

NOVEMBER 6, 1985

OLYMPIA, WASHINGTON

ISSUE 85-21



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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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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1985 – 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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<sup>1</sup>All documents are due at the code reviser's office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>A 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.

<sup>3</sup>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 85-21-001**  
**PROPOSED RULES**  
**DEPARTMENT OF NATURAL RESOURCES**  
[Filed October 3, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning aquatic land management, chapter 332-30 WAC. Five sections are revised, eight new sections are added, and six sections are repealed. Subjects covered are aquatic land management philosophy, applicability (especially to port districts), definition of state-wide value, aquatic land planning and project mitigation, non-water-dependent and interim uses, management of waterways, establishment of fees for sand and gravel extraction, procedure for appeal of rents, policy on public use and access and environmental protection, recreational docks, aquaculture, establishment of new areas for navigation and commerce outside harbor areas, houseboats, aquatic land use classes and renewable resources.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 5, 1985.

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

The specific statute these rules are intended to implement is RCW 79.90.105, 79.90.300, 79.90.455, 79.90.460, 79.90.470, 79.90.475, 79.90.520, 79.68.010, 79.68.68 [79.68.080] and chapter 79.93 RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the 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:

Steve Tilley  
Assistant Division Manager  
DNR M/S QW-21  
Marine Lands Division  
Olympia, WA 98504

This notice is connected to and continues the matter in Notice No. WSR 85-19-008 filed with the code reviser's office on September 6, 1985.

Dated: September 26, 1985  
By: James A. Stearns  
Supervisor

**WSR 85-21-002**  
**NOTICE OF PUBLIC MEETINGS**  
**URBAN ARTERIAL BOARD**  
[Memorandum—October 3, 1985]

MEETING NOTICE  
URBAN ARTERIAL BOARD  
TRANSPORTATION BUILDING  
OLYMPIA, WASHINGTON 98504  
(Transportation Board Room)

Beginning at 9:30 a.m., Friday, October 18, 1985.

Note: Persons wishing to testify at this meeting will be required to contact the UAB in writing prior to October 14, 1985.

**WSR 85-21-003**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 1875—Filed October 3, 1985]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chestnut quarantine, chapter 16-470 WAC.

This action is taken pursuant to Notice No. WSR 85-17-019 filed with the code reviser on August 13, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 17.24 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 30, 1985.

By C. Alan Pettibone  
Director

NEW SECTION

WAC 16-470-400 QUARANTINE—CHESTNUT. The director finds that chestnut pests not known to occur in Washington may be detrimental to the chestnut industry of Washington state and a quarantine is established to prevent the introduction of designated chestnut pests into Washington state.

NEW SECTION

WAC 16-470-410 CHESTNUT—AREA UNDER QUARANTINE. The area under quarantine for designated chestnut pests includes all states and districts of the United States.

NEW SECTION

WAC 16-470-420 CHESTNUT—PESTS. The following are designated chestnut pests: Chestnut bark disease (Endothia parasitica); large chestnut weevil (Curculio caryatrypes); small chestnut weevil (Curculio sayi); nut curculio (Conotrachelus carinifer); and the oriental chestnut gall wasp (Dryocosmus kuriphilus).

NEW SECTION

WAC 16-470-430 CHESTNUT PESTS—HOSTS AND CARRIERS—COMMODITIES UNDER QUARANTINE. Commodities under quarantine are all known carriers of designated pests listed in WAC 16-

470-420, including but not limited to all species and varieties of chestnut (*Castanea* spp.) and chinquapin (*Castanopsis* spp.) trees, plants and parts thereof including grafts, cuttings, scions, nuts, logs and firewood.

**NEW SECTION**

**WAC 16-470-440 CHESTNUT QUARANTINE—RESTRICTIONS—REQUIREMENTS.** Commodities under quarantine for designated chestnut pests are prohibited entry into Washington state from areas under quarantine (see WAC 16-470-410) except as provided below:

(1) Commodities under quarantine produced in Arizona, California, Idaho, Nevada, Oregon and Utah may be shipped into Washington state: **PROVIDED**, That each shipment is identified by proper origin certification stating the shipment originated in that state.

(2) Commodities under quarantine produced in any area of Montana, Wyoming, Colorado, New Mexico, or any states east thereof may be shipped into Washington state: **PROVIDED**, That each shipment is accompanied by a certificate bearing original or facsimile signature of the authorized agricultural official affirming that chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are not known to occur within the production area of the origin state.

(3) Commodities under quarantine produced in any area where chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are known to occur may be shipped into Washington state: **PROVIDED**, That the commodities under quarantine have been treated in a manner recommended by the origin department of agriculture or university extension service and approved by the department. Each shipment shall be accompanied by a certificate bearing the original or facsimile signature of the authorized agricultural official stating the commodity is free from quarantined pests, and stating in detail the treatment used.

(4) No restrictions are placed on the nuts of all species and varieties of chestnut and chinquapin that are grown in and imported from foreign countries as regulated by the United States Department of Agriculture and reshipped into Washington state when shipped in unopened, original containers.

(5) In addition to all other penalties prescribed in WAC 16-470-015, all host material listed in WAC 16-470-430 entering Washington state in violation of this quarantine will immediately be shipped out of Washington or destroyed by the person or persons in possession of the material in a manner approved by the department at no cost to the department.

**WSR 85-21-004**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—October 2, 1985]

The Washington State Human Rights Commission will conduct a special commission meeting on October 31, 1985, at the Port of Seattle, Commission Chambers, Third Floor, Pier 66, Seattle, beginning at 6:00 p.m. The meeting will consist of a forum sponsored by the Washington State Human Rights Commission and the topic of discussion will be "AIDS—A Human Rights Issue."

**WSR 85-21-005**  
**NOTICE OF PUBLIC MEETINGS**  
**FORT STEILACOOM COMMUNITY COLLEGE**  
 [Memorandum—October 1, 1985]

Fort Steilacoom Community College, being a state institution of higher education, hereby complies with the Open Public Meetings Act (chapter 42.30 RCW) with regard to advertising the meeting schedule of the services and activities (clubs) budget committee meetings of the college. Upon the advice of the AGO 1983 1, reference RCW 28B.15.045(4), meetings for the fall quarter are listed as follows:

<u>Date</u>	<u>Location</u>	<u>Time</u>
October 15	Fort Steilacoom Community College	2-4:00 p.m.
October 16	Dining Bay C—Student Center	
October 17	9401 Farwest Drive S.W.	
October 23	Tacoma, Washington 98498	
October 24		
October 25	same location	same time

**WSR 85-21-006**  
**NOTICE OF PUBLIC MEETINGS**  
**FORT STEILACOOM COMMUNITY COLLEGE**  
 [Memorandum—October 1, 1985]

Fort Steilacoom Community College, being a state institution of higher education, hereby complies with the Open Public Meetings Act (chapter 42.30 RCW) with regard to advertising the meeting schedule of the student senate meetings of the college. Upon the advice of the AGO 1983 1, reference RCW 28B.15.045(4), meetings for the fall quarter 1985 are listed below:

<u>Dates—Fall Quarter</u>	<u>Location</u>	<u>Time</u>
October 9	Fort Steilacoom Community College	1:00 p.m.
October 23	College	
November 6	Portable 12—Boardroom	
November 20	9401 Farwest Drive S.W.	
December 4	Tacoma, Washington 98498	

**WSR 85-21-007**  
**PROPOSED RULES**  
**APPLE ADVERTISING COMMISSION**  
 [Filed October 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Apple Advertising Commission intends to adopt, amend, or repeal rules concerning collection procedures for delinquent accounts;

that the agency will at 9:00 a.m., Thursday, December 12, 1985, in the Town Plaza Motor Inn, Upper Terrace Room, North 7th Street and East Yakima Avenue, Yakima, Washington 98901, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 15.24.070(1).

The specific statute these rules are intended to implement is RCW 15.24.090 and 15.24.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 9:00 a.m., December 12, 1985.

Dated: September 24, 1985

By: Thomas H. Hale  
 President

#### STATEMENT OF PURPOSE

Title: WAC 24-12-012 Collection of assessments.

Description of Purpose: To provide collection procedures for delinquent assessments levied on apples.

Statutory Authority: RCW 15.24.070 (1) and (2).

Summary of Rule: To establish billing procedures for assessments levied on apples, collection procedures for delinquent assessments and imposition of penalties including withholding of inspection service for nonpayment.

Reasons Supporting Proposed Action: Existing collection procedures are inadequate.

Agency Personnel Responsible for Drafting: Pat Drake, 229 South Wenatchee Avenue, Wenatchee, Washington 98801, (509) 662-2213; Implementation and Enforcement: Thomas H. Hale, 229 South Wenatchee Avenue, Wenatchee, Washington 98801, (509) 662-2213.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Washington State Apple Advertising Commission, governmental state agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The proposed rules for establishing collection procedures for delinquent assessments levied on apples do not increase the costs of equipment, supplies, labor or administrative costs. Since the proposed rule equally affects each box of apples, it is not anticipated there will be any significant difference in the cost of compliance for small business compared to the cost of compliance for the ten percent

of firms which are the largest businesses requested to comply with the proposed new or amendatory rules.

#### AMENDATORY SECTION (Amending Order 16, filed 9/20/84)

WAC 24-12-012 COLLECTION OF ACCOUNTS. (1) The Commission shall obtain from the Department of Agriculture a record of all shipments of fresh apples and shall from this record periodically invoice all apple dealers and handlers shown thereon for assessments on apples levied pursuant to WAC 24-12-010. The date of the invoice shall be known as the billing date.

(2) Assessments not paid within twenty (20) days from the billing date shall be delinquent. ~~((and the Commission shall thereupon send a notice of delinquency to the dealer or handler involved. A copy of the notice of delinquency shall be sent at the same time to the district inspection office of the Department of Agriculture.))~~ If the delinquent assessments are not paid within thirty-five (35) days from the billing date, a ~~((second))~~ notice of delinquency shall be sent to the dealer or handler involved with a copy to the district inspection office of the Department of Agriculture stating that if the delinquent assessments are not paid within forty-five (45) days from the billing date the dealer or handler involved will thereafter be put on a cash basis until the delinquent assessments are paid, ~~((and that if the delinquent assessments are not paid within sixty (60) days from the billing date the Compliance Book of Compliance Certificates will be removed by the Department of Agriculture and inspection service will be withdrawn. Inspection service will be reinstated only upon mutual agreement of the Department of Agriculture and the Commission and after all delinquent assessments have been paid. Delinquent assessments not paid within thirty-five (35) days of the billing date shall bear interest at the maximum legal rate, not to exceed 1-1/2% per month, and in case of suit to collect said delinquent assessments, the Commission shall be allowed, in addition to any other relief granted, reasonable attorney fees and its cost of suit.~~

(3) The foregoing procedure for collection of assessments shall apply to all shipments of apples disclosed by Department of Agriculture records on or after September 7, 1984, and that the Compliance Certificate Book will be removed by the Department of Agriculture, and if the delinquent assessments are not paid within sixty (60) days from the billing date, inspection service will be withdrawn.

If at any time an account thereafter is again unpaid in the same crop year shipping season for more than thirty-five (35) days from the billing date, the Commission may, without further notice, immediately place the dealer or handler on a cash basis for the remainder of the crop year shipping season, or such shorter period as the Commission may at its option specify, and the Compliance Certificate Book will be removed by the Department of Agriculture. If said subsequent delinquency shall continue more than sixty (60) days from the billing date, inspection service will be withdrawn.

Once withdrawn, inspection service will be reinstated only upon mutual agreement of the Department of Agriculture and the Commission and after all delinquent assessments have been paid.

(3) Delinquent assessments not paid within thirty-five (35) days of the billing date shall bear interest at the maximum legal rate, not to exceed 1-1/2% per month, and in case of suit to collect said delinquent assessments, the Commission shall be allowed, in addition to any other relief granted, reasonable attorney fees and its costs of suit.

**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 85-21-008**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-152—Filed October 4, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is restrictions in Area 6 provide protection for Puget Sound and Canadian origin chinook while allowing a treaty Indian troll fishery. Restrictions in 6A, 7 and 7A provide protection for Puget Sound and Canadian chinook and coho stocks. Restrictions in Area 10 provide protection for summer/fall chinook and coho returning to Suquamish Hatchery. Restrictions in Area 8 protect Skagit coho. Restrictions in the Skagit River provide protection for coho and spawning salmon stocks. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in the Strait of Juan de Fuca tributaries provide protection for local summer/fall chinook and coho stocks. Restrictions in Area 8A provide protection for Stillaguamish coho. Restrictions in Area 12C provide protection for milling chinook stocks destined for Hoodspport and Enetai hatcheries. Restrictions in Area 10C, 10D and the Cedar River protect Lake Washington origin sockeye. Restrictions in the Dosewallips, Duckabush and the Hamma Hamma rivers provide protection to local pink salmon stocks, while providing harvest opportunity with selective gear. Restrictions in Area 13J and 13K protect local early timed chum stocks while allowing harvest of south sound coho. Restrictions in Area 10E protect milling early timed local chum stocks.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 4, 1985.

By Gary C. Alexander  
for William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-28-518 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS.** *Effective October 6, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*Area 6 – Effective through October 19, closed to all commercial net gear.*

*Area 6A – Effective through October 19, closed to all commercial fishing.*

*Area 7 – Effective through October 19, closed to all commercial net gear except reef net gear when open.*

*Area 7A – Effective through October 12, closed to all commercial net gear except reef net gear when open.*

*Area 7C and Samish River – Closed to all commercial fishing.*

*Area 8 – Effective through October 26, closed to all commercial fishing.*

*Area 8A – Effective through October 19, closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D.*

*Area 10 – Effective through October 15, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock.*

*Area 10C and Cedar River – Closed to all commercial fishing until further notice.*

*Area 10D – Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.*

*\*Area 10E – Effective through October 12, closed to all commercial fishing in that portion of Sinclair Inlet between a line projected due east from Bremerton ferry terminal and a line projected from Port Orchard Marina to the Bremerton drydock.*

*Area 12C – Effective through October 12, closed to all commercial fishing in that portion within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and Hoodspport Marina dock and in that portion within 1,000 feet of the western shoreline between Potlatch State Park and the mouth of Nalley's Slough.*

*\*Areas 13J and 13K – Effective through October 26, closed to all gill net gear, and all other gear must release chum when open. Skagit River (downstream of Mount Vernon Bridge) – Effective through October 26, closed to all commercial fishing.*

*Skagit River (Mount Vernon Bridge to Gilligan Creek) – Effective through November 2, closed to all commercial fishing.*

*Skagit River (upstream of Gilligan Creek) – Closed to all commercial fishing until further notice.*

*Salt and Deep creeks, and Lyre, Pysht, Hoko, Sekiu, East and West Twin, and Clallam rivers – Effective through November 2, closed to all commercial fishing.*

*Dosewallips, Duckabush and Hamma Hamma rivers – Effective through October 19, closed to all commercial gill net gear and all other gear must release pinks when open.*

**REPEALER**

The following section of the Washington Administrative Code is repealed effective October 6, 1985.

WAC 220-28-517 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-151)

**WSR 85-21-009**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-153—Filed October 4, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is openings in Areas 6D, 7B, 8A, 10, 11, 12, 12A, 12B and 12C provide opportunity to harvest non-Indian allocations of coho. Opening in extreme terminal Area 7E provides opportunity to harvest surplus hatchery chinook and coho. All other marine and freshwater areas are closed to prevent overharvest.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 4, 1985.

By Gary C. Alexander  
for William R. Wilkerson  
Director

**NEW SECTION**

WAC 220-47-615 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective October 6, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 6D – Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until further notice. Those waters within a 1,000-foot radius of the mouths of the Dungeness River are closed.*

*Area 7B – Gill nets using 5-inch minimum mesh and purse seines may fish until further*

*notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.*

*\*Area 7E – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, the night of October 6 through the morning of October 9, and purse seines may fish from 5:00 AM to 9:00 PM daily, October 7 through October 9. Those waters of Ship Bay northeasterly of a line from Tongue Point to the Juniper Point marker are closed.*

*\*Areas 8A, 10, and 11 – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM the night of October 7 through the morning of October 8, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM October 8. Fishery exclusion zones applicable to Areas 8A, 10, and 11 commercial fisheries are described in WAC 220-47-307.*

*\*Areas 12, 12A, 12B, and 12C – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, the nights of October 6 through the morning of October 11, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, October 7 through October 10 and from 5:00 AM to 4:00 PM, October 11. Those waters of Area 12C south of a line from Lake Cushman powerhouse to the public boat ramp at Union are closed. Additional fishery exclusion zones applicable to Areas 12A, 12B, and 12C commercial fisheries are described in WAC 220-47-307.*

*\*Areas 4B, 5, 6, 6A, 6B, 6C, 7, 7A, 7C, 7D, 8, 8D, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.*

**REPEALER**

The following section of the Washington Administrative Code is repealed effective October 6, 1985.

WAC 220-47-614 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-150).

**WSR 85-21-010**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed October 4, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 26, 1985.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 3, 1985

By: Russell W. Cahill  
for William R. Wilkerson  
Director

#### STATEMENT OF PURPOSE

Title: WAC 220-52-074.

Description of Purpose: Set commercial sea urchin season.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Provides for a harvest of sea urchins for commercial purposes from Rasmussen Creek to East Twin River in the Strait of Juan de Fuca, and in traditional San Juan Islands harvesting areas. Sampling has shown that harvestable numbers of sea urchins are available.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Ronald E. Westley, 115 General Administration Building, Olympia, Washington, 753-6772; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This rule is proposed by the Washington Department of Fisheries.

Comments: No public hearing is scheduled.

This proposal is not the result of federal law or court order.

Small Business Economic Impact Statement: This rule is designed to provide conservation of sea urchin stocks, while allowing a harvest in areas where no significant impact will occur if a commercial harvest is allowed. There is no differential impact on small businesses.

#### AMENDATORY SECTION (Amending Order 84-214, filed 12/7/84)

WAC 220-52-074 SEA URCHIN—AREAS AND SEASONS. It shall be unlawful to take, fish for or possess sea urchins for commercial purposes except during the following times and in the following areas:

(1) October 1, ~~((+1984))~~ 1985, through April 30, ~~((+1985))~~ 1986:

~~((Flat))~~ Those portions of Puget Sound Marine Fish-Shellfish Areas 23C and 29 lying ~~((west))~~ easterly of a line projected true north ~~((of the Hoko River, Marine Fish-Shellfish Area 29, except for those portions closed in WAC 220-52-073(6))~~ from the mouth of Rasmussen Creek (approximately seven miles east of Neah Bay) and westerly of a line projected true north from the mouth of the East Twin River, and Puget Sound Marine Fish-Shellfish Areas 20B and 22A, except for those portions closed in WAC 220-52-073(6).

(2) Coastal Marine Fish-Shellfish Areas 58 and 59, except those portions closed in WAC 220-52-073, open the entire year.

**WSR 85-21-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 85-28—Filed October 4, 1985]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prevailing wages, chapter 296-127 WAC. The proposed rules are intended to implement the new law and to clarify certain aspects of the current rules. WAC 296-127-010 and 296-127-020 define terms used in chapter 296-127 WAC and in chapter 39.12 RCW. WAC 296-127-130 through 296-127-170 set out the procedures for issuance of a notice of violation, appeal of the notice, and hearing on the appeal. The procedures are designed to be used with the uniform procedure rules in chapter 1-08 WAC. The uniform procedure rules are adopted by reference.

I, Richard A. Davis, find that an emergency exists and that this 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 the emergency is the enactment of Substitute House Bill 16 necessitates the immediate institution of rules sufficient to enable the department to administer applicable provisions of that bill and properly respond to complaints of workers brought thereunder.

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

This rule is promulgated pursuant to RCW 39.12.\_\_\_\_ (section 2, chapter 15, Laws of 1985), 39.12.050 and 43.22.270 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in RCW 51.04.020.

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

APPROVED AND ADOPTED October 2, 1985.

By Richard A. Davis  
Director

#### AMENDATORY SECTION (Amending Order 82-28, filed 8/27/82)

WAC 296-127-010 DEFINITIONS FOR CHAPTER 296-127 WAC. (1) "Department" means the department of labor and industries.

(2) "Director" means the director of the department ~~((of labor and industries))~~ or his or her duly authorized deputy or representative.

(3) "Industrial statistician" means the industrial statistician of the ~~((department of labor and industries, industrial relations))~~ department's employment standards, apprenticeship, and crime victims division.

(4) "Assistant director" means the ~~((supervisor of industrial relations for the department of labor and industries))~~ assistant director of the employment standards, apprenticeship, and crime victims (ESAC) division or his or her duly authorized deputy or representative.

(5) "Contractor" includes subcontractor.

AMENDATORY SECTION (Amending Order 82-28, filed 8/27/82)

WAC 296-127-020 INTERPRETATION OF ((LOCALITY)) PHRASES USED IN CHAPTER 39.12 RCW. (1) The "acceptance date of the public works project" referred to in RCW 39.12.— (section 2, chapter 15, Laws of 1985) is the date the awarding agency accepts the completed public works project.

(2) RCW 39.12.— (section 2, chapter 15, Laws of 1985) and 39.12.050 refer to "inadvertent filing or reporting error." An error is "inadvertent" if it is made notwithstanding the use of due care by the party making the error. The burden of proving that an error is inadvertent is on the person charged with the error.

(3) The ~~((department interprets the))~~ definition of "locality" ~~((contained))~~ in RCW 39.12.010(2)((;)) contains the phrase "wherein the physical work is being performed((;" as))." The department interprets this phrase to mean the actual work site. For example, if materials are prefabricated in a county other than the county wherein the public works project is to be completed, the wage for the prefabrication shall be the prevailing wage for the county where the physical work of prefabrication is actually performed. Standard items for sale on the general market are not subject to the requirements of chapter 39.12 RCW.

#### NEW SECTION

WAC 296-127-130 FILING OF COMPLAINT. Any interested party, as defined in RCW 39.12.010(4) may file with the department a complaint alleging a violation of the prevailing wage laws. The complaint must describe the alleged violation and identify the alleged violator. It would aid the department's investigation if the complaint also specifies:

- (1) The name and address of the complainant;
- (2) The address of the alleged violator;
- (3) The name and address of the public agency that awarded the contract;
- (4) The date the public agency accepted the completed public work (if applicable);
- (5) The specific rates of wages paid by the violator and the rates that allegedly should be paid; and
- (6) The exact amount of prevailing wages that are alleged to remain unpaid.

