interview and case history section.~~

NEW SECTION

WAC 308-53-085 GRADING EXAMINATIONS. To successfully pass the examination, an applicant whom has satisfactorily passed the National Board of Examiners in Optometry examination must obtain the following:

- (1) Pass at least two (2) of the following subjects on the written section with a score of at least sixty percent (60%): contact lenses, perimetry, pathology slides. Washington State law does not require a minimum passing score but that score will be included in calculating a total average score; and
- (2) Pass the practical examination section with at least a seventy-five percent (75%) average score; and
- (3) Pass the practical oral interview and case history section with at least a seventy-five percent (75%) score; and
- (4) Obtain a total average score of at least seventy-five percent (75%).

An applicant whom has not satisfactorily passed the National Board of Examiners in Optometry examination must obtain the following:

- (1) Pass at least six (6) of the following subjects on the written sections with a score of at least sixty percent (60%): contact lenses, perimetry, pathology slides, visual training, ocular anatomy and physiology, theory and methods of optometry, ocular pathology and ocular pharmacology. Washington State law and social, legal, economic and ethics of optometry do not require a minimum passing score but these scores will be included in calculating a total average score; and
- (2) Pass the practical examination section with at least a seventy-five percent (75%) average score; and
- (3) Pass the practical oral interview and case history section with at least a seventy-five percent (75%) score; and
- (4) Obtain a total average score of at least seventy percent (70%).

NEW SECTION

WAC 308-53-151 CREDIT FOR CRP TRAINING. On or after January 1, 1983, continuing education credit, up to five (5) credit hours yearly, may be granted for training obtained in a cardio-pulmonary resuscitation (CPR) course where such training is provided by a currently certified CPR instructor. A request for credit must include the name of the instructor, by whom the instructor is certified, and information regarding current certification at the time of the course, and the date and location of the course.

Reviser's note: The typographical error in the above caption occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 82-08-049
PROPOSED RULES
DEPARTMENT OF LICENSING
(Optometry Board)
[Filed April 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning the examination, WAC 308-26-017. A copy of the proposed rule is shown below, however, changes may be made at the hearing;

that such agency will at 9:00 a.m., Wednesday, May 12, 1982, in the Fourth Floor Conference Rooms B and C, Highways-Licenses Building, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 18.34.040 and 18.34.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 9:00 a.m., Wednesday, May 12, 1982, Fourth Floor Conference Rooms B and C, Highways-Licenses Building, 12th and Franklin, Olympia, Washington.

Dated: April 2, 1982
By: Stanley R. Haskins
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose of Proposed Rule: To state the examination content, the scoring necessary to successfully pass the dispensing opticians licensing examinations and to state the retesting procedure on failed examination sections.

Statutory Authority: RCW 18.34.040 and 18.34.080.

Summary of Rule: WAC 308-26-017, The examination.

Reason for Proposed Rule: WAC 308-26-017, the proposed rule is intended to state the licensing examination's content, scoring, and retesting procedure.

The Washington State Department of Licensing and the executive secretary for the Dispensing Opticians Examining Committee have the responsibility for drafting, implementing and enforcing this rule. The executive secretary is: Stanley Haskins, P.O. Box 9649, Olympia, WA 98504; telephone (206) 753-0774 Comm; (206) 234-0774 Scan.

Proponent of the Proposed Rule: This rule is proposed by the Department of Licensing.

Agency Comments: This rule is proposed pursuant to RCW 18.34.040 and 18.34.080.

Federal Law of Federal or State Court Requirements: The proposed rule is not necessitated as the result of federal law or federal or state court action.

NEW SECTION

WAC 308-26-017 THE EXAMINATION. (1) Every qualified applicant for a dispensing optician's license shall pass an examination

with a score of at least seventy percent (70%) in each of the three examination sections: written contact lenses, written basic optical concepts to include anatomy and physiology, and practical. Subject to subsection (2), any applicant obtaining a score of less than 70% in any section will only be required to retake the section(s) in which a grade of less than 70% was obtained.

(2) Applicants failing an examination section, other than the practical section, may retake the section(s) failed after five months. An applicant failing the practical section must wait for one year when the complete examination is administered by the dispensing optician examining committee. Examination sections passed will be valid for a period of twelve (12) months; applicants failing to successfully pass failed section(s) within twelve months shall be subject to subsequent reexamination on all three sections.

WSR 82-08-050
PROPOSED RULES
GAMBLING COMMISSION
[Filed April 2, 1982]

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 copying, amending WAC 230-60-045;

that such agency will at 10:00 a.m., Friday, June 11, 1982, in the Olympia City Hall Council Chambers, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 11, 1982, in the Olympia City Hall Council Chambers, 8th and Plum, Olympia, Washington.

WAC 230-60-045 is promulgated pursuant to RCW 42.17.290, 42.17.300 and 9.46.070(14) and is intended to administratively implement those statutes.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 11, 1982, and/or orally at 10:00 a.m., Friday, June 11, 1982, Olympia City Hall Council Chambers, 8th and Plum, Olympia, Washington.

Dated: April 2, 1982

By: Richard A. Finnigan
for Keith Kisor
Director

STATEMENT OF PURPOSE

Title: Amendment to WAC 230-60-045, Copying.

Description of Purpose: Amendment to WAC 230-60-045. The purpose of this proposed amendment is to eliminate some of the charges assessed by the Gambling Commission for copies of commission rules.

Statutory Authority: The statutory authority for the proposed amendment to WAC 230-60-045 is found in RCW 42.17.290, 42.17.300 and 9.46.070(14).

Summary of Proposed Rules and Reasons Supporting Action: Amendment to WAC 230-60-045. The proposed change to this rule deletes from the list of items for which a fee will be charged the manual of commission rules. The reason for the proposed change is that

the commission has found that it is too expensive and time consuming to process the handling of the manuals and the accounting for the money charged for the manuals. It is cheaper for the commission to simply provide the manuals free of charge.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director and Elwin Hart, Deputy Director, Capital Plaza Building, 1025 East Union, Olympia, WA, 234-0865 Scan, 753-0865 Comm.

Proponents and Opponents: These proposed amendments to rules are proposed by the staff of the Washington State Gambling Commission.

Agency Comments: The agency believes the proposed rule is self-explanatory and needs no further comment.

This rule was not made necessary as a result of a federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 93, filed 10/19/79)

WAC 230-60-045 COPYING. A fee, determined by actual cost for time and services rendered, for inspection of public records, may be charged. The commission shall charge a fee in the amount necessary to reimburse the commission for its actual costs incidental to providing copies of public records, except as noted in the following schedule of fees: PROVIDED, HOWEVER, That at the discretion of the director, or his designee, governmental agencies may be excluded from the payment of the fee for such service. The schedule of charge is:

ITEM	FEE
Copy of license application, supporting documents, correspondence, minutes of commission meetings, licenses approval list, list of commission licensees, reports required to be filed by the licensees on a periodic basis concerning the operation of licensed activity, commission legislative reports, and other similar material	\$.25 cents per page for first 10 pages, \$.10 cents per page for any pages thereafter
Application for license(s) and/or supporting forms	No fee
Letter of certification to accompany copy of record or document. (Governmental agencies - no fee)	\$2.00
Specially produced listing, magnetic tapes, or labels	Cost of services, including overhead
Record look up	No charge for requests taking five minutes or less, actual cost including overhead, for single requests or a combination of multiple requests taking longer than five minutes to complete
Postal charges	Actual cost

~~((Manual of commission rules (includes supplemental mailings for licensees and governmental agencies and for others who make specific request therefor))~~

~~(((\$4.00 PROVIDED, That there shall be no fee for commission licensees and governmental agencies up to two copies. The director may waive the fee for law enforcement agencies for copies above two upon a showing such agencies will actively use them.))~~

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 82-08-051
ADOPTED RULES
JAIL COMMISSION

[Order 24—Filed April 2, 1982]

Be it resolved by the Washington State Jail Commission, acting at Courthouse Annex, Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to an amendment to those provisions of the physical plant standards for detention and correctional facilities relating to fire safety, adopted specifically pursuant to section 4, chapter 12, Laws of 1981 2nd ex. sess.

This action is taken pursuant to Notice WSR 82-05-046 filed with the code reviser on February 17, 1982. 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 Jail Commission as authorized in RCW 70.48.050(5) and 70.48.070(4).

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 25, 1982.

By George Edensword-Breck
 Director

AMENDATORY SECTION (Amending Order 2, filed 6/27/79)

WAC 289-12-030 NEW FACILITIES. (1) Initial planning for new facilities. The design planning of all new detention and correctional facilities shall include:

(a) Obtaining the participation of the community and surrounding governing units in site selection and planning; and

(b) Analyzing the present and future qualitative function and quantitative workload of the proposed facility, giving optimum consideration to alternatives to confinement.

(2) Specific physical plant standards. (Detention and correctional facilities except as otherwise noted.)

(a) Functional areas.

(i) Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance and protection for prisoners and staff.

(A) Single occupancy cells shall be seventy-two square feet or larger with not less than eight foot ceilings. In no event shall a single occupancy cell contain less than fifty square feet of clear floor space.

(B) Day room areas shall have a minimum of thirty-five square feet per prisoner, but in no instance shall the day room space be less than one hundred forty-four square feet.

(C) Dormitories, when included, shall have a minimum and maximum capacity of eight to ten males or four to ten females and shall allow sixty square feet of

floor space per prisoner in semi-private sleeping areas, shall include day room space, and shall have not less than ten foot ceilings if double bunks are used.

(ii) Program, recreation and exercise areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area with toilet facilities.

(iii) Kitchen and dining facilities.

(A) When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day and shall meet the requirements of chapter 248-84 WAC.

(B) Dining area(s) shall allow conversational opportunities in adequate surroundings. Meals shall not be served in cells, except where necessary for the health, security and/or well-being of prisoners and staff.

(iv) Examining room, infirmary and medical isolation.

(A) Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped with natural spectrum fluorescent lighting, a handwashing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam, or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

(B) When an infirmary is located within the facility, infirmary space shall allow a minimum of three feet between the perimeter of each bed and walls, beds, and any fixed obstruction: PROVIDED, That this three foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

(C) If medical isolation facilities are located within the jail such facilities shall conform to applicable standards of WAC 248-18-530 and 248-18-718.

(v) Visitation and confidential consultation.

(A) Space for visitation shall be included in detention and correctional facilities. Such space shall allow surveillance and the degree of control over physical contact deemed necessary by jail management for visible control, and shall simultaneously provide adequate seating for prisoners and their visitor(s).

(B) Detention and correctional facilities shall provide adequate facilities for confidential consultation(s).

(vi) Laundry. If laundry facilities are provided within the jail, such facilities shall be adequate for sanitary washing and drying of the jail laundry. Separate areas should be arranged for storage and sorting of soiled laundry and for the sorting, folding and storage of clean laundry.

(vii) Storage. Detention and correctional facilities shall include one or more secure storage area(s) for the storage of prisoner personal clothing and property and for necessary jail equipment and supplies.

(viii) Supervisory stations.

(A) Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from any unauthorized access and it shall be capable of controlling access to the facility by the general public.

(B) Sight and sound surveillance equipment, where used, shall be monitored in the control room and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

(ix) Booking and reception areas. The booking area(s) shall include, but not be limited to, restroom facilities with shower, a "strip search" room, holding cell(s) (may be multiple occupancy), telephone, and space for photographing, fingerprinting, delousing, intoxication determinations and health screening.

(b) Structural criteria.

(i) Building codes. All standards contained in the current Washington State Building Code established by RCW 19.27.030, the electrical wiring provisions of chapter 19.28 RCW, and more restrictive local standards shall be followed in all new jail construction.

(ii) Materials for walls, floors and ceilings. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire resistant and non-toxic.

(iii) Entrances and exits.

(A) Detention and correctional facilities shall have two secure vestibules for ingress and egress.

(B) Elevators shall have no less than six feet by eight feet inside dimensions.

(C) A secure area shall be provided for loading and unloading prisoners.

(iv) Windows and/or skylights. Windows and/or skylights shall be sufficient to provide natural light to all living areas, yet locations shall assure security from escape and introduction of contraband.

(v) Noise level. Noise level shall conform to the requirements of chapter 173-60 WAC (Maximum Environmental Noise Levels).

(c) Utilities.

(i) Prisoner living areas, inspection corridors, and vestibules shall have secure lights with outside switch control. No electrical conduit shall be accessible from any cell, though each living unit may contain outlets and switches, provided they are unilaterally controllable by staff.

(ii) Lighting. Illumination at all times shall be adequate for security and surveillance, and daytime and evening illumination shall be sufficient to permit prisoners to read in their cells (thirty foot candles at thirty inches minimum, one hundred foot candles at thirty inches for medical examining areas, fifty foot candles at thirty inches for work areas).

(iii) Water supply. There shall be an adequate supply of sanitary hot and cold water available at all times to prisoners. Hot water for general use shall be adequate.

(iv) Plumbing—Toilets, lavatories, showers and floor drains.

(A) There shall be at least one toilet and lavatory for every eight prisoners. Separate facilities shall be provided for each sex.

(B) A minimum of one shower head shall be provided for every ten prisoners.

(C) Floor drains shall be constructed to serve all cells, dormitories and other areas where necessary to facilitate cleaning. Floor drains shall be located outside the cell space to reduce the incidence of tampering and flooding. Plumbing connection and pipes shall be secure from uncontrolled access by prisoners.

(v) Heating, ventilation and air conditioning.

(A) The systems shall maintain mean temperatures between sixty-five and eighty-five degrees F.

(B) The ventilating system shall provide for the number of air changes per hour as specified in the Uniform Building Code.

(d) Support systems.

(i) Fire detection and suppression. All jails shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within cells and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

(ii) Emergency power. All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where one exists, to provide minimum lighting within the facility and perimeter and for the preparation of a light meal.

(3) Minimum security facilities. Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas.

(4) Holding facilities. Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible.

(5) Work release. Work release facilities shall provide safe, healthful, reasonably comfortable living conditions with necessary ancillary services and the required security.

WSR 82-08-052

EMERGENCY RULES JAIL COMMISSION

[Order 25—Filed April 2, 1982]

Be it resolved by the Washington State Jail Commission, acting at Courthouse Annex, Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to a new section setting guidelines for review of jail construction or remodeling plans not meeting state physical plant standards, in response to chapter 12, Laws of 1981 2nd ex. sess.

We, the Washington State Jail 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 both the intent and the language of chapter 12, Laws of 1981 2nd ex. sess., declared said chapter to take immediate effect, indicating that State Jail Commission action in response to that legislation should be undertaken on emergency basis.

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

This rule is promulgated pursuant to chapter 12, Laws of 1981 2nd ex. sess. and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Jail Commission as authorized in RCW 70.48.050(5), 70.48.060(3) and 70.48.070(4).

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 25, 1982.

By George Edensword-Breck
Director

NEW SECTION

WAC 289-12-035 GUIDELINES FOR REVIEW OF PLANS NOT MEETING PHYSICAL PLANT STANDARDS. (1) *Purpose.* It is the purpose of this rule, in response to Chapter 12, Laws of 1981, 2nd Ex. Sess., to establish guidelines for the review and approval of plans which do not meet the previously-adopted physical plant standards set forth above but which may still satisfy minimal constitutional standards.

(2) *General Guidelines.* In light of recent Supreme Court decisions, plans for new and/or remodeled state-funded detention or correctional facilities may be submitted to the commission for approval even though such plans contain modifications to the physical plant standards cited above. Such modifications to physical plant standards may include but are not necessarily limited to the following:

(a) *Less than 72 square feet per prisoner in single occupancy cells;*

(b) *Less than 60 square feet per prisoner in dormitories;*

(c) *Less than 35 square feet per prisoner in dayrooms; and*

(d) *Multiple occupancy cells of more than one prisoner.*

(3) *Criteria for Review.* Based on recent Supreme Court decisions, the commission's review of plans submitted which contain requests for significant modifications from the physical plant standards shall take into consideration the following elements:

(a) *The reasonableness of the proposed square footage per prisoner under (2)(a) through (2)(d) above;*

(b) *The length of prisoner stay in living areas designed to less than square footage required by WAC 289-12-030;*

(c) *Amount of out-of-cell opportunities, including but not limited to recreational, educational, and work programs;*

(d) *Whether modifications being proposed under (2) above will permit adequate classification and segregation of prisoners; and*

(e) *Whether other areas of the jail incorporate adequate space for necessary support activities and services, for which purpose the jail commission's "Jail Architectural Programming Guidelines" shall continue to be the general reference.*

(4) *Procedures for Review.* (a) *Governing unit requests for approval of plans which include modifications to the physical plant standards as set forth in subsection (2), shall be submitted and approved or denied in accordance with established funding procedures set forth in Chapter 289-13 WAC;*

(b) *Plans submitted by a governing unit for review and approval of modifications to the physical plant standards shall include a detailed statement that contains a sufficient amount of information on items (3)(b) through (3)(e) above to make a determination of adequacy on the plans;*

(c) *Governing unit requests for approval of plans will be scheduled for public meeting review and approval or disapproval by the full commission.*

(5) *Approval of plans submitted under this section will be based upon the established funded capacity and maximum budget for specific projects. No plan will be approved under this section which is not supported by a written showing of either (a) reduced construction costs or (b) no increase in construction costs but significant operational savings to the governing unit.*

WSR 82-08-053

EMERGENCY RULES JAIL COMMISSION

[Order 26—Filed April 2, 1982]

Be it resolved by the Washington State Jail Commission, acting at Courthouse Annex, Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to amendments to WAC 289-13-070 to delete current provisions within subsection (2) which permit state funding in authorized jail projects of clearing of site, disposal of debris and demolition of existing structures not integral to the construction of the jail itself.

We, the Washington State Jail 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 the existing rule permitting funding of certain pre-construction site-related costs has been cited by the Joint

Administrative Rules Review Committee as violative of controlling statutory provisions of RCW 70.48.260.

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

This rule is promulgated pursuant to RCW 70.48.260 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Jail Commission as authorized in RCW 70.48.060(3).

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 25, 1982.

By George Edensword-Breck
Director

AMENDATORY SECTION (Amending Order 20, filed 12/22/81)

WAC 289-13-070 FINAL REVIEW OF FUNDING APPLICATIONS—LEVEL OF FUNDING. (1) A governing unit will be awarded only the minimum amount necessary to fully implement the physical plant standards in the particular detention or correctional facility which is being considered based upon the approved capacity set by the commission under WAC 289-13-060.

(2) The following elements will be considered in determining the necessary minimum cost of construction or substantial remodeling projects:

(a) Prime architect and engineer fees, including the total cost of services performed by the architect and engineer who are responsible for the facility design, and any subcontracts for design specialists necessary for the development of the project: **PROVIDED**, That the applying governing unit must submit a description of its consultant selection process which must, except where a contract for such services was executed prior to June 1, 1979, substantially comply with the consultant selection process adopted by the Department of General Administration, Division of Engineering and Architecture as adapted to the particular governing unit's organization and structure: **PROVIDED FURTHER**, That the commission will provide to each governing unit a list of known minority and female architect and engineer firms to which an announcement of each governing unit's selection process shall be sent, and all such firms shall be given a full and equal opportunity to participate in any such process commenced following receipt of such list: **PROVIDED FURTHER**, That no reimbursement shall be made for fees of any prime architect selected following the effective date of this rule who does not have in effect an affirmative action plan which includes, at a minimum, the same goals as the governing unit's plan with regard to its own employment practices or, if no such governing unit plan exists, which meets or exceeds the participation standard set within WAC 289-13-

170(1)(b): **PROVIDED FURTHER**, That all prime architects whose fees are submitted for reimbursement hereunder shall submit a copy of the firm's affirmative action plan, or a statement with regard to its affirmative action practices regardless of the time it was selected. All such fees shall generally be evaluated in accordance with the Prime Architect and Engineer Fee Schedule set forth in the State of Washington Capital Budget Instructions for the 1979-81 biennium.

(b) Initial architectural consultant fees required to prepare preliminary jail facility plans for presentation to the commission, upon demonstration of the necessity for such services apart from the work normally associated with the prime architect and engineer: **PROVIDED**, That the applying governing unit provides adequate indication of a consultant selection process free of conflict of interest and which insures the selection of a qualified person or firm. All such fees shall be evaluated on the basis of a fee schedule to be developed by the commission. Service by a person or firm as an initial architectural consultant does not preclude such person or firm's selection as the prime architect for a particular jail facility.

(c) Site survey and soil testing as necessary prior to construction.

(d) Construction costs, including, but not specifically limited to:

~~((i))~~ Clearing of site and disposal of debris,
~~((ii))~~ Demolition of existing structure where there is an adequate showing of justification for construction on an occupied rather than vacant site;
~~((iii))~~ Necessary earthwork integral to the construction of the jail itself;

~~((iv))~~ (ii) Drainage, water and sewer work;
~~((v))~~ (iii) Necessary fire protection design features, including fire extinguishing and alarm systems;
~~((vi))~~ (iv) Walkways and driveways;
~~((vii))~~ (v) Service vehicle and visitor parking;
~~((viii))~~ (vi) Power, lighting, and telephone connections to jail building and related equipment, as well as all interior wiring and permanent power, lighting, and telephone equipment;

~~((ix))~~ (vii) Necessary security features which constitute permanent fixtures of the structure, including:

(A) Standard security hardware;
(B) Electronically controlled gates and doors as conditions require (with mechanical override);
(C) Electronically controlled door locking devices for prisoner rooms operated from centralized consoles;
(D) Closed circuit television (C.C.T.V.), surveillance systems where required, **EXCEPT THAT** C.C.T.V. will not be funded for general prisoner population cells or dormitories;

(E) Intercom and telephone systems connecting all major control points and monitored through central control telephone system for secure noncontact visitation; and

(F) Equipment and systems to control vandalism in such areas as water supply, mechanical and electrical fixtures.

(x) Standard permanent jail fixtures, including but not limited to bunks, tables, toilets, showers, sinks, and

other such necessary furnishings for cells, dormitories, dayrooms, and dining and visitor areas;

(xi) Minimum laundry and kitchen appliances and equipment where adequate justification for such appliances and equipment is demonstrated;

(xii) Minimum furnishings and equipment for medical examining area and, where justified, for infirmary, as required under WAC 289-12-030(2)(a)(iv)(A) and (B);

(xiii) Separate staff facilities within the architectural guidelines to be adopted by the commission.

(3) Energy conservation design features which may increase initial construction or remodeling costs shall not be precluded from consideration for state funding when properly supported by a life cycle cost analysis as required by chapter 39.35 RCW.

(4) Costs which will not be considered for state funding purposes include:

(a) Any architect and engineering fees or other costs that are not directly related to and specifically required for jail construction and/or remodeling to comply with the physical plant standards and the rules adopted herein;

(b) Site acquisition and site preparation, including surveys and soil testing, clearing, disposal of debris and demolition of existing structures;

(c) Landscaping, art works, or any decorative features of design or construction which are not necessary costs of jail construction or substantial remodeling to meet the physical plant standards;

(d) Movable equipment and furnishings, e.g., shelves, desks, conference tables, and file cabinets;

(e) Court room or facilities solely related to court activities;

(f) Any portion of elevator construction cost not related to jail operation: **PROVIDED**, That where an elevator serves a jail facility as well as other portions of a courthouse, criminal justice facility or other multistoried structure in which the jail is located, such cost shall be prorated;

(g) The cost for construction of skybridges or tunnels that connect the jail with any structure other than another portion of the jail: **PROVIDED**, That following completion of design development and a cost analysis based thereon, a governing unit may request approval of the inclusion of such a structure to provide a secure connection between the jail and related criminal justice facilities, within the maximum level of funding previously established for the project, and the director is authorized to grant such approval subject to said budget restriction;

(h) Any other design features, equipment, or furnishings not specifically required to implement the mandatory physical plant standards at minimum cost in a specific facility.

(5) The commission will adopt and distribute to each governing unit, not later than October 15, 1979, specific architectural guidelines which shall govern its review of all projects accepted for final consideration. Such guidelines will specify the total square footage of ancillary areas which will generally be funded within jails in addition to the necessary cells, dormitories, and day room areas required under the physical plant standards

for the specific capacity set by the commission, expressed in ranges and subject to appropriate adjustment by the commission in each specific case.

(6) Detention and correctional facilities shall be funded on the basis of a ratio of sixty percent single cells to forty percent dormitory cells under the specific capacity set by the commission, **EXCEPT THAT** the commission may grant exceptions to such requirement when a request for such exception is contained in the final application and is adequately supported by the specific circumstances set forth therein.

(7) In allocating funds for jail construction and/or substantial remodeling the commission shall review all projects submitted to ensure that the number of square feet allowed per bed is generally consistent for facilities of similar size and classification within either major urban, medium urban, or rural counties.

(8) The level of funding for the construction and/or substantial remodeling of detention and correctional facilities for which their governing units appropriated and spent or encumbered funds after February 16, 1974, and before June 23, 1977 and for which a funding application has been filed in accordance with WAC 289-13-020(3) shall be determined in accordance with the above provisions and in the same manner as all other jail funding applications.

(9) Upon completion of its review of each detention and correctional facility funding application accepted for consideration, the commission shall authorize a specific funding level for each facility based upon current costs and give written notice to each applying governing unit of that determination. Actual allocation and disbursement of proceeds from the sale of bonds deposited in the local jail improvement and construction account to any governing unit or units shall be governed by the provisions of WAC 289-13-080 relating to funding priorities and rules to be adopted relating to funding level adjustments.

**WSR 82-08-054
PROPOSED RULES
COMMITTEE FOR
DEFERRED COMPENSATION
[Filed April 5, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Committee for Deferred Compensation intends to adopt, amend, or repeal rules concerning State Employees' Deferred Compensation Plan, Title 154 WAC;

that such agency will at 8:30 a.m., Thursday, April 8, 1982, in Conference Room 700H, State Modular Office Building, 7510 Armstrong, Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Thursday, April 8, 1982, in Conference Room 700H, State Modular Office Building, 7510 Armstrong, Tumwater, WA.

The authority under which these rules are proposed is RCW 41.04.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 8, 1982.

This notice is connected to and continues the matter in Notice No. WSR 81-23-024 filed with the code reviser's office on November 16, 1981.

Dated: April 5, 1982

By: C. H. Shay
Analyst

WSR 82-08-055

ADOPTED RULES

DEPARTMENT OF CORRECTIONS

[Order 82-06—Filed April 5, 1982]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of chapters 137-57 and 137-56 WAC and the repeal of chapter 275-92 WAC.

Correspondence regarding this notice and attached rules should be addressed to:

John J. Sinclair, Administrator
Office of Contracts and Regulations
Division of Management and Budget
Mailstop FN-61
(206) 753-5770

This action is taken pursuant to Notice No. WSR 82-04-059 filed with the code reviser on February 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.65.100 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 12, 1982.

By Amos E. Reed
Secretary

Chapter 137-56 WAC COMMUNITY RESIDENTIAL PROGRAMS, WORK/TRAINING RELEASE

NEW SECTION

WAC 137-56-005 PURPOSE. The purpose of this chapter is to set forth the rules and regulations governing the administration of the department's work/training release programs.

NEW SECTION

WAC 137-56-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections.

(2) "Director" is the director, division of community services, department of corrections.

(3) "Assistant director" is the assistant director of community residential programs.

(4) "Community residential programs administrator" is the staff member assigned by the assistant director to administer and supervise the work/training release programs.

(5) "Work/training release facility supervisor" is a staff member assigned by the community residential programs administrator to administer and supervise a specific work/training release facility and includes his/her designee.

(6) "Work/training release counselor" is a staff member assigned by the work/training release facility supervisor to supervise and counsel a caseload of work/training release inmates or residents at a specific work/training release facility.

(7) "Contract staff" is the staff member(s) of an agency under contract to the department of corrections to provide housing and supervision for work/training release inmates or residents.

(8) "Work/training release coordinator" is a staff member assigned by the superintendent of an adult correctional institution to act as liaison between the institution and work/training release facility personnel.

(9) "Work/training release inmate or resident" is an inmate of a major adult correctional institution who has been approved and placed in a work/training release plan, or probationer/parolee placed by the courts or the board of prison terms and paroles in a work/training release facility.

(10) "Sponsor-escort" is a responsible citizen assigned to escort and supervise an inmate or resident during official and social activities outside of the work/training release facility.

(11) "Work/training release facility" is an institution or other establishment approved for housing and supervision of work/training release inmates or residents during the inmate's or resident's stay in a work/training release program.

(12) "One working day" is a nine hour day, 8:00 a.m. to 5:00 p.m. excluding weekends and holidays.

NEW SECTION

WAC 137-56-020 SECRETARY'S AUTHORITY TO GRANT OR DENY. The secretary or his or her designee may grant or deny work/training release as authorized by chapter 72.65 RCW subject to the rules of this chapter.

NEW SECTION

WAC 137-56-030 REASONS FOR WHICH GIVEN. Work/training release may be authorized for one or more of the following:

- (1) To take full-time or part-time employment;
- (2) To take vocational training, including attendance at an accredited college.
- (3) To make application to or be interviewed by prospective employers or to enroll in an academic or vocational training program (known as temporary work/training release).

NEW SECTION

WAC 137-56-040 APPLICATION—WHO MAY APPLY. (1) An inmate may apply for work/training release provided that:

- (a) He or she has minimum security status;
- (b) His or her minimum term has been fixed by the board of prison terms and paroles;
- (c) He or she has less than two years to serve on the minimum term including anticipated good time credits.

(2) Persons convicted of rape in the first degree shall not be eligible for work/training release at any time during the first three years of confinement.

(3) Persons convicted of murder first degree are not eligible for work/training release, without the written approval of the secretary.

NEW SECTION

WAC 137-56-050 APPLICATION—CONSIDERATION. (1) The inmate shall submit his or her application for work/training release to his or her counselor on forms prescribed by the department.

(2) The classification committee shall make its recommendations to the superintendent, giving written documentation of the information which the committee relied on and giving reasons for the recommendation.

(3) Work/training release applications shall be evaluated without regard for color, national origin, or creed.

(4) Probationers/parolees may be referred by the superior court or board of prison terms and paroles.

NEW SECTION

WAC 137-56-060 APPLICATION—DECISION.

(1) If the superintendent approves the work/training application, he or she shall forward copies of the application and plan to the work/training release facility to which the inmate requests transfer; and to the assistant director, community resident programs.

(2) If the superintendent disapproves the work/training release application, he or she shall return the application to the counselor, stating his or her reasons for denial and set a date when the inmate may reapply.

NEW SECTION

WAC 137-56-070 PLAN—INVESTIGATION.

(1) Upon receipt of an approved work/training release application and plan from the superintendent, the work/training release facility supervisor or his or her designee shall complete an investigation.

(2) The work/training release investigation will verify the plan as it pertains to employment, financial resources, training, community reaction, and any other factors which may affect the inmate's or resident's ability to successfully complete a work/training release program.

(3) The work/training release plan investigation will be forwarded by the work/training release facility supervisor to the assistant director, community residential programs, or his or her designee, with a recommendation for or against approval of the plan.

NEW SECTION

WAC 137-56-080 PLAN—APPROVAL OR DENIAL. (1) The assistant director, community residential programs, or his or her designee has the authority to approve or disapprove a plan.

(2) Upon approval of a plan, the on-site representative, classification unit in headquarters, shall issue a transfer order.

(3) If approved, the inmate or resident shall sign and agree under oath, to the standard rules of work/training release. (See WAC 137-56-100.)

(4) If the plan is disapproved, the assistant director, community residential programs, or his or her designee shall state the reasons for denial in writing with a copy to the superintendent and inmate and will set a date when the inmate can reapply.

NEW SECTION

WAC 137-56-090 PLAN—RESTRICTIONS. (1) An inmate or resident will not be permitted to travel outside the state.

(2) The work or training site shall be within reasonable commuting distance (in most circumstances not more than fifty miles) of the work/training release facility or institution in which the inmate or resident is confined.

(3) If the inmate or resident has been placed in a work/training release facility for the purpose of developing a plan (temporary work/training release) and the plan is not secured within ten working days from the date of issuance of transfer orders, the inmate or resident may be returned to the institution without prejudice.

(4) The purpose of work/training release is to provide a short adjustment period in a work/training release facility prior to parole. Before a work/training release plan is approved, the staff will have a reasonable expectation that the inmate or resident will be paroled in a period of time which will normally not exceed six months. If a parole date is not fixed within six months of placement in a work/training release plan, the assistant director, community resident programs, or his or her designee will review the case on an individual basis and may return the inmate or resident to the institution if it appears that the inmate or resident will be on work/training release for an extended period of time.

NEW SECTION

WAC 137-56-100 STANDARD RULES. In consideration of being granted work/training release, the inmate or resident must agree to observe and abide by the following rules:

(1) Continue in the approved work or training release plan until it is officially changed. Any modification of the plan must be authorized in writing by the work/training release facility supervisor.

(2) Comply with local work/training release facility rules, and any special restrictions imposed in writing by the work/training release facility supervisor. The inmate

or resident may appeal in writing to the community residential programs administrator, if the inmate or resident considers any of the restrictions to be unwarranted or arbitrary.

(3) Comply with such other restrictions and/or conditions as may be imposed in the original work/training release plan by the community residential programs administrator or his or her designee.

(4) Remain confined to the work/training release facility premises at all times other than the time necessary to implement the plan or when authorized under WAC 137-56-140. Any work/training release inmate or resident approved for placement under a work/training release plan who willfully fails to report to his or her designated assignment or return to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with state law.

(5) Have employment or other resources in order to maintain himself or herself financially.

(6) Not consume, ingest, inject, or possess nonprescription narcotic or "dangerous" drugs or controlled substances or alcoholic beverages.

(7) Agree to disburse all earnings in accordance with the approved work/training release plan and report all income to the work/training facility supervisor. All income from any source shall be immediately placed in the resident's trust fund account by the facility supervisor. A receipt will be issued by the facility supervisor.

(8) Comply with all federal, state, and local laws.

(9) Inmates or residents placed on work/training release are ordinarily approved with the understanding that they will be paroled in a reasonable time, normally within six months. If it is not possible to parole the inmate or resident within a reasonable period of time, he or she may be returned to the institution.