#### NEW SECTION

WAC 296-127-140 INVESTIGATION OF COMPLAINT. (1) The department shall investigate a complaint filed by an interested party unless the complaint was filed more than thirty days after the date the public agency accepted the public work that gave rise to the complaint. The department may, in its sole discretion, investigate a complaint filed more than thirty days after

the acceptance date. However, the department may not charge a contractor with a violation of RCW 39.12.— (section 2, chapter 15, Laws of 1985) if the complaint is filed after the thirty-day limit.

The department's investigation shall determine whether a violation of RCW 39.12.— (section 2, chapter 15, Laws of 1985) or 39.12.050, or both, or of any other provision of chapter 39.12 RCW, occurred.

(2) If the department's investigation substantiates a complaint that alleges that a contractor has violated RCW 39.12.— (section 2, chapter 15, Laws of 1985), the department is required to attempt to collect unpaid wages for the contractor's employees. During the investigation, the department should be able to identify the affected employees. The department shall direct to the affected employees the best notice practicable under the circumstances, including individual notice to all employees who can be identified through reasonable effort. The notice shall inform the employee that (a) the department's final order, whether favorable or not, will apply to all employees; (b) any employee may, if he or she desires, move to intervene as a party in any hearing held as a result of the investigation; and (c) that the employee may have a private right of action to collect unpaid prevailing wages.

#### NEW SECTION

WAC 296-127-150 NOTICE OF VIOLATION.

(1) If the department determines after its investigation that there is reasonable cause to believe that the prevailing wage law has been violated, the department shall notify the violator of its determination. The notice of violation shall be served on the violator personally or by certified mail.

(2) The notice of violation shall:

- (a) Describe concisely the violation;
- (b) Specify which statute or statutes were violated;
- (c) If known, identify the laborers, workers, and mechanics who are affected by the violation;
- (d) If known, state the amount of unpaid prevailing wages the violator owes;
- (e) State that an employee cannot by contract or agreement waive the right to receive the prevailing wage;
- (f) State the penalty that the department will assess for a violation, if any, of RCW 39.12.— (section 2, chapter 15, Laws of 1985) and 39.12.050; and
- (g) State the date the complaint was filed with the department.

(3) RCW 39.12.— (section 2, chapter 15, Laws of 1985) and 39.12.050 establish the penalty amounts.

(4) If the notice alleges a violation of RCW 39.12.— (section 2, chapter 15, Laws of 1985), the department shall serve a copy of the notice of violation on the violator's sureties under chapters 39.08, 18.27, 19.28, and 60.28 RCW.

(5) The notice of violation shall inform the violator and, if a violation of RCW 39.12.— (section 2, chapter 15, Laws of 1985) is alleged, its sureties that they may request a hearing on the violations, the amount of unpaid prevailing wages owed, or the penalties assessed. The notice shall specify that if no hearing is requested within thirty days of the date of issuance of the notice

the director shall issue a final, unappealable order finding that the violation did occur, ordering the violator to pay any unpaid prevailing wages, and assessing penalties.

#### NEW SECTION

**WAC 296-127-160 APPEAL OF NOTICE OF VIOLATION.** The violator or any of its sureties who are interested in the matter may request a hearing on a notice of violation. One original and four copies of the request must be filed with the director within thirty days after the date the department issued the notice. The party requesting the hearing must also serve a copy of the notice on all interested sureties and, if the requestor is a surety, on the violator.

The request for hearing must be in writing and must specify:

- (1) The name and address of the party requesting the hearing;
- (2) The notice of violation that is being appealed;
- (3) The items of the notice of violation that the requestor believes are erroneous; and
- (4) The reasons the notice of violation is erroneous.

#### NEW SECTION

**WAC 296-127-170 HEARING ON NOTICE OF VIOLATION.** (1) The director may hear the appeal personally or may delegate the authority to hold the hearing and draft a proposed decision to an administrative law judge pursuant to chapter 34.12 RCW. The plaintiff in the hearing shall be the department, and the defendants shall be the violator and its interested sureties. The department shall have the burden of proving, by a preponderance of the evidence, that the violations occurred and that any wages were unpaid as stated in the notice.

(2) Any interested party who has standing may, upon motion, be allowed to intervene as a plaintiff in the hearing. "Standing" shall be construed broadly to effectuate the remedial purposes of the prevailing wage law. An interested party, whether or not admitted as a plaintiff, may submit written arguments and affidavits.

(3) The hearing shall be conducted in accordance with the Uniform Procedure Rules, chapter 1-08 WAC.

(4) If the director presides over the hearing, the director shall issue a final decision that includes findings of fact and conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both.

(5) If an administrative law judge presides over the hearing, she or he shall issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate an order to pay unpaid prevailing wages, a penalty, or both. The proposed decision shall be served by certified mail or personally on the violator, the interested sureties, the department, and any interested parties who have intervened as plaintiffs. Any of these parties, if aggrieved by the proposed decision, may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals

within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and four copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director shall review the proposed decision in accordance with the administrative procedure act, chapter 34.04 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director shall serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to RCW 34.04.130 unless the final decision affirms an unappealed proposed decision. If no party appeals within the period set by RCW 34.04.130, the director's decision is conclusive and binding on all parties.

#### NEW SECTION

**WAC 296-127-180 EFFECT OF FINAL DECISION FINDING A VIOLATION OF RCW 39.12.—** (SECTION 2, CHAPTER 15, LAWS OF 1985). If the director issues a final decision that includes a finding that a contractor violated RCW 39.12.— (section 2, chapter 15, Laws of 1985) and that the contractor owes unpaid prevailing wages, and the finding is not timely appealed or is affirmed by the courts, the findings and the decision are res judicata in any action by the department or by any interested party who was a plaintiff at the hearing, against the contractor and its sureties to recover the unpaid prevailing wages. The findings and decision are not res judicata in any action by an interested party who was not a plaintiff at the hearing.

#### NEW SECTION

**WAC 296-127-190 FILING OF LIEN AGAINST RETAINAGE OR BONDS.** (1) Upon receipt of a timely complaint that a contractor has violated RCW 39.12.— (section 2, chapter 15, Laws of 1985), and that the contractor owes unpaid prevailing wages, the department may file a lien against the retainage or bond obtained by the contractor under RCW 60.28.010.

(2) Upon issuance by the director of a final decision that finds that a contractor has violated RCW 39.12.— (section 2, chapter 15, Laws of 1985) or 39.12.050, and that sets a civil penalty for the violation, the department



shall file liens for the penalty amount against the retainage and bonds the contractor obtained under RCW 39.12.— (2)(c) (section 2(2)(c), chapter 15, Laws of 1985), 39.08.010, and 60.28.010.

#### NEW SECTION

**WAC 296-127-200 BOND PAYABLE TO DIRECTOR.** (1) RCW 39.12.— (2)(c) (section 2(2)(c), chapter 15, Laws of 1985) authorizes the director to require a contractor to obtain a surety bond "running to the director in the amount of the violation found." The intent and wording indicates that the director may require such a bond only after issuing a final decision finding that the contractor has violated RCW 39.12.— (section 2, chapter 15, Laws of 1985).

(2) The director may demand that a violating contractor post the bond when:

(a) The director has issued a final decision that finds that the contractor owes unpaid prevailing wages or a penalty, whether or not the decision has been appealed to the courts; and

(b) The retainage or bonds provided under RCW 60.28.010, 18.27.040, and 19.28.120 are or may be insufficient to pay the amount of prevailing wages or the penalty owed.

(3) A contractor may at any time voluntarily obtain a bond running to the director to guarantee the payment of the prevailing wages or the penalty. The contractor may allow the director to satisfy any claim for unpaid wages or the penalty from this bond instead of from the retainage or bonds obtained under RCW 60.28.010, 18.27.040, 19.28.120, and 39.08.010.

#### NEW SECTION

**WAC 296-127-210 SUIT AGAINST RETAINAGE AND BONDS.** (1) If the director issues a final decision that includes a finding that the contractor has violated RCW 39.12.— (section 2, chapter 15, Laws of 1985) or 39.12.050, and the finding is not timely appealed or is affirmed by the courts, the department may file suit against the appropriate retainage and bonds to recover the amount of unpaid prevailing wages or the civil penalty.

(2) The department may, before issuance of a final decision, file suit against the appropriate retainage and bonds to recover unpaid prevailing wages if the filing of a suit is necessary to preserve the claim. The suit shall be held in abeyance pending the exhaustion of administrative remedies.

#### NEW SECTION

**WAC 296-127-220 DISTRIBUTION OF RECOVERY.** (1) Upon making a recovery pursuant to RCW 39.12.—(2) (section 2(2), chapter 15, Laws of 1985) against a contractor's retainage or bonds, the department shall distribute the proceeds and any award of attorneys' fees and costs as follows:

(a) First shall be paid the costs the department incurred in making the recovery. The department shall pay these costs from the attorney's fees and costs awarded by the courts.

(b) The recovery shall be paid to the employees of the violator who did not receive the correct prevailing wage. The distribution among employees shall be based on the evidence of wage loss produced at the hearing on the violation.

(2) A contractor who is the subject of an investigation or who has received a notice of violation may choose not to contest the matter and may tender to the department the amount of unpaid prevailing wages the department determines is owed. The department, after identifying and notifying the affected employees pursuant to WAC 296-127-140, shall accept the tender if the contractor in writing acknowledges that the department, by accepting the tendered amount, does not absolve the contractor from liability to any employee for unpaid prevailing wages.

(3) If an employee for whom the department has recovered unpaid prevailing wages cannot be found, the department shall retain the wages for the one-year period required by RCW 63.29.150. After the statutory period has lapsed, the department shall pay the wages to the department of revenue in accordance with RCW 63.29.170.

#### NEW SECTION

**WAC 296-127-300 FILING AND SERVICE.** All papers required to be filed with the director under this chapter or chapter 39.12 RCW shall be addressed to Director, Department of Labor and Industries, General Administration Building, Olympia, WA. 98504.

Filing and service shall be made as allowed by WAC 1-08-090 through 1-08-140.

#### NEW SECTION

**WAC 296-127-310 LIST OF VIOLATORS.** The industrial statistician shall maintain a list of all contractors who are forbidden to bid on a public works project, or to have a bid accepted, pursuant to RCW 39.12.—

(3) (section 2(3), chapter 15, Laws of 1985) or 39.12.050. To the extent required by RCW 39.12.—(3) (section 2(3), chapter 15, Laws of 1985) and 39.12.050, the industrial statistician shall refuse to certify any statement of intent to pay the prevailing wage that he or she determines was submitted by a contractor on the list. Because the department receives a large number of requests for certification, the industrial statistician and the department shall not be liable to any person or entity for certifying a statement of a contractor on the list.

The industrial statistician shall make the list available to any public agency upon request.

#### NEW SECTION

**WAC 296-127-320 PAYROLL RECORDS.** (1) Each contractor shall keep accurate payroll records, showing the name, address, Social Security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid, for each laborer, worker, and mechanic employed by the contractor for work done on a public work.

(2) A contractor shall, within ten days after it receives a written request, file a certified copy of the payroll records with the agency that awarded the public works contract and with the industrial statistician.

(3) Both the industrial statistician and the awarding agency shall make the certified payroll records available, upon written request, to any interested party. The interested party must, before it receives a copy of the records, reimburse the awarding agency or the department for the cost of the copy.

(4) A contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

**WSR 85-21-012**  
**REVIEW OF RULES**  
**DEPARTMENT OF TRANSPORTATION**

[Filed October 7, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.230, that the Department of Transportation intends to review the following rules:

Chapter 468-66 WAC	Highway Advertising Control Act (highway division).
Chapter 468-70 WAC	Motorist information signs (highway division).
Chapter 468-74 WAC	Junkyards adjacent to highways (highway division).
Chapter 468-95 WAC	Manual on uniform traffic control devices for streets and highways (highway division).

The agency will at 10:00 a.m., Monday, December 16, 1985, in the Board Room, 1D 9, Transportation Building, Olympia, Washington, conduct a public hearing on the rules.

This administrative review of rules is a result of SSB 3386, chapter 324, Laws of 1981. As a result, the Department of Transportation has outlined a schedule for reviewing all of its rules once every four years.

Dated: October 7, 1985

By: A. D. Andreas  
Deputy Secretary

**WSR 85-21-013**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
[Order ET 85-5—Filed October 7, 1985]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New WAC 458-20-24001	Sales and use tax deferral—Manufacturing and research/development facilities in distressed areas.
New WAC 458-20-24002	Sales and use tax deferral—New manufacturing and research/development facilities.

This action is taken pursuant to Notice Nos. WSR 85-16-106 and 85-20-011 filed with the code reviser on August 7, 1985, and September 20, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

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

APPROVED AND ADOPTED October 7, 1985.

By Matthew J. Coyle  
Acting Director

NEW SECTION

**WAC 458-20-24001 SALES AND USE TAX DEFERRAL—MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES IN DISTRESSED AREAS.**

**I. INTRODUCTION**

Chapter 232, Laws of 1985 establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain distressed areas of the state. Thus, the legislature established this tax deferral program to be effective solely in those distressed areas and under circumstances where the deferred tax payments are for investments or costs that result in the creation of a specified minimum number of jobs. In general, the deferral applies to sales and use taxes on materials, labor, and services rendered in the construction of qualified buildings, machinery, and equipment.

**II. DEFINITION OF TERMS**

For purposes of this rule:

"Applicant" means a person applying for a tax deferral under chapter 232, Laws of 1985.

"Person" has the meaning given in RCW 82.04.030. It means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof. For purposes of this rule the relationship of landlord and tenant between separate persons, at arms length, shall not be considered as any of the types of relationships which are identified above as "persons."

"Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

"Recipient" means a person who has been granted a tax deferral under this program.

"Department" means the department of revenue.

"Eligible area" means a county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent; i.e., the average unemployment rate for the county must be twenty percent above the average unemployment rate for the state in the preceding three

calendar years. In determining an eligible area the department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security.

"Eligible investment project" means that portion of an investment project which:

1. Is directly utilized to create at least one new full time qualified employment position for each two hundred thousand dollars of investment on which a deferral is requested; and

2. Either initiates a new operation or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement; and

3. Does not exceed twenty million dollars in value.

For the purposes of the above paragraph the following definitions will apply:

"Qualified employment position" means a permanent, full time employee employed in the eligible investment project during the entire tax year following the operational completion of the project. In the event an employee is either voluntarily or involuntarily separated from employment the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee.

An "improvement" shall mean the physical alteration by expansion, modernization, or renovation of an existing building where the cost exceeds 25 percent of the true and fair value of the existing plant complex prior to the initiation of construction. The term "improvement" is further defined to include those portions of an existing building which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction.

"True and fair value" means:

The value listed on the assessment rolls as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application.

"Plant complex" shall mean land, machinery, and buildings adapted to industrial, computer, warehouse, or research and development use as a single functional or operational unit for the designing, assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts.

"Eligible investment project" does not include:

1. An investment project undertaken by a light and power business as defined in RCW 82.16.010(5), or

2. Investment projects which have already received deferrals under chapter 232, Laws of 1985.

"Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel its own building, but leases

from a third party, is eligible for sales and use tax deferral provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, and equipment vests in the same persons.

"Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136 now and as hereafter amended. Manufacturing, for purposes of this rule only, shall also include computer programming, the production of computer-related service, and the activities performed by research and development laboratories and commercial testing laboratories.

"Qualified buildings" means new structures used to house manufacturing activities as defined above and includes plant offices, warehouses, or other facilities for the storage of raw material and finished goods if such facilities are essential or an integral part of a manufacturing operation. The term also includes parking lots, landscaping, sewage disposal systems, cafeterias, and the like, which are attendant to the initial construction of an eligible investment project. The term "new structures" means either a newly constructed building or a building newly purchased by the certificate holder. A preowned or existing building is eligible for deferral provided that the certificate holder expands, modernizes, renovates, or remodels the preowned or existing building by physical alteration thereof.

"Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation, as defined above. "Qualified machinery and equipment" includes, but is not limited to, computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a long or short term lease by the recipient. The tax deferral applies to equipment purchased outright by the recipient (or the transfer of machinery and equipment into the state of Washington) and leased equipment. Acquisition of spare parts for machinery, equipment, etc., in excess of normal operating levels shall not be eligible for deferral.

"New machinery and equipment" means either new to the taxing jurisdiction of the state or new to the certificate holder. Used equipment is eligible for deferral provided that the certificate holder either brings the machinery or equipment into Washington for the first time or purchases it at retail in Washington.

"Initiation of construction," for purposes of applying for the investment tax deferral relating to the construction of new buildings, shall mean the date upon which on-site construction work commences.

"Initiation of construction," for purposes of applying for the investment tax deferral relating to a major improvement of existing buildings, shall mean the date

upon which the new construction by renovation, modernization, or expansion, by physical alteration, begins.

"Operationally complete" means the eligible investment project is constructed or improved to the point of being fully and functionally useable for its intended purpose as described in the application.

### III. APPLICATION PROCEDURE

An application for sales and use tax deferral under chapter 232, Laws of 1985 must be made prior to the initiation of construction, as defined above. Application forms will be supplied to the applicant by the department upon request. The completed application is to be sent in duplicate to the following address:

State of Washington  
Department of Revenue  
Audit Procedures & Review  
Olympia, WA 98504  
Mail Stop AX-02

The department will verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, a tax deferral certificate shall be issued effective as of the date the application was received by the department. If disapproved, the department shall notify the applicant as to the reason(s) for disapproval. The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100, within twenty days from the date of notice of the department's refusal, or within any extension of such time granted by the department.

In the event an application is submitted prior to the publication of state-wide and county unemployment statistics for the year preceding the year in which application is made, the department will take no action on the application until the statistics are published even though this period may extend beyond the sixty-day approval period. If, after publication of the statistics, it is determined that the applicant is eligible for tax deferral the department, within ten days of publication, shall issue the tax deferral certificate effective on the date the application was received by the department.

### IV. USE OF THE CERTIFICATE

A tax deferral certificate issued pursuant to chapter 232, Laws of 1985 shall be for the use of the recipient thereof for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings and qualified machinery and equipment as defined in this rule. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

The tax deferral certificate shall be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102. The certificate holder shall provide its vendors with a copy of the tax deferral certificate at the time goods or services are purchased. The seller or vendor shall be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller or vendor shall retain a copy of the certificate

as part of its permanent records. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller or vendor is liable for reporting business and occupation tax on all tax deferral sales.

### V. AUDIT PROCEDURE

An applicant must provide the department with the estimated cost of the investment project at the time the application is made. A certificate holder is eligible for deferral of sales and use taxes on any eligible investment project up to twenty million dollars in project value. Following approval of the application and issuance of a sales and use tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate. At that time the certificate holder may not utilize the certificate further. If a certificate holder has reached its level of estimated costs, which level is less than twenty million dollars and the project is not operationally complete, the certificate holder may apply for a supplemental certificate stating a revised amount upon which the deferral of sales and use taxes is requested. The certificate holder shall amend the original application to account for the additional costs. The department may grant or deny the amended application depending on the total biennial tabulation of deferred taxes.

The certificate holder shall notify the department in writing when the construction project is operationally complete. Upon receipt of such notification or other information, the department shall conduct a final audit of the investment project. The certificate holder shall open its books and records to the department and make available the final cost figures for the investment project. The department may request reasonable supporting documentation and other proof to justify the final cost of the project.

Upon completion of the audit the department shall certify the amount of sales and use taxes subject to deferral and the date on which the project was operationally complete. The recipient shall be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes shall be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within twenty days from the date of the notice of disallowance.

The department shall keep a running total of all deferral certificates granted during each fiscal biennium. The department will not allow any deferral certificates to be issued which would cause the tabulation for a biennium to exceed twenty million dollars in deferred taxes. If the department has granted a total of nineteen million dollars in deferrals during any fiscal biennium and there is a reasonable expectation that the total of all deferrals shall reach or exceed twenty million dollars in the current biennium, the department shall notify each new applicant of the department's tabulation and of the

fact that the applicant's deferred taxes may carry over into the next biennium in accordance with the guidelines set forth in the following paragraph.

An application for deferral of taxes shall be prioritized based upon the time of receipt by the department of the original application. For purposes of this regulation, the term "time of receipt" shall mean the date shown by the post office cancellation mark stamped upon the envelope containing the application if transmitted by the United States Postal Service, the date stamped on the envelope if transmitted by another carrier, or the date of receipt if hand delivered to an office of the department. If more than one application is received on the same day and, under the provisions of this paragraph, only a portion of the taxes may be deferred, the amount of taxes to be deferred by each applicant shall be determined on a pro rata basis.

If all or part of an application for deferral is disallowed because the total tabulation for the biennium exceeds twenty million dollars in deferred taxes the disallowed portion shall be carried over for approval into the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed twenty million dollars as of the date on which the department has disallowed all or part of the application.

The deferral is allowable only in respect to investment in the construction of a new plant complex or the enlargement or improvement of an existing plant complex directly used in manufacturing activities, as defined above. Where a plant complex is used partly for manufacturing and partly for purposes which do not qualify for deferral under this rule and it is not possible to identify the nonqualifying items through separate accounting, the applicable tax deferral shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the plant complex directly used for manufacturing purposes bears to the construction cost per square foot of the total plant complex.

The amount of tax deferral allowable for leased equipment shall be calculated upon that amount of the consideration paid by the lessee/recipient to the lessor:

(1) Over the initial term of the lease, excluding any period of extension or option to renew, where the lease term ends on or before the last date for repayment of the deferred taxes; or

(2) Over that portion of the lease term to the last date for repayment of deferred taxes as provided hereinafter, where the lease term, excluding any period of extension or option to renew extends beyond such repayment date.

After that date the lessee/recipient shall pay the appropriate sales taxes to the lessor for the remaining term of the lease.

No taxes may be deferred under this rule prior to July 1, 1985. No applications for deferral of taxes will be accepted after May 1, 1991 nor will sales or use tax deferral certificates be issued on or after July 1, 1991. In tabulating the total amount of deferrals granted under this law there shall be considered a total of three fiscal biennia within which applications shall be accepted.

## VI. REPORTING AND MONITORING PROCEDURE

Each recipient of sales and use tax deferral shall submit a report to the department on December 31st of each year during the repayment period until all taxes are repaid. The first report shall be submitted in the third year after the date on which the construction project has been operationally complete to coincide with the first payment of deferred taxes. The report shall contain information from which the department may determine whether the recipient is meeting the requirements of the deferral law.

The report shall be made to the department in a form and manner prescribed by the department. The report shall contain information regarding the recipient's average employment in the state for the prior three years, the actual employment related to the project, the actual wages of the employees related to the project, and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

The department shall notify the department of employment security of the names of all recipients of tax deferrals under chapter 232, Laws of 1985. On or before December 31st of each year a deferral is in effect, the department shall request information on each recipient's employment in the state for that year, including employment related to the deferral project, and the wages of such employees. The department of employment security shall make, and certify to the department, all determinations of employment and wages required under this paragraph.

If, on the basis of the recipient's annual report or other information including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral, the department will (1) declare the amount of deferred taxes outstanding to be immediately due or (2) assess interest on the deferred taxes for the project, under the following guidelines:

(1) If the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes. The interest shall be assessed at the rate of nine percent per annum, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are paid. A recipient of deferred taxes shall have from the date on which the construction project was certified as operationally complete to December 31st of the first year of repayment in which to create the required number of employment positions under this law.

(2) If the department finds that the investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due. The

reasons for disqualification include, but are not limited to, the following:

(a) The facility is not used for a manufacturing, warehouse, computer, or research and development operations;

(b) The recipient has not made an investment in qualified buildings, machinery, and equipment.

Any action taken by the department under paragraph (1) or (2) above shall be subject to administrative review pursuant to the provisions of WAC 458-20-100.

**VII. PAYMENT PROCEDURES**

The recipient of sales and use tax deferral under this regulation shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project was operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

The department may authorize an accelerated repayment schedule upon request of the recipient. Interest shall not be charged on any taxes deferred under this rule during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW. The debt for deferred taxes shall not be extinguished by insolvency or other failure of the recipient nor shall the debt for the deferred taxes be extinguished by the sale, exchange, or other disposition of the recipient's business. Any person who becomes a successor (see WAC 458-20-216) to such investment project shall be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

**NEW SECTION**

**WAC 458-20-24002 SALES AND USE TAX DEFERRAL—NEW MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES.**

**I. INTRODUCTION**

Chapter 2, Laws of 1985 1st ex. sess. establishes a sales and use tax deferral program for certain manufacturing or research and development investment projects. The deferral will be granted only to persons not currently engaged in manufacturing or research and development activities in the state of Washington on June 14, 1985, the effective date of the deferral program. Applications for the tax deferral may be accepted up through June 30, 1986; a holder of a tax deferral certificate must

initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate. In general, the deferral applies to the construction of new buildings and the acquisition of related machinery and equipment.

**II. DEFINITION OF TERMS**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this rule.

"Applicant" means a person applying for a tax deferral under this rule.

"Person" has the meaning given in RCW 82.04.030. It means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof. For purposes of this rule the relationship of landlord and tenant between separate persons, at arms length, shall not be considered as any of the types of relationships which are identified above as "persons".

"Eligible investment project" means construction of new buildings and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction is commenced prior to December 31, 1986.

"Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

"Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

"Buildings" means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development purposes and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under this rule.

"Machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation.

"Qualified machinery and equipment" includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control

or operate the machinery. For purposes of this definition, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment are eligible for deferral if the certificate holder either brings the machinery and equipment into Washington for the first time or makes a retail purchase of the machinery and equipment in Washington.

"Acquisition of equipment and machinery" shall have the meaning given to the term "sale" in RCW 82.04-.040. It means any transfer of the ownership of, title to, or possession of, tangible personal property for a valuable consideration. A sale takes place when the goods sold are actually or constructively delivered to the buyer in this state.

"Recipient" means a person receiving a tax deferral under this chapter.

"Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

"Operationally complete" means that the eligible investment project is constructed or improved to the point of being fully and functionally useable for the intended purpose as described in the application.

"Initiation of construction" means that date upon which on-site construction commences.

"Plant complex" shall mean land, machinery, and buildings adapted to commercial, industrial, or research and development use as a single functional or operational unit for the designing, assembling, processing or manufacturing of finished or partially finished products from raw materials or fabricated parts.

"Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel its own building, but leases from a third party, is eligible for sales and use tax deferral provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, and equipment vests in the same persons. An eligible investment project does not include any project which or person who have previously been the recipient of a tax deferral under Washington law.

### III. APPLICATION PROCEDURES

An application for sales and use tax deferral under chapter 2, Laws of 1985 1st ex. sess. must be made prior to either the initiation of construction or the acquisition of equipment or machinery, as defined above, whichever occurs first. Application forms will be supplied to the applicant by the department upon request. The completed application is to be sent in duplicate to the following address:

State of Washington  
Department of Revenue  
Audit Procedures & Review  
Olympia, WA 98504  
Mail Stop AX-02

The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department, including information relating to employment at the investment project.

The department will examine and verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, a tax deferral certificate will be issued effective as of the date the application was received by the department. If disapproved, the department shall notify the applicant as to the reason(s) for disapproval. The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100 within twenty days from the date of notice of the department's refusal, or within any extension of such time granted by the department. A certificate holder shall initiate construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate.

A tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation, or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985 and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985 shall also be ineligible to receive a tax deferral certificate.

No application for deferral of taxes shall be accepted after June 30, 1986. For purposes of this regulation, the time of receipt of an application shall be determined by the date shown by the post office cancellation mark stamped upon the envelope containing the application if transmitted by the United States Postal Service, the date stamped on the envelope if transmitted by another carrier, or the date of receipt if hand delivered to an office of the department.

### IV. USE OF THE CERTIFICATE

A tax deferral certificate issued pursuant to chapter 2, Laws of 1985 1st ex. sess. shall be for the use of the recipient thereof for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings, machinery, and equipment as defined in this rule. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

The tax deferral certificate shall be used in a manner similar to that of a resale certificate as set forth in WAC



458-20-102. The certificate holder shall provide its vendors with a copy of the tax deferral certificate at the time goods or services are purchased. The seller or vendor shall be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller or vendor shall retain a copy of the certificate as part of its permanent records. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller or vendor is liable for reporting business and occupation tax on all deferral sales.

V. AUDIT PROCEDURES

The certificate holder shall notify the department in writing when the construction project is operationally complete. Upon receipt of such notification or other information, the department shall conduct a final audit of the investment project. The certificate holder shall open its books and records to the department and make available the final cost figures for the investment project. The department may request reasonable supporting documentation and other proof to justify the final cost of the project.

Upon completion of the audit the department shall certify the amount of sales and use taxes subject to deferral and the date on which the project was operationally complete. The recipient shall be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes shall be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sale and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within twenty days from the date of the notice of disallowance.

The deferral is allowable only in respect to investment in the construction of a new plant complex used in manufacturing or research and development activities, as defined above. Where a plant complex is used partly for manufacturing or research and development purposes and partly for purposes which do not qualify for deferral under this rule and it is not possible to identify the non-qualifying items through separate accounting, the applicable tax deferral shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the plant complex directly used for manufacturing purposes bears to the construction cost per square foot of the total plant complex.

The amount of tax deferral allowable for leased equipment shall be calculated upon that amount of the consideration paid by the lessee/recipient to the lessor:

- (1) Over the initial term of the lease, excluding any period of extension or option to renew, where the lease term ends on or before the last date for repayment of the deferred taxes; or
- (2) Over that portion of the lease term to the last date for repayment of deferred taxes as provided hereinafter, where the lease term, excluding any period of extension or option to renew extends beyond such repayment date.

After that date the lessee/recipient shall pay the appropriate sales tax to the lessor for the remaining term of the lease.

No taxes may be deferred under this rule prior to June 14, 1985. No applications for deferral of taxes will be accepted after June 30, 1986, nor will sales or use tax deferral certificates be issued after August 29, 1986. A certificate holder must commence construction of the investment project within one hundred eighty days of receiving approval from the department and issuance of the tax deferral certificate but no later than December 31, 1986.

VI. REPORTING AND MONITORING PROCEDURE

An applicant must provide the department with the estimated cost of the investment project at the time the application is made. The applicant shall also provide information relative to the number of jobs contemplated to be created by the project.

The department and the department of trade and economic development shall jointly make two reports to the legislature about the effect of this deferral law on new manufacturing and research and development activities and projects in Washington. The report shall contain information concerning the number of deferral certificates granted, the amount of state and local sales and use taxes deferred, the number of jobs created, and other information useful in measuring such effects. The departments shall submit their joint reports to the legislature by January 1, 1986 and January 1, 1987.

Any recipient of a sales and use tax deferral may be asked to submit reports to the department or department of trade and economic development during any period of time the recipient is receiving benefits under this deferral law. The report shall be made to the department in a form and manner prescribed by the department. The recipient may be asked to report information regarding the actual average employment related to the project, the actual wages of the employees related to the project, and any other information required by the department. If the recipient fails to submit a report, the department may not impose any penalties or sanctions against the recipient.

VII. PAYMENT PROCEDURES

The recipient of sales and use tax deferral under this regulation shall begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project was operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%



The department may authorize an accelerated repayment schedule upon request of the recipient. Interest shall not be charged on any taxes deferred under this program during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW. The debt for deferred taxes shall not be extinguished by insolvency or other failure of the recipient nor shall the debt for the deferred taxes be extinguished by the sale, exchange, or other disposition of the recipient's business. Any person who becomes a successor (see WAC 458-20-216) to such investment project shall be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

**WSR 85-21-014**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 7, 1985]

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 mandatory monthly reporting, amending WAC 388-24-044;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 4, 1985.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 4, 1985

By: David A. Hogan, Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

Re: WAC 388-24-044.

Reason These Rules are Necessary: To add a category of recipients who are required to report monthly per 45 CFR 233.36. Clarification is made of when the recipient is added to the monthly reporting (MMR) cycle and how long he/she must report.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Individuals who have income deemed to the assistance unit must report monthly. Individuals enter the MMR cycle for reporting the month following the month the department becomes aware of employment. Recipients who terminate employment must report for two months following the last month with earnings.

Persons Responsible for Drafting, Implementation and Enforcement of the Rule Change: Mac Trepanier, Division of Income Assistance, mailstop OB-31J, phone 753-3177.

These rules are necessary as a result of federal law, 45 CFR 233.36.

AMENDATORY SECTION (Amending Order 2169, filed 11/14/84)

WAC 388-24-044 MANDATORY MONTHLY REPORTING.

(1) As a condition of continuing eligibility for AFDC, certain recipients must return to the department a completed monthly report by the fifth day of the month following the month for which the report describes the household circumstances. Recipients (~~(reporting)~~) required to report monthly are those who:

- (a) Are currently employed, or
- (b) (~~Were employed in the two months prior to the month of application, or~~)
- (c) Terminate employment.

(d) Recipients in subsection (1)(b) and (c) of this section shall be required to report for three months.) Have recent work history.

(2) Recent work history is defined as having received earnings in one of the two months prior to the payment month.

(3) Recipients with recent work history are required to report for three months, including the last month of earnings.

(4) Approved applicants with recent work history shall be required to report for two months beginning the month following the month of opening.

(5) The first report month for newly employed recipients shall be the month following the month the department becomes aware of the earnings.

(6) Recipients, for purposes of mandatory monthly reporting, include recipients having earned income deemed to them from individuals living with them who have earned income or recent work history.

(~~(7)~~) (7) Failure to return a completed report by the fifth day of the month shall result in termination except as provided in subsection (~~(8)~~) (8) of this section.

(~~(8)~~) (8) If the recipient furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (~~(7)~~) (7) of this section, the department shall:

- (a) Accept the replacement form; and
- (b) Reinstatement assistance if the information on the replacement form indicates the recipient is still eligible.

(~~(9)~~) (9) If the information on the replacement form indicates the recipient is ineligible or eligible for an amount less than the prior month's payment, the department (~~(must)~~) shall give adequate notice to the recipient.

(10) Requirements in subsections (3), (4), (5), and (6) of this section are effective with monthly reports generated in November 1985.

**WSR 85-21-015**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Memorandum—October 4, 1985]

The Game Commission has decided on the following dates and locations for the 1986 Game Commission meetings:

- January 6            Olympia
- April 7             Tri Cities
- June 1 and 2       Seattle
- July 8              Yakima
- August 10 and 11 Spokane
- October 1          Mill Creek

**WSR 85-21-016**  
**ADOPTED RULES**  
**SEATTLE COMMUNITY COLLEGE DISTRICT**  
[Order 48, Resolution No. 1985-20—Filed October 7, 1985]

Be it resolved by the board of trustees of the Seattle Community College District, acting at the South Seattle Community College, that it does adopt the annexed rules relating to:

- Amd ch. 132F-104 WAC Seattle Community College District board of trustees—Rules and regulations.
- Amd WAC 132F-200-010 Tenure.
- Amd WAC 132F-116-170 Handicapped parking.

This action is taken pursuant to Notice No. WSR 85-16-120 filed with the code reviser on August 7, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapter 28B.50 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 17, 1985.  
By Tomio Moriguchi  
Chairman, Board of Trustees

AMENDATORY SECTION (Amending Order 27, filed 10/10/75)

WAC 132F-104-010 REGULAR MEETING OF THE COMMUNITY COLLEGE DISTRICT VI BOARD OF TRUSTEES. The board of trustees will hold a regular meeting on the ~~((first Monday))~~ third Tuesday of each month for eleven months of the year, unless that day is a legal holiday or otherwise modified by board action. In the event that the board of trustees is unable to meet on the regular meeting date, the

chairman of the board may order that the meeting be rescheduled or that no regular meeting of the board be held that month. The board shall maintain and announce a tentative meeting schedule approximately six months in advance showing the date, time, and location of each meeting. Advance notice of meetings shall be given in accordance with the Open Public Meetings Act of 1971, as amended.

AMENDATORY SECTION (Amending Order 30, filed 6/11/76)

WAC 132F-104-020 MEETING SCHEDULE. The action session of the board of trustees meeting will begin at ~~((6:30))~~ 6:00 p.m. in accordance with the published meeting schedule. The report session of the agenda will commence following the conclusion of the action session. During this time reports will be given to the board and resource people will be invited to provide detailed background information. These meetings are open to the public according to the Open Public Meetings Act of 1971, as amended.

AMENDATORY SECTION (Amending Order 41 and Resolution No. 1983-16, filed 6/15/83)

WAC 132F-104-030 LOCATION OF MEETING. Board meetings will be rotated among the three campuses and the district office for a total of three meetings at each campus and two meetings at the district office, one during the summer on a month designated by the board and one during December, in accordance with the published schedule, rotating meetings among the three campuses:

- (1) North Seattle Community College  
9600 College Way North  
Seattle, WA 98103
- (2) Seattle Central Community College  
1701 Broadway  
Seattle, WA 98122
- (3) South Seattle Community College  
6000 - 16th Avenue S.W.  
Seattle, WA 98106

Summer and December meetings:

~~((+))~~ Seattle Community College District  
300 Elliott Avenue West  
Seattle, WA 98119

AMENDATORY SECTION (Amending Order 41 and Resolution No. 1983-16, filed 6/15/83)

WAC 132F-104-812 DEADLINES. Items for regular board meeting agendas should be in the board office ~~((seven))~~ twelve days before the board meeting. Advance materials, including the agenda, background materials, and other information will be mailed to the board members and an approved board materials distribution list three work days in advance of regular meetings (including the day on which the materials are mailed and the day on which the meeting is held).

AMENDATORY SECTION (Amending Order 41 and Resolution No. 1983-16, filed 6/15/83)

WAC 132F-104-813 SUBMISSION ROUTES. To allow the board to have the benefit of background information and research, and to permit access for all SCCD constituencies to the board, the following submission routes to the board are available:

INITIATED BY:	SUBMITTED BY:
(1) An individual student, group of students, or student government organization	Student body government or other elected student representative to students' advisory representative to the board, or through the dean of students to the campus president.
(2) An individual faculty member, group of faculty members, or the faculty organization (SCCFT).	Faculty representative organization (SCCFT) to the faculty advisory representative to the board, or to the campus president via the dean of instruction or the district chancellor.
(3) An individual support staff employee, group of support staff employees, or the nonsupervisory classified employees' organization (WFSE).	For supervisory classified, per individual via the campus president or district chancellor. For WFSE members, to executive committee and WFSE advisory representative to the board.
(4) An individual administrative employee, a group of administrative employees, or administrative organization.	Either the campus president or the district chancellor via immediate supervisor.
(5) Individual citizens, groups, organizations, associations, agencies, or others who are not regular members of the district community.	Campus president if the matter concerns only one campus or ((to)) the district chancellor if the matter concerns the entire district.

AMENDATORY SECTION (Amending Order 41 and Resolution No. 1983-16, filed 6/15/83)

WAC 132F-104-815 BOARD DISTRIBUTION LIST. The ((board)) distribution list for the board of trustees will include the following:

	No.	Copies	Total
Regular board members	1	each	5
Advisory representatives to the board (SCCFT, WFSE, 3 ASB presidents)	1	"	5
Campus presidents' offices	3	"	9
Chancellor's office	3		3
Assistant attorney general	1		1
District officers and staff	1	"	((5))
President, SCCFT	1		1
Campus vice presidents, SCCFT	1	"	3
Campus ((library)) libraries	1	"	3
Editor, Polaris	1	"	1
Editor, City Collegian	1		1
Editor, Sentinel	1		1
Education editor, Seattle Times	1		1
Education editor, Seattle Post-Intelligencer	1		1
			((=)) 46))

Individuals or groups who wish to read these materials may do so in the campus presidents' offices or in the board office anytime during regular working hours.

AMENDATORY SECTION (Amending Order 40, filed 7/1/81)

WAC 132F-104-818 NEW BUSINESS. Items not previously discussed may be presented by any individual or group at this time. Normally, no action may be taken at this time on any item which has not appeared on the printed agenda unless ((they are)) it is of an emergency nature.

AMENDATORY SECTION (Amending Order 41 and Resolution No. 1983-16, filed 6/15/83)

WAC 132F-104-819 NOTIFICATION TO BOARD OFFICE. Individuals or groups are requested to notify the board office ((seven)) eight working days prior to the regular board meeting of the title and/or nature of any items which they wish to discuss under old or new business at the meeting.

AMENDATORY SECTION (Amending Order 41 and Resolution No. 1983-16, filed 6/15/83)

WAC 132F-200-010 TENURE. The board of trustees of Seattle Community College District VI reserves to itself the final determination of the granting of tenure to any academic employee of the district; the dismissal of a tenured academic employee; or the dismissal of a probationer during the term of his/her contract, pursuant to the policies of the board of trustees, the agreement with Seattle Community College Federation of Teachers ((or)) and the laws of the state of Washington.

AMENDATORY SECTION (Amending Order 29, filed 10/10/75)

WAC 132F-116-170 ((HANDICAPPED)) DISABLED PARKING. No vehicle shall park in a ((handicapped zone other than an assigned vehicle. To qualify for a disabled parking stall, one of the following conditions must be met: (1) The student must display a valid state of Washington disabled permit:

~~(2) Be recognized by a governmental sponsoring agency as disabled, and so noted on its authorization for parking provisions for the student.~~

~~(3) The student filing with the campus business office a statement from a medical doctor as to a condition of disability)) parking space designated for disabled persons without displaying a disabled license plate, card, or decal issued by the Washington state department of licensing (or from equivalent other jurisdictions in other states) that indicates that an occupant of the vehicle is disabled.~~

(1) Such vehicle must be used to transport the disabled person.

(2) Vehicles meeting these criteria will be allowed to park in the designated spaces upon payment of the standard nonreserved parking rate.

(3) The safety and security officer of each campus and the district office shall make alternative parking available for short-term disabilities.

**WSR 85-21-017**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed October 8, 1985]

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 Clallam County, WAC 173-19-130.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 27, 1986.

The authority under which these rules are proposed is chapters 43.21A and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice Nos. WSR 85-12-049, 85-16-104 and 85-17-063 filed with the code reviser's office on June 5, 1985, August 6, 1985, and August 20, 1985.

Dated: September 27, 1985

By: Glen H. Fiedler  
 Deputy Director

**WSR 85-21-018**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-154—Filed October 9, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is this regulation is needed to prevent harvest of ocean salmon stocks while fishing periods are open in Willapa Harbor, and the old definition referenced Buoy 8A which has been removed.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 8, 1985.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

NEW SECTION

*WAC 220-22-02000C WILLAPA HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. Notwithstanding the provisions of WAC 220-22-020, effective immediately until further notice, the western boundary of Willapa Harbor Salmon Management and Catch Reporting Area 2G is defined as a line projected from Cape Shoalwater light southerly to Buoy 8 thence south-southeasterly to Leadbetter Point.*

**WSR 85-21-019**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-155—Filed October 9, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is escapement levels of coho salmon have not been met in Grays Harbor and chum salmon levels have not been met in Willapa Harbor.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 8, 1985.

By Russell W. Cahill  
 for William R. Wilkerson  
 Director

NEW SECTION

*WAC 220-36-02100U GRAYS HARBOR GILL NET SEASON. Notwithstanding the provisions of WAC 220-36-021, effective immediately until 5:30 a.m. October 27, 1985, it is unlawful to fish for or possess salmon taken for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Area.*

NEW SECTION

**WAC 220-40-02100E WILLAPA HARBOR GILL NET SEASON.** Notwithstanding the provisions of WAC 220-40-021, effective immediately until 6:00 p.m. October 15, 1985, it is unlawful to fish for or possess salmon taken from any Willapa Harbor Salmon Management and Catch Reporting Area except as provided for in this section:

- Areas 2G and 2H – Immediately through 6:00 p.m. October 9, 1985. 6:00 p.m. October 13 through 6:00 p.m. October 15, 1985.
- Areas 2J and 2K – Immediately through 6:00 p.m. October 9, 1985. 6:00 p.m. October 13 through 6:00 p.m. October 14, 1985.
- Area 2M – Immediately through 6:00 p.m. October 9, 1985. 6:00 p.m. October 13 through 6:00 p.m. October 15, 1985.
- Willapa River – Immediately through 6:00 p.m. October 9, 1985. 6:00 p.m. October 13 through 6:00 p.m. October 15, 1985. Downstream from the overhead powerline crossing located between Willapa River Markers #55 and #56, 5 to 6 1/2 inch mesh only.

REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-40-02100D WILLAPA HARBOR GILL NET SEASON.** (85-147)

**WSR 85-21-020**

**ADOPTED RULES**

**LIQUOR CONTROL BOARD**

[Order 166, Resolution No. 175—Filed October 9, 1985—  
Eff. November 25, 1985, and December 10, 1985]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to:

- Amd WAC 314-20-100 Beer wholesale price posting.
- Amd WAC 314-20-105 Beer suppliers' price filings, contracts and memoranda.