NEW SECTION

WAC 137-56-120 PROVISIONS OF SUPERVISION. In meeting its responsibilities for the care of inmates or residents, a work/training release facility shall provide:

(1) A staff on twenty-four hour duty and an office within the facility so that the staff can monitor the activities of the inmates or residents;

(2) A check-in and check-out system to insure that the whereabouts of the inmate or resident is known at all times, including checks on the inmate or resident at school and work;

(3) Bed checks or head counts to account for the inmate's or resident's whereabouts; a minimum of three bed checks shall be required between 12:00 midnight and 8:00 a.m.;

(4) Provide adequately for the inmate or resident with respect to sleeping quarters, bathroom facilities, and accommodations for cooking, dining, lounging and leisure time activities;

(5) Comply with state fire codes.

NEW SECTION

WAC 137-56-140 LIMITS OF CONFINEMENT. A work/training release inmate or resident shall be confined to the facility at all times except:

(1) When interviewing prospective employers or arranging for registration at a training facility;

(2) When working at paid employment or attending a training facility in a vocational or academic program;

(3) If enrolled in an on-campus training program and housed in an on-campus facility, when participating in customary and official on-campus activities or mandatory field trips;

(4) When authorized a point-to-point pass not to exceed two hours, excluding travel, for the purpose of transacting personal essential business between the hours of 8:00 a.m. and 10:00 p.m.;

(5) When authorized to participate in social and recreational activities in company with a sponsor-escort between 8:00 a.m. and 12:00 midnight;

(6) When on furlough;

(7) When on authorized medical appointments or court appearances.

NEW SECTION

WAC 137-56-150 SPONSOR-ESCORT. (1) A sponsor-escort shall be a responsible citizen who shall accompany and retain custody of a work/training release inmate or resident during a social or recreational activity. The sponsor-escort must be approved by the work/training release facility supervisor; and the sponsor and the inmate or resident must sign an agreement with the department which describes his or her responsibilities.

(2) Persons who are on active felony probation or parole shall not be approved as sponsor-escorts. Persons who have a past felony conviction and who have earned a discharge may be approved as sponsor-escorts on an individual basis by the assistant director, community resident programs, or his or her designee.

(3) Sponsor-escorts must complete a sponsor orientation class provided by the work/training release facility before eligibility under this section.

NEW SECTION

WAC 137-56-160 TERMINATION OF PLAN. A work/training release plan may be terminated:

(1) If requested in writing by the releasee;

(2) If the contract permits, the contract agency refuses to accept or continue to serve the inmate or resident;

(3) If the plan is discontinued or modified so that it no longer meets agency standards or if the releasee becomes unable to comply with the terms of the plan;

(4) The inmate or resident lacks aptitude for the assignment or is improperly placed; or

(5) The inmate or resident has been unable to adjust or adapt to the conditions of the work/training release facility; or

(6) The inmate or resident has demonstrated through his or her behavior an unwillingness to respond to counseling by staff; or

(7) The inmate's or resident's situation and circumstances have significantly changed; or

(8) The inmate or resident has failed to comply with federal or state laws or local ordinances; or

(9) The inmate or resident has failed to comply with standard work/training release rules as enumerated in WAC 137-56-100; or

(10) The inmate or resident has failed to comply with such other written facility rules as are promulgated by the facility supervisor; or

(11) The inmate or resident has failed to comply with such other specific restrictions or behavior expectations which have previously been called to the attention of the inmate or resident by the work/training release facility supervisor and are documented in writing.

NEW SECTION

WAC 137-56-170 SERVICE OF NOTICE OF PROPOSED TERMINATION. (1) If a work/training release termination is proposed, the work/training release facility supervisor may suspend the work/training release plan and place the inmate or resident in custody pending a termination hearing.

(2) The work/training release facility supervisor shall advise the inmate or resident in writing of the factual allegations which provide the basis for the proposed termination within one working day after the suspension of the work/training release plan.

(3) The factual allegations may be amended and/or new allegations added at any time prior to the termination hearing, provided that the work/training inmate or resident shall have notice of such new and/or amended allegations at least twenty-four hours prior to the termination hearing.

NEW SECTION

WAC 137-56-180 TERMINATION HEARING—NOTICE. A work/training inmate or resident served with allegations providing the basis for a proposed work/training release termination shall be notified in writing that a hearing has been set before a review committee. The hearing will be set within five working days of the suspension of the work/training release plan, unless a longer time is approved by the assistant director, community residential programs, or his or her designee. The written notice of hearing shall be given to the inmate or resident at least twenty-four hours before the hearing and advise the inmate or resident of his or her rights, including the following:

(1) The inmate or resident shall be present at all stages of the hearing, except during deliberation in appropriate circumstances.

(2) The inmate or resident shall present his or her own case to the review committee. If there is a language or communications barrier, the review committee chairman shall appoint an advisor.

(3) The inmate or resident may have an attorney present only when a felony has been alleged. Such representation is limited to advising the inmate or resident of his or her rights to remain silent, and does not include the right to act as an advocate throughout the hearing.

(4) The inmate or resident may testify during the hearing or remain silent, and his or her silence will not be held against him or her.

(5) The inmate or resident may question all witnesses appearing and testifying at the hearing.

(6) Testimony and other evidence introduced shall be relevant to the issues under consideration.

(7) The inmate or resident may present witnesses and written statements from persons in his or her own behalf.

(8) Attendance at the hearing shall be limited to parties directly concerned. The review committee chairman may exclude unauthorized persons.

(9) The review committee shall make an evaluation of the inmate's or resident's progress, attitudes, need for program modifications, work/training alternatives, or institution programming; and shall make a recommendation to the board of prison terms and paroles regarding good time credits and readiness for parole.

NEW SECTION

WAC 137-56-190 FACILITY REVIEW COMMITTEE. (1) The review committee shall consist of at least four members, including the work/training release facility supervisor or his or her designee and a member of the contractor's staff, if the facility is under contract with the department. The two additional members shall be selected by the facility supervisor from either state staff, including probation and parole officers or the contractor's staff. No resident or inmate may be a member of this committee. The facility supervisor shall serve as chairman and shall have the authority to make the final decision. The facility supervisor or his or her designee shall inform the inmate, in writing, of the review committee's decision within three working days.

(2) At institutions, the classification committee may serve as the facility review committee for work/training release inmates or residents housed at the facility; except that the institution work/training release coordinator will be a member of the committee.

(3) No person making an allegation involved in the incident, or called as a witness, shall be a member of the review committee. Persons called as witnesses must be approved by the review committee chairman and must have information or facts which are relative to the allegations being considered. In the event that an individual is disqualified or disqualifies himself or herself under this rule or for any other reason, a replacement may be designated by the facility supervisor, community resident programs administrator, or assistant director, community resident programs.

NEW SECTION

WAC 137-56-200 TERMINATION HEARING—WAIVER. (1) At any time after having been served with an allegation providing the basis for a proposed termination, the inmate or resident may choose to waive his or her right to a hearing by signing an admission of the allegation and request that the hearing be dispensed with or limited only to questions of disposition.

(2) The inmate or resident may admit in writing to part of the allegations and thereby limit the scope of the hearing.

(3) In those cases where the allegation involves misbehavior or other culpability on the part of the inmate or resident, he or she shall be advised in writing that in admitting the violation and waiving the hearing, a report will be submitted to the board of prison terms and paroles which may result in the loss of good time credits and/or the extension of the minimum term.

NEW SECTION

WAC 137-56-210 TERMINATION HEARING—RULES OF EVIDENCE. (1) All relevant and material evidence is admissible which, in the majority opinion of the review board, is the best evidence reasonably obtainable having due regard for its necessity, availability, and trustworthiness.

(2) All evidence material to the issues raised in the hearing shall be offered into evidence. All evidence forming the basis for the department's decision in a matter shall be offered into evidence.

(3) Every party shall have the right to question witnesses who testify in person and shall have the right to submit rebuttal evidence. This shall not be deemed to prevent the admission and consideration of hearsay evidence.

(4) Documentary evidence, including written statements submitted by interested parties on behalf of the inmate or resident, may be received. Such evidence may include copies of documents, excerpts from documents and incorporation of written material by reference, including depositions.

(5) Although relevant, the chairman of the review committee may exclude evidence if the probative value is outweighed by the danger of unfair prejudice, confusion of the issues, misleading the committee or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

NEW SECTION

WAC 137-56-220 TERMINATION HEARING—FINDINGS AND CONCLUSIONS. (1) At the conclusion of the hearing, the review committee will make a finding of fact within one working day as to whether or not the allegations made against the inmate or resident have been proven by a preponderance of the evidence presented at the hearing.

(2) If the review committee determines that the allegations have not been proven by a preponderance of the evidence presented at the hearing, the inmate or resident shall be restored to work/training release status.

(3) If the review committee determines that one or more of the allegations have been proven by a preponderance of the evidence presented at the hearing, the review committee will proceed to a disposition.

NEW SECTION

WAC 137-56-230 TERMINATION HEARING—DISPOSITION. (1) The review committee will

consider the inmate's or resident's total background, adjustment on work/training release, attitude, recommendations of interested parties, and any other information relative to the inmate's or resident's ability to continue in the program. The review committee shall make a determination as to whether or not the inmate or resident has earned good time credits towards parole, and whether the matter should be referred to the board of prison terms and paroles for possible increase in the inmate's or resident's minimum term.

(2) The inmate or resident shall be present at all stages of the review, except for deliberation and even during deliberation when appropriate, and shall have the opportunity to make argument in his or her own behalf.

NEW SECTION

WAC 137-56-240 TERMINATION HEARING—DECISION. The review committee may:

(1) Restore the inmate or resident to his or her work/training release status under the same or modified conditions as the original plan; or

(2) Revoke the work/training release plan and return the inmate or resident to an institution, or return the probationer/parolee to the court or the board of prison terms and paroles for final disposition. The facility supervisor shall notify the inmate or resident orally within one working day and confirm the decision in writing within three working days.

(3) The written decision shall specify the evidence upon which the review committee relied and shall include a description of the circumstances surrounding the allegation(s) upon which the termination of work/training release is based, the reasons for the decision, a discussion of the inmate's or resident's personal culpability in the actions which have led to the termination, and an evaluation of the inmate's or resident's progress, attitudes, need for further programs including work training alternatives and readiness for parole.

NEW SECTION

WAC 137-56-250 TERMINATION HEARING—APPEAL. The inmate or resident may appeal the decision of the facility review committee to the community residential programs administrator. Appeal requests must be in writing, must be specific and based on objection to the procedures used or the information available to the committee in making its decision. Appeals must be submitted within five working days of the committee's oral decision. The community residential programs administrator, or his or her designee, upon receipt of an appeal, will review the findings and decision of the review committee and either:

(1) Continue the inmate or resident in the existing work/training release plan; or

(2) Continue the inmate or resident in a work/training release program with appropriate and specific conditions for expected future behavior or modifications in the inmate's or resident's plan; or

(3) Terminate work/training release and return the inmate or resident to an institution for other programming.

The reviewer's decision will be made promptly, normally not to exceed five working days, and given to the inmate or resident and committee chairman in writing.

NEW SECTION

WAC 137-56-260 TIME LIMITS. The time limits contained in these rules shall not be deemed to be jurisdictional and failure to adhere to a particular time limit shall not be a bar to any procedure or action covered by these rules.

NEW SECTION

WAC 137-56-270 EXCEPTIONS. The secretary may authorize exceptions to the criteria listed in WAC 137-56-040, 137-56-080, and 137-56-110 through 137-56-150.

Chapter 137-57 WAC

SITING OF COMMUNITY RESIDENTIAL PROGRAMS (WORK TRAINING RELEASE FACILITIES)

NEW SECTION

WAC 137-57-005 PURPOSE. The purpose of this chapter is to ensure department cooperation with local jurisdictions in the siting of work/training release facilities and to encourage public comment and advice in the siting decisions.

NEW SECTION

WAC 137-57-010 DEFINITIONS. (1) "Secretary" is the secretary of the department of corrections.

(2) "Director" is the director of the division of community services, department of corrections.

(3) "Assistant director" is the assistant director of community residential programs, division of community services, department of corrections.

(4) "Work/training release facility" is an institution, community residential program or other establishment approved for housing and supervision of work/training release inmates or residents as defined in WAC 137-56-010.

(5) "Office of contracts and regulations" is an office within the division of management and budget, department of corrections.

NEW SECTION

WAC 137-57-020 SECRETARY'S AUTHORITY. (1) Pursuant to RCW 72.65.080 the secretary may enter into contracts with the appropriate authority for the payment of the cost of feeding and lodging and other expenses of having work release participants. Such contracts may include any other terms and conditions as may be appropriate for the implementation of the work release program as defined in chapter 137-56 WAC. In addition, the secretary is authorized to acquire by lease or contract, appropriate facilities for the housing of work release participants and providing for their subsistence and supervision. Although the facilities are not subject to the zoning laws of the city or county in which they

are situated, it is the purpose of this chapter to ensure department cooperation with local jurisdictions in siting decisions and to encourage public comment and advice.

(2) All contracts and leases authorized under RCW 72.65.080, excepting contracts or leases with a federal, state, or local government agency, shall be solicited and awarded in conformance with this chapter effective March 1, 1982.

NEW SECTION

WAC 137-57-030 ADVISORY COMMITTEE.

When the department intends to locate or relocate a work/training release facility, the assistant director shall be responsible for assembling a department advisory committee composed of local elected and/or public officials, local law enforcement heads, interested citizens and department staff. The advisory committee shall be apprised of the department's need for the site and the geographical location desired.

The committee shall then be given the opportunity to make recommendations to the assistant director regarding said site and the selection thereof. These recommendations shall be recorded in writing.

NEW SECTION

WAC 137-57-040 REQUEST FOR PROPOSAL.

(1) If the department is seeking a contractor or vendor to provide both a site and a program, the assistant director, in conjunction with the committee and the department's office of contracts and regulations, shall develop a request for proposal (RFP) articulating the department's requirements.

(2) Proposals received in response to the RFP shall be evaluated by the committee in accordance with criteria developed by the committee.

Such criteria shall include:

- (a) The cost of the program;
- (b) The reliability of the contractor;
- (c) The scope of the program; and
- (d) The site selected and site criteria in WAC 137-57-050.

(3) The assistant director shall then submit three recommendations to the director (or less if there are not three responsive bids), who shall then submit these to the secretary for approval.

NEW SECTION

WAC 137-57-050 SITE SELECTION ONLY. (1)

If the department is seeking a site only and not a work/training release vendor or contractor, the department need not prepare a request for proposal (RFP). Instead, the assistant director shall advertise the department's need in a local newspaper and shall perform a search of possible locations.

(2) After locations have been identified, the assistant director shall submit the possible sites to the advisory committee for review. The committee's review shall evaluate the following factors:

- (a) The cost of the site, e.g., improvements that would be required to renovate, repair, remodel, or alter the site to make it suitable for a work release program;

(b) The desirability of the site for program activities;
 (c) The access to public transportation available at the site;

(d) The community impacts associated with the site; and

(e) The current zoning restrictions applicable to property in that geographical area.

(3) The advisory committee shall make three recommendations to the secretary (or less if there are not three available sites) for a preliminary approval.

NEW SECTION

WAC 137-57-060 PUBLIC NOTICE, HEARING REQUIREMENTS. (1) After the secretary selects a site, or selects a contractor or vendor with an existing site, the assistant director under the direction of the office of contracts and regulations, shall either apply for or assist the contractor in applying for all the necessary permits required by local zoning laws.

(2) In the event there are no local zoning requirements, or hearing requirements, or where the secretary waives the permit requirement in (1) of this section, the assistant director under the direction of the office of contracts and regulations shall hold a public hearing to encourage citizen input. Notice of such a hearing shall be provided in a manner best designed to notify residents within the immediate area and within the budget limitations of the department.

(3) The comments received at the public hearing shall be submitted to the secretary for review and final approval of the proposed site.

NEW SECTION

WAC 137-57-070 CONTRACT/LEASE. Upon final approval pursuant to WAC 137-57-060 the office of contracts and regulations shall negotiate and draft a lease or contract for execution by the secretary. Said contract shall not run beyond a biennium.

NEW SECTION

WAC 137-57-080 WAIVER. The secretary may waive any provisions of this chapter if he/she deems such waiver to be in the best interest of the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-92-310 DEFINITIONS.
- (2) WAC 275-92-315 SECRETARY'S AUTHORITY TO GRANT OR DENY.
- (3) WAC 275-92-320 REASONS FOR WHICH GIVEN.
- (4) WAC 275-92-325 APPLICATION—WHO MAY APPLY.
- (5) WAC 275-92-330 APPLICATION—CONSIDERATION.
- (6) WAC 275-92-335 APPLICATION—DECISION.
- (7) WAC 275-92-340 PLAN—INVESTIGATION.

- (8) WAC 275-92-345 PLAN—APPROVAL OR DENIAL.
- (9) WAC 275-92-350 PLAN—RESTRICTIONS.
- (10) WAC 275-92-355 STANDARD RULES.
- (11) WAC 275-92-400 SUPERVISED FACILITY.
- (12) WAC 275-92-405 PROVISIONS OF SUPERVISION.
- (13) WAC 275-92-410 LIMITS OF CONFINEMENT.
- (14) WAC 275-92-415 SPONSOR—ESCORT.
- (15) WAC 275-92-510 TERMINATION OF PLAN.
- (16) WAC 275-92-515 SERVICE OF NOTICE OF PROPOSED TERMINATION.
- (17) WAC 275-92-520 TERMINATION HEARING—NOTICE.
- (18) WAC 275-92-525 FACILITY REVIEW COMMITTEE.
- (19) WAC 275-92-530 TERMINATION HEARING—WAIVER.
- (20) WAC 275-92-535 TERMINATION HEARING—RULES OF EVIDENCE.
- (21) WAC 275-92-540 TERMINATION HEARING—FINDINGS AND CONCLUSIONS.
- (22) WAC 275-92-545 TERMINATION HEARING—DISPOSITION.
- (23) WAC 275-92-550 TERMINATION HEARING—DECISION.
- (24) WAC 275-92-555 TERMINATION HEARING—APPEAL.
- (25) WAC 275-92-560 TIME LIMITS.
- (26) WAC 275-92-565 EXCEPTIONS.

WSR 82-08-056
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
 [Memorandum—April 2, 1982]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, April 22, 1982. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and 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.

A meeting of the State Hospital Commission has been tentatively scheduled for May 20, 1982 at the Seattle Hyatt, Sea Tac. The regularly scheduled meetings of the commission for May 13 and May 27, 1982, have been cancelled. Meetings of the State Hospital Commission have also been scheduled for June 10 and 24 at the Seattle Hyatt, Sea Tac.

WSR 82-08-057
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
 [Filed April 6, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning pets, WAC 352-32-060;

that such agency will at 9 a.m., Monday, May 17, 1982, in the "Cougar Room", Thunderbird Motel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 43.51.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, May 14, 1982, and/or orally at 9 a.m., Monday, May 17, 1982, "Cougar Room", Thunderbird Motel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

Dated: April 6, 1982
 By: Robert T. McCoy
 Rules Coordinator

STATEMENT OF PURPOSE

Title: WAC 352-32-060 Pets.

Description of Purpose: To amend existing rule to require all persons bringing a dog into a state park area to dispose of any feces deposited by the dog, by placing the feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container. This will alleviate the unsanitary and unhealthy conditions which now exist.

Statutory Authority: RCW 43.51.040.

Summary of Rule: All persons bringing a dog into a state park area shall dispose of any feces deposited by the dog, by placing the feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

Reasons Supporting Proposed Action: Sanitary and health conditions.

Agency Personnel Responsible for Drafting and Implementation: Lynn Genasci, Assistant Director, Operations, 7150 Cleanwater Lane, KY-11 Olympia, WA, 753-5761; and Enforcement: Washington State Parks and Recreation park managers and park rangers.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended regulatory language is contained in the amendatory section shown below.

Federal Law/Court Action: N/A.

AMENDATORY SECTION (Amending Order, filed 11/24/70)

WAC 352-32-060 PETS. (1) All dogs or other pets or domestic animals must be kept on leash no greater than eight (8) feet in length, and under control at all times while in a State Parks Area.

(2) Dogs, pets, or domestic animals are not permitted on any designated swimming beach in any State Parks Area, nor in any public building unless so posted; Provided, That this subsection shall not apply to seeing eye dogs.

(3) No person shall allow his dog or other pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his dog or other pet or domestic animal to bark or otherwise disturb the peace and tranquillity of the park.

(4) Any person bringing a dog into a state park area shall dispose of any feces deposited by the dog, by placing the feces in a plastic or paper sack. The sack shall then be deposited in a solid waste container.

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 82-08-058
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1787—Filed April 6, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC-R—Deprivation due to continued absence from home, amending WAC 388-24-070.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to avoid a federal compliance issue. DSHS takes the position that the department is out of compliance with 45 CFR 233.90(c)(1)(iii).

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 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) 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 April 5, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1619, filed 3/4/81)

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN—REGULAR—DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. (1) Determination whether a child has been deprived of parental support or care is made in relation

to a child's natural parent, adoptive parent, or stepparent and the term parent as used in this section refers to any of those relationships.

(2) Continued absence of a parent from the home establishes deprivation of parental support or care when

(a) The parent is living out of the home in which the child resides, and

(b) The nature of the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care or guidance for the child, and

(c) The known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child.

(3) Absence from the home is considered as "being continued" when the situation has, or is likely to have, a degree of permanency in contrast to a purely temporary disruption of family life. The following situations are examples of situations which are considered to meet this requirement:

(a) Absence as the result of legal action

(i) The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a petition has been filed requesting dissolution of the marriage because the marriage is irretrievably broken; or a separation contract has been filed with the court containing provisions for maintenance, property disposition, custody of children, support, and visitation; or a written separation contract has been published in a legal newspaper, in lieu of a court decree.

(ii) Absence due to divorce is overcome by remarriage of the child's natural or adoptive parent with whom he lives.

(iii) If the natural or adoptive parents, in spite of the legal action, resume living together, there is no longer deprivation on the basis of absence.

(b) Absence due to separation, desertion or abandonment

(i) There is a clear disassociation of one or both parents from their normal family relationship (~~and no indication that the absence is for the purpose of seeking employment, working, or of technically qualifying for assistance~~)).

(ii) If the separation, desertion or abandonment has existed at least thirty days prior to application and there is no indication that the absence will not continue, deprivation is considered established.

(iii) Deprivation may be established if the absence has existed for less than thirty days prior to application only when there is sufficient information as determined by the CSO showing the absence can be expected to continue. The type of information and basis of determination must be documented in the case record.

(iv) If application is made by a nonresponsible relative on behalf of a child who has not been placed in his custody through a court order, whose parent or parents though able have failed to support the child, apparent abandonment shall be assumed and the policies outlined in WAC 388-24-114 shall apply.

(c) Absence of unmarried parents

If the parents have not maintained a home together, deprivation is established. If the parents have maintained a home together and one parent has left the home, the situation should be evaluated as provided in subdivision (3)(b).

(d) Absence due to other reasons

(i) Parent serving in military service and will be absent from the home more than thirty days.

(ii) Parent confined to an institution and is expected to remain for more than thirty days. A parent who is incarcerated but participating in a work release program is considered to be in an institution.

(iii) Parent has been deported.

(iv) Parent has been convicted of an offense and has been required by the court to perform unpaid work or community service during the workday while being permitted to reside in the family home.

(A) The basis of deprivation will be continued absence, and the needs of the convicted parent will not be included in the determination of eligibility or the payment of the family grant.

(B) A convicted parent earning income outside of the hours of sentenced unpaid work or community service shall have such earnings treated in accordance with WAC 388-28-500.

(4) The rules in this section shall be effective April 1, 1982.

WSR 82-08-059
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 6, 1982]

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 AFDC-R—Deprivation due to continued absence from home, amending 388-24-070.

It is the intention of the secretary to adopt these rules on an emergency basis effective April 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 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 Franklin, Olympia, Washington, Phone (206) 753-7015, by April 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 12, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment or repeal of such rules will take place at 9:00 a.m., Wednesday, May 19, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these 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 May 12, 1982, and/or orally at 10:00 a.m., Wednesday, May 12, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 5, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 324, Laws of 1981.

Amending WAC 388-24-070.

The purpose of the rule change is to amend AFDC rules on deprivation to comply with federal regulations.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: The provision that deprivation does not exist when a parent is absent to seek employment or technically qualify for assistance is removed.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31 C, Phone: 3-3177.

These rules are necessary as a result of federal law, Section 406(a) of the Social Security Act and 45 CFR 233.90(c)(1)(iii).

AMENDATORY SECTION (Amending Order 1619, filed 3/4/81)

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR-DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. (1) Determination whether a child has been deprived of parental support or care is made in relation to a child's natural parent, adoptive parent, or stepparent and the term parent as used in this section refers to any of those relationships.

(2) Continued absence of a parent from the home establishes deprivation of parental support or care when

(a) The parent is living out of the home in which the child resides, and

(b) The nature of the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care or guidance for the child, and

(c) The known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child.

(3) Absence from the home is considered as "being continued" when the situation has, or is likely to have, a degree of permanency in contrast to a purely temporary disruption of family life. The following situations are examples of situations which are considered to meet this requirement:

(a) Absence as the result of legal action

(i) The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a petition has been filed requesting dissolution of the marriage because the marriage is irretrievably broken; or a separation contract has been filed with the court containing provisions for maintenance, property disposition, custody of children, support, and visitation; or a written separation contract has been published in a legal newspaper, in lieu of a court decree.

(ii) Absence due to divorce is overcome by remarriage of the child's natural or adoptive parent with whom he lives.

(iii) If the natural or adoptive parents, in spite of the legal action, resume living together, there is no longer deprivation on the basis of absence.

(b) Absence due to separation, desertion or abandonment

(i) There is a clear disassociation of one or both parents from their normal family relationship ((and no indication that the absence is for the purpose of seeking employment, working, or of technically qualifying for assistance)).

(ii) If the separation, desertion or abandonment has existed at least thirty days prior to application and there is no indication that the absence will not continue, deprivation is considered established.

(iii) Deprivation may be established if the absence has existed for less than thirty days prior to application only when there is sufficient information as determined by the CSO showing the absence can be expected to continue. The type of information and basis of determination must be documented in the case record.

(iv) If application is made by a nonresponsible relative on behalf of a child who has not been placed in his custody through a court order, whose parent or parents though able have failed to support the child, apparent abandonment shall be assumed and the policies outlined in WAC 388-24-114 shall apply.

(c) Absence of unmarried parents

If the parents have not maintained a home together, deprivation is established. If the parents have maintained a home together and one parent has left the home, the situation should be evaluated as provided in subdivision (3)(b).

(d) Absence due to other reasons

(i) Parent serving in military service and will be absent from the home more than thirty days.

(ii) Parent confined to an institution and is expected to remain for more than thirty days. A parent who is incarcerated but participating in a work release program is considered to be in an institution.

(iii) Parent has been deported.

(iv) Parent has been convicted of an offense and has been required by the court to perform unpaid work or community service during the workday while being permitted to reside in the family home.

(A) The basis of deprivation will be continued absence, and the needs of the convicted parent will not be included in the determination of eligibility or the payment of the family grant.

(B) A convicted parent earning income outside of the hours of sentenced unpaid work or community service shall have such earnings treated in accordance with WAC 388-28-500.

(4) The rules in this section shall be effective April 1, 1982.

**WSR 82-08-060
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 6, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health intends to adopt, amend, or repeal rules concerning disregard of income and resources, amending WAC 388-28-575.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 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 Franklin, Olympia, Washington, Phone (206) 753-7015, by April 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 12, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 19, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 10:00 a.m., Wednesday, May 12, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 2, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-28-575.

The purpose of the rule or rule change is to comply with federal requirements relating to disregard of income and implement HB 980.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: The following changes are made in the rule on income disregards for AFDC and GA. Delete OASDI benefits paid to 18-22 year olds who are full-time students (AFDC) (federal requirements). Add wages garnished by the Internal Revenue Service (AFDC) (federal requirement). Energy assistance payments (AFDC and GA) (HB 980).

Persons or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Mick Determan, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

These rules are partially necessary as a result of federal law, Section 402(a)(7)(A) and 202(d)(1)(B) of the Social Security Act and 45 CFR 233.20(a)(3)(ii).

AMENDATORY SECTION (Amending Order 1651, filed 4/29/81)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health (~~(-education;))~~ and (~~welfare~~) human services. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period (~~(for which))~~ such benefits are received.

(e) Any payments received by Alaska natives under the Alaska native claims settlement act, to the extent such payments are exempt from taxation under Section 21(a) of that act.

(f) From August 1, 1975, to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) Moneys received under the comprehensive employment and training act of 1973, as amended, as follows:

(i) The (~~(\$30)~~) thirty dollars weekly incentive training allowance for AFDC recipients;

(ii) Earnings and allowances received by any youth under the youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training program.

(h) Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.

(~~(i) OASDI benefits paid to 18 to 22 year olds who are full-time students:~~

(~~(j) (i) (That))~~ The part of a veterans' administration educational assistance payment (~~(which is)~~) for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes, and child care services necessary for school attendance.

(~~(k) (j) (i) HUD community development block grant funds obtained and used under conditions ((that preclude their)) precluding use for current living costs.~~

(k) Wages garnished by the internal revenue service.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the uniform relocation assistance and real property acquisition policies act of 1970.

(b) The value of the coupon allotment under the food stamp act of 1964, as amended.

(c) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(d) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(e) Any benefits received under the women, infants and children program (WIC) of the child nutrition act of 1966, as amended and the special food service program for children under the national school lunch act, as amended.

(f) Payments made under the community services administration's emergency energy conservation program of 1979.

(g) Energy assistance payments.

WSR 82-08-061

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 82-3--Filed April 6, 1982]

I, Donald R. Burrows, director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 458-53-070 Sales studies.

Amd WAC 458-53-100 Use of county sales studies.

Amd WAC 458-53-150 Indicated real property ratio—
Computation.

This action is taken pursuant to Notice No. WSR 82-05-029 filed with the code reviser on February 11, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.48.075 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 April 6, 1982.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-070 SALES STUDIES. (1) Real property sales data obtained from the real estate excise tax sales affidavits will form the basis of the sales study in each county. Validation of these sales as arms-length transactions will follow department criteria as provided in WAC 458-53-080.

(2) The department's sales study (~~(generally)~~) will be used as the basis for the real property ratios. In addition, the department will supplement the sales study results with appraisals in any assessed value stratum or land use code classification where sales are judged to be insufficient to represent all properties in that stratum or land use class according to criteria set out in these rules.

(3) Five percent will be deducted from the sales price shown on the affidavit on all valid real property sales as an adjustment for values transferred that are not assessable as real property.

~~((Those sales in the study with ratios of less than twenty-five percent or greater than one hundred seventy-five percent will be deleted from the sales study and from ratio computations. Other))~~

(4) Sales not deemed representative for use in the study, as defined by the deletion list in WAC 458-53-080 will (~~also~~) be eliminated from consideration in ratio computation. Sales used in the study will include only those which occurred over an eight month period between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(5) Individual valid sales having a resultant assessment sales ratio under twenty-five percent or over one hundred seventy-five percent shall be excluded from consideration in the study: PROVIDED, That this subsection shall not apply if the number of sales meeting this criteria exceeds ten percent of the total number of sales that would be used in the study subject to the provisions of this subsection.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-100 USE OF COUNTY SALES STUDIES. (1) If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in these rules. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data from sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. All such county studies shall be subject to department audit.

(2) (~~(Generally)~~) The county-generated sales study will include the following:

(a) All agreed to real property transactions occurring in a county shall be used in the study and shall be for a period of eight consecutive months. Sales transactions used will include only those which occur between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(b) Sales of properties identified on the published department of revenue deletion list (WAC 458-53-080) will be removed from the sales analysis study and separately will be produced on a data processing machine listing. This listing will display for each deleted sale an appropriate parcel identification, the sales price, the assessed value, and a numerical code or narrative designation of the reason for deletion of the property from the study. The numerical code used should coincide with the department of revenue published deletion list (WAC 458-53-080). Any numerical code 25 (miscellaneous) should be accompanied by a narrative reason for deletion.

~~(c) ((Individual valid sales having a resultant assessment-sales ratio under twenty-five percent or over one hundred seventy-five percent will be excluded from consideration in the study.~~

~~(d))~~ Sales remaining in the sales analysis study will be stratified and printed by assessed value strata. Necessary data for each sale property remaining in the study will be:

(i) Excise tax sales affidavit number, parcel number, or other file identification number.

(ii) The sales price of the transaction, lowered five percent to ninety-five percent of its original value. Further adjustment of any individual sale may be made only if personal property is identified and its value is in excess of five percent of the sale price.

(iii) The current assessed value on the assessors' rolls for the property described on the sales affidavit.

(iv) A computed ratio based on the percent that the assessed valuation is to the adjusted sales price figure.

(3) As soon as practicable following the close of the assessors' rolls on May 31st, and prior to July 1st, the county sales-assessment ratio study should be submitted to the department of revenue. This will allow time for departmental analysis, field review, and insertion of appraisal data, where appropriate, for final ratio determination by the last week of July, and ultimate ratio certification back to the assessor by August 1.

(4) Individual valid sales having a resultant assessment sales ratio under twenty-five percent or over one hundred seventy-five percent shall be excluded from consideration in the study: PROVIDED, That this subsection shall not apply if the number of sales meeting this criteria exceeds ten percent of the total number of sales that would be used in the study subject to the provisions of this subsection.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-150 INDICATED REAL PROPERTY RATIO—COMPUTATION. (1) For each real property value or land use stratum within a county average sample assessed value and average sample true and fair value will be determined from the results of selected sales and appraisal studies. Average sample assessed value and average sample true and fair value for each stratum will be multiplied by the total number of real property parcels in each corresponding stratum to derive an estimated total assessed value and a total estimated true and fair value for each stratum. Stratum estimated totals will be added to derive county estimated total assessed value and county estimated total true and fair value. When the ratio relationship between these two estimated values is applied to the actual county assessed value, as provided by the assessor in his current Assessors' Certificate of Assessment Rolls to the County Board of Equalization, and forest land and current use values are added to the actual assessed value and ratio-related market value, the totals will represent the county real property indicated ratio.