This action is taken pursuant to Notice No. WSR 85-18-092 filed with the code reviser on September 4, 1985. These rules shall take effect at a later date, such date being November 25, 1985, for WAC 314-20-105, and December 10, 1985, for WAC 314-20-100.

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

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

APPROVED AND ADOPTED October 9, 1985.

By L. H. Pedersen  
Chairman

AMENDATORY SECTION (Amending Order 91, Resolution No. 100, filed 8/2/82)

**WAC 314-20-100 BEER WHOLESALE PRICE POSTING.** (1) Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the ((first)) tenth day of the month, and if approved will become effective on the ((fifteenth)) first day of the ((same)) calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the ((fifth)) fifteenth day of the month in order to become effective on the ((fifteenth)) first day of the ((same)) next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the ((first)) tenth day of the month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a beer wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a beer wholesaler elects to file postings listing selected items on which prices are temporarily reduced for one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(6) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(9) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with WAC 314-20-105, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105.

(10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(12) Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee

at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery.

(13) When a new beer wholesaler's license is issued by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105.

#### AMENDATORY SECTION (Amending Order 91, Resolution No. 100, filed 8/2/82)

WAC 314-20-105 BEER SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA. (1) Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items, all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances and incentive programs; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised contracts or memoranda shall forthwith be filed with the board as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of beer offered for sale by such licensed brewer; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the ~~((fifteenth))~~ twenty-fifth day of the month, and if approved will become effective on the ~~((fifteenth))~~ first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the ~~((twentieth))~~ first day of the month in order to become effective on the ~~((fifteenth))~~ first day of the following month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

(a) When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it, or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(b) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in WAC 314-20-100 (9) and (13).

(3) Filing date exception—Whenever the ((fifteenth)) twenty-fifth day of the month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) In the event that a brewer determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a licensed brewer elects to file postings listing selected items on which prices are temporarily reduced for a period of one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Prices filed by a licensed brewer shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.

(6) No licensed brewer shall sell or offer to sell any beer to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(7) No licensed brewer shall sell or offer to sell any package or container of beer to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer and then in effect.

(8) The provisions set forth in the foregoing subsections of this regulation shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by every certificate of approval holder who sells beer to a beer importer, every beer importer who sells beer to another beer importer or to a beer wholesaler, and every beer wholesaler who sells beer to another beer wholesaler: PROVIDED, That the provisions of this subsection shall not apply, and filings will not be required in the instance of beer wholesalers making accommodation sales to other beer wholesalers

when such sales are made at a selling price not to exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the wholesaler purchasing the beer is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(9) Holders of certificates of approval may ship beer into this state when the beer has been sold and consigned to the holder of a beer importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another beer importer, and the board so notified immediately.

(10) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any such price filing, contract or memorandum the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected, the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(11) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

**WSR 85-21-021**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 9, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-15-170 General and seasonal day care services.  
 Rep WAC 388-15-173 Parent participation—Day care.

It is the intention of the secretary to adopt these rules on an emergency basis on November 1, 1985; that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 4, 1985.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.13 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 7, 1985

By: David A. Hogan, Director

Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-170 and repealing WAC 388-15-173.

**Purpose of the Rule Change:** To increase the number of participants in the parent participation day care program and thereby reduce expenditures for the DCFS day care subsidy program.

**Reason the Rule Change is Necessary:** To abide by legislative policy mandating the prevention of the over-expenditure of monies for DCFS day care.

**Statutory Authority:** RCW 74.08.090.

**Summary of the Rule Change:** State median income levels for parent participation day care are revised for all DCFS day care, except child protective services and seasonal farmworker day care services, resulting in increased numbers of clients participating toward the cost of day care services.

**Person Responsible for Drafting, Implementation and Enforcement of the Rule:** Jan Wells, Program Manager, Division of Children and Family Services, OB 41-D, phone 753-7076.

These rules are not necessary as a result of federal law, federal court decisions, or state court decisions.

#### AMENDATORY SECTION (Amending Order 1931, filed 12/29/82)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care, protection, and related services for a child under fifteen years of age during the portion of the twenty-four hour day when neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed in accord with an approved case plan, and is not an AFDC recipient,

(b) Parent is enrolled in an approved work incentive program (WIN) (not to exceed one year) leading toward employment,

(c) For school-age parent to complete secondary education or attainment of GED (not to exceed two years), subject to approval by the department,

(d) Parent to keep physical or mental health appointment,

(e) Child in need of day care as part of children's protective service case plan,

(f) Provided as child welfare services by a professional or other mental health social service agency referral for the child's or parent's physical or emotional health or support to the family structure.

(2) Goals for general day care services shall be limited as specified in WAC 388-15-010 (1)(a), (b), (c). Also see WAC 388-15-010(2).

(3) Child care (~~including~~) except for seasonal day care, may be purchased for children or families who are:

(a) (~~Individuals~~) Family units whose gross income is equal to or below (~~thirty-eight~~) thirty-four percent of the state median (~~gross~~) income for a family of four adjusted for family size (~~(-See WAC 388-15-020 (2)(d)-)~~); or gross income between thirty-four and forty-six percent of the SMIAFS wherein the family shall pay to the day care provider fifty percent of their gross monthly income above the thirty-four percent SMIAFS toward the cost of day care.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for seasonal day care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies serving migrant families; and

(b) Must derive at least fifty percent of the family's annual income from agriculturally related work; and

(c) Must have more than one agricultural employer per year; and

(d) Must have a gross income for the past twelve months not to exceed thirty-eight percent of the state median income adjusted for family size; or gross income between thirty-eight percent and fifty-three percent of the state median income adjusted for family size wherein the family shall pay to the day care provider fifty percent of their average gross monthly income above the thirty-eight percent state median income adjusted for family size toward the cost of day care.

(5) Standards for in-home care:

(a) In-home care is the care and supervision of a child in his or her own home by a relative or by an unrelated person during part of the twenty-four hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary he or she remain in his or her home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older,

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,

(iii) Be of sufficient physical, emotional, and mental health to meet the needs of the children in care,

(iv) Subject to the discretion of the worker, give written evidence from a medical authority he or she is in sufficient physical, emotional, and mental health to be a safe caretaker,

(v) Produce written references indicating he or she is capable of handling children of the ages for whom he or she will be caring and has the ability to provide activities suitable to the children's ages and interests,

(vi) Be able to work with children without recourse to physical punishment or psychological abuse,

(vii) Be able to accept and follow instructions,

(viii) Maintain personal cleanliness,

(ix) Be prompt and regular in job attendance,

(x) Expect to be evaluated as specified in subsection (5)(d)(i) through (ix) of this section.

(e) Responsibilities of in-home caretaker. The in-home caretaker shall:

(i) Consider his or her primary function that of child care,



(ii) Provide constant care and supervision of the children for whom he or she is responsible throughout the time he or she is on duty in accordance with the children's needs,

(iii) Provide appropriate activities for children in care.

(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, the person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time payment is received. The parent or surrogate must send the payment receipt with his or her statement of child care provided during the previous month to the CSO before the next child care payment shall be authorized.

(c) If total payments to an individual providing in-home care are expected to be fifty dollars or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: Father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-15-173 PARENT PARTICIPATION DAY CARE.

**WSR 85-21-022**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
[Memorandum—October 9, 1985]

The date of the meeting scheduled by the Washington State Human Rights Commission on October 31, 1985, has been changed to October 30, 1985. The time and location will remain the same. The special commission meeting will be held at the Port of Seattle, Commission Chambers, Third Floor, Pier 66, Seattle, beginning at 6:00 p.m. The topic will also remain the same, a forum sponsored by the Washington State Human Rights Commission on "AIDS - A Human Rights Issue."

**WSR 85-21-023**  
**ADOPTED RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**  
[Order 5-85—Filed October 10, 1985]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 192-09-060 Appeals—Right to notice of.
- New WAC 192-12-019 Employer request for benefit charge relief.

This action is taken pursuant to Notice No. WSR 85-18-077 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 50.04 RCW and RCW 50.29.020 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED October 9, 1985.

By Ernest F. LaPalm  
Deputy Commissioner

**AMENDATORY SECTION** (Amending Order 1-85, filed May 15, 1985)

WAC 192-09-060 APPEALS—RIGHT TO NOTICE OF. Notice of appeal rights shall be set forth on the face of, or as an attachment to, each of the following:

- (1) Redetermination of an initial determination.
- (2) Determination of allowance or denial of waiting period credit or benefits.
- (3) Redetermination of allowance or denial of waiting period credit or benefits.
- (4) Notice of assessment of contributions, interest, or penalties.
- (5) Denial of a claim for refund of contributions, interest, or penalties.
- (6) Denial of a redetermination of benefit charges made to an employer's account.
- (7) Denial of a redetermination or adjustment of an employer's determined or redetermined rate of contribution.
- (8) Denial of a request for relief of benefit charges.
- (9) Denial of approval or extension of standby status.
- ~~((+))~~ (10) Decisions and orders issued by the office of administrative hearings other than an order approving a withdrawal of appeal.
- ~~((+))~~ (11) Decisions of commissioner.

**NEW SECTION**

WAC 192-12-019 EMPLOYER REQUEST FOR BENEFIT CHARGE RELIEF. RCW 50.29.020(2) provides, in part, that a contribution-paying base year employer may request relief of benefit charges which result from payment to an individual who last left his/her employment voluntarily (for reasons not attributable to the employer) or was discharged for misconduct connected with the work. The employer request must be received within 30 days of the mailing of the notification of the claimant filing an initial claim (the initial "Notice to Base Year Employer" EMS 166).

The commissioner accordingly prescribes:

(1) Reasons not attributable to the employer for voluntarily leaving work shall be personal reasons, not work connected. These reasons may include, but are not limited to:

- (a) Employee illness or disability;
- (b) Illness or death of member(s) of employee's immediate family;
- (c) Employee's leaving to accept work with another employer;
- (d) Incarceration of employee;
- (e) Marital or domestic responsibilities of the employee;
- (f) Employee's pursuit of additional education; or
- (g) Personal dissatisfaction with wages or hours known at time of hire.

(2) Reasons considered to be attributable to the employer are those work related factors of such a compelling nature as to cause a reasonably prudent person to leave his or her employment. Such work related factors may include, but are not limited to:

- (a) Substantial involuntary deterioration of the work factors;
- (b) Work location (distance and difficulty of travel);
- (c) Safety of work site, equipment/machine safety;
- (d) Employee skills no longer required for job performance; or
- (e) Such other work related factors as the commissioner may deem pertinent.

(3) The employer requests for benefit charging relief must be in writing and must be received or postmarked within 30 days of mailing of the notification of the initial determination (the initial "Notice to Base Year Employer" EMS 166), except for good cause shown. Benefit charging relief is only available with respect to notices of initial determination (the initial "Notice to Base Year Employer" EMS 166) mailed July 1, 1985, or later.

Any employer added to a monetary determination as a result of a redetermination of an initial claim, filed on July 1, 1985, or later, will be eligible for consideration of noncharging relief.

Any employer added to a monetary determination as the result of a redetermination of an initial claim filed prior to July 1, 1985, will be eligible for consideration of relief of charging if the notification of the initial determination ("Notice to Base Year Employer" EMS 166) was mailed July 1, 1985, or later.

(4) Timeliness. If, upon receipt of the employer's written request, the department requires additional information, the employer shall provide the requested information within 10 working days from the date of mailing of the request by the department. Failure to respond within 10 working days will result in a denial of benefit charging relief for the employer unless good cause for the untimely response is shown.

(5) Burden of Proof. It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to allow a determination of noncharging relief or good cause for failure to respond in a timely manner.

(6) Any denial of a request for noncharging relief shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

**WSR 85-21-024**

**ADOPTED RULES**

**EMPLOYMENT SECURITY DEPARTMENT**

[Order 6-85—Filed October 10, 1985]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 192-28-100 Recovery of benefit overpayment—General provisions.
- New WAC 192-28-105 Recovery of benefit overpayment—Notification to individual.
- New WAC 192-28-110 Recovery of benefit overpayment—Fault provisions.
- New WAC 192-28-115 Recovery of benefit overpayment—Equity and good conscience provisions.
- New WAC 192-28-120 Recovery of benefit overpayment—By repayment or by offset against future.
- New WAC 192-28-125 Recovery of benefit overpayment—Notification of right to appeal.

This action is taken pursuant to Notice No. WSR 85-18-078 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 50.20.190 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED October 9, 1985.

By Ernest F. LaPalm  
Deputy Commissioner

**CHAPTER 192-28**

**RECOVERY OF BENEFIT OVERPAYMENTS**

WAC	
192-28-100	RECOVERY OF BENEFIT OVERPAYMENT—GENERAL PROVISIONS
192-28-105	RECOVERY OF BENEFIT OVERPAYMENT—NOTIFICATION TO INDIVIDUAL
192-28-110	RECOVERY OF BENEFIT OVERPAYMENT—FAULT PROVISIONS
192-28-115	RECOVERY OF BENEFIT OVERPAYMENT—EQUITY AND GOOD CONSCIENCE PROVISIONS
192-28-120	RECOVERY OF BENEFIT OVERPAYMENT—BY REPAYMENT OR BY OFFSET AGAINST FUTURE BENEFITS
192-28-125	RECOVERY OF BENEFIT OVERPAYMENT—NOTIFICATION OF RIGHT TO APPEAL

NEW SECTION

**WAC 192-28-100 RECOVERY OF BENEFIT OVERPAYMENT—GENERAL PROVISIONS.** The purpose of this chapter is to interpret and implement the provisions of RCW 50.20.190 concerning the recovery of benefit overpayments. RCW 50.20.190 provides: "An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: . . ."

The commissioner may waive an overpayment if he finds that said overpayment was not the result of fraud, misrepresentation, wilful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: . . ."

NEW SECTION

**WAC 192-28-105 RECOVERY OF BENEFIT OVERPAYMENT—NOTIFICATION TO INDIVIDUAL.** (1) When the department has information which causes it to believe that an individual has been paid more benefits than he or she is entitled to receive, it will provide that individual with a written notice that a potential overpayment exists. This notice shall contain the following:

(a) The reasons for the department's belief that the individual has been overpaid benefits.

(b) The amount of the overpayment.

(c) The fact that the department will collect overpayments in accordance with WAC 192-28-120.

(d) The fact that final overpayment assessments constitute legally enforceable debts which individuals are liable to repay whether or not they are claiming or receiving unemployment benefits. These debts can be used to obtain warrants which could result in liens, garnishment of salaries, and possible sale of real and personal properties.

(e) An explanation that if an individual is found to be not at fault, he or she has the right to request a waiver of the overpayment and that waiver means the individual would not have to repay the overpayment because it would be against the principles of equity and good conscience.

(f) A statement that an individual has 10 days to submit information to the local Job Service Center regarding or disputing the existence of an overpayment and whether or not he or she was at fault. Failure to do so will result in the department making a decision, based on available information, regarding the existence of the overpayment and the individual's eligibility for waiver.

NEW SECTION

**WAC 192-28-110 RECOVERY OF BENEFIT OVERPAYMENT—FAULT PROVISIONS.** (1) In each instance where an overpayment occurs, the department will make a finding of fault or nonfault based on

information provided by the individual and/or by the employer and from information contained in its records. After reviewing all such information, the individual will be considered to be at fault when the overpayment is:

(a) The result of fraud, misrepresentation, wilful non-disclosure; or

(b) The result of a disqualification for a felony or gross misdemeanor pursuant to the provisions of RCW 50.20.060(2), or if all of the following three elements are established:

(i) The individual was paid benefits in an amount greater than he or she was entitled to receive and he or she accepted and retained those benefits; and

(ii) The payment of these benefits was based on incorrect information or a failure to furnish information which the individual should have provided as outlined in the EMS 8139 – Information for Claimant Booklet, The Presentation of Benefit Rights, claimant directives and other reasonable written communications issued by the department; or information which the individual caused another to fail to disclose; and

(iii) The individual had sufficient notice that the information should have been reported.

(2) In accordance with WAC 192-23-900, an individual who is overpaid as the result of a conditional payment is liable for repayment.

(3) The individual will be considered to be without fault in situations where he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision and the overpayment is:

(a) The result of agency error or omission, employer error or omission; or

(b) The result of the reversal of a lower level decision by the Office of Administrative Hearings, the commissioner or a court; or

(c) Not a payment that the individual should have known was improper. Examples of nonfault situations where an individual would not reasonably have known that an overpayment of benefits had been made would include, but not be limited to, overpayments resulting from: back pay awards, receipt of retroactive pensions, claims filed improperly against the state of Washington instead of against another state, or the receipt of extended benefits when the individual was entitled to regular benefits in this or another state.

(4) In determining whether or not an individual is at fault, the department shall also consider education, mental abilities, emotional state and other elements of the individual's personal situation which affect his or her knowledge and ability to comply with reporting all material information that is relevant to benefit eligibility. This includes information contained in the EMS 8139 – Information for Claimant Booklet, The Presentation of Benefit Rights, claimant directives and other reasonable written communications issued by the department.

NEW SECTION

**WAC 192-28-115 RECOVERY OF BENEFIT OVERPAYMENT—EQUITY AND GOOD CONSCIENCE PROVISIONS.** (1) The department will grant waiver of an overpayment when it is found that

the individual was without fault in the overpayment and when it is determined that to require repayment would be against equity and good conscience. It will be against equity and good conscience to deny waiver in situations where repayment of the overpayment would deprive the individual of income required for ordinary and necessary living expenses unless there are unusual circumstances which would militate against waiver.

(2) The individual will be required to provide financial information for the determination of waiver of the overpayment. Failure on the part of the individual to provide such information within 10 days from the request date will result in a denial of waiver. All such information is subject to verification by the department and, upon request, will be provided to interested employers as defined in WAC 192-28-125. Any overpayment amount waived which is later determined to be based on fraud, malfeasance or misrepresentation shall be restored to the overpayment balance.

(3) The financial information requested shall include:

(a) An account of the individual's income and to the extent available to the individual, other financially contributing members of the household's income, for the month preceding, the current month and the month following the date that the overpayment is assessed.

(b) An account of the individual's current and readily available liquid assets. Liquid assets may include, but are not limited to, checking and savings account balances, stocks, bonds and cash on hand.

(c) An account of the individual's expenses for the month preceding, the current month and the month following the date that the overpayment is assessed.

(4) If average monthly expenses equal or exceed average monthly income and there are no substantial liquid assets available, waiver of the overpayment will be considered. If average monthly income exceeds average monthly expenses and unemployment insurance is considered as projected income in this calculation, either in the current or the next month, then the department will recalculate average monthly income based on potential benefits that would be paid considering the 50% offset provisions contained in WAC 192-28-120. If based on this recalculation, average monthly expenses exceed average monthly income, waiver of the overpayment will be considered. The presence of unusual circumstances may justify waiver on other than a financial basis when not to waive would be unconscionable.

(5) In cases where an individual has been denied waiver but at a later date there is a change in his or her financial situation, the individual may request the consideration of an Offer in Compromise pursuant to the provisions of RCW 50.24.020. Individuals who are found to be at fault, with the exception of those denied pursuant to RCW 50.20.060(2) or RCW 50.20.070, may also request consideration of an Offer in Compromise, based on their financial situation. Prior to the acceptance of an Offer in Compromise all base year employers will be provided with a copy of the individual's completed Offer in Compromise form and will be allowed 10 days to provide information to the department regarding the Offer in Compromise request. The allowance or denial of a request for consideration of an Offer in Compromise

will be in accordance with the financial criteria used by the department for the allowance or denial of waiver of an overpayment together with other factors deemed pertinent in the individual case. Any overpayment amount compromised which is later determined to have been based on fraud, malfeasance or misrepresentation shall be restored to the overpayment balance.

#### NEW SECTION

**WAC 192-28-120 RECOVERY OF BENEFIT OVERPAYMENT—BY REPAYMENT OR OFFSET AGAINST FUTURE BENEFITS.** (1) An overpayment may be recovered either by offset or repayment by the individual. If not repaid by the individual, the amount assessed shall be deducted from benefits payable for any future week(s) claimed. If any recovery procedure is in conflict with federal regulations, the federal regulations shall apply.

(2) For overpayments assessed under RCW 50.20.070 for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be 100% of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(3) For all other overpayments that are not waived, the amount to be deducted will be 50% of benefits payable for each future week(s) claimed.

(4) For combined wage claims, the amount to be deducted for another state will be 100% of the benefits payable for each future week(s) claimed for fraud overpayments and 50% of the benefits payable for each future week(s) claimed for all other overpayments. The individual will be issued prior written notice that the overpayment will be offset.

(5) A repayment contract will be suspended whenever an individual is in current claim status and the overpayment is being offset from future week(s) payable in accordance with (2) or (3) above. When the individual is no longer in offset status, the provisions of the repayment contract will become enforceable.

#### NEW SECTION

**WAC 192-28-125 RECOVERY OF BENEFIT OVERPAYMENT—NOTIFICATION OF RIGHT TO APPEAL.** (1) The department shall ensure that all interested employers and the individual to whom the overpayment is assessed are notified in writing of the overpayment assessment and their right to appeal any or all of the following elements of the overpayment assessment:

(a) The reason for the overpayment;  
 (b) The amount of the overpayment;  
 (c) The finding of fault or nonfault;  
 (d) The reason for waiver or denial of waiver of the overpayment.

(2) For the purposes of this chapter, interested employer means any employer who provides information to the department which results in an overpayment assessment and in the case of an overpayment where waiver has been considered, whether allowed or denied, all base year employers on which the claim is based.

(3) The department shall also ensure that those individuals who have been denied waiver, as well as those individuals who were found to be at fault and waiver was not considered, are notified in writing of their right to apply for consideration of an Offer in Compromise. Offers in Compromise will not be entertained from an individual whose overpayment was brought about by a final denial pursuant to RCW 50.20.060(2) or RCW 50.20.070. All base year employers on which a claim is based will be notified in writing of the acceptance of an Offer in Compromise.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

(1) WAC 192-12-157 RECOVERY OF BENEFIT PAYMENTS.

**WSR 85-21-025**  
**ADOPTED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-243, Cause No. U-85-35—Filed October 10, 1985]

In the matter of amending WAC 480-120-066 relating to telephone information service providers.

This action is taken pursuant to Notice No. WSR 85-18-012 filed with the code reviser on August 23, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 85-18-012 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, October 9, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to October 4, 1985. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, October 9, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the October 9, 1985, meeting the commission considered the rule change proposal. No written or oral comments were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-120-066 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-120-066 as amended will require that contracts between telecommunication companies and information service providers specify that in institutional or promotional advertising, the provider state prominently the cost to the customer.