(2) Valid arms-length sales occurring in each county will be the basis for determining individual stratum ratios unless a representative number of samples for any one stratum requires the addition of department appraisals. In all strata where both sales and appraisal samples are present, assessment and market values for all valid appraisal samples will be combined with assessment and market values for all valid sales samples to derive a stratum ratio.

(3) Present county forest land assessed values (chapter 84.33 RCW) will be included in determination of the indicated real property ratios for each county. Current use assessed values (chapter 84.34 RCW) will be included in determination of the indicated real property ratios for counties whose current use land values are five percent or greater in proportion to the total county land value outside of cities and towns. Counties with less than five percent of total land value outside of cities and towns in current use property values may request inclusion of current use values in determination of their real property ratio: PROVIDED, That in order for current use values to be used, the request, in writing, must be submitted to the department prior to October 1 of each ratio study period for which current use consideration is desired (~~and: PROVIDED, FURTHER, That for the 1981 ratio study year, the request must be submitted, in writing, prior to January 31, 1981~~). Department current use appraisals will be the basis for the assessment-to-appraisal values from which current use ratios are determined.

(4) Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation of each county's indicated real property ratio except as provided in subsection (6) of this section.

(a) The county preliminary real property ratio, calculated from estimated totals of county sales and appraisal study results, will be applied to each county's certificate listing of total real property assessed value (excluding forest land and current use assessed values) to determine an estimated true and fair value which relates to the actual assessed real property value of a county.

(b) To the actual real property assessed value and ratio-related true and fair value totals for a county are added certificate forest land and current use assessed values (as provided in subsection (2) of this section), and related true and fair values calculated by the ratio relationships determined for forest lands and current use properties.

(c) The sum of the total real property assessed and true and fair values, forest land assessed and true and fair values, and current use assessed and true and fair values (as provided in subsection (2) of this section) shall be the basis for a county's indicated real property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio.

(5) The following illustration, using simulated values, indicates simplified ratio study computation procedures for real property.

Step 1 – Determination of Average Sample Values

	(1)	(2)	(3)	(4)	(5)
Stratum	Number of Samples	Total Assessed Value of Samples	Average Assessed of Samples (Col. 2 ÷ Col. 1)	Total Market Value of Samples	Average Market Value of Samples (Col. 4 ÷ Col. 1)
\$ 0 – 9,999	10	\$ 60,000	\$ 6,000	\$ 80,000	\$ 8,000
10,000 – 15,999	20	260,000	13,000	300,000	15,000
Over 15,999	5	200,000	40,000	250,000	50,000

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are determined in the same manner.

Step 2 - Weighting of Average Sample Values

Stratum	(1)	(2)	(3)	(4)	(5)	(6)
	Total Property Listings	Average Sample Assessed Value	Total Estimated Assessed Value (Col. 2 × Col. 1)	Average Sample Market Value	Total Estimated Market Value (Col. 4 × Col. 1)	Ratio (Col. 3 ÷ Col. 5)
\$ 0 - 9,999	105	\$ 6,000	\$ 630,000	\$ 8,000	\$ 840,000	.7500
10,000 - 15,999	211	13,000	2,743,000	15,000	3,165,000	.8667
Over 15,999	51	40,000	2,040,000	50,000	2,550,000	.8000
			5,413,000		6,555,000	.8258

Sample study weighted ratio (82.58%)

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are weighted in the same manner.

Step 3
Application of Sample Weighted Relationship to Actual Real Property Assessed Value and addition of timber and forest land values and open space values.

	(1)	(2)	(3)
	Actual County Real Property Assessed Value (From Assessor's Certificate)	Determined Assessment To Market Ratio	County Real Property Market Value Related To Actual Assessed Value (Col. 1 ÷ Col. 2)
	\$ 6,544,000 (Simulated Value)	.8258 (82.58%)	\$ 7,924,437
Add: Timber and Forest Land	1,520,000 (Simulated Value)	1.0000 (100.00%)	1,520,000
Open Space (Where Applicable)	400,000 (Simulated Value)	.9000 (90.00%) (Simulated Ratio)	444,444
Open Space Ratios Determined By Open Space Appraisals		÷	
	\$ 8,464,000		\$ 9,888,881 = .8559
County Indicated Real Property Ratio			85.59%

(6) If a copy of the certification of current values is not received from an assessor in a timely manner for inclusion in ratio computation, the Assessors Abstract of Assessed Values from the previous year will be used as the information source for ratio computation.

(7) A copy of each county's certification of values to the County Board of Equalization will be filed with the department on or before the second Monday in July. The certification will show the total taxable assessed value of the real property roll (indicating separately the total value of forest land assessed pursuant to chapter 84.33 RCW and land classified under chapter 84.34

RCW - current use) and the total taxable assessed value of the personal property roll.

(8) Valid ratio study individual assessed or true and fair values which either exceed or fall below the mean assessed or true and fair value by more than ((five)) three times the average deviation of other values in a stratum, will be classified as "outliers" and shall be considered separately in average sample computation. Outliers are so treated to prevent the application of excess weight by nontypical sample values in determining average sample values and resulting total estimated assessed and total estimated true and fair values.

(9) The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to true and fair value such that a significant variation results from the rates of the previous year not deemed by the director comparable with general trends in property values. Such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

WSR 82-08-062
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning tariffs and pilotage rules, Puget Sound Pilotage District, amending WAC 296-116-300;

that such agency will at 9:00 a.m., Thursday, May 13, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 88.16.035(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 9:00 a.m., Thursday, May 13, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

Dated: April 5, 1982
By: Judith L. Weigand
Assistant Attorney General

STATEMENT OF PURPOSE

RCW 88.16.035(4) requires that the Board of Pilotage Commissioners shall annually fix the pilotage tariffs for pilotage services performed aboard vessels. The purpose of this rule is to fix tariffs for the Puget Sound Pilotage District for the forthcoming year. Tariffs will be effective as of June 1, 1982.

This Rule has been Drafted by: Judith L. Weigand, Assistant Attorney General, 5th Floor, Highways-Licenses Building, Olympia, Washington 98504, (206) 753-4051.

This Rule has been Proposed by a Governmental Agency: Board of Pilotage Commissioners, Pier 52, Seattle, Washington 98104, (206) 464-7818.

This rule will be enforced by the Board of Pilotage Commissioners.

AMENDATORY SECTION (Amending Order 81-2, Resolution 81-2, filed 5/29/81)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on June 1, ((+98+)) 1982, or as soon thereafter as provided in RCW 34.04.040.

CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	((\$20.00)) <u>\$150.00</u>

Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is for amortization and expenses of pilot boats Juan De Fuca and Puget Sound. \$9.50 of the fee shall be for amortization; \$10.50 shall be toward expenses. When both boats are amortized the \$9.50 portion of the boarding fee shall 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:	Double LOA Zone

LOA of tug + LOA of tow + beam of tow
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 ((\$99.00)) <u>\$117.00</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, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ((\$47.00)) <u>\$55.00</u> per bridge.	

Ships 90' beam and/or over:	
A charge of ((\$133.00)) <u>\$157.00</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 ((\$93.00)) <u>\$110.00</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

CLASSIFICATION	RATE
charge shall be levied in the amount of a harbor shift only.	
Compass Adjustment	((132.00)) \$157.00
Radio Direction Finder Calibration	((132.00)) \$157.00
Launching Vessels	((198.00)) \$234.00
Trial Trips, 6 hours or less	((53.00)) \$63.00 per hr.
(Minimum ((318.00)) \$378.00)	
Trial Trips, over 6 hours (two pilots)	((106.00)) \$126.00 per hr.
Shilshole Bay — Salmon Bay	((77.00)) \$91.00
Salmon Bay — Lake Union	((61.00)) \$72.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((77.00)) \$91.00
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:	((53.00)) \$63.00
Applicable Harbor Shift rate to apply, plus ((53.00)) \$63.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((53.00)) \$63.00 for every hour or fraction thereof, retroactive to the time of anchoring.	
Sailing Delay	((53.00)) \$63.00 per hour
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((53.00)) \$63.00 for every hour or fraction thereof, retroactive to time called.	
Slow-Down — ((53.00)) \$63.00 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.	((53.00)) \$63.00 per hour
Super Ships — Additional charge to LOA zone mileage of ((0.0329)) \$0.0388 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ((0.0394)) \$0.0465 per gross ton.	
Delayed Arrival Port Angeles	((53.00)) \$63.00 per hour
(When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA.)	
Transportation to vessels on Puget Sound:	
March Point or Anacortes	((96.00)) \$ 113.00
Bangor	((56.00)) 66.00
Bellingham	((106.00)) 125.00
Bremerton	((29.00)) 34.00
Cherry Point	((125.00)) 147.00
Dupont	((56.00)) 66.00
Edmonds	((20.00)) 24.00
Everett	((36.00))

CLASSIFICATION	RATE
Ferndale	42.00 ((15.00)) 135.00
Manchester	((44.00)) 52.00
Mukilteo	((35.00)) 41.00
Olympia	((72.00)) 85.00
Point Wells	((20.00)) 24.00
Port Gamble	((51.00)) 60.00
Port Townsend (Indian Island)	((73.00)) 86.00
Semiahmoo (Blaine)	((31.00)) 155.00
Tacoma	((37.00)) 44.00
Tacoma Smelter	((42.00)) 50.00
Winslow	((29.00)) 34.00
<u>Seattle</u>	<u>20.00</u>

- (a) Interport shifts: Transportation paid to and from both points.
- (b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.

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	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 499	(93)	(145)	(252)	(378)	(510)	(663)
450 - 459	(95)	(148)	(254)	(384)	(516)	(666)
460 - 469	(98)	(151)	(257)	(390)	(524)	(668)
470 - 479	(101)	(154)	(260)	(398)	(527)	(670)
480 - 489	(103)	(157)	(262)	(404)	(531)	(673)
490 - 499	(106)	(159)	(265)	(411)	(537)	(677)
500 - 509	(109)	(162)	(269)	(418)	(541)	(681)
510 - 519	(111)	(166)	(272)	(424)	(546)	(683)
	131	196	321	500	644	806

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
520 - 529	((113)) 133	((172)) 203	((277)) 327	((427)) 504	((551)) 650	((689)) 813
530 - 539	((117)) 138	((175)) 207	((281)) 332	((436)) 507	((559)) 660	((696)) 821
540 - 549	((119)) 140	((178)) 210	((285)) 336	((435)) 513	((569)) 671	((702)) 828
550 - 559	((122)) 144	((182)) 215	((288)) 340	((446)) 519	((573)) 676	((708)) 835
560 - 569	((126)) 149	((188)) 222	((293)) 345	((444)) 524	((579)) 683	((716)) 845
570 - 579	((129)) 152	((191)) 225	((297)) 350	((446)) 526	((585)) 690	((722)) 852
580 - 589	((134)) 158	((194)) 229	((301)) 355	((449)) 530	((589)) 695	((729)) 860
590 - 599	((140)) 165	((198)) 234	((304)) 359	((452)) 533	((596)) 703	((736)) 868
600 - 609	((145)) 171	((204)) 241	((308)) 363	((454)) 536	((603)) 712	((741)) 874
610 - 619	((153)) 181	((207)) 244	((313)) 369	((458)) 540	((610)) 720	((748)) 883
620 - 629	((160)) 189	((210)) 248	((317)) 374	((460)) 543	((617)) 728	((755)) 891
630 - 639	((169)) 199	((214)) 253	((320)) 378	((462)) 545	((622)) 734	((762)) 899
640 - 649	((176)) 208	((219)) 258	((324)) 382	((465)) 549	((629)) 742	((769)) 907
650 - 659	((186)) 219	((223)) 263	((329)) 388	((467)) 551	((636)) 750	((776)) 916
660 - 669	((191)) 225	((226)) 267	((333)) 393	((470)) 555	((642)) 758	((781)) 922
670 - 679	((196)) 231	((230)) 271	((336)) 396	((477)) 563	((650)) 767	((788)) 930
680 - 689	((201)) 237	((235)) 277	((340)) 401	((483)) 570	((656)) 774	((795)) 938
690 - 699	((207)) 244	((239)) 282	((345)) 407	((491)) 579	((663)) 782	((809)) 955
700 - 719	((217)) 256	((246)) 290	((352)) 415	((497)) 586	((675)) 797	((820)) 968
720 - 739	((228)) 269	((254)) 300	((360)) 425	((504)) 595	((689)) 813	((834)) 984
740 - 759	((239)) 282	((265)) 313	((368)) 434	((510)) 602	((702)) 828	((848)) 1001
760 - 779	((249)) 294	((276)) 326	((376)) 444	((516)) 609	((716)) 845	((861)) 1016
780 - 799	((260)) 307	((286)) 337	((384)) 453	((524)) 617	((729)) 860	((875)) 1033
800 - 819	((270)) 319	((297)) 350	((392)) 463	((530)) 625	((741)) 874	((888)) 1048
820 - 839	((281)) 332	((307)) 362	((400)) 472	((537)) 634	((755)) 891	((900)) 1062
840 - 859	((292)) 345	((318)) 375	((408)) 481	((543)) 641	((769)) 907	((914)) 1079
860 - 879	((302)) 356	((329)) 388	((416)) 491	((557)) 657	((781)) 922	((928)) 1095
880 - 899	((313)) 369	((339)) 400	((424)) 500	((570)) 673	((795)) 938	((940)) 1109
900 - 919	((323)) 381	((350)) 413	((431)) 509	((583)) 688	((809)) 955	((954)) 1126
920 - 939	((334)) 394	((360)) 425	((440)) 519	((596)) 703	((820)) 968	((968)) 1142
940 - 959	((345)) 407	((371)) 438	((447)) 527	((610)) 720	((834)) 984	((979)) 1155
960 - 979	((355)) 419	((382)) 451	((456)) 538	((622)) 734	((848)) 1001	((993)) 1172
980 - 999	((366)) 432	((392)) 463	((463)) 546	((636)) 750	((861)) 1016	((1007)) 1188
1000 & over	((376)) 444	((403)) 476	((472)) 557	((650)) 767	((875)) 1033	((1020)) 1204

WSR 82-08-063
ADOPTED RULES
DEPARTMENT OF LICENSING
(Cosmetology Examining Committee)
[Order PL 395—Filed April 7, 1982]

I, Joan Baird, assistant director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to catalog or brochure requirements; minimum cancellation and refund policies; enrollment agreements; surety bond requirements pertaining to licensed cosmetology schools and colleges.

This action is taken pursuant to Notice No. WSR 82-05-048 filed with the code reviser on February 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.18.020 and 18.18.070 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 29, 1982.

By Joan Baird
Assistant Director

CHAPTER 308-24 WAC

NEW SECTION

WAC 308-24-510 CATALOG OR BROCHURE.

Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

- (1) The date of publication and year(s) for which the catalog or brochure is effective;
- (2) The name and address of the school;
- (3) The names of the owner(s) or governing body;
- (4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;
- (5) The school's normal hours of operation and instruction;
- (6) The school's policy on enrollments and the specific criteria or requirements for admission;
- (7) The school's policy on attendance, tardiness and student conduct;
- (8) The school's grading systems and policies;
- (9) The educational objectives of the program, along with a summary of the requirements for licensure as a cosmetology operator and a statement that a license is required to practice this occupation;

(10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;

(11) A description of the available space, facilities and equipment at the school and the class size;

(12) A detailed schedule of all fees, including charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;

(13) A copy of the school's refund policy which must at a minimum comply with WAC 308-24-520;

(14) A clear statement that the school does not guarantee employment and an accurate description of any placement or job counseling services offered by the school;

(15) An explanation of any scholarship or tuition waiver policies;

(16) Any other material facts concerning the school which are likely to affect the student's decision to enroll.

NEW SECTION

WAC 308-24-520 MINIMUM CANCELLATION AND REFUND POLICY. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students and schools. An individual school, however, may wish to adopt a more liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the Commission for Vocational Education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreement.

(1) Enrollment Agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination Date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction,

and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund Policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within three days of signing an enrollment agreement or making an initial payment, shall be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty-five dollars;

(b) Any applicant who requests a refund more than three days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition.

(c) Any student terminating training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid on the number of hours the student was enrolled in the program as set forth in the following table:

% OF TIME ENROLLED	% TUITION TO BE REFUNDED BY SCHOOL
0.1-4.9%	80%
5.0-9.9%	70%
10.0-14.9%	60%
15.0-24.9%	50%
25.0-49.9%	30%
Over 50%	0%

(d) Any student disabled by prolonged illness or accident after completing 1000 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract price upon proper certification by the student's attending physician.

(5) Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

(6) Any monies due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

(7) Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(8) No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless

the student, the student's guardian and/or financial sponsor is notified of such sale or assignment.

NEW SECTION

WAC 308-24-530 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Required Elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or Program. Course or program title is identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g., quarter, semester, etc.) and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and Supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charge.

(iii) Other Costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Method and terms of payment. Must comply with federal truth-in-lending and state retail installment sales contract requirements.

(f) Starting date. Scheduled class starting date.

(g) Class Schedule. All day, morning, afternoon, evening, split or other time of class attendance.

(h) Termination by School. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(i) Cancellation or Termination by Student. How to cancel or voluntarily terminate the agreement.

(j) Refund Policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 308-24-520.

(k) Employment of Tuition Assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student.

(l) Effective Date. Not binding until signed by the student or his guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(m) Acknowledgement. Acknowledgement that signers have read and received a copy of the contract must appear on the contract in 8 pt boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School Signature. Acceptance date and signature of appropriate official at the school.

(p) Other Elements. Other elements required by other state, local or federal governmental bodies.

(q) Conditional Elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school.

NEW SECTION

WAC 308-24-540 BONDING. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand dollars. Schools not having been in operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director.

WSR 82-08-064
ADOPTED RULES
DEPARTMENT OF LICENSING
(Barber Examining Committee)
 [Order PL 394—Filed April 7, 1982]

I, Joan Baird, assistant director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to catalog or brochure requirements; minimum cancellation and refund policies; enrollment agreements; surety bond requirements pertaining to licensed barber schools and colleges.

This action is taken pursuant to Notice No. WSR 82-05-049 filed with the code reviser on February 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.15.056 and 18.15.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 29, 1982.

By Joan Baird
 Assistant Director

CHAPTER 308-16 WAC

NEW SECTION

WAC 308-16-440 CATALOG OR BROCHURE.

Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

- (1) The date of publication and year(s) for which the catalog or brochure is effective;
- (2) The name and address of the school;
- (3) The names of the owner(s) or governing body;
- (4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;
- (5) The school's normal hours of operation and instruction;
- (6) The school's policy on enrollments and the specific criteria or requirements for admission;
- (7) The school's policy on attendance, tardiness and student conduct;
- (8) The school's grading system and policies;
- (9) The educational objectives of the program, along with a summary of the requirements for licensure as a barber and a statement that a license is required to practice this occupation;

(10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;

(11) A description of the available space, facilities and equipment at the school and the class size;

(12) A detailed schedule of all fees, including charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;

(13) A copy of the school's refund policy which must at a minimum comply with WAC 308-16-450;

(14) A clear statement that the school does NOT guarantee employment and an accurate description of any placement or job counseling services offered by the school;

(15) An explanation of any scholarship or tuition waiver policies;

(16) Any other material facts concerning the school which are likely to affect the student's decision to enroll.

NEW SECTION

WAC 308-16-450 MINIMUM CANCELLATION AND REFUND POLICY. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students and schools. An individual school, however, may wish to adopt a more liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the Commission for Vocational Education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreement.

(1) Enrollment Agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination Date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction,

and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund Policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within 3 days of signing an enrollment agreement or making an initial payment, shall be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Any applicant who requests a refund more than 3 days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition.

(c) Any student terminating training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid on the number of hours the student was enrolled in the program as set forth in the following table:

No. Hours Enrolled	% Tuition to be Refunded by the School
1-156	80%
157-312	60%
313-624	40%
625-936	20%
More than 937	0%

(d) Any student disabled by prolonged illness or accident after completing 937 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract price upon proper certification by the student's attending physician.

(5) Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

(6) Any moneys due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

(7) Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(8) No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless the student, the student's guardian and/or financial sponsor is notified of such sale or assignment.

NEW SECTION

WAC 308-16-460 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Requirement elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title as identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g., quarter, semester, etc.) and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charge.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Methods and terms of payment. Must comply with Federal Truth-In-Lending and state retail installment sales contract requirements.

(f) Starting date. Scheduled class starting date.

(g) Class schedule. All day, morning, afternoon, evening, split or other time of class attendance.

(h) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(i) Cancellation or termination by student. How to cancel or voluntarily terminate the agreement.

(j) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum,

complies with the cancellation and refund policy stated in WAC 308-16-450.

(k) Employment or tuition assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student.

(l) Effective date. Not binding until signed by the student or his guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(m) Acknowledgments. Acknowledgment that signers have read and received a copy of the contract must appear on the contract in 8 pt. boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School signature. Acceptance date and signature of appropriate official at the school.

(p) Other elements. Other elements required by other state, local or federal governmental bodies.

(i) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school.

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 308-16-470 BONDING. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand dollars. Schools not having been in operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director.

WSR 82-08-065
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
[Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to repeal rules concerning moorage and the use of marine facilities; WAC 352-12-020 moorage fees; 352-12-030 seasonal permits; 352-12-040 use of onshore campsite; and 352-12-050 self-registration.

Commission action on this notice is contingent upon a lack of appropriated funds to implement the moorage fee sections of chapter 352-12 WAC. If the legislature appropriates those funds, then the proposed rules repealer will be withdrawn and the moorage fee sections left in place;

that such agency will at 9 a.m., Monday, May 17, 1982, in the "Cougar Room", Thunderbird Motel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, May 14, 1982, and/or orally at 9 a.m., Monday, May 17, 1982, "Cougar Room", Thunderbird Motel, 1225 North Wenatchee Avenue, Wenatchee, WA 98801.

Dated: April 7, 1982
By: Robert T. McCoy
Rules Coordinator

STATEMENT OF PURPOSE

Title: Moorage and use of marine facilities; WAC 352-12-020 moorage fees; 352-12-030 seasonal permits; 352-12-040 use of onshore campsite; and 352-12-050 self-registration.

Description of Purpose: These sections of the WAC implement a moorage fee for the use of state parks' marine facilities. Proposed action will repeal those WAC sections implementing a moorage fee.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: The above referenced rules were adopted to implement a moorage fee for the use of state parks' marine facilities. Commission action on this notice is contingent upon a lack of appropriated funds to implement the fees outlined in WAC 352-12-020 et seq. If the legislature appropriates those funds, then the proposed rules repealer will be withdrawn and the moorage fee sections left in place.

Reasons Supporting Proposed Action: If the legislature does not appropriate the funds for implementation of these rules, then they will be unenforceable and would then need to be repealed.

Agency Personnel Responsible for Drafting: Dennis Smith, Assistant Director, Administrative Services, 7150 Cleanwater Lane, KY-11, 753-5766;

Implementation: Lynn Genasci, Assistant Director, Operations, 7150 Cleanwater Lane, KY-11, 753-5761; and Enforcement: N/A.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: Recommended language is contained in the proposed repealer sections shown below.

Federal Law/Court Action: N/A.

REPEALER (Amending Order 81-2, Resolution 81-2, filed 5/29/81)

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

- (1) WAC 352-12-020 MOORAGE FEES
- (2) WAC 352-12-030 SEASONAL PERMITS
- (3) WAC 352-12-040 USE OF ONSHORE CAMPSITES
- (4) WAC 352-12-050 SELF-REGISTRATION

WSR 82-08-066
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 42.30 RCW, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

- New WAC 232-28-205 1982 Hunting Seasons and Game Bag Limits and 1982 Game Management Units and Area Legal Descriptions.
- New WAC 232-12-099 Treaty Indian Fishing Gear Identification.
- New WAC 232-12-809 Definition of Eastern and Western Washington.
- Amd WAC 232-12-167 Hunting and Fishing Contest Rules.
- Rep WAC 232-28-204 1981 Hunting Seasons and Game Bag Limits.
- Rep WAC 232-28-304 1981 Game Management Units and Area Legal Descriptions;

that such agency will at 9:00 a.m., Sunday/Monday, May 16-17, 1982, in the Leopold Hotel, 1224 Cornwall Avenue, Bellingham, WA 98225, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Sunday/Monday, May 16-17, 1982, in the Leopold Hotel, 1224 Cornwall Avenue, Bellingham, WA 98225.

The authority under which these rules are proposed is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 16-17, 1982, and/or orally at 9:00 a.m., Sunday/Monday, May 16-17, 1982, Leopold Hotel, 1224 Cornwall Avenue, Bellingham, WA 98225.

Dated: April 7, 1982

By: Dave Schultz
Acting Chief

Wildlife Enforcement Division

STATEMENT OF PURPOSE

Title: New section WAC 232-28-205 1982 Hunting Seasons and Game Bag Limits and 1982 Game Management Units and Area Legal Descriptions; new section

WAC 232-12-099 Treaty Indian Fishing Gear Identification; new section WAC 232-12-809 Definition of Eastern and Western Washington; amendatory section WAC 232-12-167 Hunting and Fishing Contest Rules; repealing WAC 232-28-204 1981 Hunting Seasons and Game Bag Limits; and WAC 232-28-304 1981 Game Management Units and Area Legal Descriptions.

Statutory Authority: RCW 77.12.040.

Summary: Seasons and bag limits will be established in the manner outlined in the attached 1981 pamphlet. Dates, hunting hours, either-sex permit numbers will change dependent upon calendar and regional recommendations. Game management requires the flexibility in establishing season limits in time and amount to properly manage the wildlife resource. Also establishes unit and area legal descriptions supplementing the 1982 hunting seasons and game bag limits. Includes exact physical boundaries for all of the Game Management Units shown on the map. By mandate of the Boldt decision, the Game Department is required to monitor the steelhead resource and provide for equitable allocation between the treaty tribes and the sportsfishermen on the case area streams. Since the treaty Indians are allowed to commercially net steelhead, WAC 232-12-099 is proposed to establish a marking system for nets identifying the tribe operating the net. WAC 232-12-809 will establish definitions of Eastern and Western Washington. Amending WAC 232-12-167 will provide for clarification of the existing WAC on hunting and fishing contests and emphasize that hunting and fishing contests are not to be conducted for a commercial purpose. Provides for the repealing of the 1981 Hunting Seasons and Game Bag Limits and 1981 Game Management Units and Area Legal Descriptions; these will be superseded by WAC 232-28-205.

Agency Personnel Responsible for Drafting and Implementation: Rich Poelker, Chief, Wildlife Management Division and Dave Schultz, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5740; and Enforcement: Dave Schultz, Acting Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: 753-5740.

Person or Organization Proposing Rule: Washington Department of Game, 600 North Capitol Way, Olympia, WA 98504.

Agency Comments or Recommendations: None.

Is Rule Required by Federal Law, Federal Court Action or State Court Action: No.

NEW SECTION

WAC 232-28-205 1982 HUNTING SEASONS AND REGULATIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1982 Hunting Seasons and Regulations proposed 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.

NEW SECTION

WAC 232-12-099 TREATY INDIAN FISHING GEAR IDENTIFICATION. It is unlawful for a treaty Indian to operate or fish with a gill net capable of taking anadromous game fish without having attached to one end of the float line a metal tag 3/4 of an inch by 4 inches with the following numbering system:

(1) The first digit shall indicate the treaty area, the second digit the tribe within the treaty area, and the last five digits of the fisherman's Bureau of Indian Affairs tribal identification number.

NEW SECTION

WAC 232-12-809 DEFINITION OF EASTERN AND WESTERN WASHINGTON. For purposes of all rules of the commission, eastern and western Washington are defined as:

Eastern Washington - All lands lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County.

Western Washington - All lands lying west of the summit of the Cascade Mountains and west of and including the Big White Salmon River in Klickitat County.

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-167 HUNTING AND FISHING CONTEST RULES. A person wishing to conduct a hunting or fishing contest must file an application for a contest permit with the department thirty days prior to the start of the contest.

It is unlawful to:

(1) Charge a fee or request a donation for entrance to a hunting or fishing contest (~~or request a donation to promote such a contest for a commercial purpose~~).

(2) Offer or accept prizes (~~or trophies~~;) as a result of a hunting or fishing contest, which have a total retail value of more than four hundred dollars.

(3) Promote or conduct a hunting or fishing contest for a commercial purpose.

REPEALER

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

WAC 232-28-204 1981 HUNTING SEASONS AND GAME BAG LIMITS

WAC 232-28-304 1981 GAME MANAGEMENT UNITS AND AREA LEGAL DESCRIPTIONS

**WSR 82-08-067
PROPOSED RULES
JAIL COMMISSION
[Filed April 7, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning a rule establishing maximum capacities for all city and county detention and correctional facilities within the state of Washington in accordance with WAC 289-15-220(3);

that such agency will at 1:00 p.m., Thursday, May 13, 1982, in the St. Paul's Lutheran Church, West 13th and Franklin, Vancouver, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 70.48.050(1)(a) and 70.48.070(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to May 6, 1982, and/or orally at 1:00 p.m., Thursday, May 13, 1982, St. Paul's Lutheran Church, West 13th and Franklin, Vancouver, Washington.

This notice is connected to and continues the matter in Notice No. WSR 82-05-045 filed with the code reviser's office on February 17, 1982.

Dated: March 31, 1982
By: George Edensword-Breck
Director

**WSR 82-08-068
PROPOSED RULES
JAIL COMMISSION
[Filed April 7, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning a new section setting guidelines for review of jail construction or remodeling plans not meeting state physical plant standards, in response to Chapter 12, Laws of 1981 2nd ex. sess;

that such agency will at 1:00 p.m., Thursday, May 13, 1982, in the St. Paul's Lutheran Church, West 13th and Franklin, Vancouver, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 70.48.050(5), 70.48.060(3) and 70.48.070(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1982, and/or orally at 1:00 p.m., Thursday, May 13, 1982, St. Paul's Lutheran Church, West 13th and Franklin, Vancouver, Washington.

Dated: April 7, 1982
By: George Edensword-Breck
Director

STATEMENT OF PURPOSE

Title: A new section setting guidelines for review of jail construction or remodeling plans not meeting state physical plant standards, in response to chapter 12, Laws of 1981 2nd ex. sess.

The adopted rule creates a new section within the physical plant standards which were adopted by the State Jail Commission in 1979 following their approval by the legislature, in response to the direction contained in chapter 12, Laws of 1981 2nd ex. sess., that the Jail Commission review and modify its physical plant standards to reflect current constitutional case law. Rather than selectively modifying numerical standards contained within the existing physical plant standards, the adopted rule creates a process for review and approval of overall jail plans which do not meet existing standards but which "may still satisfy minimal constitutional standards" (subsection (1)). Subsection (2) states that modifications to the physical plant standards which will be considered include the dimensions and occupancy of living areas with jails but not limited to such changes.

Subsection (3) identifies the criteria for reviewing plans which contain modifications to the physical plant standards. Subsection (4) provides for the submission of plans containing modifications to the physical plant standards in accordance with current administrative review procedures set forth in chapter 289-13 WAC, except that approval of such plans is to occur before the full commission. Subsection (5) provides that plans to be submitted under this section will be limited to current funded capacity and maximum budgets and must be supported by the showing of either reduced construction costs or significant operational savings.

Under the supervision of the State Jail Commission, its director, George Edensword-Breck, is responsible for the drafting, implementation and enforcement of chapter 289-12 WAC; his office and telephone number are: 110 East 5th, Room 223, MS/GB-12, Olympia, WA 98504, (206) 753-5790.

The rule was developed and proposed to the full commission by its Standards Committee, Larry Erickson, Chairman.

The Jail Commission has no comments regarding this rule.

The rule has no federal law or court action requirement.

NEW SECTION

WAC 289-12-035 GUIDELINES FOR REVIEW OF PLANS NOT MEETING PHYSICAL PLANT STANDARDS. (1) Purpose. It is the purpose of this rule, in response to Chapter 12, Laws of 1981, 2nd Ex. Sess., to establish guidelines for the review and approval of plans which do not meet the previously-adopted physical plant standards set forth above but which may still satisfy minimal constitutional standards.

(2) General Guidelines. In light of recent Supreme Court Decisions, plans for new and/or remodeled state-funded detention of correctional facilities may be submitted to the commission for approval even though such plans contain modifications to the physical plant standards cited above. Such modifications to physical plant standards may include but are not necessarily limited to the following:

- (a) Less than 72 square feet per prisoner in single occupancy cells;
- (b) Less than 60 square feet per prisoner in dormitories;
- (c) Less than 35 square feet per prisoner in dayrooms; and
- (d) Multiple occupancy cells of more than one prisoner.

(3) Criteria for Review. Based on recent Supreme Court decisions, the commission's review of plans submitted which contain requests for significant modifications from the physical plant standards shall take into consideration the following elements:

- (a) The reasonableness of the proposed square footage per prisoner under (2)(a) through (2)(d) above;
- (b) The length of prisoner stay in living areas designed to less than square footage required by WAC 289-12-030;
- (c) Amount of out-of-cell opportunities, including but not limited to recreational, educational, and work programs;
- (d) Whether modifications being proposed under (2) above will permit adequate classification and segregation of prisoners; and
- (e) Whether other areas of the jail incorporate adequate space for necessary support activities and services, for which purpose the jail commission's "Jail Architectural Programming Guidelines" shall continue to be the general reference.

(4) Procedures for Review. (a) Governing Unit requests for approval of plans which include modifications to the physical plant standards as set forth in subsection (2), shall be submitted and approved or denied in accordance with established funding procedures set forth in Chapter 289-13 WAC;

(b) Plans submitted by a governing unit for review and approval of modifications to the physical plant standards shall include a detailed statement that contains a sufficient amount of information on items

(3)(b) through (3)(e) above to make a determination of adequacy on the plans;

(c) Governing unit requests for approval of plans will be scheduled for public meeting review and approval or disapproval by the full commission.

(5) Approval of plans submitted under this section will be based upon the established funded capacity and maximum budget for specific projects. No plan will be approved under this section which is not supported by a written showing of either (a) reduced construction costs or (b) no increase in construction costs but significant operational savings to the governing unit.

WSR 82-08-069
PROPOSED RULES
JAIL COMMISSION
[Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning amendments to WAC 289-13-070 to delete current provisions within subsection (2) which permit state funding in authorized jail projects of clearing of site, disposal of debris and demolition of existing structures not integral to the construction of the jail itself;

that such agency will at 1:00 p.m., Thursday, May 13, 1982, in the St. Paul's Lutheran Church, West 13th and Franklin, Vancouver, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 70.48.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1982, and/or orally at 1:00 p.m., Thursday, May 13, 1982, St. Paul's Lutheran Church, West 13th and Franklin, Vancouver, Washington.

Dated: April 7, 1982

By: George Edensword-Breck
Director

STATEMENT OF PURPOSE

Title: Amendments to WAC 289-13-070 to delete current provisions within subsection (2) which permit state funding in authorized jail projects of clearing of site, disposal of debris and demolition of existing structures not integral to the construction of the jail itself.

The amendment to existing WAC 289-13-070 is intended to implement changes in authorized jail construction costs which have been determined by the Joint Administrative Rules Review Committee of the state legislature to be violative of statutory direction set forth in RCW 70.48.260. Previously allowed jail construction costs which are now deleted from the rule include site clearing and removal of debris, demolition of existing structures under certain circumstances and earth work which is not integral to the construction of the jail itself.

Under the supervision of the State Jail Commission, its director, George Edensword-Breck, is responsible for the drafting, implementation and enforcement of chapter 289-13 WAC; his office and telephone number are: 110

East 5th, Room 223, MS/GB-12, Olympia, WA 98504, (206) 753-5790.

The Joint Administrative Rules Review Committee of the state legislature has deferred further review of this matter pending commission action on the proposed rule which was drafted by the Washington Association of Counties.

The Jail Commission has no comments regarding this rule.

The rule has no federal law or court action requirement.

AMENDATORY SECTION (Amending Order 20, filed 12/22/81)

WAC 289-13-070 FINAL REVIEW OF FUNDING APPLICATIONS—LEVEL OF FUNDING. (1) A governing unit will be awarded only the minimum amount necessary to fully implement the physical plant standards in the particular detention or correctional facility which is being considered based upon the approved capacity set by the commission under WAC 289-13-060.

(2) The following elements will be considered in determining the necessary minimum cost of construction or substantial remodeling projects:

(a) Prime architect and engineer fees, including the total cost of services performed by the architect and engineer who are responsible for the facility design, and any subcontracts for design specialists necessary for the development of the project: **PROVIDED**, That the applying governing unit must submit a description of its consultant selection process which must, except where a contract for such services was executed prior to June 1, 1979, substantially comply with the consultant selection process adopted by the Department of General Administration, Division of Engineering and Architecture as adapted to the particular governing unit's organization and structure: **PROVIDED FURTHER**, That the commission will provide to each governing unit a list of known minority and female architect and engineer firms to which an announcement of each governing unit's selection process shall be sent, and all such firms shall be given a full and equal opportunity to participate in any such process commenced following receipt of such list: **PROVIDED FURTHER**, That no reimbursement shall be made for fees of any prime architect selected following the effective date of this rule who does not have in effect an affirmative action plan which includes, at a minimum, the same goals as the governing unit's plan with regard to its own employment practices or, if no such governing unit plan exists, which meets or exceeds the participation standard set within WAC 289-13-170(1)(b): **PROVIDED FURTHER**, That all prime architects whose fees are submitted for reimbursement hereunder shall submit a copy of the firm's affirmative action plan, or a statement with regard to its affirmative action practices regardless of the time it was selected. All such fees shall generally be evaluated in accordance with the Prime Architect and Engineer Fee Schedule set forth in the State of Washington Capital Budget Instructions for the 1979-81 biennium.

(b) Initial architectural consultant fees required to prepare preliminary jail facility plans for presentation to the commission, upon demonstration of the necessity for such services apart from the work normally associated with the prime architect and engineer: **PROVIDED**, That the applying governing unit provides adequate indication of a consultant selection process free of conflict of interest and which insures the selection of a qualified person or firm. All such fees shall be evaluated on the basis of a fee schedule to be developed by the commission. Service by a person or firm as an initial architectural consultant does not preclude such person or firm's selection as the prime architect for a particular jail facility.

(c) Site survey and soil testing as necessary prior to construction.

(d) Construction costs, including, but not specifically limited to:

(i) ~~(Clearing of site and disposal of debris;~~

~~(ii) Demolition of existing structure where there is an adequate showing of justification for construction on an occupied rather than vacant site;~~

~~(iii) Necessary earthwork integral to the construction of the jail itself;~~

~~(iv) Drainage, water and sewer work;~~

~~(v) Necessary fire protection design features, including fire extinguishing and alarm systems;~~

~~(vi) Walkways and driveways;~~

~~(vii) Service vehicle and visitor parking;~~

~~(viii) Power, lighting, and telephone connections to jail building and related equipment, as well as all interior wiring and permanent power, lighting, and telephone equipment;~~

~~(ix) Necessary security features which constitute permanent fixtures of the structure, including:~~

~~(A) Standard security hardware;~~

~~(B) Electronically controlled gates and doors as conditions require (with mechanical override);~~

~~(C) Electronically controlled door locking devices for prisoner rooms operated from centralized consoles;~~

~~(D) Closed circuit television (C.C.T.V.), surveillance systems where required, EXCEPT THAT C.C.T.V. will not be funded for general prisoner population cells or dormitories;~~

~~(E) Intercom and telephone systems connecting all major control points and monitored through central control telephone system for secure noncontact visitation; and~~

~~(F) Equipment and systems to control vandalism in such areas as water supply, mechanical and electrical fixtures.~~

~~(x) Standard permanent jail fixtures, including but not limited to bunks, tables, toilets, showers, sinks, and other such necessary furnishings for cells, dormitories, dayrooms, and dining and visitor areas;~~

~~(xi) Minimum laundry and kitchen appliances and equipment where adequate justification for such appliances and equipment is demonstrated;~~

~~(xii) Minimum furnishings and equipment for medical examining area and, where justified, for infirmary, as required under WAC 289-12-030(2)(a)(iv)(A) and (B);~~

~~(xiii) Separate staff facilities within the architectural guidelines to be adopted by the commission.~~

(3) Energy conservation design features which may increase initial construction or remodeling costs shall not be precluded from consideration for state funding when properly supported by a life cycle cost analysis as required by chapter 39.35 RCW.

(4) Costs which will not be considered for state funding purposes include:

(a) Any architect and engineering fees or other costs that are not directly related to and specifically required for jail construction and/or remodeling to comply with the physical plant standards and the rules adopted herein;

(b) Site acquisition and site preparation, including surveys and soil testing, clearing, disposal of debris and demolition of existing structures;

(c) Landscaping, art works, or any decorative features of design or construction which are not necessary costs of jail construction or substantial remodeling to meet the physical plant standards;

(d) Movable equipment and furnishings, e.g., shelves, desks, conference tables, and file cabinets;

(e) Court room or facilities solely related to court activities;

(f) Any portion of elevator construction cost not related to jail operation: **PROVIDED**, That where an elevator serves a jail facility as well as other portions of a courthouse, criminal justice facility or other multistoried structure in which the jail is located, such cost shall be prorated;

(g) The cost for construction of skybridges or tunnels that connect the jail with any structure other than another portion of the jail: **PROVIDED**, That following completion of design development and a cost analysis based thereon, a governing unit may request approval of the inclusion of such a structure to provide a secure connection between the jail and related criminal justice facilities, within the maximum level of funding previously established for the project, and the director is authorized to grant such approval subject to said budget restriction;

(h) Any other design features, equipment, or furnishings not specifically required to implement the mandatory physical plant standards at minimum cost in a specific facility.

(5) The commission will adopt and distribute to each governing unit, not later than October 15, 1979, specific architectural guidelines which shall govern its review of all projects accepted for final consideration. Such guidelines will specify the total square footage of ancillary areas which will generally be funded within jails in addition to the necessary cells, dormitories, and day room areas required under the physical plant standards for the specific capacity set by the commission, expressed in ranges and subject to appropriate adjustment by the commission in each specific case.

(6) Detention and correctional facilities shall be funded on the basis of a ratio of sixty percent single cells to forty percent dormitory cells

under the specific capacity set by the commission, EXCEPT THAT the commission may grant exceptions to such requirement when a request for such exception is contained in the final application and is adequately supported by the specific circumstances set forth therein.

(7) In allocating funds for jail construction and/or substantial remodeling the commission shall review all projects submitted to ensure that the number of square feet allowed per bed is generally consistent for facilities of similar size and classification within either major urban, medium urban, or rural counties.

(8) The level of funding for the construction and/or substantial remodeling of detention and correctional facilities for which their governing units appropriated and spent or encumbered funds after February 16, 1974, and before June 23, 1977 and for which a funding application has been filed in accordance with WAC 289-13-020(3) shall be determined in accordance with the above provisions and in the same manner as all other jail funding applications.

(9) Upon completion of its review of each detention and correctional facility funding application accepted for consideration, the commission shall authorize a specific funding level for each facility based upon current costs and give written notice to each applying governing unit of that determination. Actual allocation and disbursement of proceeds from the sale of bonds deposited in the local jail improvement and construction account to any governing unit or units shall be governed by the provisions of WAC 289-13-080 relating to funding priorities and rules to be adopted relating to funding level adjustments.

WSR 82-08-070
PROPOSED RULES
HUMAN RIGHTS COMMISSION
 [Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt, amend, or repeal rules concerning standards for determining who is employed for the purpose of determining whether an employer "employs eight or more persons" and thus is covered by the portions of the law against discrimination defining unfair practices in employment, WAC 162-16-160 and standards for distinguishing an employee from an independent contractor, WAC 162-16-170;

that such agency will at 10:00 a.m., Thursday, May 20, 1982, in the Great Northwest Federal Savings and Loan Association's Conference Room, North 222 Wall Street, Spokane, WA conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, May 20, 1982, in the Great Northwest Federal Savings and Loan Association's Conference Room, North 222 Wall Street, Spokane, WA.

The authority under which these rules are proposed is RCW 49.60.120(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1982, and/or orally at 10:00 a.m., Thursday, May 20, 1982, Great Northwest Federal Savings and Loan Association's Conference Room, North 222 Wall Street, Spokane, WA.

Dated: April 7, 1982

By: Morton M. Tytler
 Senior Assistant Attorney General

STATEMENT OF PURPOSE

This Statement Applies to the Following Proposed Rules: WAC 162-16-160 "Employer"—Jurisdictional count of number of persons employed and WAC 162-16-170 Employee distinguished from independent contractor.

Purpose: The purpose of WAC 162-16-160 is to specify standards for determining who is counted as employed for the purpose of determining whether an employer "employs eight or more persons" and thus is covered by the portions of the law against discrimination defining unfair practices in employment.

The purpose of WAC 162-16-170 is to formulize and promulgate the standards used by the commission to distinguish an employee from an independent contractor.

Statutory Authority: The rules are proposed for adoption under authority of RCW 49.60.120(3).

Summary of Rules: WAC 162-16-160 states a general approach to determining who is "employed" and deals specifically with a number of circumstances where the answer is unclear. WAC 162-16-170 states a general approach to the problem of determining whether one person does work for another as an employee or as an independent contractor, lists factors which are appropriate to the decision, allocates the burden of persuasion, and sets out working presumptions.

Reasons supporting the Proposed Rules: In the course of processing charges of unfair practices under the law against discrimination over the years, questions have often arisen as to who should be counted to determine if the jurisdictional eight persons are employed. Decisions have been made in individual cases, but the total law has never before been collected and codified. WAC 162-16-160 is intended to do this, and to answer some questions which have not yet arisen but which are likely to arise.

Questions have also arisen as to whether particular persons work as employees or as independent contractors. The proposed rule codifies case law on this point, but focuses on the question in the special context of enforcing the law against discrimination.

Agency Personnel: Drafter, the drafter of the proposed rules is Morton M. Tytler, Senior Assistant Attorney General, Human Rights Division, 5th Floor, Highways-Licenses Building, Olympia, Washington, 206/753-1564; when applied to determine the jurisdiction of the Washington State Human Rights Commission over complaints of unfair practices, the rules will be implemented and enforced by the commission's staff under the direction of Raleigh Lewis, Executive secretary, Washington State Human Rights Commission, 402 Evergreen Plaza Building, Olympia, Washington, 206/753-2987, subject to approval by the Human Rights Commissioners. When applied in administrative hearings, the rules will be implemented and enforced by various administrative law judges designated by the Chief Administrative Law Judge. See RCW 49.60.250. The rules will also be applied by judges in court cases, subject to the ultimate authority of the courts to interpret the statutes.

Person Proposing Rules: The proposed rules were prepared in response to direction from the Washington State Human Rights Commissioners.

Agency Comments: Appendix A is a copy of drafter's comments on proposed WAC 162-16-160.

Appendix B is a copy of drafter's comments on proposed WAC 162-16-170, edited to conform to revisions in the proposed rule.

Appendix C is a copy of the staff's Economic Impact Report.

Court Action: No court action requires the adoption of these rules, but the rules largely codify law found in court decisions.

NEW SECTION

WAC 162-16-160 "EMPLOYER"—JURISDICTIONAL COUNT OF NUMBER OF PERSONS EMPLOYED. (1) Purpose and scope of section. This section implements RCW 49.60.040, which defines "employer" for purposes of the law against discrimination in part as "any person . . . who employs eight or more persons." This section establishes standards for determining who is counted as employed when deciding whether a person is an employer under the quoted language. The standards in this section do not define who is entitled to the protection of the law against discrimination (for example, a part-time employee who does not work enough hours to be counted under subsection (5) of this section is entitled to the protection of the law against discrimination).

(2) Purposes of exemption. The principal purposes of exempting persons who employ less than eight from the enforcement authority of the commission are:

(a) To relieve small businesses of a regulatory burden; and
(b) In the interest of cost effectiveness, to confine public agency enforcement of the law to employers whose practices affect a substantial number of persons.

(3) General approach. Our objectives in choosing the standards in this section and in making future decisions on questions not addressed in this section are:

(a) To eliminate and prevent discrimination – the overall purpose of the law against discrimination.

(b) To give effect to the purposes of the exemption of employers of less than eight from public enforcement of the law against discrimination, as identified in subsection (2) of this section.

(c) To be consistent with interpretations of federal antidiscrimination law and the antidiscrimination laws of other states, where these are comparable to Washington law, and where we do not feel that a different rule would better serve the state of Washington.

(d) Administrative convenience. The public and our staff need standards that are certain and that are easy to understand and apply. Therefore we must sometimes simply draw a line, although reasonable persons could differ as to where the line should be drawn.

We recognize that the concept of who is "employed" is defined in many areas of the law, not always consistently. We see no need for overall consistency, but instead believe that the term should be defined in each area with reference to the purposes of the law that is being applied.

(4) Time of calculation.

(a) A person will be considered to have employed eight if the person either:

(i) Employed eight or more persons for any part of the day on which the unfair practice is alleged to have occurred, or did occur; or

(ii) Employed an average of eight or more persons over a representative period of time including the time when the unfair practice is alleged to have occurred.

(b) The representative period of time for (a) (ii) of this subsection will ordinarily be the month during which the unfair practice is alleged to have occurred plus the preceding two months, but where this period will not accurately reflect the overall employment level, as in a seasonal industry, we will use the month during which the alleged unfair practice is alleged to have occurred plus the preceding eleven months.

(c) An average of eight persons employed will be found for (a) (ii) of this subsection if:

(i) The total hours worked by all employees during the examined period equals or exceeds eight times the number of working days; or

(ii) The total of all persons employed full time or part time during the period exceeds seven on more days than it is seven or less.

(5) Part-time employees.

(a) A person working part time will be counted as employed on the day on which the unfair practice is alleged to have occurred, or did occur, if the person worked any part of that day.

(b) A person working part time will be counted as employed for purposes of averaging under subsection (c) (ii) of this section if the person worked one-fifth of full time.

(c) Persons subject to call to work (such as volunteer fire fighters) will be considered to be employed at all times when they are subject to call.

(6) Area of calculation. A person who employs eight or more persons is an "employer" for purposes of the law against discrimination even though less than eight of the employees are located in the state of Washington.

(7) Multiple places of employment. The count will include all persons employed by the same legal entity, whether or not the persons work in the same place of business or line of business.

(8) Connected corporations. Corporations and other artificial persons that are in common ownership or are in a parent-subsidary relationship will be treated as separate employers unless the entities are managed in common in the area of employment policy and personnel management. In determining whether there is management in common we will consider whether the same individual or individuals do the managing, whether employees are transferred from one entity to another, whether hiring is done centrally for all corporations, and similar evidence of common or separate management.

(9) Persons on layoff. Persons on layoff will not be counted.

(10) Persons on leave. Persons on paid leave will be counted. Persons on unpaid leave will not be counted.

(11) Employee or independent contractor. Independent contractors will not be counted. In determining whether a person is employed or is an independent contractor for the jurisdictional count we will use the same standards as we use for the purpose of determining whether a person comes within the protection of the law against discrimination. These standards are set out in WAC 162-16-170.

(12) Pay. Anyone who is paid for work and who otherwise meets the standards in this section will be counted. Pay includes compensation for work by the hour, by commission, by piecework, or by any other measure. For the treatment of unpaid persons, see volunteers, subsection (13) of this section.

(13) Volunteers. A volunteer will be counted if the volunteer is generally treated in the manner that employers treat employees. That is, if the volunteer is selected by management, particularly if selected in competition with other persons, work hours assigned by management, is subject to discipline like an employee, or receives employment benefits such as industrial insurance, then the person will be counted as an employee. The typical volunteer fire fighter would be counted. A person who comes into the food bank when he or she pleases, is put to work if there is anything to do, who leaves when he or she pleases, who has no expectation of paid employment, and who receives no employment benefits, would not be counted.

(14) Family members. Because of the definition of "employ" in RCW 49.60.040, we will not count "any individual employed by his or her parents, spouse, or child." Other family members will be counted.

(15) Domestic help. Because of the definition of "employ" in RCW 49.60.040, we will not count a person in the domestic service of the employing person.

(16) Directors. Directors of corporations, and similar officers of other private or public artificial legal entities, will not be counted simply because they serve in that capacity.

(17) Officers. Officers of corporations, and officers of other private or public artificial legal entities, will be counted unless:

(a) They receive no pay from the corporation or other entity; and

(b) They do not participate in the management of the corporation or other entity beyond participation in formal meetings of the officers.

(18) Partners. Partners will not be counted as employed by the partnership or by each other.

(19) Members of a professional services corporation. All persons who render professional services for a professional services corporation will be counted as employees of the corporation.

(20) Interns. Interns and persons on work-study programs will be counted if they are paid by the person whose employees are being counted; they will not be counted if they are not paid or are paid by another entity.

NEW SECTION

WAC 162-16-170 EMPLOYEE DISTINGUISHED FROM INDEPENDENT CONTRACTOR. (1) Purpose of section. RCW 49.60.180 defines unfair practices in employment. A person who works or seeks work as an independent contractor, rather than as an employee, is not entitled to the protection of RCW 49.60.180. This section outlines the standards that we will use to determine whether a person is an employee as distinguished from an independent contractor for the purpose of entitlement to the protection of RCW 49.60.180.

(2) Rights of independent contractor. While an independent contractor does not have the protection of RCW 49.60.180, the contractor is protected from discrimination because of race, creed, color, national origin, sex, handicap, or foreign boycotts, by RCW 49.60.030(1) and sometimes by other law. The general civil right defined in RCW 4.60.030(1) is enforceable by private lawsuit in court, RCW 49.60.030(2), but not by the Washington State Human Rights Commission.

(3) General approach. We will determine whether a person is an employee or an independent contractor with reference to the purposes of the law against discrimination, rather than with reference to common law rules or the definitions used in statutes with other purposes. We will analyze the economic realities of the work relationship and will make our choice on the basis of whether inclusion or exclusion will better carry out the purposes of the law against discrimination. Closely balanced cases will be resolved in favor of a finding of employment.

(4) Prime factor. While no one factor is determinative, the most important factor is the extent to which the purchaser of work controls the manner and means of performance of the work. Where the purchaser has the right to control and direct the work of a person, not only as to the result to be achieved, but also as to the details by which the result is achieved, an employment relationship probably exists.

(5) Other considerations. Other factors that we will consider are:

- (a) The kind of occupation, with reference to whether the work usually is done under the direction of a supervisor or is done by a specialist without supervision;
- (b) The skill required in the particular occupation;
- (c) Whether the purchaser of the work or the worker furnishes the equipment used and the place of work;
- (d) The length of time during which the person has worked or the length of time the job will last;
- (e) The method of payment, whether by time or by the job;
- (f) Whether the work relationship is terminable by one party or both parties, with or without notice and explanation;
- (g) Whether annual leave is afforded;
- (h) Whether the work is an integral part of the business of the purchaser of it;

(i) Whether the worker accumulates retirement benefits;

(j) Whether with respect to the worker the purchaser of work pays taxes levied on employers, such as the social security tax, unemployment compensation tax, and workmen's compensation tax, or withholds federal income tax;

(k) Whether the worker treats income from the work as salary or as business income;

(l) Whether with respect to the worker the purchaser of work keeps and transmits records and reports required of employers, such as those required under the worker's compensation act; and

(m) The intention of the parties. The fact that a contract says that the worker is an independent contractor will be considered in this respect, but it is not conclusive for the purpose of coverage of RCW 49.60.180.

(6) Burden of persuasion. The burden of persuasion that a person claiming the protection of RCW 49.60.180 is or would be an independent contractor is on the person making the claim.

(7) Working presumptions. When any one of the following indications of employment are present, the worker will be presumed to be an employee unless the person who claims that the worker is not an employee presents evidence that convinces the factfinder that the relationship is actually that of independent contractor:

- (a) The purchaser of work in fact controls the manner and means of performance of the work. (See subsection (4) of this section.)
- (b) The worker is paid on the basis of time worked (hourly, monthly, etc.).
- (c) The worker is treated as an employee for tax purposes.

WSR 82-08-071
PROPOSED RULES
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION
 [Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning the method for calculating eligibility for supplemental benefits for participants in the TIAA/CREF retirement annuity program, clarifying use of the term "surviving spouse" for that purpose, and removing a restriction on the manner in which a retiree may receive pension benefits.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, May 6, 1982, in the Columbia Basin College, 2600 North 20th, Pasco, WA 98302.

The authority under which these rules are proposed is RCW 28B.10.400(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 5, 1982, and/or orally at 10:00 a.m., Thursday, May 6, 1982, Columbia Basin College, 2600 North 20th, Pasco, WA 98302.

This notice is connected to and continues the matter in Notice Nos. WSR 81-24-065 and 82-05-031 filed with the code reviser's office on December 2, 1982[1981] and February 16, 1982.

Dated: April 7, 1982
 By: Gilbert J. Carbone
 Assistant Director

WSR 82-08-072
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture, Olympia, Washington, intends to adopt, amend, or repeal rules concerning interpretation for enforcement of chapter 15.36 RCW, relating to procession, packaging and sale of aseptically packaged milk, chapter 16-101 WAC;

that such agency will at 1:30 p.m., Friday, May 21, 1982, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, May 28, 1982, in the Director's Office, Department of Agriculture, 406 General Administration Building.

The authority under which these rules are proposed is chapter 15.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 21, 1982, and/or orally at 1:30

p.m., Friday, May 21, 1982, Large Conference Room, General Administration Building, Olympia, Washington. Dated: April 5, 1982 By: James E. Wommack Assistant Director

STATEMENT OF PURPOSE

Relating to Grade "A" Pasteurized Milk Ordinance— Interpretation for aseptically packaged milk.

Authority: Chapter 15.36 RCW.

Purpose: To modify the Grade "A" Pasteurized Milk Ordinance—1978 recommendation to provide for the processing, packaging and sale of "aseptically packaged" milk and milk products in hermetically sealed containers. These changes allow Grade "A" milk and milk products in hermetically sealed containers to be labeled Grade "A" and stored at non-refrigerated temperatures.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: James E. Wommack, Assistant Director, Department of Agriculture, Dairy and Food Division, 406 General Administration Building, Olympia, Washington 98504, (206) 753-5042.

This rule is necessary to allow Washington state dairy products to flow freely in interstate commerce and will be enforced in the routine work of the dairy division.

Proponent: Segments of the dairy industry.

Rule is not a result of federal law or federal or state court action.

NEW SECTION

WAC 16-101-715 ASEPTICALLY PROCESSED MILK AND MILK PRODUCTS. Section 1, Paragraph N, Part 1, Grade "A" Pasteurized Milk Ordinance, Page 20, 2nd Paragraph, Item N, shall be changed to read:

This definition is not intended to include (~~such products as sterilized milk and~~) milk products (~~hermetically sealed in a container and so processed either before or after sealing as to prevent microbial spoilage~~) such as evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), dietary products (except as defined herein), infant formula, (~~but~~), ice cream and other frozen desserts, dry milk products (except as defined herein), canned eggnog in a rigid metal container, butter or cheese except when they are combined with other substances to produce any pasteurized or aseptically processed milk or milk products defined herein.

Aseptically Processed Milk and Milk Products are products hermetically sealed in a container and so thermally processed in conformance with 21 CFR 113 and the provision of this ordinance so as to render the product free from microorganisms capable of reproducing in the product under normal nonrefrigeration conditions of storage and distribution. This product shall be free of viable microorganisms (including spores) of public health significance.

NEW SECTION

WAC 16-101-720 ASEPTIC PROCESSING. Paragraph S2, Page 21 shall read:

Grade A Aseptically Processed Milk and Milk Products

temperature bacterial limit

none no growth by test specified in Section 6

Antibiotics - No detectable zone by sarcina lutea cylinder plate method or equivalent.

NEW SECTION

WAC 16-101-740 SANITATION REQUIREMENTS. Sanitation requirements for Grade "A" pasteurized, ultrapasteurized and aseptically processed milk and milk products.

Aseptic Processing - the term aseptic processing when used to describe a milk product means that the product has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR 113 and the provisions of Section 7, Item 16 p of this ordinance and maintain commercial sterility of the product under normal nonrefrigerated conditions.

NEW SECTION

WAC 16-101-725 LABELING. Section 4, Labeling, Part 1, Grade A Pasteurized Milk Ordinance, Page 23, shall be changed to read:

5. The words "keep refrigerated after opening" in the case of aseptically processed milk and milk products.

6. The words "aseptic," "aseptically processed or" "aseptically processed and packaged" in the case of aseptically processed milk and milk products.

7. The work "ultrapasteurized" if the milk or milk product has been ultrapasteurized.

NEW SECTION

WAC 16-101-730 ASEPTICALLY PROCESSED MILK - SUSPENSION OF GRADE A PERMIT. A new paragraph is added to Section 6, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance to read:

Whenever a container or containers of aseptically processed milk or milk products is found to be unsterile due to underprocessing, the regulatory agency shall consider this to be an imminent hazard to public health and shall suspend the permit of the milk plant for sale of aseptically processed milk and milk products. No aseptically processed milk or milk product shall be sold until it can be shown that the processes, equipment and procedures used are suitable for consistent production of a sterile product. All products from the lot that are found to contain one or more unsterile units shall be recalled and disposed of as directed by the regulatory agency.

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 16-101-735 PROCESSING. Section 7, Paragraphs one and two, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance are changed to read:

All Grade "A" raw milk for pasteurization, ultrapasteurization or aseptic processing and all Grade "A" pasteurized, ultrapasteurized or aseptically processed milk and milk products shall be produced, processed and pasteurized, ultrapasteurized or aseptically processed to conform with the following chemical, bacteriological and temperature standards and the sanitation requirements of this section.

No process or manipulation other than pasteurization, ultrapasteurization or aseptic processing, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms.

To Section 7, Table 1, add lines 10, 11 and 12, Page 26.

Item 16 p Pasteurization shall be changed to read:

Pasteurization shall be performed as defined in Section 1, Definition S of this ordinance. Aseptic processing shall be performed in accordance with 21 CFR 113 and 108.

Item 17 p, Cooling of Milk

PROVIDED, That aseptically processed milk and milk products to be packaged in hermetically sealed containers shall be exempt from the cooling requirements of this item.

WSR 82-08-073
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—April 7, 1982]

On March 30, 1982 we notified you of the locations of the May 20 and June 17 meetings. Because the facility for the May meeting became unavailable, there is a change in that location. The commission will meet on May 20, 1982, beginning at 9:30 a.m. at the Great Northwest Federal Savings and Loan Association's Conference Room, North 222 Wall, Spokane, Washington.

WSR 82-08-074
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 [Memorandum, Exec. Sec.—April 5, 1982]

Notice is hereby given that the regular Conservation Commission meeting scheduled for the third Thursday (WAC 135-04-020) of May 1982 will be rescheduled to May 13, 1982, SCS Ag Service Center, Hunter Lane, Island City, Oregon, 8:30 a.m.

Please contact Shirley Casebier, Conservation Commission, Olympia, Washington 98504, Phone: 459-6226 for further information.

Dates and places for other forthcoming meetings are yet to be determined.

WSR 82-08-075
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 7, 1982]

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:

Amd WAC 173-19-160 Cowlitz County.
 Amd WAC 173-19-2524 Tukwila, City of;

that such agency will at 2:00 p.m., Tuesday, May 11, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue, S.E., Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, May 18, 1982, in Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 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 May 16, 1982, and/or orally at 2:00 p.m., Tuesday, May 11, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: April 7, 1982
 By: John F. Spencer
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-160, Cowlitz County and WAC 173-19-2524, Tukwila, City of.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendments adopt revisions to the shoreline master programs for Cowlitz County and the City of Tukwila.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for the Drafting, Implementation, and Enforcement: Susan Wenke, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6280.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency]

AMENDATORY SECTION (Amending Order DE 81-53, filed 2/9/82)

WAC 173-19-160 COWLITZ COUNTY. Cowlitz County master program approved February 17, 1978. Revision approved February 9, 1982. Revision approved May 18, 1982.

AMENDATORY SECTION (amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2524 TUKWILA, CITY OF. City of Tukwila master program approved September 26, 1974. Revision approved May 18, 1982.

WSR 82-08-075A
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning amendment of UCC-1 standard filing form and UCC-11R form instructions under the Uniform Commercial Code; amendment and adoption of uniform procedures for filing with, and obtaining information

from UCC, filing officers; and repeal of rule providing for a UCC amendment fee;

that such agency will at 10:00 a.m., Tuesday, May 18, 1982, in the 4th Floor Conference Room, Highways License Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 62A.9-409(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 18, 1982, and/or orally at 10:00, Tuesday, May 18, 1982, 4th Floor Conference Room, Highways License Building, Olympia, Washington.

Dated: April 7, 1982

By: Ken Mark
Assistant Director

STATEMENT OF PURPOSE

Title: Uniform Commercial Code forms and filing procedures.

Description of Purpose: The attached amendatory sections revise the final format of the UCC-1 form and amend the fees for UCC searches to comply with the Washington Uniform Commercial Code as recently amended. The other amendatory sections, together with the proposed new sections, standardize procedures for filing under the UCC. The repealer removes a fee from WAC that has now been codified in statute.

Statutory Authority: The authority under which these new and amendatory sections are proposed is RCW 62A.9-409(1) and are intended to administratively implement that statute. RCW 62A.9-403(5) provides additional statutory authority for the department to prescribe the standard form for filing.

Summary of Rule and Reasons for Proposed Action: Amendatory section, WAC 308-400-040 UCC-1 Financing Statement. The amendment to the form is found in box 9. It changes the instruction for adding supplemental information from being applicable only to option (d), to being applicable to each of the options available in box 9. Amendatory section, WAC 308-400-048 UCC-11R Request for Certificate of Information. The amendment to this rule is in the instruction sheet which accompanies this form. At the time the form was adopted, the law required a \$5.00 fee for a search request submitted on a nonstandard form. That requirement was eliminated by the 1982 Washington Legislature in EHB 822. The fee for all information search requests is now \$4.00. New section, WAC 308-400-052 Nonstandard Form. The standard forms effective July 1, 1982 are substantially different in format, size, and information requested from the past standard forms. Therefore, only the forms now set out in WAC will be considered standard forms. The rationale for having a lesser fee for a standard form is that uniformity in the form will allow faster, easier, standard processing of the filings. If attachments are included in the filing, more work is involved in processing. The nonstandard filing fee will be charged to cover the cost of the extra processing. New

section, WAC 308-400-054 Power of Attorney. The department will file financing statements signed for the debtor by an attorney in fact without requiring proof of the granted power. This rule is in keeping with a policy of fostering public convenience in filing. However, because termination extinguishes the perfection of a filing, and is the final action, proof of the power of attorney to terminate will be required. New section, WAC 308-400-056 Return of Acknowledgment. The department of licensing will mail acknowledgments of filings with reasonable promptness. The rule indicates that the department will not be responsible for the return of acknowledgments after they have been deposited in the mails. New section, WAC 308-400-058 Termination if Partial Assignment. Signatures of both the secured party and the assignee are required to terminate a financing statement that has been partially assigned because the rights of both parties are affected by the termination action. Amendatory section, WAC 308-400-060 Rejection of Documents. The amendment to this rule requires the filing officer to mail a rejected document with reasonable promptness to the person who submitted the document. It indicates that the filing officer will not be responsible for the document's return after it has been deposited in the mails. New section, WAC 308-400-062 Incompatible Actions. When a change statement requests two actions that cannot be performed at the same time, such as release and termination, the statement will be rejected by the department. If a corrected form is resubmitted, it is possible for the form to be corrected without the knowledge of the secured party if he was not the party who submitted the statement originally. By requiring the parties to submit a new signed UCC-3 statement, the secured party will have knowledge of the action requested. Amendatory section, WAC 308-400-070 Request for Certificate of Information. The amendment to this rule requires that the request for a certificate of information be submitted in writing. It also will require a person who submits a search request which lists an entity identified by a trade name as the individual debtor to submit the request as a separate request for information. The amount of staff time and effort required to search under a trade name is the same as that required for a search on any other individual debtor. New section, WAC 308-400-092 Overpayment of Fees. The refund amount on overpayments has been set at the amount of the current filing fee. The department will not make a refund of less than the amount of the filing fee unless requested to do so in writing because of the cost of processing such refunds. Repealer, WAC 308-400-090 Amendment Fee. The 1982 Washington State Legislature recently passed EHB 822, amending the Uniform Commercial Code. That bill included a section which sets the amendment fee. This administrative rule is no longer necessary.