#### **ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-120-066 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 10th day of October, 1985.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Commissioner  
Richard D. Casad, Commissioner

#### **APPENDIX "A"**

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-066 CONTRACT FOR SERVICE. Whenever the classification of service under which the customer is to be served requires that such service shall be taken for a specified minimum period a contract may be executed. A sample copy of each typical contract form currently in use by the utility shall be submitted to the commission and the commission shall be notified when any change other than a minor deviation is made in these forms.

Any contract with an information provider shall require that the information provider, in any institutional advertising or promotion, state prominently in such advertising the cost to the customer.

**WSR 85-21-026**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed October 10, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to telecommunications companies, WAC 480-120-011, 480-120-021, 480-120-022, 480-120-023, 480-120-024, 480-120-025, 480-120-031, 480-120-041, 480-120-042, 480-120-056 and 480-120-088;

that the agency will at 9:00 a.m., Wednesday, November 6, 1985, in the Commission's Hearing Room,

Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040.

The specific statute these rules are intended to implement is chapter 450, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 1, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-18-081 filed with the code reviser's office on September 4, 1985.

Dated: October 10, 1985  
By: Paul Curl  
Acting Secretary

**WSR 85-21-027**  
**REVIEW OF RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed October 10, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.230, that the Department of Transportation intends to review its rules regarding the following:

- Chapter 468-38 WAC Vehicle size and weight restricted highways—Equipment.
- Chapter 468-46 WAC Transit vehicle stop zones.
- Chapter 468-78 WAC Transportation building—Works of art;

that the agency will at 10:00 a.m., Monday, November 18, 1985, in the Board Room, 1D 9, Transportation Building, Olympia, Washington, conduct a public hearing on the reviewed rules.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 13, 1985.

This is connected to and continues the matter in WSR 85-18-002 filed with the code reviser's office on August 22, 1985.

Dated: October 10, 1985  
By: Duane Berentson  
Secretary

**WSR 85-21-028**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed October 10, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning chapter 468-95 WAC, "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD). Adoption of Revision No. 3 to the 1978 MUTCD as an amendment to chapter 468-95 WAC;

that the agency will at 10:00 a.m., Monday, November 18, 1985, in the Board Room, 1D9, Transportation Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 47.36.030, traffic control devices.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 13, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-18-062 filed with the code reviser's office on September 4, 1985.

Dated: October 10, 1985  
By: Duane Berentson  
Secretary

**WSR 85-21-029**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed October 10, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning:

- Amd WAC 468-06-030 Exempted records.
- Amd WAC 468-06-040 Description of central and field organization of the Washington State Department of Transportation.
- Amd WAC 468-06-070 Requests for public records;

that the agency will at 10:00 a.m., Monday, November 18, 1985, in the Board Room, 1D 9, Transportation Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 42.17.250 through 42.17.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 13, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-18-001 filed with the code reviser's office on August 22, 1985.

Dated: October 10, 1985  
By: Duane Berentson  
Secretary

**WSR 85-21-030**  
**EMERGENCY RULES**  
**HIGHER EDUCATION PERSONNEL BOARD**  
[Order 138—Filed October 10, 1985]

Be it resolved by the Higher Education Personnel Board, acting at the Peninsula College, Port Angeles,

Washington, that it does adopt the annexed rules relating to the Higher Education Personnel Board, amending WAC 251-04-050.

We, the Higher Education Personnel Board, find that an emergency exists and that this 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 the emergency is board approved emergency adoption of amendment effective July 19, 1985, and approved permanent adoption at September 20, 1985, meeting to be effective November 1, 1985; emergency adoption must be extended for time period between expiration of emergency adoption and effective date of permanent adoption.

These 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED September 20, 1985.

By John A. Spitz  
Director

AMENDATORY SECTION (Amending Order 117, filed 6/1/84)

WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD. (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid ((fifty)) one hundred dollars for each day in which he/she has actually attended a meeting of the board officially held or performs statutorily prescribed duties approved by the chairperson of the board. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to

transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions (~~and reemployment from layoff~~), with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment according to seniority; determination of appropriate bargaining units within any institution or related board: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may

lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: **PROVIDED**, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment (~~or merit~~) increases within the series of steps for each pay grade, and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. (~~This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.~~)

**WSR 85-21-031**  
**ADOPTED RULES**  
**HIGHER EDUCATION PERSONNEL BOARD**  
 [Order 139—Filed October 10, 1985]

Be it resolved by the Higher Education Personnel Board, acting at the Edmonds Community College, Edmonds, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 251-18-010 Examination—Requirement—Responsibilities.
- Amd WAC 251-18-035 Recruitment notices—Required content.

This action is taken pursuant to Notice No. WSR 85-18-075 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 8, 1985.

By John A. Spitz  
 Director

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-18-010 EXAMINATION—REQUIREMENT—RESPONSIBILITIES. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination.

(2) All job elements included in examinations developed or modified subsequent to (~~September 1, 1985~~) January 1, 1986, shall be justified by documented job analysis.

(3) Personnel officers shall assist in conducting and/or conduct job analyses at their institutions.

(4) Job analysis methods shall meet professional standards and be approved by the director before they are used to develop examinations.

(5) System examinations shall be developed by the director with the assistance of the personnel officers and made available for the use of all institutions. The director shall periodically distribute an approved system job element examination list showing all current system examinations.

(6) Personnel officers shall use only the current versions of the examinations shown on the approved system job element examination list unless approval has been given by the director for examination modifications or the use of institutional examinations.

(7) Personnel officers may develop modifications to system examinations and/or institutional examinations to meet requirements which are unique to their institutions.

(8) Institutional examinations and modifications to system examinations shall be:

- (a) Approved by the director before they are used;
- (b) Used by institutions other than the developing institution only with the approval of the director.

(9) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-18-035 RECRUITMENT NOTICES—REQUIRED CONTENT. Official institutional recruitment notices (not to include media or other supplemental publicity) shall contain the following information:

(1) For promotional examinations, a statement that the examination is open only to (~~unit organization~~) organizational unit and/or institution-wide promotional applicants.

(2) The title of the HEPB classification for which the list is open.

(3) The salary range for the class.

(4) Any conditions of employment for the class or position(s).



(5) The closing date of the recruitment notice, i.e., the specific date and time by which applications must be received by the personnel officer.

(6) When the recruitment notice is to be widely distributed, a statement of the specific locations at which corrected or extended recruitment notices will be displayed.

(7) A brief description of the duties of the class and, if applicable, the duties of the specific position(s).

(8) The minimum qualifications of the classification, if any.

(9) When applicable, a statement regarding the use of a combined list per WAC 251-18-180(10).

(10) When applicable, a statement that certification for corrective employment per WAC 251-18-250 may be utilized.

(11) When applicable, a statement that certification for specific position requirements per WAC 251-18-255 may be utilized.

(12) When applicable per WAC 251-18-060(3), the minimum number of most highly qualified applicants who will be admitted to each phase of the examination other than the screening or other initial phase, provided that at least this number of applicants pass the initial phase(s) of the examination.

(13) For classes in the approved noncompetitive service of the institution:

(a) That applicants will be placed on the list(s) in the order in which they complete making proper application for the class.

(b) The number of applicants who will be placed on the eligible list(s).

**WSR 85-21-032**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
[Filed October 10, 1985]

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 IMR program and reimbursement system, amending chapter 275-38 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about October 10, 1985;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 4, 1985.

The authority under which these rules are proposed is RCW 74.09.120.

The specific statute these rules are intended to implement is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 8, 1985

By: David A. Hogan, Director  
Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
Re: Chapter 275-38 WAC.

Purpose of this Rule Change: To establish the IMR reimbursement system effective October 1, 1985, to include the legislatively appropriated wage enhancement.

Reason These Rules are Necessary: WAC 275-38-795 is revised because it conflicts with practice and represents potential significant loss of federal financial participation; 275-38-813 is required for our rules to be in compliance with new federal law, DEFRA, Section 1816 (v)(O); and 275-38-860, 275-38-863 and 275-38-875 are necessary to implement new IMR reimbursement system under authority of Second Substitute Senate Bill 3656 (appropriations for fiscal biennium July 1, 1985, through June 30, 1987).

Statutory Authority: RCW 74.09.120.

Summary of the Rule Change: WAC 275-38-785, to change the effective date from after September 30, 1984, to October 1, 1984, and to add that the depreciation base for assets acquired in a change of ownership as of that date would be the lower of the purchase price of the new owner or the cost base of the owner at July 18, 1985; 275-38-795, to clarify the useful lives which may be used to depreciate building costs; 275-38-813, to add new section to provide for the handling of gains and losses upon the retirement of assets for which depreciation was reimbursed after July 1978 in the IMR program; 275-38-860, to change the method of establishing the resident care and habilitation cost center rate so that RCT and recreation staff hours will be reimbursed at the greater of reported costs per hour or seven dollars and twenty-nine cents per hour and to provide for a one-time distribution payment of wage enhancement for those contractors whose actual reported RCT and recreation staff costs per hour were less than seven dollars and twenty-nine cents; 275-38-863, to change the effective date from January to October 1, 1985, for the administration, operation and property cost center rate;

and 275-38-875, to eliminate the property multiple regression and grandfather lid provisions from the property cost component rate.

**Person Responsible for Drafting, Implementation and Enforcement of the Rule Changes:** Corki Hirsch, Acting Manager, PSA Reimbursement Section, Division of Developmental Disabilities, OB 42C, scan 234-0769.

Some of these rules are necessary as a result of federal law, WAC 275-38-813 is required by Section 1816 of the Social Security Act as revised by Section 2314 of DEFRA.

**Economic Impact on Small Business:** The changes in these rules result in increased state reimbursement to small businesses operating as IMR's by approximately \$650,000 per year.

#### AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

**WAC 275-38-785 DEPRECIATION BASE.** (1) The depreciation base shall be the historical cost of the contractor in acquiring the asset from an unrelated organization and preparing depreciation base for use, less goodwill and less accumulated depreciation incurred during periods the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and WAC 275-38-790, 275-38-795, and 275-38-800. If the department challenges the historical cost of an asset or a contractor is not able to provide adequate documentation of the historical cost of an asset, the department may have the fair market value of the asset at the time of purchase established by appraisal. The fair market value of items of equipment will be established by appraisals performed by vendors of the particular type of equipment. When these appraisals are conducted, the depreciation base of the asset will not exceed fair market value. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(5) Effective October 1, 1984, the depreciation base for assets acquired in a change of ownership entered into after ~~((September 30))~~ July 18, 1984, shall not exceed the lower of the purchase price of the new owner or the acquisition cost base of the owner of the assets as of July 18, 1984.

#### AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

**WAC 275-38-795 LIVES.** (1) The contractor shall use lives no shorter than guideline lives contained in the internal revenue service class life ADR system or published by the American hospital association in computing allowable depreciation except the building. The shortest life which may be used for buildings is thirty years.

(2) Lives shall be measured from the date of the most recent arm's-length acquisition of the asset.

(3) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

#### NEW SECTION

**WAC 275-38-813 HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS.** This section shall apply in the place of WAC 275-38-812 effective October 1,

1985, for the purpose of settlement and for rate periods beginning October 1, 1985.

(1) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(2) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(3) If the retired asset is not replaced, or if the contractor is terminating the contract, the gain or loss shall be spread over the actual life of the asset up to the date of retirement, provided a loss will only be so spread if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement for depreciation having been paid with the base adjusted to reflect the gain or loss, will be computed. Where the difference results from a gain, the difference shall be recovered by the department.

#### AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

**WAC 275-38-860 RESIDENT CARE AND HABILITATION COST CENTER RATE.** (1) For C and D level facilities, the resident care and habilitation cost center will reimburse for resident living services, rehabilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and habilitation cost center will reimburse for resident living services, rehabilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and habilitation cost center rate shall be determined as follows:

(a) The facility's most recent desk-reviewed costs per resident day shall be adjusted for inflation except those costs for resident care and training (RCT) and recreation staff.

(b) ~~((A resident care and training (RCT) staff (add-on) and recreation staff shall be determined by multiplying the number of reimbursed RCT and recreation staff hours per resident day reported in the facility's ((1983)) 1984 cost report by ((sixty-one)) the greater of seven dollars and twenty-nine cents or the 1984 reported cost for RCT and recreation staff per reported hour.~~

(i) As part of a contractor's resident care and habilitation cost center payment for October 1985, a contractor will receive a one-time distribution of RCT and recreation staff compensation enhancement.

(ii) The distribution will be the contractor's 1984 desk-reviewed RCT and recreation staff hours divided by the number of days in the contractor's 1984 cost report, multiplied by ninety-two days, and multiplied by the difference between seven dollars and twenty-nine cents and the contractor's 1984 cost for RCT and recreation staff per hour where the contractor's 1984 cost per RCT and recreation staff hour is less than seven dollars and twenty-nine cents.

(c) The amounts determined in subsections (3)(a) and ~~((3))~~(b) of this section shall be summed to establish the facility's rate.

#### AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

**WAC 275-38-863 ADMINISTRATION, OPERATIONS, AND PROPERTY COST CENTER RATE.** Effective ~~((January))~~ October 1, 1985, the administration, operations, and property cost center rate shall consist of the sum of three rate components: Food, administration and operations, and property. The food rate component shall be established pursuant to WAC 275-38-865. The administration and operations rate component shall be established pursuant to WAC 275-38-870. The property rate component shall be established pursuant to WAC 275-38-875.

#### AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

**WAC 275-38-875 PROPERTY RATE COMPONENT.** The property ((reimbursement)) rate component will reimburse for ((both leased and owner-operated facilities will not exceed the predicted cost plus 1.75 standard deviations of)) the necessary and ordinary costs of leases, depreciation, and interest ((of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. Depreciation and interest

costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula). A facility's property rate component shall be the facility's most recent desk-reviewed cost per resident day.

**WSR 85-21-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**

[Order 2293—Filed October 10, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to IMR program and reimbursement system, amending chapter 275-38 WAC.

I, David A. Hogan, find that an emergency exists and that this 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 the emergency is these regulations are being issued to be in compliance with SSSB 3656, section 206(1)(b) requiring an increase in payment to contractors for staff wage enhancements. The regulations are also being issued as required by federal review to be in compliance with all of the conditions of the federal Deficit Reduction Act (DEFRA). The amended regulations will result in a \$650,000 per year increase to contractors.

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

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

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

APPROVED AND ADOPTED October 8, 1985.

By David A. Hogan, Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

**WAC 275-38-785 DEPRECIATION BASE.** (1) *The depreciation base shall be the historical cost of the contractor in acquiring the asset from an unrelated organization and preparing depreciation base for use, less goodwill and less accumulated depreciation incurred during periods the assets have been used in or as a facility by the contractor, such accumulated depreciation to*

*be measured in accordance with subsection (4) of this section and WAC 275-38-790, 275-38-795, and 275-38-800. If the department challenges the historical cost of an asset or a contractor is not able to provide adequate documentation of the historical cost of an asset, the department may have the fair market value of the asset at the time of purchase established by appraisal. The fair market value of items of equipment will be established by appraisals performed by vendors of the particular type of equipment. When these appraisals are conducted, the depreciation base of the asset will not exceed fair market value. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.*

(2) *Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."*

(3) *Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."*

(4) *Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.*

(5) *Effective October 1, 1984, the depreciation base for assets acquired in a change of ownership entered into after ~~((September 30))~~ July 18, 1984, shall not exceed the lower of the purchase price of the new owner or the acquisition cost base of the owner of the assets as of July 18, 1984.*

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

**WAC 275-38-795 LIVES.** (1) *The contractor shall use lives no shorter than guideline lives contained in the internal revenue service class life ADR system or published by the American hospital association in computing allowable depreciation except the building. The shortest life which may be used for buildings is thirty years.*

(2) *Lives shall be measured from the date of the most recent arm's-length acquisition of the asset.*

(3) *Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.*

(4) *Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.*

(5) *A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.*

NEW SECTION

**WAC 275-38-813 HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS.** *This section shall apply in the place of WAC*

275-38-812 effective October 1, 1985, for the purpose of settlement and for rate periods beginning October 1, 1985.

(1) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(2) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(3) If the retired asset is not replaced, or if the contractor is terminating the contract, the gain or loss shall be spread over the actual life of the asset up to the date of retirement, provided a loss will only be so spread if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement for depreciation having been paid with the base adjusted to reflect the gain or loss, will be computed. Where the difference results from a gain, the difference shall be recovered by the department.

AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

WAC 275-38-860 RESIDENT CARE AND HABILITATION COST CENTER RATE. (1) For C and D level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and habilitation cost center will reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center will also reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and habilitation cost center rate shall be determined as follows:

(a) The facility's most recent desk-reviewed costs per resident day shall be adjusted for inflation except those costs for resident care and training (RCT) and recreation staff.

(b) ~~((A resident care and training-))RCT((?)) staff ((add-on))~~ and recreation staff shall be determined by multiplying the number of reimbursed RCT and recreation staff hours per resident day reported in the facility's ((+1983)) 1984 cost report by ((sixty-one)) the greater of seven dollars and twenty-nine cents or the 1984 reported cost for RCT and recreation staff per reported hour.

(i) As part of a contractor's resident care and habilitation cost center payment for October 1985, a contractor will receive a one-time distribution of RCT and recreation staff compensation enhancement.

(ii) The distribution will be the contractor's 1984 desk-reviewed RCT and recreation staff hours divided by the number of days in the contractor's 1984 cost report, multiplied by ninety-two days, and multiplied by the difference between seven dollars and twenty-nine cents and the contractor's 1984 cost for RCT and recreation staff per hour where the contractor's 1984 cost per RCT and recreation staff hour is less than seven dollars and twenty-nine cents.

(c) The amounts determined in subsections (3)(a) and ~~((?))~~(b) of this section shall be summed to establish the facility's rate.

AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

WAC 275-38-863 ADMINISTRATION, OPERATIONS, AND PROPERTY COST CENTER RATE. Effective ~~((January))~~ October 1, 1985, the administration, operations, and property cost center rate shall consist of the sum of three rate components: Food, administration and operations, and property. The food rate component shall be established pursuant to WAC 275-38-865. The administration and operations rate component shall be established pursuant to WAC 275-38-870. The property rate component shall be established pursuant to WAC 275-38-875.

AMENDATORY SECTION (Amending Order 2213, filed 3/6/85)

WAC 275-38-875 PROPERTY RATE COMPONENT. The property ((reimbursement)) rate component will reimburse for ((both leased and owner-operated facilities will not exceed the predicted cost plus 1.75 standard deviations of)) the necessary and ordinary costs of leases, depreciation, and interest((; of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. Depreciation and interest costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula)). A facility's property rate component shall be the facility's most recent desk-reviewed cost per resident day.

**WSR 85-21-034**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
 [Order TL-RG-18-Filed October 11, 1985]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 308-89-010 For hire—Insurance.
- New WAC 308-89-020 Definitions—For hire vehicle.

This action is taken pursuant to Notice No. WSR 85-17-071 filed with the code reviser on August 21, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.72.120 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 46.72.120 which directs that the Department of Licensing has authority to implement the provisions of chapter 46.72 RCW.

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

APPROVED AND ADOPTED October 10, 1985.

By Theresa Anna Aragon  
 Director

**CHAPTER 308-89 WAC**

**TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES**

- WAC 308-89-010 FOR HIRE—INSURANCE
- 308-89-020 DEFINITIONS—FOR HIRE VEHICLE

**NEW SECTION**

**WAC 308-89-010 FOR HIRE—INSURANCE.** The insurance policy required in RCW 46.72.050 shall include: (a) the name of the insured in the same manner as recorded on the for hire permit application; (b) inception and expiration dates of coverage; (c) the name and policy number of the insuring company; and (d) the year, make and vehicle identification number of each vehicle operated or intended to be operated.

The director may refuse any insurance policies submitted with one or more of the following conditions present: (a) any policy containing a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be directly paid in full to the claimant including the deductible amount by the insurer; (b) any policy containing a clause restricting the insured's age in regard to insurance validity; and (c) any policy which is determined to be a "surplus line" policy, as described in RCW 48.15.040, without the appropriate affidavit being filed with the office of the insurance commissioner and a copy of that affidavit submitted with the certificate of insurance.

In the event of cancellation of the coverage noted on the policy, the insuring company shall serve a copy of such notice upon the director of the department of licensing which shall not be less than ten days prior to the date fixed in the notice as the date of termination of liability.

**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 308-89-020 DEFINITIONS—FOR HIRE VEHICLE.** "For hire vehicle" as defined in RCW 46.72.010(1) shall include but not be limited to: (a) cabulance: cabulance transportation is appropriate for persons confined to wheelchairs or persons otherwise physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute; (b) limousine: a vehicle with a driver hired for an event or period of time; (c) taxicab: as defined by RCW 46.90.178; (d) such other vehicles used for the purpose of transporting passengers for compensation and not excluded by RCW, WAC or departmental policy.

**WSR 85-21-035**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
 [Order 136R-Filed October 11, 1985]

I, Theresa Anna Aragon, director of the state of Washington Department of Licensing, do promulgate and adopt at the Evergreen and Rainier Rooms, Doric Tacoma Motor Hotel, 242 St. Helens Avenue, Tacoma, WA, the annexed rules relating to:

- Amd WAC 308-124C-020 Required records.
- Amd WAC 308-124E-011 Administration of funds held in trust.
- New WAC 308-124F-040 Standards for professional associations and educational organizations.
- Amd WAC 308-124H-010 Approval of real estate courses to satisfy clock hour requirements.
- Amd WAC 308-124H-020 Administration.
- Amd WAC 308-124H-030 Filing of courses.
- Amd WAC 308-124H-040 Approval of courses.
- Amd WAC 308-124H-045 Recordkeeping.
- Amd WAC 308-124H-060 Teachers and/or instructors.
- New WAC 308-124H-065 Inspection of records.
- New WAC 308-124H-080 Courses for license activation.
- Rep WAC 308-124H-032 Course eligibility.

This action is taken pursuant to Notice No. WSR 85-16-051 filed with the code reviser on July 31, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 18.85.040.

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

APPROVED AND ADOPTED October 8, 1985.

By Theresa Anna Aragon  
Director

AMENDATORY SECTION (Amending Order 130, filed 8/13/82)

**WAC 308-124C-020 REQUIRED RECORDS.** The minimum real estate records the real estate broker shall be required to keep are as follows:

- (1) Bank trust account records:
  - (a) Duplicate receipt book or cash receipts journal recording all receipts;
  - (b) Prenumbered checks with check register, cash disbursements journal or check stubs;
  - (c) Validated duplicate bank deposit slips;
  - (d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;
  - (e) In conjunction with (d) above, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor;
  - (f) Reconciled bank statements and canceled checks for all trust bank accounts.
- (2) Other records:
  - (a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account;
  - (b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm;
  - (c) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: PROVIDED, That a source document is maintained at the brokers office which contains the information filled in the blank spaces by the tenant and resident manager;
  - (d) The original lease document may be maintained at a branch office: PROVIDED, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager.

AMENDATORY SECTION (Amending Order 130, filed 8/13/82)

**WAC 308-124E-011 ADMINISTRATION OF FUNDS HELD IN TRUST.** Any real estate broker who receives funds or moneys from any principal or any party to a real estate transaction, property management agreement, or collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to

such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a Washington state banking institution approved by the banking division, department of general administration, state of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts shall be noninterest-bearing demand deposit accounts, except as follows:

(a) Interest-bearing trust bank accounts containing funds pertaining to an individual real estate or business opportunity transaction may be established by the broker if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established by the broker when directed by written management agreement or directive signed by the owner: PROVIDED, That all interest or earnings shall accrue to the owner.

(c) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner (landlord), if the broker is by written agreement designated as "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

(d) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited to the broker may not be paid to the trust account. The broker is responsible to make arrangements with the financial institution to credit this interest to the general account of the firm, (or other account as agreed).

(e) The broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the broker.

(f) A common account, usually referred to as a "clearing account" may be established if desired. (Primarily used in property management operations). No funds which belong to the broker or firm shall be maintained in this account.

(2) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the real estate division, department of licensing.

(3) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal

signature, signature plate or signature of another person authorized to act on the broker's behalf.

(4) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except

(a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event; and

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, contracts or mortgages owned exclusively by the real estate broker or the broker's real estate firm.

(5) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(6) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint or ((attached deposit receipt,)) electronic transfer memo identifying the source of funds and transaction to which it applies. Receipt of funds by wire transfer are to be posted in the same manner as other receipts provided there is a traceable identifying number provided by the financial institution or transferring entity. The broker must also make arrangements for a follow-up "hard-copy" receipt for the deposit.

(7) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered (e.g., "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit"). The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(8) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients (the sum of credit balances of all individual clients' ledger sheets).

(9) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account.

(10) All disbursements of trust funds shall be made by check, or electronic transfer, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must

be shown on the check stub or check register and all data must agree exactly with the check as written.

(a) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if the account contains tenant security deposits or funds belonging to more than one client.

(b) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(c) The broker must make arrangements with the financial institution in which the trust account is located to provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.

(d) The broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies. Property management activities shall not be considered "transactions" for this purpose. Therefore a single check may be drawn in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed;" or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(15) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) In advance of the closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and the seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and



(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear;

(c) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(d) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker;

(e) For bank charges of any nature, including bank services, checks or other items. Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the broker's regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the broker's business bank account; or

(f) Of funds received as a damage or security deposit on a lease or rental contract for property managed by the broker to the landlord or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons (tenant, landlord, or assigns) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

(16) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files.

(b) Receipt and check registers will be printed at least once monthly (thirty-one days) and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record.

(c) The broker will maintain a printed, dated source document file to support any changes to existing accounting records.

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier (printer). The program may, if desired assign suffixes or subaccount codes before or after the check number for identification purposes.

(e) The check number must appear in the magnetic coding (usually at the bottom of the check) which also identifies the account number for readability by the financial institution computer.

## NEW SECTION

WAC 308-124F-040 STANDARDS FOR PROFESSIONAL ASSOCIATIONS AND EDUCATIONAL ORGANIZATIONS. Standards for a professional association or an educational organization to obtain recognition by the real estate commission for the purpose of securing printed lists of individual real estate salesperson and broker licensees.

The professional association or educational organization must submit the following information.

(1) A corporate entity must furnish certification that they are a nonprofit corporation as defined in chapter 24.03 RCW.

(a) Domestic corporation

(i) Certificate of incorporation; or

(ii) Certificate of elective coverage.

(b) A foreign corporation must have a certificate of authority.

(2) Noncorporate entities must submit all of the following items which they have.

(a) Current business license in the city or county in which they are located.

(b) Certificate of registration with the Washington state commission for vocational education.

(c) Department of revenue registration, or other acceptable proof that they are a lawful business under the laws of the state of Washington.

(3) An executed affidavit agreeing to protect the list of licensees from being used for commercial purposes.

(4) The real estate commission will then review and approve or disapprove each application based upon the information received.

Recognition of a professional association or educational organization shall not be denied solely on the basis that such association or organization has been in lobbying activities.

AMENDATORY SECTION (Amending Order RE 125, filed 10/23/78)

WAC 308-124H-010 APPROVAL OF REAL ESTATE COURSES TO SATISFY CLOCK HOUR REQUIREMENTS. RCW 18.85.090 ((and)), 18.85.095, and 18.85.215 set forth requirements that applicants for real estate broker's license examinations ((and/or)), real estate salesperson's first license, second renewal of real estate salesperson's license((s)) or license activation after three or more years of inactive status, furnish proof to the director that they have successfully completed a specified number of clock hours of instruction in real estate education. The course(s) must be approved pursuant to this chapter. The thirty-clock hours for salespersons second renewal must be initiated and completed after the date of first license: PROVIDED, That requirements for salespersons created by section 8, chapter 139, Laws of 1972 ex. sess., shall apply to any person licensed as a salesperson on or after May 23, 1972. The purposes of this chapter are to set forth the conditions under which an applicant may meet these educational requirements and the conditions which must be met and the procedure which must be followed if an educational course is to gain approval.



AMENDATORY SECTION (Amending Order 130, filed 8/13/82)

WAC 308-124H-020 ADMINISTRATION. (1) Each application from a private school, individual or agency seeking approval or consideration of courses shall designate one person responsible for administration of the real estate school. The school administrator shall file with the real estate administrator evidence showing previous experience in administration of educational institutions, courses or programs, or previous experience in administration of business activities related to education or to the field of real estate in which instruction will be offered. In the case of a public community college, university, or vocational technical school, the head of the real estate department shall be conclusively presumed to meet the ~~((foregoing))~~ requirements.

(2) Any school, individual or agency requesting approval or consideration of courses shall not apply to itself, either as part of its name or in any manner, the designation of "college" or "university" unless it, in fact, meets the standards and qualifications of and has been approved by the state agency having jurisdiction.

(3) ~~((No person operating a school or acting as an instructor in an approved school shall in any way whatsoever use the school or course, directly or indirectly, to recruit real estate sales staff. Schools shall not use the trade name of any real estate brokerage firm, or any part thereof, nor shall classes be conducted in the offices of any real estate brokerage firm. The intent of this subparagraph is to ensure that no real estate broker or brokerage firm shall gain an unfair advantage over his or her colleagues by conducting a school for salespeople.))~~ Course requirements for clock-hour credit from schools in other states may be accepted if in the opinion of the director with the advice of the commission they are similar to requirements in this chapter.

(4) Real estate educational courses offered by national institutions with uniform scope and quality of representation may be approved regardless of the course location and instructors used.

AMENDATORY SECTION (Amending Order 130, filed 8/13/82)

WAC 308-124H-030 FILING OF COURSES. Each proprietary school, individual, association or agency seeking approval of courses, shall apply to the administrator on a prescribed form. Courses shall meet the following requirements:

(1) Each course shall include at least one text book that is in general circulation or other instructional materials approved by the commission.

(2) Each course must add to the practical knowledge of the real estate practitioner.

(3) Each course must be supervised or under the direction of at least one natural person who meets the qualifications of WAC 308-124H-060.

(4) Each course must deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, deposit receipts and earnest

money agreements. General sales motivation courses will not qualify.

(5) Each course must require a comprehensive examination or examinations and a final grade.

(6) Each course must require a minimum of ~~((thirty))~~ seven and one-half hours of classroom work for the student; a classroom hour is a period of fifty minutes of actual classroom or workshop instruction. The time allotted for examinations shall not be applicable toward the minimum hours of course study.

AMENDATORY SECTION (Amending Order RE 129, filed 2/10/81)

WAC 308-124H-040 APPROVAL OF COURSES. Each proprietary school, individual, association or agency seeking approval of a course or courses shall be required to file an application, on forms provided by the director, with the real estate administrator at least thirty days prior to the date of a regular meeting of the real estate commission. Applications which are completed and filed in a timely manner will be reviewed by the commission for recommendation to the director for consideration of approval or disapproval. The commission may recommend approval of courses solely for the broker requirement or solely for the second renewal requirement.

The director, with the advice of the real estate commission, may deny a course of instruction which, in the opinion of the director, does not meet the requirements of this chapter or meet the needs of the majority of licensees.

Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Any changes in ~~((course content, material[,] or[,]))~~ the directors or ownership of schools must be submitted to the administrator within twenty days from date of such change for referral to the director and real estate commission for consideration of continued approval.

Any changes in course content or material must be submitted to the administrator no later than twenty days prior to the date of such change for referral to the director and the real estate commission for approval of the change.

Any change in qualified course instructors, or instruction location must be submitted to the administrator ~~((prior to))~~ for approval by the director before implementing such change~~((, for approval by the director))~~.

Approval may be withdrawn if the school or course is not conducted in accordance with this chapter or chapter 18.85 RCW, or the school, or its owners, managers or employees, directly or indirectly, solicits information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions.

AMENDATORY SECTION (Amending Order RE 129, filed 2/10/81)

WAC 308-124H-045 RECORDKEEPING. Upon approval of a course or courses, each proprietary school,

individual, association or agency shall, for a period of six years, establish and maintain for each student a complete, accurate and detailed record which shall include the student's attendance, total number of hours of instruction undertaken, and completed areas of study in real estate subjects prescribed by these regulations.

Upon request, a copy of these records shall be made available to the director or student for purposes of determining whether the student has satisfied the provisions of RCW 18.85.090 and/or 18.85.095.

Each approved school shall furnish to the real estate division the date and time of all scheduled offerings, along with a sample of the advertising and promotional materials to be used and a map giving directions to the school. On a monthly basis the school shall submit a schedule of all clock-hour offerings for the next month. In the event of a cancellation, change in place, time or date, immediate notification shall be made to the real estate division.

Each school conducting an offering shall within the ten days following the end of the month in which they have conducted courses, submit to the real estate division, on a form prescribed by the division a listing of those individuals who were enrolled in the offering, with the grades and other information which may be required.

It shall be the responsibility of the proprietary school, individual, association or agency to furnish each student with a grade report or transcript showing name of course, final grade, number of clock hours earned, and beginning and ending dates of each course attended.

AMENDATORY SECTION (Amending Order 130, filed 8/13/82)

WAC 308-124H-060 TEACHERS AND/OR INSTRUCTORS. Each course of instruction herein being considered for approval shall be under the supervision of a qualified teacher or instructor who shall be present in the classroom at all sessions: PROVIDED, That if the instructional methods include use of pre-recorded audio and visual instructional materials, presentation shall be under the supervision of a monitor who shall be present in the classroom at all sessions and a qualified teacher or instructor who shall at the minimum be available by telephone to respond to specific questions from students during the time the school is open for instructional purposes.

Each teacher or instructor shall be competent in the field of real estate they propose to teach and in techniques of instruction. Competency shall be evidenced by the following experience or education:

(1) Two years of experience in the area of real estate which that person proposes to teach, or completion of equivalent courses of study in that area of real estate, if approved by the director; and

(2) One year of teaching experience approved by the director or at least eight hours in training in teaching techniques approved by the director.

(3) ~~((This amendment shall take effect on January 1, 1983:))~~ A designated real estate instructor (DREI) shall

be deemed to meet the competency requirements of subsections (1) and (2) of this section.

Guest instructors may be used provided that an approved instructor is also present during the classroom sessions. Guest instruction shall not exceed twenty-five percent of the total number of classroom hours.

#### NEW SECTION

WAC 308-124H-065 INSPECTION OF RECORDS. A duly authorized designee of the director of the department of licensing may inspect any offering and/or the records of the school at any time during a class presentation or during reasonable office hours.

#### NEW SECTION

WAC 308-124H-080 COURSES FOR LICENSE ACTIVATION. The course(s) for activation of a license that has been inactive for three or more years cannot be the same course(s) used for second renewal requirements.

The course(s) for activation of a license that has been inactive for three or more years cannot be the same course(s) used for prelicense requirements for broker's examination.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-124H-032 COURSE ELIGIBILITY.

### WSR 85-21-036

#### ADOPTED RULES

#### DEPARTMENT OF LICENSING

[Order 137R—Filed October 11, 1985]

I, Theresa Anna Aragon, director of the state of Washington Department of Licensing, do promulgate and adopt at the Evergreen and Rainier Rooms, Doric Tacoma Motor Hotel, 242 St. Helens Avenue, Tacoma, WA, the annexed rules relating to payment of earned commissions, repealing WAC 308-124D-100.

This action is taken pursuant to Notice No. WSR 85-17-072 filed with the code reviser on August 21, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 18.85.040.

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

APPROVED AND ADOPTED October 8, 1985.

By Theresa Anna Aragon  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 308-124D-100 PAYMENT OF EARNED COMMISSIONS**

**WSR 85-21-037  
PROPOSED RULES  
DEPARTMENT OF REVENUE  
[Filed October 11, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning Forest land values—1986, WAC 458-40-19110;

that the agency will at 10:00 a.m., Wednesday, November 27, 1985, in the Conference Room, 6004 Capitol Way Building, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 84.33.120.

The specific statute these rules are intended to implement is RCW 84.33.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Wednesday, November 27, 1985.

Dated: October 11, 1985  
By: John B. Conklin  
Forest Tax Supervisor

**STATEMENT OF PURPOSE**

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: WAC 458-40-19110 Forest land values—1986.

Purpose: To establish the forest land values for each grade of bare forest land on the basis of its use only for growing and harvesting timber.

Statutory Authority: RCW 84.33.120 directs the Department of Revenue prior to January 1 of each year to determine forest land values and to certify such values to the county assessors.

Summary and Reasons for the Rule: Sets out the procedure for determining the per acre dollar value of forest land annually and giving consideration to land quality (land quality grades 1 through 8, and operability classes 1 through 4 for each land qualities 1 through 7) with a uniform valuation system throughout the state.

Drafters of the Rule: John Conklin, (206) 753-2871, and Bill Derkland, (206) 753-1359, 6004 Capitol Way Building, Olympia, WA 98504; Rule Implementation and Enforcement: Matthew Coyle, Acting Director of Revenue, Room 145, General Administration Building, Olympia, WA 98504, (206) 753-5574.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

**NEW SECTION**

WAC 458-40-19110 FOREST LAND VALUES—1986. The forest land values, per acre, for each grade of forest land for the 1986 assessment year are determined to be as follows:

1986 WASHINGTON FOREST LAND VALUES		
LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$149
	2	145
	3	138
	4	101
2	1	125
	2	121
	3	117
	4	85
3	1	99
	2	96
	3	91
	4	70
4	1	74
	2	72
	3	70
	4	55
5	1	54
	2	50
	3	49
	4	32
6	1	28
	2	27
	3	27
	4	24
7	1	13
	2	13
	3	12
	4	12
8		1

**WSR 85-21-038  
ADOPTED RULES  
BOARD OF HEALTH  
[Order 295—Filed October 11, 1985]**

Be it resolved by the Washington State Board of Health, acting at Seattle, Washington, that it does adopt the annexed rules relating to sentinel birth defects, new WAC 248-164-001 through 248-164-060.

This action is taken pursuant to Notice No. WSR 85-18-080 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.58.350 which directs that the Washington State Board of Health has authority to implement the provisions of RCW 70.58.300 through 70.58.350.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED October 9, 1985.

By John A. Beare, MD  
Director, Health Services Division

Chapter 248-164 WAC  
SENTINEL BIRTH DEFECTS

NEW SECTION

WAC 248-164-001 PURPOSE. (1) The purpose of these rules and regulations is to establish procedures for reporting birth defects to the department's birth defects monitoring program (BDMP). These rules are promulgated pursuant to RCW 70.58.300 through 70.58.350 directing the department of social and health services to implement the provisions of the Sentinel Birth Defects Act.

(2) The purposes of the BDMP are to count and map birth defects, to correlate data on birth defects with factors potentially affecting the fetal environment such as environmental exposures, genetic disease, and maternal nutrition, and to provide information needed for planning and evaluating services for the handicapped.

NEW SECTION

WAC 248-164-010 DEFINITIONS. (1) "BDMP" means the department's birth defects monitoring program.

(2) "Confidential" means information maintained in the DSHS birth defects registry that identifies or which could be used to identify a child with a birth defect.

(3) "Department" means the Washington state department of social and health services (DSHS).

(4) "ICD-9-CM" means a publication entitled International Classification of Diseases, 9th Revision, Clinical Modification, published by the U.S. Department of Health and Human Services, where disease classification is confined to a limited number of categories encompassing the entire range of morbid conditions.

(5) "May" means permissive or discretionary on the part of the department.

(6) "Record" means the computerized birth defects registry record for a child with a reported birth defect.

(7) "Report" means a written report of information required for birth defects registration purposes made on a form designated for reporting purposes by the department.

(8) "Sentinel" means a birth defect signaling the possible presence of environmental hazards, genetic disease,

poor maternal health, or some other risk factor to which a child's mother and/or father was exposed and which exposure may have contributed to development of the child's birth defect. For purposes of this chapter, sentinel birth defects include all congenital anomalies (ICD-9-CM, 740.0-759.9), childhood cancers, cerebral palsy, mental retardation, and congenital infections.

(9) "Shall" means compliance is mandatory.

NEW SECTION

WAC 248-164-020 GENERAL REQUIREMENTS. (1) Physicians have primary responsibility for reporting birth defects detected in their patients.

(2) Birth defects shall be reported if each of the following criteria apply:

(a) The condition is among those listed in WAC 248-164-030;

(b) The child was born on or after January 1, 1986;

(c) The child was between zero and fourteen years of age at the time of first diagnosis or treatment of the condition; and

(d) The child was seen for the condition in a medical care setting in Washington state.

(3) Hospitals and outpatient clinics may elect to fulfill physicians' reporting responsibilities. Physicians need not submit reports for patients treated at hospitals or clinics having agreed to provide birth defects information to the BDMP directly.

(4) For infants delivered in a birth center or other nonhospital setting, the attendant at birth shall be responsible for reporting birth defects detected at time of birth.

(5) Physicians need not report conditions already reported to the DSHS crippled children's services (CCS) program or the DSHS division of developmental disabilities (DDD).

(6) Conditions need only be reported once. To avoid duplicate reporting, health care providers may contact the BDMP at 1-800-228-6087 to find out whether a condition of their patient was previously reported.

(7) Instructions for completing and submitting birth defects reports shall be provided in a procedures manual published by the BDMP.

NEW SECTION

WAC 248-164-030 INFORMATION-CONTENT OF REPORTS. (1) Congenital anomalies and other childhood conditions shall be reported in a manner identifying conditions by name and ICD-9-CM code. Conditions to be reported include:

Conditions	Code ICD-9-CM Range
(a) Anomalies of the central nervous system	740.0 - 742.9
(b) Anomalies of the eye	743.0 - 743.9
(c) Anomalies of the ear, face, neck	744.0 - 744.9
(d) Anomalies of the cardiovascular system	745.0 - 747.9
(e) Anomalies of the respiratory system	748.0 - 748.9
(f) Anomalies of the gastrointestinal system	749.0 - 751.9
(g) Urogenital anomalies	752.0 - 753.9
(h) Musculoskeletal deformities	754.0 - 756.9
(i) Anomalies of the skin	757.0 - 757.9
(j) Chromosomal anomalies, syndromes, and other congenital anomalies	758.0 - 759.9
(k) Childhood cancers	140.0 - 208.9

(l) Mental retardation (I.Q. less than 70)	317 - 319
(m) Congenital infections	090.0 - 090.2, 090.4 - 090.9, 770.0 - 771.2, 760.2
(n) Cerebral palsy	343.0 - 343.3, 437.8

(2) For children having one or more of the above cited reportable birth defects, the following diagnostic information shall be reported:

(a) Name and ICD-9-CM code of diagnosed birth defect.

(b) Month, day, and year defect was diagnosed or treated.

(c) Whether diagnosed defects comprise a recognizable birth defect syndrome and, if so, the name and ICD-9-CM code of syndrome.

(d) Child's height and weight (only for nonneonates and only if available).

(e) Child's head circumference (for nonneonates up to two years of age if available).

(3) To eliminate duplicate reports for the same condition, and to permit combining of information from multiple reporting sources, the following identifying information shall be reported:

(a) Child's name (first, last, and middle initial).

(b) Name of child's father and mother, if available (first, last, and middle initial).

(c) Child's current address (street, city, state, ZIP code).

(d) Child's residence at time of birth (state or foreign country).

(e) Child's birth date (month, day, and year).

(f) Child's sex.

(4) To provide a basis for verifying the accuracy and completeness of birth defects information, and to provide information needed for follow-back epidemiologic studies, the following information shall be reported:

(a) Name of physician detecting or treating child's condition (first, last, and middle initial).

(b) Identification of data source (name of hospital, clinic, service treatment program, etc.).

(c) Name and phone number of person completing form.

(d) Identification number on child's medical/treatment chart.

(e) Date report was completed (month, day, and year).

(5) Forms for reporting of birth defects shall be available through the office of the birth defects monitoring program of the division of health, DSHS, mail stop ET-14, Olympia, Washington 98504.

#### NEW SECTION

WAC 248-164-040 INFORMATION TO PARENTS. The primary physician or other primary health care provider of the child shall advise parents or legal guardians of birth defects reported to the birth defects registry. DSHS shall make available a brochure and a copy of the completed birth defects report that may be used as a means of meeting this information requirement.

#### NEW SECTION

WAC 248-164-050 CONFIDENTIALITY OF REPORTS—ACCESS TO INFORMATION—USE OF INFORMATION. (1) The release of confidential information shall be governed by the provisions of current law regarding personal records/disclosure (chapter 334, Laws of 1985).

(2) In accordance with the provisions of chapter 334, Laws of 1985, confidential information shall not be disclosed unless:

(a) The request for confidential information is made by the child's parent or legal guardian or the child himself or herself at age of majority; or

(b) The request for confidential information is made by a scientific research professional associated with a bona fide scientific research organization, and the research professional's written research proposal has been reviewed and approved by the department's human research review board with respect to scientific merit and confidentiality safeguards, and the director of the division of health has given administrative approval for the proposal; or

(c) The request for confidential information is made by the DSHS office of epidemiology and is needed for epidemiological research activities in response to a real or suspected immediate public health hazard.