Responsible Department Personnel: In addition to the director, the following agency personnel have knowledge of and have responsibility for drafting, implementing, and enforcing these rules: Ken Mark, Assistant Director, Business License Center, 6004 Capitol Boulevard, Tumwater, WA, 234-1749 Scan, 753-1749 Comm; and

Peggy Ann O'Neill, Administrator, 6004 Capitol Boulevard, Tumwater, WA, 234-9627 Scan, 753-9627 Comm.

Agency Proposing Rule: Department of Licensing.
Agency Comments: None.

Necessity for Rule: The proposed rules are necessitated by the amendments to the UCC adopted in 1981 and 1982 by the Washington State Legislature and codified

in Article 62A.9 RCW. They are not the result of federal or state court action.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-040 UCC-1 FINANCING STATEMENT. Effective July 1, 1982, the following form shall be the standard UCC-1 financing statement form prescribed by the department of licensing:

<p>PLEASE TYPE FORM. This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise immediately below.</p> <p><input type="checkbox"/> LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE AND LESSOR.</p> <p><input type="checkbox"/> CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.</p>			
<p>DEBTOR(S): (or assignor(s)) (last name first, and address(es))</p>		<p>2. FOR OFFICE USE ONLY</p>	
<p>TRADE NAME: (if any)</p>			
<p>3. SECURED PARTY(IES) (or assignee(s)) (name and address)</p>		<p>4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))</p>	
<p>5. CHECK IF APPLICABLE:</p> <p><input type="checkbox"/> Products of collateral are also covered. <input type="checkbox"/> Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.</p>			
<p>6. NUMBER OF ADDITIONAL SHEETS PRESENTED:</p>		<p>For Informational Purposes Only: Check Box if Filing Covers Consumer Goods <input type="checkbox"/></p>	
<p>COPY 1 - FILING OFFICER - INDEX</p>		<p>WASHINGTON UCC-1</p>	

PLEASE TYPE FORM.
This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
 CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

DEBTOR(S) (or assignor(s)) (last name first, and address(es))	2. FOR OFFICE USE ONLY
TRADE NAME: (if any)	
SECURED PARTY(IES) (or assignee(s)) (name and address)	4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))

CHECK IF APPLICABLE:
 Products of collateral are also covered. Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

NUMBER OF ADDITIONAL SHEETS PRESENTED: _____ For Informational Purposes Only:
 Check Box if Filing Covers Consumer Goods

This FINANCING STATEMENT covers the following types or items of property:

RETURN ACKNOWLEDGMENT COPY TO:	FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 YMPIA, WA 98504
	FOR OFFICE USE ONLY Images to Be filed <input type="checkbox"/>

This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)

(a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or

(b) which is proceeds of the original collateral described above in which a security interest was perfected, or

(c) as to which the filing has lapsed, or

(d) acquired after a change of name, identity, or corporate structure of the debtor(s).

Complete only if box (d) is checked:
 Original filing number _____
 Filing office where filed _____
 Former name of debtor(s) _____

USE IF APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

COPY 2 - FILING OFFICER - MULTICR WASHINGTON UCC-1

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

PLEASE TYPE FORM.
 THIS FINANCING STATEMENT IS PREPARED FOR FILING PURSUANT TO THE WASHINGTON UNIFORM COMMERCIAL CODE TO PERFECT A SECURITY INTEREST IN THE BELOW NAMED COLLATERAL, UNLESS OTHERWISE IMMEDIATELY BELOW.
 LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE AND LESSOR.
 CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE AND CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
 (last name first, and address(es))

TRADE NAME:
 (if any)

2. FOR OFFICE USE ONLY

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
 (if applicable)
 (last name first, and address(es))

5. CHECK IF APPLICABLE:
 Products of collateral are also covered. Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED: _____ For Informational Purposes Only:
 Check Box if Filing Covers Consumer Goods

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO:

FILE WITH
 UNIFORM COMMERCIAL CODE DIVISION
 DEPARTMENT OF LICENSING
 P.O. BOX 9660
 OLYMPIA, WA 98504

FOR OFFICE USE ONLY Images to Be filmed

9. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box) Complete fully if box (d) is checked; complete as applicable for (a), (b), and (c):

(a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or Original filing number _____
 (b) which is proceeds of the original collateral described above in which a security interest was perfected, or Filing office where filed _____
 (c) as to which the filing has lapsed, or Former name of debtor(s) _____
 (d) acquired after a change of name, identity, or corporate structure of the debtor(s). _____

10. USE IF APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____ TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____ SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

COPY 2 - FILING OFFICER - NUMERIC WASHINGTON UCC-1 FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

	<p>Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legs at the bottom of the form. Plies 4 and 5 will be identical to ply 2 except for the ply legend at the bottom of the form, which will be as follows:</p> <p>COPY 3 - FILING OFFICER - ACKNOWLEDGMENT COPY 4 - DEBTOR COPY 5 - SECURED PARTY</p> <p>Ply 1 will have a 5 inch carbon behind it. Ply 2 will have a carbon behind it which must end at the bottom of box 9. Plies 3 and 4 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 5.</p>
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<div style="border: 1px solid black; width: 80%; margin: 10px auto; text-align: center;"> } </div>	
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<div style="border: 1px solid black; width: 80%; margin: 10px auto; text-align: center;"> } </div>	<p>FOR OFFICE USE ONLY</p>
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TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Name _____ Date _____

Signature _____ Return to: Uniform Commercial Code Division, Department of Licensing
 P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT WASHINGTON UCC-1

INSTRUCTIONS UCC-1

1. PLEASE TYPE THIS FORM.
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 8 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-1. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.

8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with signature. No fee is required for a termination statement.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-048 UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION. Effective July 1, 1982, the following form shall be the standard UCC-11R form prescribed by the department of licensing:

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION

1. FOR OFFICE USE ONLY

2A. DEBTOR (last name first, and address)

25. Previous address(es) of debtor (if applicable)

3. PARTY requesting Certificate of Information (name and address)

4. DATE

SIGNATURE OF REQUESTING PARTY

- 5.
- Department of Licensing, please furnish INFORMATION certificate showing whether there is on file any presently effective financing statement naming the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$4.00 fee is enclosed.
 - Department of Licensing, please furnish INFORMATION certificate and true and exact COPIES of all presently effective financing statements naming the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$4.00 fee is enclosed.
 - Department of Licensing, please furnish INFORMATION certificate AND COPIES of filings from _____ to _____ or for those specifically requested file numbers listed below. The \$4.00 fee is enclosed.

FILE NUMBER	DATE AND HOUR OF FILING	NAME(S) AND ADDRESS(ES) OF SECURED PARTY(IES)

- 6.
- 1. THE ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING AS OF _____ AT _____.
 - 2. THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT FROM _____ WHICH NAME THE ABOVE DEBTOR AND ARE ON FILE IN THE DEPARTMENT OF LICENSING. THIS SEARCH REQUEST DOES NOT REFLECT FILINGS WHICH MAY HAVE BEEN ACTIVE ON _____ TO _____ BUT HAVE EXPIRED OR HAVE BEEN TERMINATED SINCE THAT DATE.
 - 3. THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING.
 - 4. THE ATTACHED PAGES ARE TRUE AND EXACT COPIES OF THE FINANCING STATEMENTS OR STATEMENTS OF ASSIGNMENT.

The Department of Licensing hereby disclaims responsibility in this record search and certification for either than the specifically named debtor at the exact address or addresses cited in your Request for Information. Have you cited all names, trade names, business entities, or addresses, past or present, associated with this debtor inquiry? If not, you may wish to submit additional requests.

DATE _____ SIGNATURE OF FILING OFFICER _____
 COPY 1 - FILING OFFICER
 Forward to: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9650, OLYMPIA, WA 98504
 FORM APPROVED FOR USE IN THE STATE OF WASHINGTON WASHINGTON UCC-11R

<p>Note: All information will be the same on pages 2 and 3 as is on page 1 except the ply legend at the bottom, which will be as follows: COPY 2 - FILING OFFICER COPY 3 - REQUESTING PARTY Pages 1 and 2 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 3.</p>	
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INSTRUCTIONS UCC-11R

1. PLEASE TYPE THIS FORM.
2. Only the name of one debtor may appear on each form. If information is requested on more than one name, a separate form must be submitted for each name. A husband and wife are considered to be two individual debtors. If more than one name does appear on the submitted form, only the first name will be searched.
3. Indicate the type of search requested in Box 5.
4. The fee for a certificate of information request (~~submitted on a standard form~~) is \$4.00. (~~The fee is \$5.00 if any other form is used.~~) The fee for a certificate of information and copy request is \$8.00. Proper filing fees must accompany each form.
5. DO NOT WRITE IN BOX 2 OR BOX 6.
6. REMOVE and retain copy (3). SEND copies (1) and (2) to the address on the front of the form.

NEW SECTION

WAC 308-400-052 NONSTANDARD FORM. (1) Beginning July 1, 1982, the only forms which will be considered standard forms for the purpose of assessing standard fees are those set out in WAC 308-400-040, 308-400-042, 308-400-044, and 308-400-046. All other forms will be considered nonstandard forms to which the nonstandard form filing fees apply.

(2) A standard form which includes attachments becomes a nonstandard filing and will be assessed the nonstandard filing fee.

NEW SECTION

WAC 308-400-054 POWER OF ATTORNEY. (1) The department will accept for filing a financing statement signed for the debtor by his agent or attorney in fact if such circumstance is clearly indicated on the financing statement or in accompanying documents.

(2) When a termination statement is signed for the secured party by an attorney in fact, an acknowledged copy of the document granting the power of attorney to the signer must accompany the statement.

NEW SECTION

WAC 308-400-056 RETURN OF ACKNOWLEDGMENT. When a document is accepted for filing, the department of licensing shall deposit the acknowledgment in the mails, with reasonable promptness for return to the secured party or the person designated by the secured party to receive the acknowledgment.

NEW SECTION

WAC 308-400-058 TERMINATION IF PARTIAL ASSIGNMENT. If a partial assignment of the security interest perfected by a financing statement has been made, signatures of both the secured party and the assignee are required to terminate the financing statement.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-060 REJECTION OF ((FILINGS)) DOCUMENTS. Any ((filing)) document rejected for any reason by any filing officer shall be ((returned)) deposited in the mails with reasonable promptness for return to the person submitting the same, and shall be accompanied by a brief but specific written statement of the reasons for rejection.

NEW SECTION

WAC 308-400-062 INCOMPATIBLE ACTIONS. The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement. The parties may not submit a corrected UCC-3 statement, but must submit a new signed UCC-3 statement indicating the desired action to be taken.

AMENDATORY SECTION (Amending Order 659-DOL, filed 2/8/82)

WAC 308-400-070 REQUEST FOR CERTIFICATE OF INFORMATION. A separate written request for information (see WAC 308-400-048. Form UCC-11R) must be submitted with respect to each individual debtor concerning whom information is sought. For this purpose a husband and wife shall be considered to be two individual debtors. An entity identified by a trade name will be considered an individual debtor.

NEW SECTION

WAC 308-400-092 OVERPAYMENT OF FEES. Beginning July 1, 1982, the department of licensing will not issue a refund for overpayment of UCC fees unless:

- (1) the overpayment is in an amount of four dollars or more; or
- (2) the department receives a written request for a refund of less than four dollars within sixty days of the date of the department's receipt of the overpayment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-400-090 AMENDMENT FEES.

WSR 82-08-076**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning formal hearings, habitual traffic offenders and nonmoving violations;

that such agency will at 10:30 a.m., Tuesday, May 11, 1982, in the Conference Room 4B, Highways-Licenses Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 46.01.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 11, 1982, and/or orally at 10:30 a.m., Tuesday, May 11, 1982, Conference Room 4B; Highways-Licenses Building, Olympia, Washington.

Dated: April 5, 1982

By: John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: State of Washington Department of Licensing.

Description of Rules: Rules of procedure with respect to formal hearings regarding habitual traffic offenders and rules regarding nonmoving violation definitions.

Statutory Authority: RCW 46.01.110.

Summary of Rules: WAC 308-102-295, allows the department to consider collateral attacks on previous convictions under the habitual offender law; and WAC

308-104-160, to treat all driving while license suspended convictions the same for purposes of the habitual traffic offender law.

The Department of Licensing and its director have the responsibility for drafting, implementing and enforcing these rules. John Gonzalez, Director, Washington State Department of Licensing, Highways-Licenses Building, Olympia, WA 98504, Phone: (206) 753-6915.

These rules were proposed by the Driver Services Division of the Department of Licensing.

These rules were promulgated pursuant to RCW 46.01.110.

NEW SECTION

WAC 308-102-295 FORMAL HEARINGS - HABITUAL TRAFFIC OFFENDERS. At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1); PROVIDED, HOWEVER, That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

(1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been advised of his or her right to be represented by counsel and of his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the driver was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked.

AMENDATORY SECTION (Amending Order 668-DOL, filed 1/19/82)

WAC 308-104-160 NONMOVING VIOLATION DEFINED.

(1) A "non-moving violation" as used in RCW 46.65.020 shall mean any violation or traffic infraction in Title 46 RCW, other than those included in the following list:

- (a) Driving while under the influence of intoxicants or drugs
- (b) Reckless driving
- (c) Hit and run (occupied vehicle)
- (d) Negligent homicide
- (e) Driving while driving privilege suspended or revoked
- (f) Eluding police vehicle
- (g) Racing
- (h) Embracing
- (i) Manslaughter
- (j) Speed too fast for conditions
- (k) Speed 1 to 14 MPH excess
- (l) Speed 15 to 29 MPH excess
- (m) Speed over 29 MPH excess
- (n) Failure to stop
- (o) Disobey road sign
- (p) Improper lane change
- (q) Improper lane travel
- (r) Prohibited turn
- (s) Unnecessary noise
- (t) Negligent driving
- (u) Wrong way on one-way street
- (v) Driving over center line
- (w) Drive wrong side of road
- (x) Straddling centerline
- (y) Failure to yield right of way
- (z) Disobey signalman
- (aa) Disobey school patrol
- (bb) Driving without lights

- (cc) Failure to dim lights
- (dd) Following too closely
- (ee) Improper turn
- (ff) Failure to signal or improper signal
- (gg) Passing stopped school bus
- (hh) Driving on shoulder or sidewalk
- (ii) Violating license restriction(s)
- (jj) Carrying passenger improperly
- (kk) In physical control of vehicle while under the influence of alcohol or drugs
- (ll) Failure to use due care
- (mm) Crossing fire hose
- (nn) Carry passengers outside vehicle
- (oo) Improper backing
- (pp) Obstructed vision or control
- (qq) Following emergency equipment
- (rr) Crossing divider
- (ss) Inattention
- (tt) Improper mirrors
- (uu) Illegal vehicle equipment
- (vv) Handle bars over height
- (ww) Illegal lights
- (xx) Defective equipment (lights, brakes, tires, steering, windshield wipers)
- (yy) Violation, RCW 46.20.336
- (zz) No goggles, windshield or face shield
- (aaa) Improper overtaking or passing
- (bbb) Hit and run (unattended vehicle)
- (ccc) Impeding traffic
- (ddd) More persons than provided for on motorcycle
- (eee) Operating moped on freeway
- (fff) Wearing earphones.

~~((2) For the purposes of RCW 46.65.020(1)(c), the department shall consider convictions of driving while driving privilege suspended only if the violation actually occurred prior to eligibility date of license reinstatement and the department would normally have imposed a like period of resuspension of the driving privilege.))~~

WSR 82-08-077
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director of the Department of Licensing intends to adopt, amend, or repeal rules concerning WAC 308-25-010 application for examination; 308-25-020 the examination; 308-25-030 examination results; 308-25-040 examination review procedures;

that such agency will at 1:30 p.m., Wednesday, May 12, 1982, in the Department of Licensing, 4th Floor Conference Room, 12th and Washington, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 43.24.020 and 43.24.024.

Interested persons may submit data, views, or arguments to this agency orally at 1:30 p.m., Wednesday, May 12, 1982, Department of Licensing, 4th Floor Conference Room, 12th and Washington, Olympia, Washington.

Dated: April 7, 1982
By: Susan E. Shoblom
Executive Secretary

STATEMENT OF PURPOSE

Title: [No information supplied by agency]

Name of Agency: Washington State Department of Licensing.

Purpose of Amendments: To amend rules regarding the examination of dental hygienists and clarify examination requirements and content.

Statutory Authority: RCW 43.24.020 and 43.24.024.

Summary of Rules: WAC 308-25-010 Application for examination, 308-25-020 The examination, 308-25-030 Examination results, and 308-25-040 Examination review procedures.

Reason for Proposed Amendments: To amend rules regarding examination application, content, results, and review.

Responsible Personnel: The director of the Department of Licensing and the Professional Licensing Division have the responsibility for drafting, implementing and enforcing these rules. Contact in the Professional Licensing Division may be made to: Susan E. Shoblom, P.O. Box 6949, Olympia, WA 98504, phone: (206) 235-1867 Scan, (206) 754-1867 Comm.

Proponent of the Proposed Rules: These amendments are proposed by the director of the Department of Licensing and the Professional Licensing Division.

Agency Comments: These amendments are proposed pursuant to RCW 43.24.020 and 43.24.024.

Federal Law or Federal or State Court Requirements: The proposed amendments are not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 672, filed 3/2/82)

WAC 308-25-010 APPLICATION FOR EXAMINATION. (1) To be eligible for the dental hygiene examination the applicant must have attained the age of eighteen years or be going to attain such age before the date of the examination, and must be a graduate from a dental hygiene school approved by the director of the Department of Licensing. The director adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental hygiene schools and current January, 1981 and has approved all and only those dental hygiene schools which were accredited by the Commission as of January, 1981. Other dental hygiene schools which apply for director's approval and which meet these adopted standards to the director'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 director.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington, upon request. The application must be completed in every respect and must reach the Division of Professional Licensing in Olympia, at least sixty days prior to the examination. The application must include:

- (a) The required examination fee;
- (b) either the National Board IBM card or a notarized copy of the National Board certificate. Applicants who have not passed the National Board will be given a Washington state theory examination;
- (c) two photos of the applicant taken within the year immediately preceding the application.

(3) The only acceptable proof of graduation from an approved dental hygiene school is an official transcript from such school, or a verified list of graduating students from the dean or director of the dental hygiene school. The verified list of candidates will only be acceptable from applicants who have graduated within 45 days of the examination date for which they are applying. An applicant may complete application requirements and be scheduled for the examination before graduation, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean or director has been received by the Division of Professional Licensing of the Department of Licensing on or before the day of the examination.

(4) Upon establishing examination eligibility, the Division of Professional Licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the director or the director's authorized agent throughout the practical examination.

(5) Applicants will be required to furnish documentary evidence of malpractice liability insurance covering their performance during the examination.

~~((6) An applicant must provide satisfactory evidence of the successful completion of the course of training in practical anesthetic technique. This course of training shall be comparable in content and instructional hours to clinical and didactic courses offered in dental hygiene programs or schools in Washington.))~~

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 672, filed 3/2/82)

WAC 308-25-020 THE EXAMINATION. ~~((+)) Patients must be obtained by the applicant.~~

(2) The examination will consist of two sections:

(a) Practical:

(i) Case history — forms to be furnished by the department or its authorized agent.

(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. Patients 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 manikin teeth (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 department or its authorized agent.

(iv) Applicant will be expected to demonstrate proficiency with cures:

(v) A specified series of radiographs which will remain with the director or the director's authorized agent. Unless otherwise authorized by the director or the director's authorized agent, the same patient will be used for patient examination, prophylaxis and radiographs.

(vi) Placement of an amalgam alloy. The applicant will be furnished with a tooth prepared for amalgam placement. The applicant must demonstrate proper use of the matrix and the insertion and condensation of the filling material. The matrix will be removed, the restoration carved, and contact restored.

(vii) Applicant will be required to demonstrate the administration of a local anesthetic. Applicant will furnish anesthesia material using anesthetic solution with no vaso-constrictor unless otherwise authorized by the director or the director's authorized agent.

(viii) The director or the director's authorized agent may, at their discretion, give an examination in any phase of dental hygiene procedures. Applicant will receive information concerning such examination prior to the scheduled examination date.

(b) Washington State Theory Examination, including the subjects set out in RCW 18.29.030. Successful completion of the National Board of Dental Hygiene Examination will be accepted in lieu of the Washington State Theory Examination.

The dental hygiene examination will consist of a written section and a practical section.

(1) Written examination: The written examination will cover ten (10) subject areas including inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, and restorative dentistry: PROVIDED, That a certificate granted by the National Board of Dental Hygiene Examinations may be accepted in lieu of the written examination: PROVIDED, FURTHER, That such applicant may also be required to successfully complete a written examination covering anesthesia, restorative dentistry, or other kindred subjects.

(2) Practical examination: The practical examination will consist of a clinical demonstration of a prophylaxis case to include patient examination and education, the removal of deposits from and the polishing of the surfaces of the teeth. An applicant will be expected to demonstrate proficiency with cures.

(i) Patients must be attained by the applicant and be at least eighteen (18) years of age with a minimum of twenty-four (24) teeth. It is not recommended that patients be selected who have advanced stages of periodontal involvement, such as a 6 mm sulcus depth with moderate degrees of alveolar bone loss. Patients must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. Applicant will be required to furnish radiographs as specified. If case is not adequate for testing the applicant's competency, patient will be rejected.

AMENDATORY SECTION (Amending Order 672, filed 3/2/82)

WAC 308-25-030 EXAMINATION RESULTS. (1) In order to pass ~~(this)~~ the examination the applicant must attain:

(a) A grade of 65% in the ~~(Washington state theory)~~ written examination section, OR submit proof of successful completion of National Board of Dental Hygiene Examination and 65% in any required additional written examination; and

(b) an average grade of 75% in the practical examination.

(2) Applicants who fail either section of the examination (practical or theory) may retake the section they failed (practical or theory) by again completing an application and submitting the appropriate fee to the Division of Professional Licensing.

(3) Applicants who fail to appear for examination will forfeit the examination fee.

AMENDATORY SECTION (Amending Order 672, filed 3/2/82)

WAC 308-25-040 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, information indicating the areas of the ~~(practical)~~ examination in which performance was deficient.

(2) Any unsuccessful applicant, after being advised by the Department of Licensing of the areas of deficiency in the examination, may request review of the examination results. This request must be in writing and must be received by the Department of Licensing 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 are in question. The director of the director's authorized agent will consider the following to be adequate reasons for consideration for review and possible 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 the examination may appeal the decision and may request a formal hearing to be held before the director or ~~(the director's authorized agent)~~ an administrative law judge pursuant to the Administrative Procedure Act. Such hearing must be requested within 20 days of receipt of the result of the director's or the director's authorized agent's review of the examination results.

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 82-08-078
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)

[Order 1789—Filed April 7, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Fees—General, new chapter 440-44 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is emergency rules are needed to implement SSB 4418, which has a substantial fiscal impact in that it authorizes the department to charge fees for certain licensing and inspection services, and deletes current statutory specification of fees. The legislature has directed that SSB 4418 shall take effect immediately for the support of state government.

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

This rule is promulgated pursuant to chapter 201 (SSB 4418), Laws of 1982 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 April 2, 1982.

By David A. Hogan
Director, Division of Administration

Title 440 WAC
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chapter 440-44 WAC
FEES

NEW SECTION

WAC 440-44-001 PURPOSE AND AUTHORITY. Chapter 440-44 WAC establishes fees for all license activities of the department of social and health services. Chapter 440-44 WAC is adopted under authority of RCW 43.20A.____ (Chapter ____ Section 2, (SSB 4418) Laws of 1982).

Pursuant to this authority, the secretary is required to establish fees for obtaining a license. The term "license" is defined as the "exercise of regulatory authority by the secretary to grant permission, authority, or liberty to do or to forebear certain activities."

Pursuant to this authority, fees may be waived when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state. No fees may be charged to municipal corporations for licensing of emergency medical care and transportation services under chapter 18.73 RCW.

NEW SECTION

WAC 440-44-002 WAIVER OF FEES. Any person or agency subject to license fees under chapter 440-44 WAC, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the secretary. Following receipt of the petition, the secretary may require submission of additional information considered relevant.

NEW SECTION

WAC 440-44-010 FEE PAYMENT AND REFUNDS. (1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to each annual anniversary date of the license, at the annual fee rate established by these rules at the time such fee is paid.

(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(7) To the extent fees are reduced through regular rule adoption of this chapter, fees shall be refunded.

(8) Fee payments shall be by mail. Payment shall be by check, draft, or money order made payable to the department of social and health services.

NEW SECTION

WAC 440-44-015 DENIAL, REVOCATION, SUSPENSION, AND REINSTATEMENT. (1) If a license is denied, revoked, or suspended, fees shall not be refunded.

(2) Application for license after denial or revocation must include fees as provided for in these rules.

(3) Failure to pay fees when due will result in suspension or denial of license.

NEW SECTION

WAC 440-44-020 ALCOHOL AND DRUG AGENCY CERTIFICATION FEES.

Alcohol and/or Drug Residential Services Certification: \$26 Per Licensed Bed Per Year

Alcohol and/or Drug Nonresidential Services Certification:	Fee Per Year
Large agencies 3,000 or more clients served per year	\$1,125

Alcohol and/or Drug Nonresidential Services Certification:	Fee Per Year
Medium-sized agencies 1,000-3,000 clients served per year	\$ 750
Small agencies 0-1,000 clients served per year	\$ 375

NEW SECTION

WAC 440-44-023 AMBULANCES AND FIRST AID VEHICLES LICENSING AND INSPECTION FEES. The following annual fees shall be assessed for inspection and licensing of ambulances and first aid vehicles:

- (1) Ambulance vehicles - Forty-five dollars.
- (2) First aid vehicles - Twenty-five dollars.

Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees.

NEW SECTION

WAC 440-44-025 DAY CARE CENTERS AND MINI-DAY CARE CENTERS LICENSE FEES.

Licensed Capacity of Center or Mini-center	License Fee Per Year
7 to 12 children	\$ 50
13 to 24 children	100
25 to 49 children	150
50 to 74 children	200
75 plus children	250

NEW SECTION

WAC 440-44-030 HEALTH FACILITY CERTIFICATE OF NEED REVIEW FEES. (1) An application for a certificate of need under chapter 248-19 WAC shall be accompanied by payment of a fee consisting of the following:

- (a) An application processing fee in the amount of five hundred dollars shall not be refundable, and
- (b) A review fee, based on the total capital expenditure associated with the undertaking or project, as follows:

Proposed Capital Expenditure	Review Fee
\$ 0 - \$24,999	\$ 250
\$ 25,000 - \$99,999	\$ 500
\$ 100,000 - \$499,999	\$ 1,500
\$ 500,000 - \$999,999	\$ 2,500
\$ 1,000,000 - \$4,999,999	\$ 4,000
\$ 5,000,000 - \$9,999,999	\$ 5,000
\$ 10,000,000 - \$19,999,999	\$ 8,000
\$ 20,000,000 and over	\$ 10,000

(2) A request for an amendment to a certificate of need application shall be accepted by the department only when accompanied by a nonrefundable processing fee of two hundred and fifty dollars.

(a) When an amendment results in a capital expenditure exceeding the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the amendment shall be accompanied by payment of an additional fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure.

(b) When an amendment results in a capital expenditure less than the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the department shall refund the difference to the applicant.

(3) When an application for an amended certificate of need is submitted to the department subsequent to the issuance of a certificate of need, in accordance with the provisions of WAC 248-19-450, such application shall be accompanied by payment of a nonrefundable processing fee in the amount of five hundred dollars and, if the amendment represents an increase in the capital expenditure associated with the project, a review fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure associated with the application for amendment.

(4) When an application is returned to an applicant in accordance with the provisions of WAC 248-19-280(2)(b) or (e), any review fees paid by the applicant shall be refunded, in full, by the department.

NEW SECTION

WAC 440-44-035 HEALTH FACILITY CONSTRUCTION REVIEW FEES. An application for project review shall be accompanied by payment of a fee as follows:

Estimated Cost Range of Construction Project	Standard Project Review Fee
\$ 1 - \$ 499	\$ 30
\$ 500 - \$ 2,999	\$ 50
\$ 3,000 - \$ 4,999	\$ 100
\$ 5,000 - \$ 9,999	\$ 200
\$ 10,000 - \$ 99,999	\$ 600
\$ 100,000 - \$ 499,999	\$ 1,000
\$ 500,000 - \$ 999,999	\$ 2,000
\$ 1,000,000 - \$ 4,999,999	\$ 3,000
\$ 5,000,000 - \$ 9,999,999	\$ 4,000
\$ 10,000,000 and over	\$ 6,000

(1) "Project" means a construction endeavor including new construction, replacement, alterations, additions, expansions, conversions, improvements, remodeling, renovating, and upgrading of the following types of facilities:

(a) Chapter 18.20 RCW and chapter 248-16 WAC, Boarding Homes.

(b) Chapter 18.46 RCW, Maternity Homes, and chapter 248-29 WAC, Childbirth Centers.

(c) Chapter 18.51 RCW and chapter 248-14 WAC, Nursing Homes.

(d) Chapter 71.12 RCW, Private Establishments, and chapter 248-22 WAC, Licensing Regulations for Private Psychiatric and Alcoholism Hospitals and Minimum

Licensing Standards for Alcoholism Treatment Facilities.

(e) Chapter 71.12 RCW, Private Establishments, and chapter 248-23 WAC, Residential Treatment Facilities for Psychiatrically Impaired Children and Youth.

(f) Chapter 70.41 RCW, Hospital Licensing and Regulation, and chapter 248-18 WAC, Hospitals.

(g) Chapter 70.41 RCW, Hospital Licensing and Regulation, and chapter 248-21 WAC, Hospice Care Center.

(2) "Project sponsor" means the person, persons or organization planning and contracting for the design and construction of facilities, generally the owner or his or her representative.

(3) "Project cost" means all costs directly associated with the project. Project costs are estimated initially and corrected by certification to the date of completion of the project. Project costs include:

(a) All architectural-engineering designs, plans, drawings, and specifications.

(b) All fixed and/or installed equipment in the project.

(c) Contractor supervision, inspection, and overhead.

NEW SECTION

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING AND CERTIFICATION FEES. (1) Hospitals: The annual fee shall be fourteen dollars for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal and intensive care infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set-up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be twenty-two dollars for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed

capacity: PROVIDED, That the private psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set-up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be seventeen dollars for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set-up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be twenty-one dollars for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set-up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be seven dollars for each bed space within the licensed bed capacity of the boarding home. The licensed bed capacity of a boarding home shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of beds set-up in a boarding home shall not exceed the boarding home's licensed bed capacity.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be thirty-two dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set-up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Nonhospital facilities: The annual fee for licensing and certification of facilities for induction of termination of pregnancy in the second trimester shall be three hundred twenty-five dollars.

(8) Child birth centers: The annual fee shall be six hundred fifty dollars: PROVIDED, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be thirty-two dollars for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set-up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

NEW SECTION

WAC 440-44-045 ON-SITE SEWAGE PROJECT REVIEW FEES. (1) The fee for review of a new system preliminary engineering report shall be three hundred dollars.

(2) The fee for review of new system plans and specifications shall be five hundred dollars.

(3) The fee for review of repair or replacement of an existing system shall be one hundred fifty dollars for the engineering report and two hundred fifty dollars for plans and specifications.

NEW SECTION

WAC 440-44-065 SHELLFISH PROGRAM CERTIFICATION FEES. (1) Annual certificate fees shall be:

Type of Operation	Annual Fee
Reshipper	\$125
Repacker	\$125
Shellstock Shipper	\$125
Shucker-Packer	\$125

(2) Type of operations are defined as follows:

(a) "Reshipper" shall mean shippers who transship shucked stock in original containers, or shellstock from certified shellfish shippers to other dealers or to final consumers. (Reshippers are not authorized to shuck or repack shellfish.)

(b) "Repacker" shall mean shippers, other than the original shucker, who pack shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish or act as a shellstock shipper if the repacker has the necessary facilities.

(c) "Shellstock shipper" shall mean shippers who grow, harvest, buy or sell shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

(d) "Shucker-packer" shall mean shippers who shuck and pack shellfish. A shucker-packer may act as a shellstock dealer.

NEW SECTION

WAC 440-44-070 SWIMMING POOL PROJECTS, PUBLIC AND SEMIPUBLIC PLAN REVIEW FEES. (1) The fee for review of plans for new public swimming pools with a volume equal to or greater than one hundred twenty-five thousand gallons at overflow shall be five hundred dollars.

(2) The fee for review of plans for new public swimming pools with a volume of less than one hundred twenty-five thousand gallons at overflow shall be three hundred dollars.

(3) The fee for review of plans for new semipublic pools shall be one hundred fifty dollars.

(4) The fee for review of plans for repair or modification of existing pools in accordance with subsection (1), (2), or (3) of this section shall be one-half of the fee for review of new projects.

NEW SECTION

WAC 440-44-075 TRANSIENT ACCOMMODATIONS LICENSING AND INSPECTION FEES. Through December 31, 1982, the inspection fees shall be:

<u>Size of Facility (No. of Rooms)</u>	<u>Inspection Fee</u>
3-24	\$ 15
25-49	\$ 25
50-74	\$ 35
75-99	\$ 50
100-199	\$ 75
200 or more	\$100

Effective January 1, 1983, the annual license fee including the cost of inspections shall be:

<u>Size of Facility (No. of Rooms)</u>	<u>License Fee</u>
3-24	\$ 70
25-49	\$110
50-74	\$150
75-99	\$200
100 or more	\$250

NEW SECTION

WAC 440-44-080 WATERWORKS OPERATOR CERTIFICATION FEES. (1) The initial certification fee is twenty dollars per classification.

(2) The annual renewal fee is ten dollars per classification.

(3) The fee for application for reciprocity shall be forty dollars per classification.

NEW SECTION

WAC 440-44-050 RADIATION MACHINE FACILITY REGISTRATION FEES. The following biennial fees are required at the time of application or renewal:

(1) For each registrant with one tube housing: One hundred dollars.

(2) For each registrant with more than one tube housing assembly: Two hundred dollars.

NEW SECTION

WAC 440-44-055 RADIOACTIVE MATERIALS LICENSE FEES. (1) The following annual fees are required for a radioactive materials license:

(a) For type A specific licenses, of broad scope, five thousand seven hundred fifty dollars.

(b) For priority 1 specific licenses in the following categories, three thousand five hundred dollars:

(i) Industrial radiographers, both temporary job-site or in-house operations.

(ii) Medical license - Possession of 200 millicuries or more of any single isotope.

(iii) Large medical institutions and large human-use programs, including mobile nuclear medicine facilities. A large medical institution is one having a complex and active nuclear medicine program, including use of a Mo 99-Tc 99m generator administering 200 millicuries or greater, and unsealed and sealed therapy sources.

(iv) Large laboratory license \geq 200 millicuries of any one isotope (unsealed).

(v) Industrial laundries (nuclear) and facilities for waste processing.

(vi) Nuclear pharmacies.

(c) For priority 2 specific licenses in the following categories, five hundred seventy-five dollars:

(i) Colleges, universities or vocational-technical programs with specific licenses other than those of broad scope, type A.

(ii) Small medical institutions (in vivo 30-200 millicuries unsealed) or private practice licensees (in vivo) or brachytherapy sources.

(iii) Decontamination licenses.

(iv) Industrial or laboratory licensees using unsealed radioactive materials of less than 200 millicuries but more than 10 millicuries.

(v) Industrial well loggers (except those granted unlimited reciprocity - see priority 5).

(vi) Teletherapy not incorporated into or licensed concurrent with other medical licenses.

(vii) Irradiators.

(d) For priority 3 specific licenses in the following categories, one hundred fifteen dollars:

(i) Industrial or laboratory licenses with portable gauges, soil moisture density gauges or more than three fixed gauges.

(ii) Small medical laboratories (in vivo 30 millicuries).

(iii) In vitro laboratories (using not more than 10 millicuries).

(e) For priority 4 specific licenses in the following categories, seventy-five dollars:

(i) Medical laboratories using radioactive materials in vitro (10 millicuries or less) and private physicians using radium on a rental, case-by-case basis or medical licensees with ophthalmic applicator only.

(ii) Gas chromatographs, licensees with less than four fixed gauges.

(iii) Other sealed sources, emergency services sources in local areas.

(iv) Industrial licenses authorizing installation, servicing, maintenance, etc., of devices containing radioactive materials.

(v) Licensees performing and analyzing leak or wipe tests.

(vi) Licensees with inactive programs but maintaining license for future use.

(vii) Accelerator shielding only.

(f) For general license (forms, i.e., RHP 15): Fifty dollars.

(g) For operation of a radioactive waste treatment or disposal site: Eleven thousand five hundred dollars.

(2) A facility with more than one radioactive materials license fee shall be assessed only one fee, based on the highest possible fee described in WAC 440-44-055.

WSR 82-08-079
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 1790—Filed April 7, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to waterwork operator's certification, amending chapter 248-55 WAC.

I, David A. Hogan, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is emergency rules are needed to implement SSB 4418, which has a substantial fiscal impact in that it authorizes the department to charge fees for certain licensing and inspection services, and deletes current statutory specification of fees. The legislature has directed that SSB 4418 shall take effect immediately for the support of state government.

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

This rule is promulgated pursuant to chapter 201 (SSB 4418), Laws of 1982 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 April 7, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1343, filed 9/22/78)

WAC 248-55-110 RENEWAL OF CERTIFICATES. (1) The terms for all certificates shall be for one year from the date of issuance. Every certificate shall be renewed annually upon the payment of a ((five dollar)) renewal fee and satisfactory evidence presented to the board that the operator has demonstrated continued professional growth in the field. The accumulation of three college credits or continuing education units every three years is considered satisfactory evidence of professional growth.

(2) The secretary shall notify operators ((who fail)) failing to renew ((their)) the operator certificate before the end of the certificate year that ((their)) the certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall become invalid. The secretary shall notify the holders of invalid certificates with a written notice.

(3) An operator ((who has failed)) failing to renew the certificate pursuant to the provisions of this section may reapply for certification. The board may require the operator to meet the requirements established for new applicants.

REPEALER

The following section of the Washington Administrative Code is repealed:
WAC 248-55-100 FEES.

WSR 82-08-080
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
 [Filed April 7, 1982]

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 Fees—General, new chapter 440-44 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about April 2, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-33 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 Franklin, Olympia, Washington, Phone (206) 753-7015, by April 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 2:30 p.m., Wednesday, May 12, 1982, in the Center Park, 2121 26th Avenue South, Seattle, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 26, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 201 (SSB 4418), Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 2:30 p.m., Wednesday, May 12, 1982, Center Park, 2121 26th Avenue South, Seattle, WA.

Dated: April 2, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to chapter 324, Laws of 1981.

New chapter 440-44 WAC.

The Purpose of the Rule or Rule Change is to: Establish rules for charging fees for licensing and inspection activities of the department.

The Reason(s) these Rules are Necessary is: To implement SSB 4418 passed by the Forty-seventh Legislature, 1982 Regular Session.

Statutory Authority: Section 2, chapter 201 (SSB 4418), Laws of 1982.

Summary of the Rule or Rule Change: Establishes for DSHS licensees: Provisions for waiver of fees, due dates for payment of fees, refunds, fees if a license is denied, revoked, suspended or reinstated, and fees for each type of service.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule is: Steven Hosch, Special Assistant, Secretary, Department of Social and Health Services, Mailstop: OB-44, Phone: (206) 753-3424.

The Person or Organization (if other than DSHS) Who Proposed these Rules is: Not applicable.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

Title 440 WAC
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chapter 440-44 WAC
FEES

NEW SECTION

WAC 440-44-001 PURPOSE AND AUTHORITY. Chapter 440-44 WAC establishes fees for all license activities of the department of social and health services. Chapter 440-44 WAC is adopted under authority of RCW 43.20A. (Chapter ___ Section 2, (SSB 4418) Laws of 1982).

Pursuant to this authority, the secretary is required to establish fees for obtaining a license. The term "license" is defined as the "exercise of regulatory authority by the secretary to grant permission, authority, or liberty to do or to forebear certain activities."

Pursuant to this authority, fees may be waived when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state. No fees may be charged to municipal

corporations for licensing of emergency medical care and transportation services under chapter 18.73 RCW.

NEW SECTION

WAC 440-44-002 WAIVER OF FEES. Any person or agency subject to license fees under chapter 440-44 WAC, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the secretary. Following receipt of the petition, the secretary may require submission of additional information considered relevant.

NEW SECTION

WAC 440-44-010 FEE PAYMENT AND REFUNDS. (1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to each annual anniversary date of the license, at the annual fee rate established by these rules at the time such fee is paid.

(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(7) To the extent fees are reduced through regular rule adoption of this chapter, fees shall be refunded.

(8) Fee payments shall be by mail. Payment shall be by check, draft, or money order made payable to the department of social and health services.

NEW SECTION

WAC 440-44-015 DENIAL, REVOCATION, SUSPENSION, AND REINSTATEMENT. (1) If a license is denied, revoked, or suspended, fees shall not be refunded.

(2) Application for license after denial or revocation must include fees as provided for in these rules.

(3) Failure to pay fees when due will result in suspension or denial of license.

NEW SECTION

WAC 440-44-020 ALCOHOL AND DRUG AGENCY CERTIFICATION FEES.

Alcohol and/or Drug Residential Services Certification: \$26 Per Licensed Bed Per Year

Alcohol and/or Drug Nonresidential Services Certification: Fee Per Year

Large agencies	3,000 or more clients served per year	\$1,125
Medium-sized agencies	1,000-3,000 clients served per year	\$ 750
Small agencies	0-1,000 clients served per year	\$ 375

NEW SECTION

WAC 440-44-023 AMBULANCES AND FIRST AID VEHICLES LICENSING AND INSPECTION FEES. The following

annual fees shall be assessed for inspection and licensing of ambulances and first aid vehicles:

- (1) Ambulance vehicles - Forty-five dollars.
- (2) First aid vehicles - Twenty-five dollars.

Municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees.

NEW SECTION

WAC 440-44-025 DAY CARE CENTERS AND MINI-DAY CARE CENTERS LICENSE FEES.

Licensed Capacity of Center or Mini-center	License Fee Per Year
7 to 12 children	\$ 50
13 to 24 children	100
25 to 49 children	150
50 to 74 children	200
75 plus children	250

NEW SECTION

WAC 440-44-030 HEALTH FACILITY CERTIFICATE OF NEED REVIEW FEES. (1) An application for a certificate of need under chapter 248-19 WAC shall be accompanied by payment of a fee consisting of the following:

- (a) An application processing fee in the amount of five hundred dollars shall not be refundable, and
- (b) A review fee, based on the total capital expenditure associated with the undertaking or project, as follows:

Proposed Capital Expenditure	Review Fee
\$ 0 - \$24,999	\$ 250
\$ 25,000 - \$99,999	\$ 500
\$ 100,000 - \$499,999	\$ 1,500
\$ 500,000 - \$999,999	\$ 2,500
\$ 1,000,000 - \$4,999,999	\$ 4,000
\$ 5,000,000 - \$9,999,999	\$ 5,000
\$ 10,000,000 - \$19,999,999	\$ 8,000
\$ 20,000,000 and over	\$ 10,000

(2) A request for an amendment to a certificate of need application shall be accepted by the department only when accompanied by a nonrefundable processing fee of two hundred and fifty dollars.

(a) When an amendment results in a capital expenditure exceeding the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the amendment shall be accompanied by payment of an additional fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure.

(b) When an amendment results in a capital expenditure less than the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the department shall refund the difference to the applicant.

(3) When an application for an amended certificate of need is submitted to the department subsequent to the issuance of a certificate of need, in accordance with the provisions of WAC 248-19-450, such application shall be accompanied by payment of a nonrefundable processing fee in the amount of five hundred dollars and, if the amendment represents an increase in the capital expenditure associated with the project, a review fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure associated with the application for amendment.

(4) When an application is returned to an applicant in accordance with the provisions of WAC 248-19-280(2)(b) or (c), any review fees paid by the applicant shall be refunded, in full, by the department.

NEW SECTION

WAC 440-44-035 HEALTH FACILITY CONSTRUCTION REVIEW FEES. An application for project review shall be accompanied by payment of a fee as follows:

Estimated Cost Range of Construction Project	Standard Project Review Fee
\$ 1 - \$ 499	\$ 30
\$ 500 - \$ 2,999	\$ 50
\$ 3,000 - \$ 4,999	\$ 100
\$ 5,000 - \$ 9,999	\$ 200
\$ 10,000 - \$ 99,999	\$ 600
\$ 100,000 - \$ 499,999	\$ 1,000
\$ 500,000 - \$ 999,999	\$ 2,000
\$ 1,000,000 - \$ 4,999,999	\$ 3,000
\$ 5,000,000 - \$ 9,999,999	\$ 4,000
\$ 10,000,000 and over	\$ 6,000

(1) "Project" means a construction endeavor including new construction, replacement, alterations, additions, expansions, conversions, improvements, remodeling, renovating, and upgrading of the following types of facilities:

- (a) Chapter 18.20 RCW and chapter 248-16 WAC, Boarding Homes.
- (b) Chapter 18.46 RCW, Maternity Homes, and chapter 248-29 WAC, Childbirth Centers.
- (c) Chapter 18.51 RCW and chapter 248-14 WAC, Nursing Homes.

(d) Chapter 71.12 RCW, Private Establishments, and chapter 248-22 WAC, Licensing Regulations for Private Psychiatric and Alcoholism Hospitals and Minimum Licensing Standards for Alcoholism Treatment Facilities.

(e) Chapter 71.12 RCW, Private Establishments, and chapter 248-23 WAC, Residential Treatment Facilities for Psychiatrically Impaired Children and Youth.

(f) Chapter 70.41 RCW, Hospital Licensing and Regulation, and chapter 248-18 WAC, Hospitals.

(g) Chapter 70.41 RCW, Hospital Licensing and Regulation, and chapter 248-21 WAC, Hospice Care Center.

(2) "Project sponsor" means the person, persons or organization planning and contracting for the design and construction of facilities, generally the owner or his or her representative.

(3) "Project cost" means all costs directly associated with the project. Project costs are estimated initially and corrected by certification to the date of completion of the project. Project costs include:

- (a) All architectural-engineering designs, plans, drawings, and specifications.
- (b) All fixed and/or installed equipment in the project.
- (c) Contractor supervision, inspection, and overhead.

NEW SECTION

WAC 440-44-040 MEDICAL FACILITIES AND BOARDING HOMES LICENSING AND CERTIFICATION FEES. (1)

Hospitals: The annual fee shall be fourteen dollars for each bed space within the licensed bed capacity of the hospital. The licensed bed capacity of a hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-18 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirements of chapter 248-18 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the hospital certifies to the department the hospital currently possesses the required movable equipment. The licensed bed capacity shall exclude all normal and intensive care infant bassinets. The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set-up in a hospital shall not exceed the hospital's licensed bed capacity.

(2) Private psychiatric hospitals: The annual fee shall be twenty-two dollars for each bed space within the licensed bed capacity of the private psychiatric hospital. The licensed bed capacity of a private psychiatric hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. Bed spaces not used for twenty-four hour assigned patient use, in compliance with the physical plant requirement of chapter 248-22 WAC but not containing the required movable equipment, will be included in the licensed bed capacity: PROVIDED, That the private

psychiatric hospital certifies to the department the private psychiatric hospital currently possesses the required movable equipment.

The number of licensed bed spaces shall be limited in accordance with decisions made under chapter 70.38 RCW, and bed additions subsequent to the establishment of each private psychiatric hospital's licensed bed capacity by the department shall be subject to review under chapter 70.38 RCW. The number of twenty-four hour assigned patient beds set-up in a private psychiatric hospital shall not exceed the private psychiatric hospital's licensed bed capacity.

(3) Alcoholism hospitals: The annual fee shall be seventeen dollars for each bed space within the licensed bed capacity of the alcoholism hospital. The licensed bed capacity of an alcoholism hospital shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set-up in an alcoholism hospital shall not exceed the alcoholism hospital's licensed bed capacity.

(4) Alcoholism treatment facilities: The annual fee shall be twenty-one dollars for each bed space within the licensed bed capacity of the alcoholism treatment facility. The licensed bed capacity of an alcoholism treatment facility shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-22 WAC for twenty-four hour assigned patient rooms. The number of twenty-four hour assigned patient beds set-up in an alcoholism treatment facility shall not exceed the alcoholism treatment facility's licensed bed capacity.

(5) Boarding homes: The annual fee shall be seven dollars for each bed space within the licensed bed capacity of the boarding home. The licensed bed capacity of a boarding home shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-16 WAC for resident sleeping rooms. The number of beds set-up in a boarding home shall not exceed the boarding home's licensed bed capacity.

(6) Residential treatment facilities for psychiatrically impaired children and youth: The annual fee shall be thirty-two dollars for each bed space within the licensed bed capacity of the residential treatment facility for psychiatrically impaired children and youth. The licensed bed capacity of a residential treatment facility for psychiatrically impaired children and youth shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-23 WAC for client sleeping rooms. The number of beds set-up in a residential treatment facility for psychiatrically impaired children and youth shall not exceed the residential treatment facility for psychiatrically impaired children and youth licensed bed capacity.

(7) Nonhospital facilities: The annual fee for licensing and certification of facilities for induction of termination of pregnancy in the second trimester shall be three hundred twenty-five dollars.

(8) Child birth centers: The annual fee shall be six hundred fifty dollars: PROVIDED, That no fee shall be required of charitable, nonprofit or government-operated institutions (as required by RCW 18.46.030).

(9) Residential treatment and rehabilitation facilities for psychiatrically impaired adults: The annual fee shall be thirty-two dollars for each bed space within the licensed bed capacity of the residential treatment and rehabilitation facility for psychiatrically impaired adults. The licensed bed capacity of a residential treatment and rehabilitation facility for psychiatrically impaired adults shall include all bed spaces in rooms in compliance with the physical plant and movable equipment requirements of chapter 248-25 WAC for client sleeping rooms. The number of beds set-up in a residential treatment and rehabilitation facility for psychiatrically impaired adults shall not exceed the residential treatment and rehabilitation facility for psychiatrically impaired adults licensed bed capacity.

NEW SECTION

WAC 440-44-045 ON-SITE SEWAGE PROJECT REVIEW FEES. (1) The fee for review of a new system preliminary engineering report shall be three hundred dollars.

(2) The fee for review of new system plans and specifications shall be five hundred dollars.

(3) The fee for review of repair or replacement of an existing system shall be one hundred fifty dollars for the engineering report and two hundred fifty dollars for plans and specifications.

NEW SECTION

WAC 440-44-065 SHELLFISH PROGRAM CERTIFICATION FEES. (1) Annual certificate fees shall be:

Type of Operation	Annual Fee
Reshipper	\$125
Repacker	\$125
Shellstock Shipper	\$125
Shucker-Packer	\$125

(2) Type of operations are defined as follows:

(a) "Reshipper" shall mean shippers who transship shucked stock in original containers, or shellstock from certified shellfish shippers to other dealers or to final consumers. (Reshippers are not authorized to shuck or repack shellfish.)

(b) "Repacker" shall mean shippers, other than the original shucker, who pack shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish or act as a shellstock shipper if the repacker has the necessary facilities.

(c) "Shellstock shipper" shall mean shippers who grow, harvest, buy or sell shellstock. Shellstock shippers are not authorized to shuck shellfish or to repack shucked shellfish.

(d) "Shucker-packer" shall mean shippers who shuck and pack shellfish. A shucker-packer may act as a shellstock dealer.

NEW SECTION

WAC 440-44-070 SWIMMING POOL PROJECTS, PUBLIC AND SEMIPUBLIC PLAN REVIEW FEES. (1) The fee for review of plans for new public swimming pools with a volume equal to or greater than one hundred twenty-five thousand gallons at overflow shall be five hundred dollars.

(2) The fee for review of plans for new public swimming pools with a volume of less than one hundred twenty-five thousand gallons at overflow shall be three hundred dollars.

(3) The fee for review of plans for new semipublic pools shall be one hundred fifty dollars.

(4) The fee for review of plans for repair or modification of existing pools in accordance with subsection (1), (2), or (3) of this section shall be one-half of the fee for review of new projects.

NEW SECTION

WAC 440-44-075 TRANSIENT ACCOMMODATIONS LICENSING AND INSPECTION FEES. Through December 31, 1982, the inspection fees shall be:

Size of Facility (No. of Rooms)	Inspection Fee
3-24	\$ 15
25-49	\$ 25
50-74	\$ 35
75-99	\$ 50
100-199	\$ 75
200 or more	\$100

Effective January 1, 1983, the annual license fee including the cost of inspections shall be:

Size of Facility (No. of Rooms)	License Fee
3-24	\$ 70
25-49	\$110
50-74	\$150
75-99	\$200
100 or more	\$250

NEW SECTION

WAC 440-44-080 WATERWORKS OPERATOR CERTIFICATION FEES. (1) The initial certification fee is twenty dollars per classification.

(2) The annual renewal fee is ten dollars per classification.

(3) The fee for application for reciprocity shall be forty dollars per classification.

NEW SECTION

WAC 440-44-050 RADIATION MACHINE FACILITY REGISTRATION FEES. The following biennial fees are required at the time of application or renewal:

- (1) For each registrant with one tube housing: One hundred dollars.
- (2) For each registrant with more than one tube housing assembly: Two hundred dollars.

NEW SECTION

WAC 440-44-055 RADIOACTIVE MATERIALS LICENSE FEES. (1) The following annual fees are required for a radioactive materials license:

- (a) For type A specific licenses, of broad scope, five thousand seven hundred fifty dollars.
- (b) For priority 1 specific licenses in the following categories, three thousand five hundred dollars:
 - (i) Industrial radiographers, both temporary job-site or in-house operations.
 - (ii) Medical license - Possession of 200 millicuries or more of any single isotope.
 - (iii) Large medical institutions and large human-use programs, including mobile nuclear medicine facilities. A large medical institution is one having a complex and active nuclear medicine program, including use of a Mo 99-Tc 99m generator administering 200 millicuries or greater, and unsealed and sealed therapy sources.
 - (iv) Large laboratory license \geq 200 millicuries of any one isotope (unsealed).
 - (v) Industrial laundries (nuclear) and facilities for waste processing.
 - (vi) Nuclear pharmacies.
 - (c) For priority 2 specific licenses in the following categories, five hundred seventy-five dollars:
 - (i) Colleges, universities or vocational-technical programs with specific licenses other than those of broad scope, type A.
 - (ii) Small medical institutions (in vivo 30-200 millicuries unsealed) or private practice licensees (in vivo) or brachytherapy sources.
 - (iii) Decontamination licenses.
 - (iv) Industrial or laboratory licensees using unsealed radioactive materials of less than 200 millicuries but more than 10 millicuries.
 - (v) Industrial well loggers (except those granted unlimited reciprocity - see priority 5).
 - (vi) Teletherapy not incorporated into or licensed concurrent with other medical licenses.
 - (vii) Irradiators.
 - (d) For priority 3 specific licenses in the following categories, one hundred fifteen dollars:
 - (i) Industrial or laboratory licenses with portable gauges, soil moisture density gauges or more than three fixed gauges.
 - (ii) Small medical laboratories (in vivo 30 millicuries).
 - (iii) In vitro laboratories (using not more than 10 millicuries).
 - (e) For priority 4 specific licenses in the following categories, seventy-five dollars:
 - (i) Medical laboratories using radioactive materials in vitro (10 millicuries or less) and private physicians using radium on a rental, case-by-case basis or medical licensees with ophthalmic applicator only.
 - (ii) Gas chromatographs, licensees with less than four fixed gauges.
 - (iii) Other sealed sources, emergency services sources in local areas.
 - (iv) Industrial licenses authorizing installation, servicing, maintenance, etc., of devices containing radioactive materials.
 - (v) Licensees performing and analyzing leak or wipe tests.
 - (vi) Licensees with inactive programs but maintaining license for future use.
 - (vii) Accelerator shielding only.
 - (f) For general license (forms, i.e., RHP 15): Fifty dollars.
 - (g) For operation of a radioactive waste treatment or disposal site: Eleven thousand five hundred dollars.

(2) A facility with more than one radioactive materials license fee shall be assessed only one fee, based on the highest possible fee described in WAC 440-44-055.

WSR 82-08-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
 [Filed April 7, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning nursing home licensing fees, new WAC 440-44-085.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
 Division of Administration
 Department of Social and Health Services
 Mailstop OB-33 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 Franklin, Olympia, Washington, Phone (206) 753-7015, by April 28, 1982. The meeting site is in a location which is barrier free;

that such agency will at 2:30 p.m., Wednesday, May 12, 1982, in Center Park, 2121 26th Avenue South, Seattle, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 26, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 201 (SSB 4418), Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 2:30 p.m., Wednesday, May 12, 1982, Center Park, 2121 26th Avenue South, Seattle, WA.

Dated: April 7, 1982

By: David A. Hogan

Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. New WAC 440-44-085.

The purpose of this new rule is to establish specific fees for the licensing of nursing homes by the department which are based on the cost of the licensing function.

This new section is necessary to implement vendor licensing fees simultaneously in coordination with SSB 4418, the Financial Responsibility Act.

Statutory Authority: RCW 18.51.070.

Summary of the New Rule: License fees for nursing homes would be fourteen dollars per licensed bed per year.

Person Responsible for Drafting, Implementing, and Enforcing this Rule: Sharon Morrison, Legal Affairs Coordinator, Bureau of Nursing Home Affairs, Mailstop OB-31, Phone 754-1643.

The Persons or Organizations (if other than DSHS) Who Prepare these Rules are: None.

These rules are not necessary as a result of federal laws, federal court decision or state court decision.

NEW SECTION

WAC 440-44-085 NURSING HOME FEES. The nursing home licensure fee shall be fourteen dollars per bed per year.

WSR 82-08-082
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed April 7, 1982]

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 waterworks operator's certification, amending chapter 248-55 WAC.

It is the intention of the secretary to adopt these rules on emergency basis on April 7, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 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 Franklin, Olympia, Washington, Phone (206) 753-7015, by May 12, 1982. The meeting site is in a location which is barrier free;

that such agency will at 2:30 p.m., Wednesday, May 12, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, May 26, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 201 (SSB 4418), Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 12, 1982, and/or orally at 2:30 p.m., Wednesday, May 12, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington 98504.

Dated: April 7, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending chapter 248-55 WAC.

The purpose of the rule or rule change is to conform chapter 248-55 WAC with the new chapter 440-44 WAC.

Statutory Authority: Chapter 201, Laws of 1982.

Summary of the Rule or Rule Change: Specific references to fees for waterworks operator certification are eliminated. This is now covered in WAC 440-44-080.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule is: Steven Hosch, Special Assistant, Office of the Secretary, Department of Social and Health Services, Mailstop: OB-44.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1343, filed 9/22/78)

WAC 248-55-110 RENEWAL OF CERTIFICATES. (1) The terms for all certificates shall be for one year from the date of issuance. Every certificate shall be renewed annually upon the payment of a ~~((five dollar))~~ renewal fee and satisfactory evidence presented to the board that the operator has demonstrated continued professional growth in the field. The accumulation of three college credits or continuing education units every three years is considered satisfactory evidence of professional growth.

(2) The secretary shall notify operators ~~((who fail))~~ failing to renew ~~((their))~~ the operator certificate before the end of the certificate year that ~~((their))~~ the certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall become invalid. The secretary shall notify the holders of invalid certificates with a written notice.

(3) An operator ~~((who has failed))~~ failing to renew the certificate pursuant to the provisions of this section may reapply for certification. The board may require the operator to meet the requirements established for new applicants.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-55-100 FEES.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RES = Restoration of section to previous form
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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132H-116-480	AMD	82-04-005	132N-156-120	REP-E	82-07-032	132T-06-050	AMD	82-07-033
132H-116-490	AMD	82-04-005	132N-156-125	NEW	82-07-031	132T-06-060	AMD	82-07-033
132H-116-500	AMD	82-04-005	132N-156-125	NEW-E	82-07-032	132T-06-070	REP	82-07-033
132H-116-550	AMD	82-04-005	132N-156-130	REP	82-07-031	132T-06-075	NEW	82-07-033
132H-116-580	AMD	82-04-005	132N-156-130	REP-E	82-07-032	132T-06-080	REP	82-07-033
132H-116-590	AMD	82-04-005	132N-156-135	NEW	82-07-031	132T-06-085	NEW	82-07-033
132H-116-610	AMD	82-04-005	132N-156-135	NEW-E	82-07-032	132T-06-090	REP	82-07-033
132H-116-620	AMD	82-04-005	132N-156-140	REP	82-07-031	132T-06-095	NEW	82-07-033
132H-116-720	AMD	82-04-005	132N-156-140	REP-E	82-07-032	132T-104-040	AMD-P	82-06-024
132H-116-740	AMD	82-04-005	132N-156-145	NEW	82-07-031	132T-104-070	AMD-P	82-06-024
132H-116-780	AMD	82-04-005	132N-156-145	NEW-E	82-07-032	132T-104-080	AMD-P	82-06-024
132H-116-780	AMD-P	82-07-071	132N-156-150	REP	82-07-031	132T-104-110	AMD-P	82-06-024
132H-116-810	AMD	82-04-005	132N-156-150	REP-E	82-07-032	132T-104-120	AMD-P	82-06-024
132H-120-060	AMD-P	82-07-072	132N-156-155	NEW	82-07-031	132T-104-130	AMD-P	82-06-024
132H-140-010	AMD-E	82-07-029	132N-156-155	NEW-E	82-07-032	132T-104-210	AMD-P	82-06-024
132H-140-010	AMD-P	82-07-070	132N-156-160	REP	82-07-031	132T-104-240	AMD-P	82-06-024
132H-140-020	AMD-E	82-07-029	132N-156-160	REP-E	82-07-032	132T-104-260	AMD-P	82-06-024
132H-140-020	AMD-P	82-07-070	132N-156-165	NEW	82-07-031	132T-104-265	NEW-P	82-06-024
132H-140-040	AMD-E	82-07-029	132N-156-165	NEW-E	82-07-032	132T-104-270	AMD-P	82-06-024
132H-140-040	AMD-P	82-07-070	132N-156-170	REP	82-07-031	132T-104-280	AMD-P	82-06-024
132H-140-050	AMD-E	82-07-029	132N-156-170	REP-E	82-07-032	132Y-125-004	NEW-P	82-05-039
132H-140-050	AMD-P	82-07-070	132N-156-175	NEW	82-07-031	132Y-136-001	NEW	82-04-018
132H-140-060	AMD-E	82-07-029	132N-156-175	NEW-E	82-07-032	132Y-136-101	NEW	82-04-018
132H-140-060	AMD-P	82-07-070	132N-156-180	REP	82-07-031	132Y-136-201	NEW	82-04-018
132H-140-070	NEW-E	82-07-029	132N-156-180	REP-E	82-07-032	132Y-136-204	NEW	82-04-018
132H-140-070	NEW-P	82-07-070	132N-156-185	NEW	82-07-031	132Y-136-208	NEW	82-04-018
132H-140-080	NEW-E	82-07-029	132N-156-185	NEW-E	82-07-032	132Y-136-212	NEW	82-04-018
132H-140-080	NEW-P	82-07-070	132N-156-190	REP	82-07-031	132Y-136-216	NEW	82-04-018
132H-140-090	NEW-E	82-07-029	132N-156-190	REP-E	82-07-032	132Y-136-220	NEW	82-04-018
132H-140-090	NEW-P	82-07-070	132N-156-195	NEW	82-07-031	132Y-136-224	NEW	82-04-018
132H-140-100	NEW-E	82-07-029	132N-156-195	NEW-E	82-07-032	132Y-136-228	NEW	82-04-018
132H-140-100	NEW-P	82-07-070	132N-156-200	REP	82-07-031	132Y-136-236	NEW	82-04-018
132H-140-110	NEW-E	82-07-029	132N-156-200	REP-E	82-07-032	132Y-136-304	NEW	82-04-018
132H-140-110	NEW-P	82-07-070	132N-156-205	NEW	82-07-031	132Y-136-401	NEW	82-04-018
132N-156-010	REP	82-07-031	132N-156-205	NEW-E	82-07-032	132Y-136-404	NEW	82-04-018
132N-156-010	REP-E	82-07-032	132N-156-210	REP	82-07-031	132Y-136-501	NEW	82-04-018
132N-156-015	NEW	82-07-031	132N-156-210	REP-E	82-07-032	132Y-136-540	NEW	82-04-018
132N-156-015	NEW-E	82-07-032	132Q-89-010	NEW-P	82-08-018	137-04-010	NEW	82-04-023