(3) In carrying out epidemiologic investigations using confidential information, researchers shall contact the child's attending physician before contacting families if possible.

#### NEW SECTION

WAC 248-164-060 INFORMATION ON PUBLIC AND PRIVATE SERVICES FOR HANDICAPPED. Information on public and private services for the handicapped shall be available through the BDMP.

#### **WSR 85-21-039**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 85-156—Filed October 11, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is harvestable numbers of razor clams exist, and this rule covers the period until the permanent rule takes effect.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 11, 1985.

By William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-56-36000J RAZOR CLAMS.** *Notwithstanding the provisions of WAC 220-56-360, effective immediately until further notice it is unlawful to dig for or possess razor clams taken for personal use except as provided for in this section:*

(1) *Razor Clam Areas 1, 2, and 3 are open from 12:01 a.m. October 15 to 11:59 p.m. December 15, 1985.*

(2) *Razor clam digging is allowed on odd-numbered days only.*

(3) *It is unlawful to dig for razor clams at any time in the Long Beach or Twin River Razor Clam Sanctuaries as defined in WAC 220-56-372.*

### **WSR 85-21-040**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 85-157—Filed October 11, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is restrictions in Area 6 provide protection for Puget Sound and Canadian origin chinook while allowing a treaty Indian troll fishery. Restrictions in Area 6A provide protection for Puget Sound and Canadian coho stocks. Restrictions in Area 10 provide protection for summer/fall chinook and chum returning to Suquamish Hatchery. Restrictions in Area 8 protect Skagit coho. Restrictions in the Skagit River provide protection for coho and spawning salmon stocks. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in the Strait of Juan de Fuca tributaries provide protection for local summer/fall chinook and coho stocks. Restrictions in Area 8A provide protection for Stillaguamish coho. Restrictions in Area 10C, 10D and the Cedar River protect Lake Washington origin sockeye. Restrictions in the Dosewallips, Duckabush and the Hamma Hamma rivers provide protection to local pink salmon stocks, while providing harvest opportunity with selective gear. Restrictions in Area 13J and 13K protect local early timed chum stocks while allowing harvest of south sound coho.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 11, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-28-519 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS.** *Effective October 13, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*Area 6 – Effective through October 19, closed to all commercial net gear.*

*Area 6A – Effective through October 19, closed to all commercial fishing.*

*Area 7C and Samish River – Closed to all commercial fishing.*

*Area 8 – Effective through October 26, closed to all commercial fishing.*

*Area 8A – Effective through October 19, closed to all commercial fishing in that portion north of a line from Camano Head to the northern boundary of Area 8D.*

*\*Area 10 – Effective through December 31, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock.*

*Area 10C and Cedar River – Closed to all commercial fishing until further notice.*

*Area 10D – Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.*

*Areas 13J and 13K – Effective through October 26, closed to all gill net gear, and all other gear must release chum when open.*

*Skagit River (downstream of Mount Vernon Bridge) – Effective through October 26, closed to all commercial fishing.*

*Skagit River (Mount Vernon Bridge to Gilligan Creek) – Effective through November 2, closed to all commercial fishing.*

*Skagit River (upstream of Gilligan Creek) – Closed to all commercial fishing until further notice.*

*Salt and Deep creeks, and Lyre, Pysht, Hoko, Sekiu, East and West Twin, and Clallam rivers - Effective through November 2, closed to all commercial fishing.*

*Dosewallips, Duckabush and Hamma Hamma rivers - Effective through October 19, closed to all commercial gill net gear and all other gear must release pinks when open.*

#### REPEALER

The following section of the Washington Administrative Code is repealed effective October 13, 1985.

**WAC 220-28-518 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-152)**

#### **WSR 85-21-041**

##### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 85-158—Filed October 11, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is openings in Areas 6D, 7B, 7E, 8A, 8D, 12, 12A, 12B and 12C provide opportunity to harvest non-Indian allocations of coho. Reefnet opening in Areas 7 and 7A provide opportunity for limited harvest, nonmobile fishery to harvest portion of non-Indian allocation of Fraser River chum. All other marine and freshwater areas are closed to prevent overharvest.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 11, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-47-616 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC,

effective October 13, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 6D - Gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until further notice. Those waters within a 1,000-foot radius of the mouths of the Dungeness River are closed.

\*Areas 7 and 7A - Closed except reefnet gear may fish from 5:00 AM to 9:00 PM daily, October 14 through October 16.

Area 7B - Gill nets using 5-inch minimum mesh and purse seines may fish until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

\*Area 7E - Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, the night of October 14 through the morning of October 17 and purse seines may fish from 5:00 AM to 9:00 PM daily, October 14 through October 16. Those waters of Ship Bay northeasterly of a line from Tongue Point to the Juniper Point marker are closed.

\*Areas 8A, 8D, 12, 12A, 12B, and 12C - Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, the nights of October 14 through the morning of October 17, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, October 14 through October 16. Additional fishery exclusion zones applicable to Areas 8A, 12A, 12B, and 12C commercial fisheries are described in WAC 220-47-307.

\*Areas 4B, 5, 6, 6A, 6B, 6C, 7C, 7D, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective October 13, 1985.

**WAC 220-47-615 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-153).**

#### **WSR 85-21-042**

##### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 85-159—Filed October 11, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is this rule is necessary to allow spawning escapement to the McAllister Creek hatchery.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 11, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

**WAC 220-57-32600A MCALLISTER CREEK.** Notwithstanding the provisions of WAC 220-57-326, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal purposes from McAllister Creek downstream from the Olympia-Steilacoom Road Bridge.

**WSR 85-21-043**

**ADOPTED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 85-11—Filed October 11, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to School personnel—Permits for aliens, chapter 392-193 WAC.

This action is taken pursuant to Notice No. WSR 85-17-005 filed with the code reviser on August 9, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.67-.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 7, 1985.

By Frank B. Brouillet  
Superintendent of Public Instruction

Chapter 392-193 WAC  
**SCHOOL PERSONNEL—PERMITS FOR ALIENS**

**WAC**

- 392-193-005 Authority.
- 392-193-010 Purpose.
- 392-193-020 Applicability to teachers only.
- 392-193-025 Teacher—Defined.
- 392-193-030 Alien—Defined.
- 392-193-035 Alien permits required.
- 392-193-045 Immigrant alien permits—Requirements.
- 392-193-050 Conversion of immigrant alien permit to regular certificate.
- 392-193-055 Nonimmigrant alien permits—Requirements.
- 392-193-060 Alien permits—Revocation—Hearing rights.

NEW SECTION

**WAC 392-193-005 AUTHORITY.** The authority for this chapter is RCW 28A.67.020 which permits the superintendent of public instruction to grant alien permits authorizing an alien to teach in the common schools of this state and to convert certain alien permits to a regular teaching certificate.

NEW SECTION

**WAC 392-193-010 PURPOSE.** The purpose of this chapter is to establish policies and procedures for the issuance of an alien permit and the conversion of certain alien permits to a regular teaching certificate.

NEW SECTION

**WAC 392-193-020 APPLICABILITY TO TEACHERS ONLY.** The alien permit requirement of RCW 28A.67.020 applies only to teachers.

NEW SECTION

**WAC 392-193-025 TEACHER—DEFINED.** For the purposes of this chapter, "teacher" shall be defined as a person with classroom instructional responsibilities and who is not under the supervision of another certificated employee assigned primary instructional responsibilities in the same classroom(s).

NEW SECTION

**WAC 392-193-030 ALIEN—DEFINED.** For the purposes of this chapter, "alien" shall be defined as a person who is not a citizen of the United States of America.

NEW SECTION

**WAC 392-193-035 ALIEN PERMITS REQUIRED.** Except as provided in WAC 392-193-050, no alien shall be permitted to serve as a teacher in the common schools of this state without an alien permit.



NEW SECTION

WAC 392-193-045 IMMIGRANT ALIEN PERMITS—REQUIREMENTS. The superintendent of public instruction shall grant an immigrant alien permit to each applicant who is otherwise qualified to teach in the common schools of the state under regulations established by the state board of education and who offers sufficient proof that such applicant has declared officially an intention to become a citizen of the United States by filing such declaration with the United States immigration and naturalization service.

NEW SECTION

WAC 392-193-050 CONVERSION OF IMMIGRANT ALIEN PERMIT TO REGULAR CERTIFICATE. Any alien who possesses an immigrant alien permit who has completed a probationary period of one school year of teaching in the common schools, upon recommendation of the superintendent of the district in which such teaching took place, shall be eligible for regular certification singularly under the provisions established by the state board of education; and, if such certification is issued, the alien teacher will be permitted to teach in the common schools of the state without an alien permit.

NEW SECTION

WAC 392-193-055 NONIMMIGRANT ALIEN PERMITS—REQUIREMENTS. The superintendent of public instruction shall grant a nonimmigrant alien permit to each nonimmigrant alien applicant who is qualified to teach in the common schools of the state under regulations established by the state board of education, who subscribes to the oath or affirmation required by RCW 28A.67.020, and who offers sufficient proof that such applicant has been:

(1) Admitted to the United States for purpose of serving as an exchange teacher. Such nonimmigrant permit for exchange teachers shall be valid for one school year and may be renewed once; or

(2) Employed for the sole purpose of serving as a foreign language teacher. Such nonimmigrant permit for a foreign language teacher shall be valid for the same period of time as would be the case if the applicant sought certification solely under the applicable regulations established by the state board of education.

NEW SECTION

WAC 392-193-060 ALIEN PERMITS—REVOCA-TION—HEARING RIGHTS. Alien permits may be revoked by the superintendent of public instruction in accordance with the procedures for revocation of certificates in chapter 180-75 WAC. Prior to revocation of an alien permit, the superintendent of public instruction shall notify the holder of the reasons for revocation and shall afford such holder an opportunity to contest the revocation action in administrative hearing conducted in accordance with contested cases under the state Administrative Procedure Act, chapter 34.04 RCW.

**WSR 85-21-044****ADOPTED RULES****WENATCHEE VALLEY COLLEGE**

[Order 85-112—Filed October 14, 1985]

Be it resolved by the board of trustees of Wenatchee Valley College, acting at Wenatchee, Washington, that it does adopt the annexed rules relating to tenure and dismissal, chapter 132W-129 WAC.

This action is taken pursuant to Notice No. WSR 85-18-017 filed with the code reviser on August 26, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Wenatchee Valley College as authorized in RCW 28B.50.140.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 9, 1985.

By Mary Henrie  
Vice-Chairman

Chapter 132W-129 WAC

TENURE AND DISMISSAL

WAC

132W-129-001 General statement of policy.

NEW SECTION

WAC 132W-129-001 GENERAL STATEMENT OF POLICY. It is the policy of the board of trustees of Washington community college district no. 15 that all matters relating to tenure and dismissals of academic employees shall be governed by the laws of the state of Washington and the terms of the negotiated agreement between the board and the duly elected academic employee bargaining agent as contained in that agreement.

**WSR 85-21-045****PROPOSED RULES****GAMBLING COMMISSION**

[Filed October 14, 1985]

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 new section WAC 230-30-005, amendatory sections WAC 230-30-070, 230-30-080 and 230-30-106;

that the agency will at 10:00 a.m., Thursday, December 12, 1985, in the Tye Motor Inn, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW [9.46.]070 (4), (8), (11), (14) and [9.46.]110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 12, 1985.

Dated: October 14, 1985

By: Ronald O. Bailey  
Deputy Director

### STATEMENT OF PURPOSE

Title: New section WAC 230-30-005 Continuous play pull tab operations; amendatory sections WAC 230-30-070 Control of prizes; 230-30-080 Limitation on pull tab dispensing; and 230-30-106 Standards for flares.

Description of Purpose: Establishes a new system of marketing for the sale, control and regulation of punchboards and pull tabs.

Statutory Authority: RCW 9.46.070 (4), (8), (11), (14) and 9.46.110.

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-30-005 authorizes a new marketing method for the sale, control and regulation of punchboards and pull tabs; 230-30-070 eliminates the need for the licensee to delete from the flare, cash prize coupons representing the value of the prize won by the consumer; 230-30-080 eliminates pull tab dispensing device restrictions not required under the new marketing system; and 230-30-106 eliminates the need for individual cash prize coupons on pull tab flares.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm, and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments and new rule.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

### NEW SECTION

WAC 230-30-005 CONTINUOUS PLAY PULL TAB OPERATIONS. (1) Once a pull tab series has been put into play by an operator, that pull tab series must remain in that dispensing device at least for 90 days, provided that the Commission may approve the removal of a pull tab series at an earlier time. The operator shall continue to place additional pull tab series in the dispensing devices which are:

(a) Identical as to manufacturer, manufacturer form number, sales price per pull tab, winning symbols, prize amounts, and number of pull tabs; and

(b) Do not award a prize for the purchase of the last tab; and

(c) No winning pull tabs are marked off the flare.

When a pull tab series is added to a dispensing device, the unused pull tabs from that series, if any, must be placed in that dispensing device before another pull tab series can be added.

(2) Once a pull tab series has been removed from play by the operator, the same type pull tab series cannot be operated on the licensed

premises for 60 days. Each series of pull tabs permanently removed from play shall be maintained as a separate group and retained for at least six months. Each series permanently removed will be labeled with at least the date pulled; manufacturers name; and manufacturers form number.

(3) All winning pull tabs must be retained, and within twenty four hours the licensee shall mark or perforate the winning pull tab in such a manner that the pull tab can not be presented again for payment. Winning tabs shall be retained for six months following the month the tabs were presented for payment.

(4) Net cash and winning pull tabs from each dispensing device will be maintained separately. A form will be provided by the commission to reconcile winning tabs, prizes paid, cash receipts, and deposits. Licensees must complete this form at least weekly and charitable and non profit organizations will deposit receipts as required by WAC 230-12-020.

(5) The flare advertising prizes available from the operation of any sets of pull tabs shall display the numbers or symbols for winning prizes and the total number available for each class of prize, for each individual series added to the set. The flare need not display the series number or the Washington state identification stamp for the series in play.

(6) All receipts, records, and reports, including pull tab series flares with Washington state identification stamp affixed, must be retained on the premises at least nine months after the series is placed into play, and be made available on demand to law enforcement officers and representatives of the commission.

(7) After the close of business on one of the last five days of each quarter, the operator shall conduct a cut-off count and cash reconciliation of each pull tab dispensing device. All unsold tabs from any series started in the device will be counted and recorded in the quarterly record as one total.

### AMENDATORY SECTION (Amending Order 142, filed 1/9/85)

WAC 230-30-070 CONTROL OF PRIZES. (1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2)(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

(4) Cash prizes.

(a) Punchboards: Immediately upon determining the winner of any cash prize of five dollars or more, ~~((or of any merchandise prize with a retail value of five dollars or more;))~~ but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare~~((;))~~ or punchboard ~~((or pull tab dispensing device))~~ upon which such reference may appear, and from

any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith. The licensee must pay or award to the customer or player playing the punchboard ~~((or pull tab series))~~ all such prizes that have not been deleted from the flare of the punchboard ~~((or pull tab series))~~ when the punchboard ~~((or pull tab series))~~ is completely played out.

~~((b))~~ (b) Pull tab series: Upon a determination of a winner of a cash prize, the licensee shall award the player the amount of cash as represented by the coupon on the flare of the pull tab series in play. The licensee shall not delete or cross off the coupon on the flare which designates the cash available to be won from the pull tab series.

~~((4))~~ (5) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

~~((5))~~ (6) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in a standard format prescribed by the commission and shall disclose at minimum the following information:

(a) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(b) The series number of the pull tab series or punchboard from which the prize was won;

(c) The name of the punchboard or pull tab series;

(d) The date the pull tab series or punchboard was placed out for play;

(e) The date the pull tab series or punchboard was removed from play;

(f) The month, day and year of the win;

(g) If the prize is cash, the amount of the prize won;

(h) If the prize is merchandise, a description of the prize won and its retail value;

(i) The printed full name of the winner;

(j) The current address of the winner which will include the street address, the city and the state.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the licensee record of the win.

~~((6))~~ (7) Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection ~~((5))~~ (6) above, and all winning ~~((pull tabs))~~ or punchboard punches of five dollars or more for a period of six months and shall display the same to any representative of the commission or law enforcement officials upon demand.

~~((7))~~ (8) For the purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

~~((8))~~ (9) Spindle-type pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

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

AMENDATORY SECTION (Amending Order 136, filed 9/13/83)

WAC 230-30-080 LIMITATION ON PULL TAB DISPENSING DEVICES. (1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.

(2) ~~((No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.~~

~~(3) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device until any other series of pull tabs previously in, or upon, the device has been played out or permanently removed from public play.~~

~~(4) No pull tab once placed in, or if a spindle upon, a pull tab dispensing device out for public play shall be removed from the dispensing device until the series is permanently removed from public play, except only:~~

~~(a) Those pull tabs actually played by consumers;~~

~~(b) Those pull tabs removed by representatives of the commission, or other law enforcement agency inspecting the device, and~~

~~(c) Those tabs temporarily removed during necessary repair or maintenance of the device.~~

~~Excepting only tabs removed under (b) and (c) hereinabove, once a pull tab has been removed from public play it shall not again be put out for public play.~~

~~(5) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device used for dispensing that series.~~

~~(6))~~ No person shall sell or transfer to another person in this state, or for use within this state, or shall place out for public play any device for the dispensing of pull tabs not so constructed as to allow a consumer to clearly see each pull tab within, or if a spindle upon, the device prior to playing the device. However, a metal plate, not to exceed 3/4 inch in height, may be affixed across the front at the bottom of the dispensing columns of a mechanical pull tab dispensing device.

~~((7))~~ (3) No person shall sell or transfer to any other person in this state, or for use within this state, or put out for public play any device for the dispensing of pull tabs without permanent lines or markings on the face of the device and clearly visible to the consumer which effectively divide the tabs remaining in the device into divisions of approximately 25 tabs so that the consumer can determine how many tabs remain within the device.

~~((8))~~ (4) No person shall put out for public play any device for the dispensing of pull tabs which is not so constructed as to provide for at least one selection position for every 400 pull tabs originally in the series in play in the machine.

The following schedule shall be followed in the enforcement of this subsection:

MINIMUM NUMBER OF TABS FROM WHICH SELECTION MUST BE AVAILABLE	THE NUMBER OF TABS ORIGINALLY IN SERIES OF PLAY
1	1 - 400
2	401 - 800
3	801 - 1200
4	1201 - 1600
5	1601 - 2000
6	2001 - 2400
7	2401 - 2800
8	2801 - 3200
9	3201 - 3600
10	3601 - 4000

~~((9))~~ (5) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than 4000 individual pull tabs.

AMENDATORY SECTION (Amending Order 91, filed 8/14/79)

WAC 230-30-106 STANDARDS FOR FLARES. The flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall:

(1) Be placed only upon the upper face, or on the top, of any such punchboard or any device used to dispense the pull tabs; and

(2) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

(3) Punchboard flares shall ~~((S))~~ set out the winning numbers or symbols for prizes of five dollars or more in cash, or merchandise worth five dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

**WSR 85-21-046**  
**ADOPTED RULES**  
**GAMBLING COMMISSION**  
 [Order 154—Filed October 14, 1985]

Be it resolved by the Washington State Gambling Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to amendatory section WAC 230-30-060 punchboard restrictions, amends rule to permit display of collectable punchboards; amendatory section WAC 230-30-075 minimum percentage of prizes for certain gambling activities, authorizes the awarding of a single cash prize or a combination merchandise/cash prize to a maximum of \$200, merchandise prize \$300. Also amends rule to clarify multiple winners; amendatory section WAC 230-30-070 control of prizes, amends rule to require individuals presenting pull tabs of over \$20 to sign their name on the winning pull tab; requires operators to mark or perforate winning pull tabs or punches of \$5 or more when presented for payment; amendatory section WAC 230-30-103 standards for construction of pull tabs, amends rule to require manufacturers to establish game protection for each pull tab series and submit their system to the Gambling Commission; and amendatory section WAC 230-40-120 limits on wagers in card games, amends rule to permit a blind and straddle of \$1 and \$3 respectively, in lieu of an ante.

This action is taken pursuant to Notice Nos. WSR 85-13-038, 85-17-014, 85-17-055 and 85-19-047 filed with the code reviser on June 14, 1985, August 12, 1985, August 19, 1985, and September 13, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW [9.46.]070 (1), (2), (11) and [9.46.]110 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 10, 1985.

By Ronald O. Bailey  
Deputy Director

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-30-060 PUNCHBOARD RESTRICTIONS. No operator shall ~~((display))~~ put out for play, and no manufacturer shall sell or furnish to any person, any punchboard:

(1) To which any key to any winning number, or symbol, exists other than a key which is furnished to the operator, which key designates the color codes for all chances on that board without regard to whether or not such chances are designated winners.

(2) Which has taped sides, corners, or edges.

(3) Wherein the winning punches or approximate location of any winning punches can be determined in advance of punching the punchboard in a manner or by

any device, including, but not limited to, any patterns in manufacture, assembly, packaging or by markings. Winning punches shall be distributed and mixed among all other punches in the punchboard. The punchboard shall be manufactured with special care so as to eliminate any pattern as between punchboards, or portions of punchboards, from which the location or approximate location of the winning punches may be determined.

AMENDATORY SECTION (Amending Order 119, filed 2/19/82)

WAC 230-30-075 MINIMUM PERCENTAGE OF PRIZES FOR CERTAIN GAMBLING ACTIVITIES. No operator shall put out for play and no distributor or manufacturer of punchboards and pull tabs shall sell or otherwise provide to any person in this state or for use in this state any punchboard or pull tab series that does not contain the following minimum percentage in prizes:

(1) Punchboards – a minimum of 60 percent respecting each punchboard placed out for public play.

(2) Pull tabs – a minimum of 60 percent respecting each series of pull tabs placed out for public play.

(3) For the purposes of determining the percentage of prizes offered on any punchboard, or in any pull tab series under this section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(4) Single cash prizes on punchboards/pull tabs shall not exceed:

(a) ~~((One))~~ Two hundred ~~(((\$100))~~) (\$200) in cash~~((;+;+;+))~~; or

(b) A merchandise prize, or combination merchandise prize, for which the operator has not expended more than ~~((one))~~ three hundred dollars.

(5) Multiple winners on an individual pull tab or punch shall not exceed the single cash or merchandise prize limit in (4) above.