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137-04-020	NEW	82-04-023	137-57-040	NEW-P	82-04-059	139-36-032	NEW-P	82-04-066
137-04-030	NEW	82-04-023	137-57-040	NEW	82-03-055	139-36-032	NEW	82-07-052
137-08-010	NEW	82-04-023	137-57-050	NEW-P	82-04-059	139-36-033	NEW-P	82-04-066
137-08-020	NEW	82-04-023	137-57-050	NEW	82-03-055	139-36-033	NEW	82-07-052
137-08-060	NEW	82-04-023	137-57-060	NEW-P	82-04-059	139-36-034	NEW-P	82-04-066
137-08-070	NEW	82-04-023	137-57-060	NEW	82-03-055	139-36-034	NEW	82-07-052
137-08-080	NEW	82-04-023	137-57-070	NEW-P	82-04-059	139-36-040	NEW-P	82-04-066
137-08-090	NEW	82-04-023	137-57-070	NEW	82-03-055	139-36-040	NEW	82-07-052
137-08-100	NEW	82-04-023	137-57-080	NEW-P	82-04-059	139-36-041	NEW-P	82-04-066
137-08-110	NEW	82-04-023	137-57-080	NEW	82-03-055	139-36-041	NEW	82-07-052
137-08-120	NEW	82-04-023	137-58-010	NEW-P	82-03-013	139-36-050	NEW-P	82-04-066
137-08-130	NEW	82-04-023	137-58-010	NEW-E	82-03-014	139-36-050	NEW	82-07-052
137-08-140	NEW	82-04-023	137-58-010	NEW	82-07-067	139-36-051	NEW-P	82-04-066
137-08-150	NEW	82-04-023	137-58-020	NEW-P	82-03-013	139-36-051	NEW	82-07-052
137-08-160	NEW	82-04-023	137-58-020	NEW-E	82-03-014	139-36-060	NEW-P	82-04-066
137-08-170	NEW	82-04-023	137-58-020	NEW	82-07-067	139-36-060	NEW	82-07-052
137-08-180	NEW	82-04-023	137-58-030	NEW-P	82-03-013	139-36-061	NEW-P	82-04-066
137-56-005	NEW-P	82-04-059	137-58-030	NEW-E	82-03-014	139-36-061	NEW	82-07-052
137-56-005	NEW	82-08-055	137-58-030	NEW	82-07-067	139-50-010	NEW-P	82-03-047
137-56-010	NEW-P	82-04-059	137-58-040	NEW-P	82-03-013	139-50-010	NEW	82-07-053
137-56-010	NEW	82-08-055	137-58-040	NEW-E	82-03-014	154-01	NEW-C	82-08-054
137-56-020	NEW-P	82-04-059	137-58-040	NEW	82-07-067	154-01-010	NEW-E	82-04-017
137-56-020	NEW	82-08-055	137-60	NEW-P	82-03-015	154-04	NEW-C	82-08-054
137-56-030	NEW-P	82-04-059	137-60	NEW-E	82-03-016	154-04-010	NEW-E	82-04-017
137-56-030	NEW	82-08-055	137-60-010	NEW-P	82-03-015	154-04-020	NEW-E	82-04-017
137-56-040	NEW-P	82-04-059	137-60-010	NEW-E	82-03-016	154-04-030	NEW-E	82-04-017
137-56-040	NEW	82-08-055	137-60-010	NEW	82-07-006	154-04-040	NEW-E	82-04-017
137-56-050	NEW-P	82-04-059	137-60-020	NEW-P	82-03-015	154-04-050	NEW-E	82-04-017
137-56-050	NEW	82-08-055	137-60-020	NEW-E	82-03-016	154-04-060	NEW-E	82-04-017
137-56-060	NEW-P	82-04-059	137-60-020	NEW	82-07-006	154-04-070	NEW-E	82-04-017
137-56-060	NEW	82-08-055	137-60-030	NEW-P	82-03-015	154-04-080	NEW-E	82-04-017
137-56-070	NEW-P	82-04-059	137-60-030	NEW-E	82-03-016	154-04-090	NEW-E	82-04-017
137-56-070	NEW	82-08-055	137-60-030	NEW	82-07-006	154-04-100	NEW-E	82-04-017
137-56-080	NEW-P	82-04-059	137-60-040	NEW-P	82-03-015	154-04-110	NEW-E	82-04-017
137-56-080	NEW	82-08-055	137-60-040	NEW-E	82-03-016	154-08	NEW-C	82-08-054
137-56-090	NEW-P	82-04-059	137-60-040	NEW	82-07-006	154-08-010	NEW-E	82-04-017
137-56-090	NEW	82-08-055	137-60-045	NEW-P	82-03-015	154-08-020	NEW-E	82-04-017
137-56-100	NEW-P	82-04-059	137-60-045	NEW-E	82-03-016	154-08-030	NEW-E	82-04-017
137-56-100	NEW	82-08-055	137-60-045	NEW	82-07-006	154-08-040	NEW-E	82-04-017
137-56-120	NEW-P	82-04-059	137-60-050	NEW-P	82-03-015	154-08-050	NEW-E	82-04-017
137-56-120	NEW	82-08-055	137-60-050	NEW-E	82-03-016	154-12	NEW-C	82-08-054
137-56-140	NEW-P	82-04-059	137-60-050	NEW	82-07-006	154-12-010	NEW-E	82-04-017
137-56-140	NEW	82-08-055	137-60-060	NEW-P	82-03-015	154-12-020	NEW-E	82-04-017
137-56-150	NEW-P	82-04-059	137-60-060	NEW-E	82-03-016	154-12-030	NEW-E	82-04-017
137-56-150	NEW	82-08-055	137-60-060	NEW	82-07-006	154-12-040	NEW-E	82-04-017
137-56-160	NEW-P	82-04-059	137-60-070	NEW-P	82-03-015	154-12-050	NEW-E	82-04-017
137-56-160	NEW	82-08-055	137-60-070	NEW-E	82-03-016	154-12-060	NEW-E	82-04-017
137-56-170	NEW-P	82-04-059	137-60-070	NEW	82-07-006	154-12-070	NEW-E	82-04-017
137-56-170	NEW	82-08-055	137-60-080	NEW-P	82-03-015	154-12-080	NEW-E	82-04-017
137-56-180	NEW-P	82-04-059	137-60-080	NEW-E	82-03-016	154-12-090	NEW-E	82-04-017
137-56-180	NEW	82-08-055	137-60-080	NEW	82-07-006	154-12-100	NEW-E	82-04-017
137-56-190	NEW-P	82-04-059	137-60-090	NEW-P	82-03-015	154-12-110	NEW-E	82-04-017
137-56-190	NEW	82-08-055	137-60-090	NEW-E	82-03-016	154-16	NEW-C	82-08-054
137-56-200	NEW-P	82-04-059	137-60-090	NEW	82-07-006	154-16-010	NEW-E	82-04-017
137-56-200	NEW	82-08-055	137-60-100	NEW-P	82-03-015	154-16-020	NEW-E	82-04-017
137-56-210	NEW-P	82-04-059	137-60-100	NEW-E	82-03-016	154-20	NEW-C	82-08-054
137-56-210	NEW	82-08-055	137-60-100	NEW	82-07-006	154-20-010	NEW-E	82-04-017
137-56-220	NEW-P	82-04-059	137-60-110	NEW-P	82-03-015	154-20-020	NEW-E	82-04-017
137-56-220	NEW	82-08-055	137-60-110	NEW-E	82-03-016	154-24	NEW-C	82-08-054
137-56-230	NEW-P	82-04-059	137-60-110	NEW	82-07-006	154-24-010	NEW-E	82-04-017
137-56-230	NEW	82-08-055	137-60-120	NEW-P	82-03-015	154-28	NEW-C	82-08-054
137-56-240	NEW-P	82-04-059	137-60-120	NEW-E	82-03-016	154-28-010	NEW-E	82-04-017
137-56-240	NEW	82-08-055	137-60-120	NEW	82-07-006	154-32	NEW-C	82-08-054
137-56-250	NEW-P	82-04-059	137-60-130	NEW-P	82-03-015	154-32-010	NEW-E	82-04-017
137-56-250	NEW	82-08-055	137-60-130	NEW-E	82-03-016	154-32-020	NEW-E	82-04-017
137-56-260	NEW-P	82-04-059	137-60-130	NEW	82-07-006	154-36	NEW-C	82-08-054
137-56-260	NEW	82-08-055	137-60-140	NEW-P	82-03-015	154-36-010	NEW-E	82-04-017
137-56-270	NEW-P	82-04-059	137-60-140	NEW-E	82-03-016	154-40	NEW-C	82-08-054
137-56-270	NEW	82-08-055	137-60-140	NEW	82-07-006	154-40-010	NEW-E	82-04-017
137-57-005	NEW-P	82-04-059	139-36-010	REP-P	82-04-065	154-44	NEW-C	82-08-054
137-57-005	NEW	82-08-055	139-36-010	REP	82-07-051	154-44-010	NEW-E	82-04-017
137-57-010	NEW-P	82-04-059	139-36-020	NEW-P	82-04-066	154-48	NEW-C	82-08-054
137-57-010	NEW	82-08-055	139-36-020	NEW	82-07-052	154-48-010	NEW-E	82-04-017
137-57-020	NEW-P	82-04-059	139-36-030	NEW-P	82-04-066	154-52	NEW-C	82-08-054
137-57-020	NEW	82-08-055	139-36-030	NEW	82-07-052	154-52-010	NEW-E	82-04-017
137-57-030	NEW-P	82-04-059	139-36-031	NEW-P	82-04-066	154-56	NEW-C	82-08-054

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154-60	NEW-C	82-08-054	173-19-3910	AMD-C	82-05-016	173-302-360	REP	82-05-023
154-60-010	NEW-E	82-04-017	173-19-3910	AMD	82-06-013	173-302-370	REP	82-05-023
154-64	NEW-C	82-08-054	173-19-420	AMD-P	82-03-043	173-302-380	REP	82-05-023
154-64-010	NEW-E	82-04-017	173-19-420	AMD	82-07-004	173-302-390	REP	82-05-023
154-64-020	NEW-E	82-04-017	173-19-4202	AMD	82-02-080	173-303	AMD-C	82-04-046
154-64-030	NEW-E	82-04-017	173-19-4206	AMD	82-02-081	173-303-010	NEW	82-05-023
154-64-040	NEW-E	82-04-017	173-19-450	AMD	82-02-077	173-303-020	NEW	82-05-023
154-64-050	NEW-E	82-04-017	173-19-450	AMD-P	82-03-043	173-303-030	NEW	82-05-023
154-64-060	NEW-E	82-04-017	173-19-450	AMD	82-07-005	173-303-040	NEW	82-05-023
154-68	NEW-C	82-08-054	173-19-4502	AMD-P	82-05-056	173-303-045	NEW	82-05-023
154-68-010	NEW-E	82-04-017	173-20-520	AMD-P	82-07-099	173-303-050	NEW	82-05-023
154-68-020	NEW-E	82-04-017	173-80-010	NEW	82-05-011	173-303-060	NEW	82-05-023
162-16-160	NEW-P	82-08-070	173-80-020	NEW	82-05-011	173-303-070	NEW	82-05-023
162-16-170	NEW-P	82-08-070	173-80-030	NEW	82-05-011	173-303-071	NEW	82-05-023
167-04-010	REP-P	82-07-084	173-80-040	NEW	82-05-011	173-303-075	NEW	82-05-023
167-04-030	REP-P	82-07-084	173-80-050	NEW	82-05-011	173-303-080	NEW	82-05-023
167-04-050	REP-P	82-07-084	173-80-060	NEW	82-05-011	173-303-081	NEW	82-05-023
167-06-010	REP-P	82-07-084	173-80-070	NEW	82-05-011	173-303-082	NEW	82-05-023
167-06-020	REP-P	82-07-084	173-201-010	AMD-P	82-06-056	173-303-083	NEW	82-05-023
167-08-010	REP-P	82-07-084	173-201-020	REP-P	82-06-056	173-303-084	NEW	82-05-023
172-116-010	AMD	82-07-038	173-201-025	AMD-P	82-06-056	173-303-090	NEW	82-05-023
172-116-015	NEW	82-07-038	173-201-035	AMD-P	82-06-056	173-303-100	NEW	82-05-023
172-116-020	AMD	82-07-038	173-201-045	AMD-P	82-06-056	173-303-101	NEW	82-05-023
172-116-030	AMD	82-07-038	173-201-050	REP-P	82-06-056	173-303-102	NEW	82-05-023
172-116-040	AMD	82-07-038	173-201-070	AMD-P	82-06-056	173-303-103	NEW	82-05-023
172-116-050	AMD	82-07-038	173-201-080	AMD-P	82-06-056	173-303-104	NEW	82-05-023
172-116-060	AMD	82-07-038	173-201-085	AMD-P	82-06-056	173-303-110	NEW	82-05-023
172-116-080	AMD	82-07-038	173-201-090	AMD-P	82-06-056	173-303-120	NEW	82-05-023
172-116-090	AMD	82-07-038	173-201-120	AMD-P	82-06-056	173-303-130	NEW	82-05-023
172-116-100	REP	82-07-038	173-201-140	REP-P	82-06-056	173-303-140	NEW	82-05-023
172-116-110	AMD	82-07-038	173-230-010	AMD-P	82-05-055	173-303-141	NEW	82-05-023
172-116-120	REP	82-07-038	173-230-020	AMD-P	82-05-055	173-303-145	NEW	82-05-023
172-116-130	AMD	82-07-038	173-230-040	AMD-P	82-05-055	173-303-150	NEW	82-05-023
172-116-140	AMD	82-07-038	173-230-050	AMD-P	82-05-055	173-303-160	NEW	82-05-023
172-116-150	AMD	82-07-038	173-230-060	REP-P	82-05-055	173-303-170	NEW	82-05-023
172-116-160	AMD	82-07-038	173-230-061	NEW-P	82-05-055	173-303-180	NEW	82-05-023
172-116-170	AMD	82-07-038	173-230-070	AMD-P	82-05-055	173-303-190	NEW	82-05-023
172-116-175	AMD	82-07-038	173-230-080	AMD-P	82-05-055	173-303-200	NEW	82-05-023
172-116-185	REP	82-07-038	173-230-100	AMD-P	82-05-055	173-303-210	NEW	82-05-023
172-116-190	AMD	82-07-038	173-230-110	AMD-P	82-05-055	173-303-220	NEW	82-05-023
172-116-200	AMD	82-07-038	173-302	REP-C	82-04-046	173-303-230	NEW	82-05-023
172-116-210	AMD	82-07-038	173-302-010	REP	82-05-023	173-303-240	NEW	82-05-023
172-116-220	AMD	82-07-038	173-302-020	REP	82-05-023	173-303-250	NEW	82-05-023
172-116-230	AMD	82-07-038	173-302-030	REP	82-05-023	173-303-260	NEW	82-05-023
172-116-240	AMD	82-07-038	173-302-040	REP	82-05-023	173-303-270	NEW	82-05-023
172-116-250	AMD	82-07-038	173-302-050	REP	82-05-023	173-303-275	NEW	82-05-023
172-116-260	AMD	82-07-038	173-302-060	REP	82-05-023	173-303-280	NEW	82-05-023
172-116-270	AMD	82-07-038	173-302-070	REP	82-05-023	173-303-290	NEW	82-05-023
172-116-280	AMD	82-07-038	173-302-080	REP	82-05-023	173-303-300	NEW	82-05-023
172-116-300	AMD	82-07-038	173-302-090	REP	82-05-023	173-303-310	NEW	82-05-023
172-116-310	AMD	82-07-038	173-302-100	REP	82-05-023	173-303-320	NEW	82-05-023
172-116-315	AMD	82-07-038	173-302-110	REP	82-05-023	173-303-330	NEW	82-05-023
172-116-320	AMD	82-07-038	173-302-120	REP	82-05-023	173-303-340	NEW	82-05-023
172-116-330	AMD	82-07-038	173-302-130	REP	82-05-023	173-303-350	NEW	82-05-023
172-116-340	AMD	82-07-038	173-302-140	REP	82-05-023	173-303-360	NEW	82-05-023
172-116-345	NEW	82-07-038	173-302-150	REP	82-05-023	173-303-370	NEW	82-05-023
172-168-010	AMD	82-07-064	173-302-160	REP	82-05-023	173-303-380	NEW	82-05-023
172-168-020	AMD	82-07-064	173-302-165	REP	82-05-023	173-303-390	NEW	82-05-023
172-168-060	AMD	82-07-064	173-302-170	REP	82-05-023	173-303-395	NEW	82-05-023
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173-19-250	AMD	82-05-018	173-302-240	REP	82-05-023	173-303-610	NEW	82-05-023
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173-19-2601	AMD	82-03-042	173-302-280	REP	82-05-023	173-303-650	NEW	82-05-023
173-19-2601	AMD-P	82-03-043	173-302-290	REP	82-05-023	173-303-660	NEW	82-05-023
173-19-2601	AMD	82-07-003	173-302-300	REP	82-05-023	173-303-670	NEW	82-05-023
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				223-08-147	NEW-P	82-06-058
				223-08-150	AMD-P	82-06-058
				223-08-160	AMD-P	82-06-058
				223-08-165	AMD-P	82-06-058
				223-08-175	AMD-P	82-06-058
				223-08-177	NEW-P	82-06-058
				223-08-180	AMD-P	82-06-058
				223-08-190	AMD-P	82-06-058
				223-08-195	AMD-P	82-06-058
				223-08-200	AMD-P	82-06-058
				223-08-205	AMD-P	82-06-058
				223-08-220	AMD-P	82-06-058
				223-08-230	REP-P	82-06-058
				223-08-235	AMD-P	82-06-058
				223-08-245	AMD-P	82-06-058
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				223-12-140	AMD-P	82-06-058
				230-04-050	AMD	82-04-009
				230-08-010	AMD	82-03-033
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				230-08-090	AMD-C	82-07-040
				230-08-100	AMD-P	82-04-016
				230-08-100	AMD-P	82-04-085
				230-08-100	AMD-C	82-07-040
				230-08-130	AMD	82-04-010
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230-40-050	AMD-P	82-04-085	248-14-260	AMD	82-07-025	260-32-420	NEW-P	82-06-033
230-40-050	AMD-C	82-07-040	248-17-010	AMD	82-04-041	260-44-060	AMD-P	82-05-044
230-40-120	AMD	82-04-010	248-17-020	AMD	82-04-041	260-44-060	AMD-C	82-06-032
230-40-315	NEW	82-06-007	248-17-030	AMD	82-04-041	260-44-120	AMD-P	82-06-033
230-40-400	AMD	82-04-010	248-17-040	AMD	82-04-041	260-70-021	AMD	82-03-053
230-60-045	AMD-P	82-08-050	248-17-050	AMD	82-04-041	260-70-040	AMD-P	82-03-052
232-12-021	AMD	82-04-034	248-17-135	NEW	82-04-041	260-70-040	AMD	82-07-016
232-12-037	AMD	82-04-034	248-17-210	REP	82-04-041	260-70-100	AMD	82-03-053
232-12-041	AMD	82-04-034	248-17-211	NEW	82-04-041	260-70-200	AMD-P	82-05-044
232-12-047	AMD	82-04-034	248-17-212	NEW	82-04-041	260-70-200	AMD-C	82-06-032
232-12-057	AMD	82-04-034	248-17-213	NEW	82-04-041	260-70-290	NEW-P	82-05-044
232-12-064	AMD	82-04-034	248-17-214	NEW	82-04-041	260-70-290	AMD-C	82-06-032
232-12-071	AMD	82-04-034	248-17-215	NEW	82-04-041	260-70-300	NEW-P	82-06-033
232-12-099	NEW-P	82-08-066	248-17-216	NEW	82-04-041	260-88-010	AMD-P	82-03-052
232-12-101	AMD	82-04-034	248-18-025	REP-P	82-02-062	260-88-010	AMD-C	82-06-055
232-12-104	AMD	82-04-034	248-18-025	REP-E	82-03-011	260-88-020	NEW-P	82-03-052
232-12-107	AMD	82-04-034	248-18-025	AMD-P	82-06-060	260-88-020	NEW-C	82-06-055
232-12-111	REP	82-04-034	248-18-025	AMD-E	82-07-023	260-997	REP-P	82-05-044
232-12-114	AMD	82-04-034	248-18-539	NEW-P	82-02-061	260-997	REP-C	82-06-032
232-12-117	AMD	82-04-034	248-18-539	NEW	82-06-031	263-12-015	AMD	82-03-031
232-12-121	AMD	82-04-034	248-25-001	NEW-E	82-06-016	263-12-016	AMD	82-03-031
232-12-124	AMD	82-04-034	248-25-001	NEW-P	82-06-018	263-12-020	AMD	82-03-031
232-12-127	AMD	82-04-034	248-25-002	NEW-E	82-06-016	263-12-045	AMD	82-03-031
232-12-131	AMD	82-04-034	248-25-002	NEW-P	82-06-018	263-12-050	AMD	82-03-031
232-12-151	AMD	82-04-034	248-25-010	NEW-E	82-06-016	263-12-053	AMD	82-03-031
232-12-167	AMD	82-04-034	248-25-010	NEW-P	82-06-018	263-12-056	AMD	82-03-031
232-12-167	AMD-P	82-08-066	248-25-020	NEW-E	82-06-016	263-12-060	AMD	82-03-031
232-12-177	AMD	82-04-034	248-25-020	NEW-P	82-06-018	263-12-065	AMD	82-03-031
232-12-181	AMD	82-04-034	248-25-030	NEW-E	82-06-016	263-12-090	AMD	82-03-031
232-12-187	AMD	82-04-034	248-25-030	NEW-P	82-06-018	263-12-093	AMD	82-03-031
232-12-244	AMD	82-04-034	248-25-040	NEW-E	82-06-016	263-12-095	AMD	82-03-031
232-12-247	AMD	82-04-034	248-25-040	NEW-P	82-06-018	263-12-100	AMD	82-03-031
232-12-271	AMD	82-04-034	248-25-050	NEW-E	82-06-016	263-12-115	AMD	82-03-031
232-12-274	AMD	82-04-034	248-25-050	NEW-P	82-06-018	263-12-120	AMD	82-03-031
232-12-281	REP	82-04-034	248-25-060	NEW-E	82-06-016	263-12-125	AMD	82-03-031
232-12-809	NEW-P	82-08-066	248-25-060	NEW-P	82-06-018	263-12-145	AMD	82-03-031
232-12-813	NEW	82-04-034	248-25-070	NEW-E	82-06-016	263-12-165	AMD	82-03-031
232-23-60404	NEW-E	82-05-010	248-25-070	NEW-P	82-06-018	263-12-175	AMD	82-03-031
232-28-204	REP-P	82-08-066	248-29-050	AMD-P	82-02-091	275-25-520	AMD-P	82-02-054
232-28-205	NEW-P	82-08-066	248-29-050	AMD	82-06-011	275-25-520	AMD-E	82-02-056
232-28-304	REP-P	82-08-066	248-55-100	REP-E	82-08-079	275-25-520	AMD	82-06-034
232-28-60304	REP-E	82-02-051	248-55-100	REP-P	82-08-082	275-25-527	NEW-P	82-02-054
232-28-60304	REP-P	82-06-048	248-55-110	AMD-E	82-08-079	275-25-527	NEW-E	82-02-056
232-28-60315	REP-E	82-02-049	248-55-110	AMD-P	82-08-082	275-25-527	NEW	82-06-034
232-28-60317	REP-E	82-03-017	248-64-220	AMD-P	82-02-092	275-27-230	AMD-P	82-02-054
232-28-60401	NEW-E	82-02-049	248-64-220	AMD	82-07-015	275-27-230	AMD-E	82-02-056
232-28-60402	NEW-E	82-02-050	248-64-260	AMD-P	82-02-092	275-27-230	AMD	82-06-034
232-28-60403	NEW-E	82-03-017	248-64-260	AMD	82-07-015	275-27-600	REP-P	82-02-054
232-28-60403	REP-P	82-06-048	248-64-270	AMD-P	82-02-092	275-27-600	REP-E	82-02-056
232-28-60405	NEW-P	82-06-048	248-64-270	AMD	82-07-015	275-27-600	REP	82-06-034
232-28-60406	NEW-P	82-06-048	248-64-280	AMD-P	82-02-092	275-27-605	REP-P	82-02-054
232-28-60407	NEW-E	82-08-010	248-64-280	AMD	82-07-015	275-27-605	REP-E	82-02-056
232-28-60408	NEW-E	82-08-012	248-64-300	AMD-P	82-02-092	275-27-605	REP	82-06-034
232-28-703	REP	82-05-032	248-64-300	AMD	82-07-015	275-27-610	REP-P	82-02-054
232-28-704	NEW	82-05-032	248-64-310	AMD-P	82-02-092	275-27-610	REP-E	82-02-056
232-28-803	REP-P	82-06-048	248-64-310	AMD	82-07-015	275-27-610	REP	82-06-034
232-28-804	NEW-P	82-06-048	248-64-330	AMD-P	82-02-092	275-27-615	REP-P	82-02-054
232-32-134	REP-E	82-03-017	248-64-330	AMD	82-07-015	275-27-615	REP-E	82-02-056
232-32-135	NEW-E	82-02-066	248-64-360	AMD-P	82-02-092	275-27-615	REP	82-06-034
232-32-135	REP-E	82-03-017	248-64-360	AMD	82-07-015	275-27-620	REP-P	82-02-054
232-32-136	NEW-E	82-03-001	251-04-020	AMD	82-04-069	275-27-620	REP-E	82-02-056
232-32-136	REP-E	82-03-017	251-04-040	AMD	82-04-069	275-27-620	REP	82-06-034
232-32-137	NEW-E	82-03-007	251-06-070	AMD	82-04-069	275-27-630	REP-P	82-02-054
232-32-137	REP-E	82-03-017	251-09-015	NEW-P	82-06-047	275-27-630	REP-E	82-02-056
232-32-138	NEW-E	82-03-017	251-10-030	AMD-P	82-04-068	275-27-630	REP	82-06-034
232-32-139	NEW-E	82-03-018	251-10-030	AMD-C	82-06-026	275-27-635	REP-P	82-02-054
232-32-140	NEW-E	82-03-035	251-10-030	AMD	82-07-074	275-27-635	REP-E	82-02-056
232-32-141	NEW-E	82-04-026	251-10-110	AMD-P	82-06-047	275-27-635	REP	82-06-034
232-32-142	NEW-E	82-04-043	251-12-080	AMD-P	82-06-047	275-27-640	REP-P	82-02-054
232-32-143	NEW-E	82-05-009	251-14-030	AMD-P	82-06-047	275-27-640	REP-E	82-02-056
232-32-144	NEW-E	82-06-030	251-14-040	AMD-P	82-06-047	275-27-640	REP	82-06-034
232-32-145	NEW-E	82-08-011	251-18-350	AMD	82-04-069	275-27-660	REP-P	82-02-054
248-14-065	AMD-P	82-02-053	251-22-111	AMD-P	82-06-047	275-27-660	REP-E	82-02-056
248-14-065	AMD-E	82-02-057	260-12-200	AMD-P	82-03-052	275-27-660	REP	82-06-034
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275-27-665	REP	82-06-034	275-55-331	NEW	82-07-024	275-93-060	REP	82-07-006
275-27-680	REP-P	82-02-054	275-55-341	NEW	82-07-024	275-93-070	REP-P	82-03-015
275-27-680	REP-E	82-02-056	275-55-351	NEW	82-07-024	275-93-070	REP-E	82-03-016
275-27-680	REP	82-06-034	275-55-361	NEW	82-07-024	275-93-070	REP	82-07-006
275-27-685	REP-P	82-02-054	275-55-363	NEW	82-07-024	275-93-080	REP-P	82-03-015
275-27-685	REP-E	82-02-056	275-55-365	NEW	82-07-024	275-93-080	REP-E	82-03-016
275-27-685	REP	82-06-034	275-55-367	NEW	82-07-024	275-93-080	REP	82-07-006
275-40-010	REP	82-04-023	275-55-371	NEW	82-07-024	275-93-090	REP-P	82-03-015
275-40-020	REP	82-04-023	275-92-310	REP-P	82-04-059	275-93-090	REP-E	82-03-016
275-40-030	REP	82-04-023	275-92-310	REP	82-08-055	275-93-090	REP	82-07-006
275-40-040	REP	82-04-023	275-92-315	REP-P	82-04-059	275-93-100	REP-P	82-03-015
275-40-050	REP	82-04-023	275-92-315	REP	82-08-055	275-93-100	REP-E	82-03-016
275-40-060	REP	82-04-023	275-92-320	REP-P	82-04-059	275-93-100	REP	82-07-006
275-40-070	REP	82-04-023	275-92-320	REP	82-08-055	275-93-110	REP-P	82-03-015
275-52-010	REP	82-04-023	275-92-325	REP-P	82-04-059	275-93-110	REP-E	82-03-016
275-52-015	REP	82-04-023	275-92-325	REP	82-08-055	275-93-110	REP	82-07-006
275-52-020	REP	82-04-023	275-92-330	REP-P	82-04-059	275-93-120	REP-P	82-03-015
275-55	AMD-C	82-05-024	275-92-330	REP	82-08-055	275-93-120	REP-E	82-03-016
275-55-010	AMD	82-07-024	275-92-335	REP-P	82-04-059	275-93-120	REP	82-07-006
275-55-020	AMD	82-07-024	275-92-335	REP	82-08-055	275-93-130	REP-P	82-03-015
275-55-021	NEW	82-07-024	275-92-340	REP-P	82-04-059	275-93-130	REP-E	82-03-016
275-55-030	AMD	82-07-024	275-92-340	REP	82-08-055	275-93-130	REP	82-07-006
275-55-040	AMD	82-07-024	275-92-345	REP-P	82-04-059	275-93-140	REP-P	82-03-015
275-55-041	REP	82-07-024	275-92-345	REP	82-08-055	275-93-140	REP-E	82-03-016
275-55-050	AMD	82-07-024	275-92-350	REP-P	82-04-059	275-93-140	REP	82-07-006
275-55-060	AMD	82-07-024	275-92-350	REP	82-08-055	284-17-100	REP-P	82-07-056
275-55-061	REP	82-07-024	275-92-355	REP-P	82-04-059	284-17-110	REP-P	82-07-056
275-55-070	REP	82-07-024	275-92-355	REP	82-08-055	284-17-120	NEW-P	82-07-056
275-55-071	NEW	82-07-024	275-92-400	REP-P	82-04-059	284-17-210	AMD-P	82-07-056
275-55-080	REP	82-07-024	275-92-400	REP	82-08-055	284-17-310	AMD-P	82-07-056
275-55-081	NEW	82-07-024	275-92-405	REP-P	82-04-059	284-24-010	REP-P	82-02-059
275-55-090	AMD	82-07-024	275-92-405	REP	82-08-055	284-24-010	REP	82-06-036
275-55-100	REP	82-07-024	275-92-410	REP-P	82-04-059	284-24-015	NEW-P	82-02-059
275-55-110	AMD	82-07-024	275-92-410	REP	82-08-055	284-24-015	NEW	82-06-036
275-55-120	REP	82-07-024	275-92-415	REP-P	82-04-059	284-24-020	REP-P	82-02-059
275-55-121	NEW	82-07-024	275-92-415	REP	82-08-055	284-24-020	REP	82-06-036
275-55-130	REP	82-07-024	275-92-510	REP-P	82-04-059	284-24-030	REP-P	82-02-059
275-55-131	NEW	82-07-024	275-92-510	REP	82-08-055	284-24-030	REP	82-06-036
275-55-140	REP	82-07-024	275-92-515	REP-P	82-04-059	284-24-035	REP-P	82-02-059
275-55-141	NEW	82-07-024	275-92-515	REP	82-08-055	284-24-035	REP	82-06-036
275-55-150	REP	82-07-024	275-92-520	REP-P	82-04-059	284-24-040	REP-P	82-02-059
275-55-151	NEW	82-07-024	275-92-520	REP	82-08-055	284-24-040	REP	82-06-036
275-55-160	REP	82-07-024	275-92-525	REP-P	82-04-059	284-24-050	REP-P	82-02-059
275-55-161	NEW	82-07-024	275-92-525	REP	82-08-055	284-24-050	REP	82-06-036
275-55-170	REP	82-07-024	275-92-530	REP-P	82-04-059	284-24-060	NEW-P	82-02-059
275-55-171	NEW	82-07-024	275-92-530	REP	82-08-055	284-24-060	NEW	82-06-036
275-55-180	REP	82-07-024	275-92-535	REP-P	82-04-059	284-24-070	NEW-P	82-02-059
275-55-181	NEW	82-07-024	275-92-535	REP	82-08-055	284-24-070	NEW	82-06-036
275-55-190	REP	82-07-024	275-92-540	REP-P	82-04-059	284-24-080	NEW-P	82-02-059
275-55-191	NEW	82-07-024	275-92-540	REP	82-08-055	284-24-080	NEW	82-06-036
275-55-200	REP	82-07-024	275-92-545	REP-P	82-04-059	289-12-030	AMD-E	82-05-042
275-55-201	NEW	82-07-024	275-92-545	REP	82-08-055	289-12-030	AMD-P	82-05-046
275-55-210	REP	82-07-024	275-92-550	REP-P	82-04-059	289-12-030	AMD	82-08-051
275-55-211	NEW	82-07-024	275-92-550	REP	82-08-055	289-12-035	NEW-E	82-08-052
275-55-220	REP	82-07-024	275-92-555	REP-P	82-04-059	289-12-035	NEW-P	82-08-068
275-55-230	REP	82-07-024	275-92-555	REP	82-08-055	289-13-070	AMD-E	82-08-053
275-55-231	NEW	82-07-024	275-92-560	REP-P	82-04-059	289-13-070	AMD-P	82-08-069
275-55-240	REP	82-07-024	275-92-560	REP	82-08-055	289-15-225	NEW-P	82-05-045
275-55-241	NEW	82-07-024	275-92-565	REP-P	82-04-059	289-15-225	NEW-C	82-08-067
275-55-250	REP	82-07-024	275-92-565	REP	82-08-055	289-20-205	AMD	82-04-088
275-55-260	REP	82-07-024	275-93-005	REP-P	82-03-015	289-20-210	AMD	82-04-088
275-55-261	NEW	82-07-024	275-93-005	REP-E	82-03-016	296-15-025	NEW-P	82-04-040
275-55-263	NEW	82-07-024	275-93-010	REP	82-07-006	296-15-025	NEW	82-07-019
275-55-270	REP	82-07-024	275-93-010	REP-P	82-03-015	296-17-351	AMD-P	82-07-022
275-55-271	NEW	82-07-024	275-93-010	REP-E	82-03-016	296-17-910	AMD	82-05-019
275-55-280	REP	82-07-024	275-93-010	REP	82-07-006	296-17-911	AMD	82-05-019
275-55-281	NEW	82-07-024	275-93-020	REP-P	82-03-015	296-17-913	AMD	82-05-019
275-55-282	REP	82-07-024	275-93-020	REP-E	82-03-016	296-17-914	AMD	82-05-019
275-55-284	REP	82-07-024	275-93-020	REP	82-07-006	296-17-915	AMD	82-05-019
275-55-286	REP	82-07-024	275-93-040	REP-P	82-03-015	296-17-917	AMD	82-05-019
275-55-288	REP	82-07-024	275-93-040	REP-E	82-03-016	296-17-919	AMD	82-05-019
275-55-290	REP	82-07-024	275-93-040	REP	82-07-006	296-17-91901	AMD	82-05-019
275-55-291	NEW	82-07-024	275-93-050	REP-P	82-03-015	296-17-91902	AMD	82-05-019
275-55-293	NEW	82-07-024	275-93-050	REP-E	82-03-016	296-24-12005	AMD-P	82-08-004
275-55-295	NEW	82-07-024	275-93-050	REP	82-07-006	296-24-12009	AMD-P	82-02-065
275-55-297	NEW	82-07-024	275-93-060	REP-P	82-03-015	296-24-12009	AMD	82-08-026

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-24-130	REP-P	82-02-065	296-46-493	AMD-P	82-08-003	296-48B-015	REP	82-04-060
296-24-130	REP	82-08-026	296-46-910	AMD-P	82-08-003	296-48B-020	REP	82-04-060
296-24-13001	REP-P	82-02-065	296-46-910	AMD-E	82-08-035	296-48B-025	REP	82-04-060
296-24-13001	REP	82-08-026	296-48	REP-C	82-02-052	296-48B-030	REP	82-04-060
296-24-13003	REP-P	82-02-065	296-48-005	REP-P	82-05-006	296-48B-032	REP	82-04-060
296-24-13003	REP	82-08-026	296-48-010	REP-P	82-05-006	296-48B-035	REP	82-04-060
296-24-13005	REP-P	82-02-065	296-48-020	REP-P	82-05-006	296-48B-040	REP	82-04-060
296-24-13005	REP	82-08-026	296-48-051	REP-P	82-05-006	296-48B-050	REP	82-04-060
296-24-13007	REP-P	82-02-065	296-48-600	REP-P	82-05-006	296-48B-055	REP	82-04-060
296-24-13007	REP	82-08-026	296-48-602	REP-P	82-05-006	296-48B-060	REP	82-04-060
296-24-13009	REP-P	82-02-065	296-48-604	REP-P	82-05-006	296-48B-065	REP	82-04-060
296-24-13009	REP	82-08-026	296-48-605	REP-P	82-05-006	296-48B-068	REP	82-04-060
296-24-13011	REP-P	82-02-065	296-48-610	REP-P	82-05-006	296-48B-070	REP	82-04-060
296-24-13011	REP	82-08-026	296-48-615	REP-P	82-05-006	296-48B-075	REP	82-04-060
296-24-13013	REP-P	82-02-065	296-48-620	REP-P	82-05-006	296-48B-080	REP	82-04-060
296-24-13013	REP	82-08-026	296-48-625	REP-P	82-05-006	296-48B-085	REP	82-04-060
296-24-13501	AMD-P	82-08-004	296-48-630	REP-P	82-05-006	296-48B-090	REP	82-04-060
296-24-14007	AMD-P	82-08-004	296-48-635	REP-P	82-05-006	296-48B-095	REP	82-04-060
296-24-16503	AMD-P	82-08-004	296-48-636	REP-P	82-05-006	296-48B-100	REP	82-04-060
296-24-16539	AMD-P	82-08-004	296-48-640	REP-P	82-05-006	296-48B-105	REP	82-04-060
296-24-170	REP-P	82-08-004	296-48-645	REP-P	82-05-006	296-48B-115	REP	82-04-060
296-24-17001	REP-P	82-08-004	296-48-701	REP-P	82-05-006	296-48B-120	REP	82-04-060
296-24-17003	REP-P	82-08-004	296-48-702	REP-P	82-05-006	296-48B-125	REP	82-04-060
296-24-17005	REP-P	82-08-004	296-48-703	REP-P	82-05-006	296-48B-140	REP	82-04-060
296-24-17007	REP-P	82-08-004	296-48-704	REP-P	82-05-006	296-48B-142	REP	82-04-060
296-24-17009	REP-P	82-08-004	296-48-706	REP-P	82-05-006	296-48B-143	REP	82-04-060
296-24-17011	REP-P	82-08-004	296-48-710	REP-P	82-05-006	296-48B-145	REP	82-04-060
296-24-17013	REP-P	82-08-004	296-48-715	REP-P	82-05-006	296-48B-150	REP	82-04-060
296-24-17015	REP-P	82-08-004	296-48-720	REP-P	82-05-006	296-48B-160	REP	82-04-060
296-24-17017	REP-P	82-08-004	296-48-725	REP-P	82-05-006	296-48B-165	REP	82-04-060
296-24-17019	REP-P	82-08-004	296-48-730	REP-P	82-05-006	296-48B-175	REP	82-04-060
296-24-17021	REP-P	82-08-004	296-48-735	REP-P	82-05-006	296-48B-177	REP	82-04-060
296-24-17023	REP-P	82-08-004	296-48-740	REP-P	82-05-006	296-48B-178	REP	82-04-060
296-24-17025	REP-P	82-08-004	296-48-745	REP-P	82-05-006	296-48B-179	REP	82-04-060
296-24-17027	REP-P	82-08-004	296-48-750	REP-P	82-05-006	296-48B-180	REP	82-04-060
296-24-17029	REP-P	82-08-004	296-48-755	REP-P	82-05-006	296-48B-185	REP	82-04-060
296-24-17031	REP-P	82-08-004	296-48-760	REP-P	82-05-006	296-48B-190	REP	82-04-060
296-24-17033	REP-P	82-08-004	296-48-761	REP-P	82-05-006	296-48B-19001	REP	82-04-060
296-24-17035	REP-P	82-08-004	296-48-765	REP-P	82-05-006	296-48B-19002	REP	82-04-060
296-24-17037	REP-P	82-08-004	296-48-770	REP-P	82-05-006	296-48B-19003	REP	82-04-060
296-24-17039	REP-P	82-08-004	296-48-775	REP-P	82-05-006	296-48B-19004	REP	82-04-060
296-24-17041	REP-P	82-08-004	296-48-776	REP-P	82-05-006	296-48B-19005	REP	82-04-060
296-24-17043	REP-P	82-08-004	296-48-780	REP-P	82-05-006	296-48B-193	REP	82-04-060
296-24-17045	REP-P	82-08-004	296-48-781	REP-P	82-05-006	296-48B-196	REP	82-04-060
296-24-17047	REP-P	82-08-004	296-48-782	REP-P	82-05-006	296-48B-200	REP	82-04-060
296-24-33001	AMD-P	82-02-065	296-48-785	REP-P	82-05-006	296-48B-210	REP	82-04-060
296-24-33001	AMD	82-08-026	296-48-790	REP-P	82-05-006	296-48B-215	REP	82-04-060
296-24-955	REP-P	82-02-065	296-48-795	REP-P	82-05-006	296-48B-220	REP	82-04-060
296-24-955	REP	82-08-026	296-48-800	AMD-E	82-04-014	296-48B-225	REP	82-04-060
296-24-956	NEW-P	82-02-065	296-48-800	REP-P	82-05-006	296-48B-230	REP	82-04-060
296-24-956	NEW	82-08-026	296-48-825	REP-P	82-05-006	296-48B-235	REP	82-04-060
296-24-95601	NEW-P	82-02-065	296-48-830	REP-P	82-05-006	296-48B-245	REP	82-04-060
296-24-95601	NEW	82-08-026	296-48-890	REP-P	82-05-006	296-48B-250	REP	82-04-060
296-24-95603	NEW-P	82-02-065	296-48A	REP-C	82-02-052	296-48B-255	REP	82-04-060
296-24-95603	NEW	82-08-026	296-48A-001	REP-P	82-05-006	296-48B-260	REP	82-04-060
296-24-95605	NEW-P	82-02-065	296-48A-200	REP-P	82-05-006	296-48B-265	REP	82-04-060
296-24-95605	NEW	82-08-026	296-48A-400	REP-P	82-05-006	296-48B-270	REP	82-04-060
296-24-95607	NEW-P	82-02-065	296-48A-405	REP-P	82-05-006	296-48B-275	REP	82-04-060
296-24-95607	NEW	82-08-026	296-48A-410	REP-P	82-05-006	296-48B-280	REP	82-04-060
296-24-95609	NEW-P	82-02-065	296-48A-600	REP-P	82-05-006	296-48B-285	REP	82-04-060
296-24-95609	NEW	82-08-026	296-48A-605	REP-P	82-05-006	296-48B-290	REP	82-04-060
296-24-95611	NEW-P	82-02-065	296-48A-610	REP-P	82-05-006	296-48B-295	REP	82-04-060
296-24-95611	NEW	82-08-026	296-48A-615	REP-P	82-05-006	296-48B-400	REP	82-04-060
296-24-95613	NEW-P	82-02-065	296-48A-700	REP-P	82-05-006	296-48B-405	REP	82-04-060
296-24-95613	NEW	82-08-026	296-48A-750	REP-P	82-05-006	296-48B-410	REP	82-04-060
296-24-95615	NEW-P	82-02-065	296-48A-755	REP-P	82-05-006	296-48B-415	REP	82-04-060
296-24-95615	NEW	82-08-026	296-48A-770	REP-P	82-05-006	296-48B-420	REP	82-04-060
296-24-95617	NEW-P	82-02-065	296-48A-780	REP-P	82-05-006	296-48B-425	REP	82-04-060
296-24-95617	NEW	82-08-026	296-48A-800	REP-P	82-05-006	296-48B-430	REP	82-04-060
296-24-95699	NEW-P	82-02-065	296-48A-990	REP-P	82-05-006	296-48B-435	REP	82-04-060
296-24-95699	NEW	82-08-026	296-48B	REP-C	82-02-052	296-48B-440	REP	82-04-060
296-24-960	AMD-P	82-08-004	296-48B-001	REP	82-04-060	296-48B-445	REP	82-04-060
296-32-250	AMD-P	82-08-004	296-48B-002	REP	82-04-060	296-48B-450	REP	82-04-060
296-45-65043	AMD-P	82-02-065	296-48B-005	REP	82-04-060	296-48B-455	REP	82-04-060
296-45-65043	AMD-E	82-07-013	296-48B-006	REP	82-04-060	296-48B-460	REP	82-04-060
296-45-65043	AMD	82-08-026	296-48B-009	REP	82-04-060	296-48B-465	REP	82-04-060
296-45-66007	AMD-E	82-07-001	296-48B-010	REP	82-04-060	296-48B-467	REP	82-04-060

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-48B-468	REP	82-04-060	296-62-09025	NEW	82-03-023	296-150-145	NEW-W	82-04-015
296-48B-469	REP	82-04-060	296-62-09027	NEW	82-03-023	296-150-150	NEW-W	82-04-015
296-48B-46901	REP	82-04-060	296-62-09029	NEW	82-03-023	296-150-155	NEW-W	82-04-015
296-48B-470	REP	82-04-060	296-62-09031	NEW	82-03-023	296-150-160	NEW-W	82-04-015
296-48B-475	REP	82-04-060	296-62-09031	AMD-P	82-08-004	296-150-165	NEW-W	82-04-015
296-48B-480	REP	82-04-060	296-62-09033	NEW	82-03-023	296-150-170	NEW-W	82-04-015
296-48B-485	REP	82-04-060	296-62-09033	AMD-P	82-08-004	296-150-175	NEW-W	82-04-015
296-48B-490	REP	82-04-060	296-62-09035	NEW	82-03-023	296-150-180	NEW-W	82-04-015
296-48B-500	REP	82-04-060	296-62-09037	NEW	82-03-023	296-150-990	NEW-W	82-04-015
296-48B-505	REP	82-04-060	296-62-09039	NEW	82-03-023	296-150A	NEW-C	82-02-052
296-48B-510	REP	82-04-060	296-62-09041	NEW	82-03-023	296-150A-005	NEW-P	82-05-007
296-48B-515	REP	82-04-060	296-62-09043	NEW	82-03-023	296-150A-010	REP-P	82-05-007
296-48B-520	REP	82-04-060	296-62-09045	NEW	82-03-023	296-150A-011	NEW-P	82-05-007
296-48B-525	REP	82-04-060	296-62-09047	NEW	82-03-023	296-150A-015	REP-P	82-05-007
296-48B-530	REP	82-04-060	296-62-09049	NEW	82-03-023	296-150A-016	NEW-P	82-05-007
296-48B-535	REP	82-04-060	296-62-09051	NEW	82-03-023	296-150A-020	REP-P	82-05-007
296-48B-540	REP	82-04-060	296-62-09051	AMD-P	82-08-004	296-150A-021	NEW-P	82-05-007
296-48B-550	REP	82-04-060	296-62-09053	NEW	82-03-023	296-150A-024	NEW-P	82-05-007
296-48B-555	REP	82-04-060	296-62-14515	AMD-P	82-08-004	296-150A-025	REP-P	82-05-007
296-48B-560	REP	82-04-060	296-62-14525	AMD	82-03-023	296-150A-026	REP-P	82-05-007
296-48B-565	REP	82-04-060	296-62-14533	AMD	82-03-023	296-150A-027	REP-P	82-05-007
296-48B-570	REP	82-04-060	296-78-71023	AMD-P	82-08-004	296-150A-030	NEW-P	82-05-007
296-48B-575	REP	82-04-060	296-79-020	AMD-P	82-08-004	296-150A-035	NEW-P	82-05-007
296-48B-580	REP	82-04-060	296-79-050	AMD-P	82-08-004	296-150A-040	NEW-P	82-05-007
296-48B-585	REP	82-04-060	296-81-002	REP-P	82-07-079	296-150A-045	NEW-P	82-05-007
296-48B-590	REP	82-04-060	296-81-003	REP-P	82-07-079	296-150A-050	REP-P	82-05-007
296-48B-595	REP	82-04-060	296-81-005	AMD-P	82-07-079	296-150A-051	NEW-P	82-05-007
296-48B-598	REP	82-04-060	296-81-006	AMD-P	82-07-079	296-150A-055	NEW-P	82-05-007
296-48B-600	REP	82-04-060	296-81-007	AMD-P	82-07-079	296-150A-060	NEW-P	82-05-007
296-48B-610	REP	82-04-060	296-81-008	AMD-P	82-07-079	296-150A-065	NEW-P	82-05-007
296-48B-615	REP	82-04-060	296-81-260	AMD-P	82-07-079	296-150A-070	NEW-P	82-05-007
296-48B-620	REP	82-04-060	296-81-990	NEW-P	82-07-079	296-150A-075	NEW-P	82-05-007
296-48B-675	REP	82-04-060	296-86-010	AMD-P	82-07-079	296-150A-080	NEW-P	82-05-007
296-48B-680	REP	82-04-060	296-86-020	AMD-P	82-07-079	296-150A-085	NEW-P	82-05-007
296-48B-685	REP	82-04-060	296-86-030	AMD-P	82-07-079	296-150A-090	NEW-P	82-05-007
296-48B-690	REP	82-04-060	296-86-040	AMD-P	82-07-079	296-150A-095	NEW-P	82-05-007
296-48B-695	REP	82-04-060	296-86-060	AMD-P	82-07-079	296-150A-100	NEW-P	82-05-007
296-48B-720	REP	82-04-060	296-86-070	AMD-P	82-07-079	296-150A-105	NEW-P	82-05-007
296-48B-725	REP	82-04-060	296-86-075	AMD-P	82-07-079	296-150A-110	NEW-P	82-05-007
296-48B-730	REP	82-04-060	296-86-080	AMD-P	82-07-079	296-150A-115	NEW-P	82-05-007
296-48B-735	REP	82-04-060	296-104-200	AMD	82-05-003	296-150A-120	NEW-P	82-05-007
296-48B-740	REP	82-04-060	296-116-075	NEW-P	82-06-054	296-150A-125	NEW-P	82-05-007
296-48B-800	REP	82-04-060	296-116-080	AMD-P	82-06-054	296-150A-130	NEW-P	82-05-007
296-48B-805	REP	82-04-060	296-116-185	AMD-P	82-02-068	296-150A-135	NEW-P	82-05-007
296-48B-810	REP	82-04-060	296-116-185	AMD-C	82-05-035	296-150A-140	NEW-P	82-05-007
296-48B-815	REP	82-04-060	296-116-185	AMD	82-08-016	296-150A-145	NEW-P	82-05-007
296-48B-820	REP	82-04-060	296-116-185	AMD-E	82-08-017	296-150A-150	NEW-P	82-05-007
296-48B-825	REP	82-04-060	296-116-300	AMD-P	82-08-062	296-150A-155	NEW-P	82-05-007
296-48B-830	REP	82-04-060	296-150	NEW-C	82-02-052	296-150A-160	NEW-P	82-05-007
296-48B-835	REP	82-04-060	296-150-005	NEW-W	82-04-015	296-150A-165	NEW-P	82-05-007
296-52-043	AMD-P	82-02-065	296-150-010	NEW-W	82-04-015	296-150A-170	NEW-P	82-05-007
296-52-043	AMD-E	82-07-013	296-150-015	NEW-W	82-04-015	296-150A-300	NEW-P	82-05-007
296-52-043	AMD	82-08-026	296-150-020	NEW-W	82-04-015	296-150A-315	REP-P	82-05-007
296-52-090	AMD-P	82-02-065	296-150-025	NEW-W	82-04-015	296-150A-320	REP-P	82-05-007
296-52-090	AMD-E	82-07-013	296-150-030	NEW-W	82-04-015	296-150A-325	REP-P	82-05-007
296-52-090	AMD	82-08-026	296-150-035	NEW-W	82-04-015	296-150A-330	REP-P	82-05-007
296-54-543	AMD-P	82-08-004	296-150-040	NEW-W	82-04-015	296-150A-333	REP-P	82-05-007
296-62-07101	AMD-P	82-02-065	296-150-045	NEW-W	82-04-015	296-150A-335	REP-P	82-05-007
296-62-07101	AMD	82-08-026	296-150-050	NEW-W	82-04-015	296-150A-400	REP-P	82-05-007
296-62-07107	AMD	82-03-023	296-150-055	NEW-W	82-04-015	296-150A-405	REP-P	82-05-007
296-62-07109	AMD	82-03-023	296-150-060	NEW-W	82-04-015	296-150A-410	REP-P	82-05-007
296-62-07109	AMD-P	82-08-004	296-150-065	NEW-W	82-04-015	296-150A-415	REP-P	82-05-007
296-62-07115	AMD-P	82-02-065	296-150-070	NEW-W	82-04-015	296-150A-417	REP-P	82-05-007
296-62-07115	AMD	82-08-026	296-150-075	NEW-W	82-04-015	296-150A-420	REP-P	82-05-007
296-62-07302	AMD-P	82-08-004	296-150-080	NEW-W	82-04-015	296-150A-423	REP-P	82-05-007
296-62-07329	AMD-P	82-08-004	296-150-085	NEW-W	82-04-015	296-150A-424	REP-P	82-05-007
296-62-07349	AM/DE-P	82-08-004	296-150-090	NEW-W	82-04-015	296-150A-425	REP-P	82-05-007
296-62-07501	AMD	82-03-023	296-150-095	NEW-W	82-04-015	296-150A-430	REP-P	82-05-007
296-62-07515	AMD-P	82-08-004	296-150-100	NEW-W	82-04-015	296-150A-435	REP-P	82-05-007
296-62-07521	RECOP-P	82-08-004	296-150-105	NEW-W	82-04-015	296-150A-440	REP-P	82-05-007
296-62-09003	AMD-P	82-08-004	296-150-110	NEW-W	82-04-015	296-150A-445	REP-P	82-05-007
296-62-09011	AMD	82-03-023	296-150-115	NEW-W	82-04-015	296-150A-450	REP-P	82-05-007
296-62-09015	NEW	82-03-023	296-150-120	NEW-W	82-04-015	296-150A-500	REP-P	82-05-007
296-62-09017	NEW	82-03-023	296-150-125	NEW-W	82-04-015	296-150A-505	REP-P	82-05-007
296-62-09019	NEW	82-03-023	296-150-130	NEW-W	82-04-015	296-150A-506	REP-P	82-05-007
296-62-09021	NEW	82-03-023	296-150-135	NEW-W	82-04-015	296-150A-510	REP-P	82-05-007
296-62-09023	NEW	82-03-023	296-150-140	NEW-W	82-04-015	296-150A-515	REP-P	82-05-007

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-306-200	AMD-E	82-07-013	308-52-201	AMD	82-03-022
296-306-200	AMD	82-08-026	308-53-080	AMD-P	82-08-048
296-350-080	AMD-P	82-08-004	308-53-085	NEW-P	82-08-048
296-350-35055	AMD-P	82-08-004	308-53-151	NEW-P	82-08-048
296-350-400	AMD-P	82-08-004	308-100-010	AMD	82-03-046
296-360-030	AMD-P	82-08-004	308-100-020	AMD	82-03-046
296-401-010	AMD-P	82-08-003	308-100-050	AMD	82-03-046
308-16-440	NEW-P	82-05-049	308-100-060	AMD	82-03-046
308-16-440	NEW	82-08-064	308-100-070	REP	82-03-046
308-16-450	NEW-P	82-05-049	308-102-012	AMD	82-03-046
308-16-450	NEW	82-08-064	308-102-013	REP	82-03-046
308-16-460	NEW-P	82-05-049	308-102-210	AMD	82-03-046
308-16-460	NEW	82-08-064	308-102-260	AMD	82-03-046
308-16-470	NEW-P	82-05-049	308-102-290	AMD	82-03-046
308-16-470	NEW	82-08-064	308-102-295	NEW-E	82-07-002
308-24-510	NEW-P	82-05-048	308-102-295	NEW-P	82-08-076
308-24-510	NEW	82-08-063	308-104-015	NEW	82-03-046
308-24-520	NEW-P	82-05-048	308-104-020	REP	82-03-046
308-24-520	NEW	82-08-063	308-104-025	NEW	82-03-046
308-24-530	NEW-P	82-05-048	308-104-030	REP	82-03-046
308-24-530	NEW	82-08-063	308-104-040	AMD	82-03-046
308-24-540	NEW-P	82-05-048	308-104-050	AMD	82-03-046
308-24-540	NEW	82-08-063	308-104-058	NEW	82-03-046
308-25-010	NEW-P	82-02-093	308-104-100	AMD	82-03-046
308-25-010	NEW	82-06-043	308-104-150	NEW	82-03-046
308-25-010	AMD-P	82-08-077	308-104-160	NEW	82-03-046
308-25-020	NEW-P	82-02-093	308-104-160	AMD-P	82-08-076
308-25-020	NEW	82-06-043	308-104-170	NEW	82-03-046
308-25-020	AMD-P	82-08-077	308-104-180	NEW	82-03-046
308-25-030	NEW-P	82-02-093	308-124D-015	NEW-P	82-05-051
308-25-030	NEW	82-06-043	308-400-010	NEW	82-05-014
308-25-030	AMD-P	82-08-077	308-400-020	NEW	82-05-014
308-25-040	NEW-P	82-02-093	308-400-030	NEW	82-05-014
308-25-040	NEW	82-06-043	308-400-040	NEW	82-05-014
308-25-040	AMD-P	82-08-077	308-400-040	AMD-P	82-08-075A
308-25-050	NEW-P	82-02-093	308-400-042	NEW-P	82-04-084
308-25-050	NEW	82-06-043	308-400-042	NEW	82-08-021
308-25-060	NEW-P	82-02-093	308-400-044	NEW	82-05-014
308-25-060	NEW	82-06-043	308-400-046	NEW	82-05-014
308-25-070	NEW-P	82-02-093	308-400-048	NEW	82-05-014
308-25-070	NEW	82-06-043	308-400-048	AMD-P	82-08-075A
308-26-017	NEW-P	82-08-049	308-400-050	NEW	82-05-014
308-34-010	NEW-P	82-05-052	308-400-052	NEW-P	82-08-075A
308-34-020	NEW-P	82-05-052	308-400-054	NEW-P	82-08-075A
308-34-030	NEW-P	82-05-052	308-400-056	NEW-P	82-08-075A
308-34-040	NEW-P	82-05-052	308-400-058	NEW-P	82-08-075A
308-34-050	NEW-P	82-05-052	308-400-060	NEW	82-05-014
308-34-060	NEW-P	82-05-052	308-400-060	AMD-P	82-08-075A
308-34-070	NEW-P	82-05-052	308-400-062	NEW-P	82-08-075A
308-34-080	NEW-P	82-05-052	308-400-070	NEW	82-05-014
308-36-020	REP-P	82-04-008	308-400-070	AMD-P	82-08-075A
308-36-020	REP	82-07-094	308-400-080	NEW	82-05-014
308-36-030	REP-P	82-04-008	308-400-090	NEW	82-05-014
308-36-030	REP	82-07-094	308-400-090	REP-P	82-08-075A
308-36-040	REP-P	82-04-008	308-400-092	NEW-P	82-08-075A
308-36-040	REP	82-07-094	314-12-010	AMD	82-04-031
308-36-050	REP-P	82-04-008	314-12-035	NEW	82-04-032
308-36-050	REP	82-07-094	314-12-040	AMD-P	82-07-046
308-36-060	REP-P	82-04-008	314-16-200	AMD-P	82-06-046
308-36-060	REP	82-07-094	314-16-200	AMD-W	82-07-009
308-36-065	REP-P	82-04-008	314-16-200	AMD-P	82-07-014
308-36-065	REP	82-07-094	314-24-120	AMD	82-04-035
308-36-070	REP-P	82-04-008	314-40-040	AMD	82-04-028
308-36-070	REP	82-07-094	314-44-005	AMD	82-04-029
308-36-080	REP-P	82-04-008	314-60-030	AMD	82-04-030
308-36-080	REP	82-07-094	314-60-040	AMD	82-04-030
308-37-110	AMD-P	82-04-087	314-60-040	AMD-P	82-07-095
308-37-110	AMD	82-07-043	314-60-150	REP	82-04-030
308-40-020	AMD	82-04-024	314-60-900	REP	82-04-030
308-40-101	AMD	82-04-024	314-60-901	REP	82-04-030
308-40-102	AMD	82-04-024	314-60-902	REP	82-04-030
308-40-103	NEW	82-04-024	314-60-903	REP	82-04-030
308-40-104	NEW	82-04-024	314-60-904	REP	82-04-030
308-40-105	AMD	82-04-024	314-60-905	REP	82-04-030
308-40-110	AMD	82-04-024	314-60-906	REP	82-04-030
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344-12-040	AMD-P	82-03-051	344-12-045	NEW-P	82-03-051
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344-12-060	AMD-P	82-03-051	344-12-063	NEW-P	82-03-051
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344-12-075	AMD-P	82-03-051	344-12-078	NEW-P	82-03-051
344-12-078	NEW-P	82-03-051	344-12-080	AMD-P	82-03-051
344-12-080	AMD-P	82-03-051	344-12-085	REP-P	82-03-051
344-12-085	REP-P	82-03-051	344-12-087	NEW-P	82-03-051
344-12-087	NEW-P	82-03-051	344-12-090	REP-P	82-03-051
344-12-090	REP-P	82-03-051	344-12-092	NEW-P	82-03-051
344-12-092	NEW-P	82-03-051	344-12-095	AMD-P	82-03-051
344-12-095	AMD-P	82-03-051	344-12-098	NEW-P	82-03-051
344-12-098	NEW-P	82-03-051	344-12-100	REP-P	82-03-051
344-12-100	REP-P	82-03-051	344-12-102	NEW-P	82-03-051
344-12-102	NEW-P	82-03-051	344-12-105	REP-P	82-03-051
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344-12-107	NEW-P	82-03-051	344-12-110	REP-P	82-03-051
344-12-110	REP-P	82-03-051	344-12-112	NEW-P	82-03-051
344-12-112	NEW-P	82-03-051	344-12-115	REP-P	82-03-051
344-12-115	REP-P	82-03-051	344-12-116	NEW-P	82-03-051
344-12-116	NEW-P	82-03-051	344-12-120	REP-P	82-03-051
344-12-120	REP-P	82-03-051	344-12-125	AMD-P	82-03-051
344-12-125	AMD-P	82-03-051	344-12-130	REP-P	82-03-051
344-12-130	REP-P	82-03-051	344-12-131	NEW-P	82-03-051
344-12-131	NEW-P	82-03-051	344-12-133	NEW-P	82-03-051
344-12-133	NEW-P	82-03-051	344-12-135	REP-P	82-03-051
344-12-135	REP-P	82-03-051	344-12-140	AMD-P	82-03-051
344-12-140	AMD-P	82-03-051	344-12-145	NEW-P	82-03-051
344-12-145	NEW-P	82-03-051	344-12-150	NEW-P	82-03-051
344-12-150	NEW-P	82-03-051	344-12-155	NEW-P	82-03-051
344-12-155	NEW-P	82-03-051	344-12-200	NEW-P	82-03-051
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344-12-205	NEW-P	82-03-051	344-12-210	NEW-P	82-03-051
344-12-210	NEW-P	82-03-051	344-12-215	NEW-P	82-03-051
344-12-215	NEW-P	82-03-051	344-12-225	NEW-P	82-03-051
344-12-225	NEW-P	82-03-051	344-12-230	NEW-P	82-03-051
344-12-230	NEW-P	82-03-051	344-12-235	NEW-P	82-03-051
344-12-235	NEW-P	82-03-051	344-12-245	NEW-P	82-03-051
344-12-245	NEW-P	82-03-051	344-12-250	NEW-P	82-03-051
344-12-250	NEW-P	82-03-051	344-12-255	NEW-P	82-03-051
344-12-255	NEW-P	82-03-051	344-12-260	NEW-P	82-03-051
344-12-260	NEW-P	82-03-051	344-12-262	NEW-P	82-03-051
344-12-262	NEW-P	82-03-051	344-12-265	NEW-P	82-03-051
344-12-265	NEW-P	82-03-051	344-12-270	NEW-P	82-03-051
344-12-270	NEW-P	82-03-051	344-12-275	NEW-P	82-03-051
344-12-275	NEW-P	82-03-051	344-12-280	NEW-P	82-03-051
344-12-280	NEW-P	82-03-051	344-12-290	NEW-P	82-03-051
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344-12-295	NEW-P	82-03-051	352-04-010	AMD-P	82-04-033
352-04-010	AMD-P	82-04-033	352-04-010	AMD	82-07-077
352-04-010	AMD	82-07-077	352-04-030	REP-P	82-04-057
352-04-030	REP-P	82-04-057	352-04-030	REP	82-07-078
352-04-030	REP	82-07-078	352-12-005	NEW-P	82-04-058
352-12-005	NEW-P	82-04-058	352-12-005	NEW	82-08-027
352-12-005	NEW	82-08-027	352-12-010	AMD-P	82-04-058
352-12-010	AMD-P	82-04-058	352-12-010	AMD	82-08-027
352-12-010	AMD	82-08-027	352-12-020	NEW-P	82-04-058
352-12-020	NEW-P	82-04-058	352-12-020	NEW	82-08-027
352-12-020	NEW	82-08-027	352-12-020	REP-P	82-08-065
352-12-020	REP-P	82-08-065	352-12-030	NEW-P	82-04-058
352-12-030	NEW-P	82-04-058	352-12-030	NEW	82-08-027

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352-12-040	NEW	82-08-027	388-24-040	AMD-P	82-06-015	388-54-695	AMD-P	82-08-042
352-12-040	REP-P	82-08-065	388-24-040	AMD-E	82-06-019	388-54-735	AMD-P	82-02-055
352-12-050	NEW-P	82-04-058	388-24-042	AMD-P	82-06-015	388-54-735	AMD	82-06-004
352-12-050	NEW	82-08-027	388-24-042	AMD-E	82-06-019	388-54-735	AMD-E	82-08-041
352-12-050	REP-P	82-08-065	388-24-044	NEW-E	82-07-080	388-54-735	AMD-P	82-08-042
352-32-020	REP-P	82-02-069	388-24-044	NEW-P	82-07-091	388-54-737	NEW-E	82-08-041
352-32-020	REP	82-07-076	388-24-070	AMD-E	82-08-058	388-54-737	NEW-P	82-08-042
352-32-030	AMD-P	82-04-055	388-24-070	AMD-P	82-08-059	388-54-790	AMD-P	82-02-070
352-32-045	AMD-P	82-04-055	388-24-107	AMD-P	82-03-040	388-54-790	AMD-E	82-02-071
352-32-060	AMD-P	82-08-057	388-24-107	AMD	82-07-026	388-54-790	AMD	82-06-002
352-32-250	AMD-P	82-04-055	388-24-125	AMD-P	82-05-036	388-54-800	AMD-P	82-02-070
352-32-255	NEW-P	82-04-055	388-24-125	AMD	82-08-038	388-54-800	AMD-E	82-02-071
352-32-280	AMD-P	82-04-055	388-24-270	AMD-E	82-07-057	388-54-800	AMD	82-06-002
352-32-285	AMD-P	82-04-055	388-24-270	AMD-P	82-07-069	388-54-820	AMD-P	82-03-021
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356-06-010	AMD-E	82-03-032	388-28-474	AMD-P	82-07-027	388-55-010	AMD-E	82-07-055
356-06-010	AMD-P	82-06-029	388-28-474	AMD-E	82-08-040	388-57-064	AMD	82-05-005
356-06-010	AMD-C	82-07-034	388-28-480	AMD-P	82-06-015	388-57-095	NEW-P	82-03-040
356-07-030	AMD-P	82-04-025	388-28-480	AMD-E	82-06-019	388-57-095	NEW	82-07-026
356-07-030	AMD-C	82-07-034	388-28-482	AMD-P	82-06-015	388-57-097	NEW-P	82-07-097
356-10-050	AMD-C	82-03-029	388-28-482	AMD-E	82-06-019	388-59-010	AMD-P	82-03-024
356-10-050	AMD-C	82-05-033	388-28-484	AMD-P	82-06-015	388-59-010	AMD	82-06-052
356-10-050	AMD-C	82-07-034	388-28-484	AMD-E	82-06-019	388-70-013	AMD-E	82-02-072
356-10-060	REP-C	82-03-029	388-28-570	AMD-P	82-06-015	388-70-013	AMD-P	82-02-073
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356-15-020	AMD	82-05-034	388-28-575	AMD-P	82-08-060	388-70-024	AMD	82-04-070
356-15-020	AMD	82-06-009	388-29-100	AMD-E	82-07-057	388-80-005	AMD-E	82-02-058
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356-30-335	NEW-P	82-04-025	388-29-112	AMD-E	82-07-057	388-81-052	NEW-P	82-03-020
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356-34-010	AMD-P	82-06-029	388-33-055	AMD-P	82-06-015	388-82-010	AMD-P	82-02-064
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356-34-115	NEW-P	82-06-029	388-33-120	AMD-P	82-06-015	388-83-130	AMD-P	82-07-096
356-34-116	NEW-P	82-06-029	388-33-120	AMD-E	82-06-019	388-83-135	AMD-P	82-07-096
356-34-117	NEW-P	82-06-029	388-33-135	AMD-P	82-06-015	388-83-140	AMD-P	82-07-096
356-34-118	NEW-P	82-06-029	388-33-135	AMD-E	82-06-019	388-86-005	AMD-P	82-07-096
356-34-119	NEW-P	82-06-029	388-33-355	AMD-P	82-06-015	388-86-098	AMD-P	82-07-096
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360-13-065	REP	82-06-042	388-33-377	AMD	82-08-037	388-92-025	AMD-P	82-07-096
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360-16-110	REP-C	82-07-098	388-33-382	AMD	82-08-037	388-92-045	AMD-P	82-07-096
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360-21-020	NEW-P	82-02-094	388-37-060	AMD	82-04-076	388-96-113	AMD-P	82-07-042
360-21-020	NEW	82-06-042	388-38-110	AMD-P	82-03-040	388-96-122	AMD-P	82-07-042
360-21-030	NEW-P	82-02-094	388-38-110	AMD	82-07-026	388-96-553	AMD-P	82-07-042
360-21-030	NEW	82-06-042	388-42-150	AMD-P	82-03-025	388-96-585	AMD-P	82-07-042
360-21-040	NEW-P	82-02-094	388-42-150	AMD-E	82-03-026	388-96-719	AMD	82-04-073
360-21-040	NEW	82-06-042	388-42-150	AMD	82-06-050	388-96-720	NEW-P	82-07-042
360-21-050	NEW-P	82-02-094	388-44-010	AMD	82-04-072	388-96-722	AMD-P	82-07-042
360-21-050	NEW	82-06-042	388-44-035	AMD	82-04-072	388-96-735	AMD-P	82-07-042
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360-21-060	NEW	82-06-042	388-44-110	AMD	82-04-072	388-96-902	NEW-P	82-07-042
360-21-070	NEW-P	82-02-094	388-44-115	AMD	82-04-072	388-99-020	AMD-P	82-07-096
360-21-070	NEW	82-06-042	388-44-125	AMD	82-04-072	388-99-020	AMD-E	82-08-039
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360-21-080	NEW	82-06-042	388-44-130	AMD	82-04-072	388-99-035	AMD-P	82-07-096
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360-21-090	NEW	82-06-042	388-44-145	AMD	82-04-072	388-100-035	AMD	82-04-071
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