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

AMENDATORY SECTION (Amending Order 142, filed 1/9/85)

WAC 230-30-070 CONTROL OF PRIZES. (1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission. Each such board

must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2)(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

Immediately upon determining the winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in a standard format prescribed by the commission and shall disclose at minimum the following information:

(a) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(b) The series number of the pull tab series or punchboard from which the prize was won;

(c) The name of the punchboard or pull tab series;

(d) The date the pull tab series or punchboard was placed out for play;

(e) The date the pull tab series or punchboard was removed from play;

(f) The month, day and year of the win;

(g) If the prize is cash, the amount of the prize won;

(h) If the prize is merchandise, a description of the prize won and its retail value;

(i) The printed full name of the winner;

(j) The current address of the winner which will include the street address, the city and the state.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall require the winner to sign his name in ink on the winning pull tab being presented for payment. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the licensee record of the win.

(6) Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches of five dollars or more for a period of six months and shall display the same to any representative of the commission or law enforcement officials upon demand. The licensee shall, within twenty-four hours after a winning pull tab or punch of five dollars or more has been presented for payment, mark or perforate the winning pull tab or punch in such a manner that the pull tab or punch cannot be presented again for payment.

(7) For the purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(8) Spindle-type pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain pre-designated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

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

#### AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-30-103 STANDARDS FOR CONSTRUCTION OF PULL TABS. (1) Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, ((σ)) set of symbols, or game protection on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

(2) All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

(3) The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

(4) The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either perforated or clean-cut on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

(5) Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

(6) Thickness.

(a) Vendable pull tabs. Defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state by the Washington state gambling commission.

(i) Single opening and double sided tabs. The overall bulk thickness of the pull tab shall be .045 inches plus or minus .003 inches.

(ii) Multiple opening tabs. The overall bulk thickness of the pull tab shall be .026 inches plus or minus .002 inches.

(b) Nonvendable pull tabs. Defined as pull tabs that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state by the Washington state gambling commission. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers may use any thickness, provided they comply with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be of the same thickness.

(7) Length and width.

(a) Vendable pull tabs

(i) Single opening and double sided tabs shall be 1 7/8 inches x 1 inch plus or minus 1/8 inch.

(ii) Multiple opening tabs shall be 3 1/2 inches by 1 7/8 inches plus or minus 1 inch.

(b) Nonvendable pull tabs – manufacturers may construct nonvendable pull tabs in any size provided the pull tab complies with all other rules of the commission.

(c) All pull tabs within a single pull tab series shall be uniform in length or width and not vary by more than 3/64 inch, provided that in no case shall winning pull tabs be identifiable by visible variation in dimension.

(8) All pull tabs will be constructed to insure that, when offered for sale to the public, the pull tab is virtually opaque and free of security defects wherein winning pull tabs cannot be determined prior to being opened through the use of high intensity lights or any other method.

(9) Each manufacturer shall establish his own game protection for each pull tab game or series of games. The game protection shall be a method of identifying winning pull tabs, after they have been purchased and opened, from non-winning, altered or forged pull tabs. The manufacturer may use special numbers, colors, designs, ink or any combination to establish the game protection. Manufacturers will submit to the Gambling Commission a letter explaining the game protection and will keep the Commission informed on any changes.

AMENDATORY SECTION (Amending Orders 125 and 125A, filed 11/15/82 and 12/13/82)

WAC 230-40-120 LIMITS ON WAGERS IN CARD GAMES. The following limits shall not be exceeded in making wagers on any card game. For games in which the following method of wagering is allowed:

(1) Multiple wagers per player per hand during each round, each wager or raise shall not exceed \$5.00. There shall be no more than a total of two raises per round irrespective of the number of players.

(2) Single wagers per player per hand during each round (no raises), each wager shall not exceed \$5.00.

(3) Single wager per player per game, each wager shall not exceed \$5.00.

(4) Amount per point, each point shall not equal more than five cents in value.

(5) An ante, except for panguingue (pan), shall not be more than twenty-five cents per person per hand to be played, contributed by each player, or the dealer of each hand, subject to house rules, may ante for all players before dealing in an amount not to exceed \$2.00. In lieu of an ante, the licensee may, by house rule, authorize one blind and not more than two straddles. The blind will not exceed \$1.00 and the straddles will not exceed \$3.00. The blind and straddle will become part of the player's wager. The maximum betting round when a blind and straddle are used shall not exceed \$15.00.

(6) Forced wagers or raises in poker are prohibited except as an ante. In other authorized games, forced wagers and raises are prohibited except as they may be expressly included within the basic definition of the particular card game in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st Edition, pages 219-277.

(7) Panguingue (pan) – maximum value of a chip for payoff will not exceed \$2.00. Ante will not exceed one chip. No doubling of conditions. Players going out, may

collect not more than two chips from each participating player.

No licensee shall allow these wagering limits to be exceeded in a card game on his premises.

**WSR 85-21-047**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 14, 1985]

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 Eligibility—AFDC—Work incentive program/employment and training, amending WAC 388-24-107;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 4, 1985.

The authority under which these rules are proposed is RCW 74.04.400.

The specific statute these rules are intended to implement is RCW 74.04.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 10, 1985

By: David A. Hogan, Director  
 Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. WAC 388-24-107 (1)(e) and (i).

**Purpose of the Rule Change:** To amend criteria for exempting from mandatory work incentive (WIN) registration an AFDC recipient caring for a child under six; and to add criteria for exempting a VISTA volunteer.

**Reasons These Rules are Necessary:** To comply with federal action transmittal interpreting 45 CFR 224.20(b)(8); and an amendment to the Domestic Volunteer Service Act.

Statutory Authority: RCW 74.04.400.

The rule change limits WIN exemptions to those personally providing full-time care of the child. The child care rule is revised to coincide with the CFR and with Office of Family Assistance (OFA) Action Transmittal 82-11. The addition makes full-time VISTA volunteers exempt from WIN if eligible for AFDC prior to enrollment in VISTA.

Wayne Balcom, Program Manager, Office of Employment and Training, Division of Income Assistance, OB 31G, 753-4371.

These rules are necessary as a result of federal law, OFA action transmittal and the Volunteer Service Act amendment.

#### AMENDATORY SECTION (Amending Order 2033, filed 11/2/83)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. ((Effective August 23, 1983:))

(1) As a condition of eligibility for AFDC, every individual shall register for and participate in the WIN or employment and training (E&T) program and/or the ((intensive applicant)) employment ((services project)) search program unless such individual is:

(a) A dependent child under age sixteen or age sixteen but not yet nineteen and is attending full time, or has been accepted for enrollment as a full-time student for the next school term, in an elementary or secondary school, or the equivalent level of vocational or technical training, and reasonably expected to complete such course prior to the end of the month he or she reaches nineteen;

(b) A person who is ill, incapacitated, or sixty-five years of age or older;

(i) Temporary illness or incapacity provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

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

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

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

(e) A parent or other needy caretaker relative of a child under the age of six personally providing care for the child ((with only brief and infrequent absences from the child)) is exempt, unless the caretaker is a full-time day college student as defined by the school; ((or))

(f) A person employed at least thirty hours per week((:));

(g) A woman in the third trimester of pregnancy((:));

(h) The parent of a child when the other parent or stepparent is in the home and is not exempted by subsection (1)(a), (b), (c), (d), (e), (f), or (g) of this section; or

(i) A full-time VISTA (volunteers in service to America) participant who was determined eligible for AFDC prior to becoming a VISTA volunteer.

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

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

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

(5) When an AFDC recipient classified as exempt from WIN/E&T registration reports any change affecting the exempt status, he or she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review unless the department becomes aware an AFDC recipient's



exempt status has changed. Then the recipient shall be notified he or she shall be registered within thirty days.

(6) The department's financial service unit shall determine which AFDC applicants or recipients are exempt from registration and which are required to register as a condition of eligibility.

**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 85-21-048**  
**ADOPTED RULES**  
**BOARD OF HEALTH**

[Order 296—Filed October 14, 1985]

Be it resolved by the Washington State Board of Health, acting at Seattle, Washington, that it does adopt the annexed rules relating to sanitary control of shellfish, amending chapter 248-58 WAC.

This action is taken pursuant to Notice No. WSR 85-18-079 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 69.30.030 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED October 9, 1985.

By John A. Beare, MD  
Director, Division of Health Services

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-005 DEFINITIONS. The following definitions shall apply in the interpretation and the implementation of these rules and regulations:

(1) "Approved" means acceptable to the director based on ~~((his/her))~~ his or her determination as to conformance with appropriate standards and good public health practice.

(2) "Commercial quantity" means any quantity exceeding:

- (a) Forty pounds of mussels;
- (b) One hundred oysters;
- (c) Fourteen horse clams;
- (d) Six geoducks; or
- (e) Fifty pounds of hard or soft shell clams.

(3) "Department" means the state department of social and health services.

(4) "Director" means the director of the division of health ~~((services division))~~ of the department of social and health services, or ~~((his/her))~~ his or her authorized representative.

~~((3))~~ (5) "Easily cleanable" means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by approved cleaning methods.

~~((4))~~ (6) "Food contact surfaces" means those surfaces of equipment and utensils with which the shellfish meat normally comes in contact, and those surfaces that drain onto surfaces that may come into contact with said food being processed.

~~((5))~~ (7) "Person" means any individual, firm, corporation, partnership, company, association, or joint stock association, and the legal successor thereof.

~~((6))~~ (8) "Person in charge" means an individual ~~((who is))~~ responsible for the supervision of employees and the management of any shellfish operation as defined in subsection ~~((10))~~ (12) of this section.

~~((7))~~ (9) "Sanitized" means the treatment of clean surfaces of equipment and utensils by an approved process which is effective in destroying microorganisms, including pathogens.

~~((8))~~ (10) "Shellfish" means all varieties of fresh or frozen ~~((edible species of molluscan bivalves including, but not limited to,))~~ oysters, clams, or mussels, either shucked or in the shell, and all fresh or frozen edible products thereof ~~((intended for human consumption)).~~

~~((9))~~ (11) "Shellfish growing areas" means the lands and waters in and upon which shellfish are grown for harvesting in commercial quantities or for sale for human consumption.

~~((10))~~ (12) "Shellfish operation" means any activity in the harvesting, transporting, processing, to include, but not limited to culling, shucking, packing, and re-packing or shipping or reshipping of shellfish in commercial quantities or for sale for human consumption.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-010 GROWING AREAS. (1) All shellfish to be sold as defined in RCW 69.30.010(2)(;) in the state of Washington shall be obtained from approved growing areas or from approved growing areas outside the state that have programs of control and standards equivalent to that of the state of Washington.

(2) Approved shellfish growing areas shall be located in areas not adversely affected by human waste, industrial or natural toxins, recreational use, or other sources of pollutants which may have a detrimental influence on the water quality of the shellfish growing beds and subsequent hazards to the human consumers of shellfish.

(3) No commercial quantities of shellfish or shellfish to be sold as defined in RCW 69.30.010(2), for human consumption, shall be harvested from growing areas which are not approved as provided herein: PROVIDED, That permission may be granted by the director for the removal of shellfish from nonapproved growing areas for relaying to approved growing areas under the following conditions:

(a) Shellfish shall be relayed to a designated, approved growing area for a minimum of two weeks or for a longer time period as prescribed by the director.



(b) Relaying and subsequent removal from the approved area for sale or shipment shall be under the supervision of the director.

(c) Records shall be kept showing growing areas from which the shellfish were taken, where relayed, dates of relaying, and dates of harvesting.

(4) All boats, oyster harvesters, and floats used for harvesting or transporting shellfish shall be so constructed, operated, and maintained as to prevent contamination or deterioration of the shellfish. Approved facilities shall be provided for the disposal of human waste.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-080 CERTIFICATE OF COMPLIANCE—CERTIFICATE OF APPROVAL—SUSPENSION FOR REVOCATION OF CERTIFICATE OF APPROVAL—LICENSURE—REVOCATION OF LICENSE. (1) Only shellfish bearing, upon the tag, bill of lading, label or container as required in WAC 248-58-070(2), a certificate of compliance with the sanitary requirements of this state, or a state, territory, province of, or country of origin whose requirements are equal or comparable to these regulations, may be sold or offered for sale for human consumption in the state of Washington.

(2) No person shall possess a commercial quantity of shellfish or sell or offer to sell for human consumption shellfish in the state which have not been grown, harvested, shucked, packed, or shipped in accordance with the provisions of these regulations or chapter 69.30 RCW.

(3) Certificates of approval for shellfish growing areas and/or for shellfish operations, as hereinabove defined, shall be issued and administered as prescribed in chapter 69.30 RCW, and may be denied, suspended, or revoked for any failure or refusal to maintain the sanitary requirements or to comply with the provisions of these regulations or chapter 69.30 RCW.

~~((3))~~ (4) No person shall operate a "shellfish operation," as defined hereinabove, without having first obtained a valid operating license issued by the director. Each license shall be issued only for the shellfish operation and person named in the application and no license shall be transferable or assignable except with the written approval of the director. An operating license will be issued to any person who shall evidence:

(a) Possession of, or an approved application for, a valid certificate of approval as described hereinabove;

(b) Continued compliance by the licensee, the licensee's employees, or those under the licensee's supervision, with the rules and regulations herein and with chapter 69.30 RCW which compliance, in part, shall include the licensee's processing and/or sale of shellfish which have been harvested only from growing areas certified by the director in the name of the licensee or the person from whom the licensee has obtained said shellfish.

~~((4))~~ (5) The department shall have cause to deny, revoke, or suspend the license required herein where any licensee has:

(a) Had ~~((his/her))~~ his or her certificate of approval, as defined above, and as issued by the department, revoked, suspended, or denied, for any reason;

(b) Failed or refused to comply with any of the rules and regulations of the state board of health or chapter 69.30 RCW;

(c) Harvested shellfish from any growing area which does not have a valid certificate of approval issued in the name of said licensee or in the name of the person from whom the licensee has obtained said shellfish;

(d) Obtained or attempted to obtain an operating license, certificate of compliance, or certificate of approval by fraudulent means or misrepresentation.

~~((5))~~ (6) All licenses and certificates issued under the provisions of these regulations shall be posted in a conspicuous place on the licensed premises. The licensee, or at least one employee thereof, shall have a certificate of approval on his or her person while engaged in the harvesting of shellfish. Such certificates of approval shall be provided by the department. All licenses and certificates of approval shall expire on the thirtieth day of September each year.

(7) Certificates of approval shall be displayed, upon request, to an authorized representative of the department, a fisheries patrol officer, or an ex officio patrol officer. Failure to do so subjects the grower to the penalty provisions of this chapter, as well as immediate seizure of the shellfish by the representative or officer.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-090 ADMINISTRATIVE PROVISIONS. (1) The person in charge of shellfish growing areas or processing plant operations shall ensure ~~((that))~~ operations are conducted in a manner ~~((which complies))~~ complying with the requirements of these regulations. The person in charge shall periodically inspect the shellfish operations to determine compliance with these regulations, and shall take measures to correct any deficiencies thereby revealed.

(2) The director shall have access to and be permitted to inspect any and all areas comprising the shellfish operation for the purpose of determining compliance with these regulations and chapter 69.30 RCW, or for the purpose of determining whether any person, shellfish, or condition in the shellfish operation constitutes a nuisance or a threat to the public health.

(a) In the course of such inspection, the director may, among other things, examine or sample the shellfish in the shellfish operation as often as necessary to determine its safeness for human consumption, and ~~((he/she))~~ he or she may also examine any and all pertinent records pertaining to shellstock, shellfish, or operational supplies purchased, received, or used, and records pertaining to persons employed.

(b) If, after the inspection of a shellfish operation, the director finds ~~((that))~~ such operation fails to comply with the requirements of the law, rules and regulations, ~~((he/she))~~ he or she shall issue to the person in charge of the shellfish operation a written order ~~((which specifies))~~ specifying the manner in which the operation fails to comply with the law, rules and regulations and which

sets out a specific and reasonable period of time for correction of the violations.

(c) In the event the person in charge of the shellfish operation fails to correct the violations as required by the order of the director, the director may revoke the certificate of compliance and/or license of such person and/or initiate such legal enforcement proceeding as authorized by law.

(d) During or after an investigation or inspection of a shellfish operation, the director may, if ~~((he/she))~~ he or she suspects ~~((that))~~ the shellfish are unsafe for human consumption, give to the owner or person in charge of the shellfish operation a written hold order prohibiting the disposition or sale of the shellfish pending the director's further investigation of the shellfish's safety ~~((but in no event for a greater period than fifteen days))~~. The person in charge shall thereafter cease from offering such shellfish for human consumption and shall store such shellfish in a suitable place as prescribed by the director until the hold order is lifted or modified by the director or by a court of competent jurisdiction. Shellfish placed under a hold order shall not be destroyed for at least two days and shall not be held longer than fifteen days; however, upon a finding that the shellfish are safe for human consumption, the director may release them immediately.

(e) If, during an inspection of a shellfish harvesting operation, the owner or person in charge of the operation fails to immediately display his or her certificate of approval upon request from an authorized representative of the department, a fisheries patrol officer, or an ex officio patrol officer, a written hold order may be issued prohibiting the disposition or sale of the shellfish or the shellfish may immediately be seized. If a hold order is issued, the person in charge shall thereafter cease from offering such shellfish for human consumption and shall store such shellfish in a suitable place as prescribed by the director until the hold order is lifted or modified by the director or by a court of competent jurisdiction. Shellfish placed under a hold order or seizure shall not be destroyed for at least two days and shall not be held longer than fifteen days; however, upon a finding that the shellfish are safe for human consumption, the director shall determine disposition. If the director determines that the operation is certified, the shellfish shall be released to the owner or person in charge of the operation. If the director determines that the operation is not certified, the director may release the shellfish according to his or her discretion.

(f) If after investigation the director determines ~~((that))~~ the shellfish are unsafe for human consumption, ~~((he/she))~~ he or she shall give the owner or person in charge of the shellfish operation a written abatement order, which abatement order may require any or all of the following measures:

(i) A permanent prohibition against the sale or disposition of the shellfish for human consumption;

(ii) Immediate destruction of the shellfish in question by measures such as denaturing and placement in a sanitary landfill. Such destruction shall be accomplished by at least two employees of the department or authorized representatives.

(iii) At the discretion of the director, shellfish having been found to be unsafe for human consumption may be relayed to an approved growing area for subsequent reharvest.

~~((ff))~~ (g) When the director, after conducting an appropriate investigation, determines either that:

(i) A shellfish operation or employee is transmitting a disease; or

(ii) ~~((That))~~ There is a substantial risk ~~((that))~~ a shellfish operation or employee may be transmitting a disease, ~~((he/she))~~ he or she may thereafter give to the owner or person in charge of the shellfish operation an abatement order, which order may require any or all of the following measures:

(A) Immediate closure of the shellfish operation until, in the opinion of the director, no further danger of a disease outbreak exists;

(B) Immediate exclusion of the employee from all shellfish operations or food service establishments;

(C) Restriction of the employee's service to some area of the operation where there would be no danger of transmitting disease.

~~((fg))~~ (h) As an alternative to the abatement order described in ~~((subparagraph (f)))~~ subsection (2)(g) of this ~~((subsection))~~ section, the director may require any or all of the employees to submit to adequate medical and laboratory examinations, including examination of their bodily discharges.

~~((th))~~ (i) No person shall remove or alter a notice or tag constituting a hold order or abatement order placed on the shellfish by the director, and neither such shellfish nor its container shall be relabeled, repacked, reprocessed, altered, disposed of, destroyed, or released without permission of the director, except on order by a court of competent jurisdiction.

~~((ti))~~ (j) In the event ~~((that))~~ the person in charge of the shellfish operation fails to comply with either the hold order or the abatement order described above, the director may revoke the certificate of compliance and/or license of such person and/or initiate such legal enforcement proceedings as are authorized by law; except that the director may undertake summary abatement of the shellfish, an article, or a condition which is so severely contaminated or contaminating that a delay in abatement until legal enforcement proceedings could be had would pose a grave threat to the public health.

AMENDATORY SECTION (Amending Order 163, filed 7/24/78)

WAC 248-58-500 PENALTY CLAUSE. Any person found violating any of the provisions of these regulations or chapter 69.30 RCW ~~((chapter 144, Laws of 1955;))~~ shall be guilty of a gross misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one ~~((hundred))~~ thousand dollars, or imprisonment ~~((not to exceed ninety))~~ in the county jail of the county in which the offense was committed for not less than thirty days nor more than one year, or to both fine and imprisonment. ~~((Upon violation of any of the provisions of these regulations, written notification shall be sent by the director to the person found in violation. Each day's operation~~

thereafter in violation shall constitute a separate offense, and shall be subject to the prescribed penalties:))

**WSR 85-21-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-160—Filed October 14, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is harvestable numbers of salmon are available, and these rules are adopted at the recommendation of the Columbia River Compact Commission.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 14, 1985.

By William R. Wilkerson  
 Director

NEW SECTION

*WAC 220-32-03000W GILL NET SEASON. Notwithstanding the provisions of WAC 220-32-031, WAC 220-32-032, and WAC 220-32-033, it is unlawful to take fish for or possess salmon, sturgeon, and shad for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except in those areas and at those times designated below:*

*Areas 1A, 1B, and those waters of Areas 1C and 1D downstream from a line projected from the quick flashing light at Austin Point on the downstream bank of the Lewis River to a boundary marker on Warrior Point.*

*6:00 p.m. October 14 to 6:00 p.m. October 16, 1985.*

*6:00 p.m. October 20 to 6:00 p.m. October 22, 1985.*

*6:00 p.m. October 27 to 6:00 p.m. October 29, 1985.*

*Those waters of Areas 1C and 1D upstream from a line projected from the downstream bank of the Lewis River to a boundary marker on Warrior Point and Areas 1E and 1F.*

*6:00 p.m. October 14 to 6:00 p.m. October 18, 1985.*

*6:00 p.m. October 20 to 6:00 p.m. October 24, 1985.*

*6:00 p.m. October 27 to 6:00 p.m. October 31, 1985.*

REPEALER

*The following section of the Washington Administrative Code is repealed:*

*WAC 220-32-03000V GILL NET SEASON. (85-143)*

**WSR 85-21-050**  
**NOTICE OF PUBLIC MEETINGS**  
**WESTERN WASHINGTON UNIVERSITY**  
 [Memorandum—October 11, 1985]

Proposed schedule of board of trustees meetings for 1986 for Western Washington University, Bellingham, Washington

February 6, 1986	Bellingham	1:30 p.m.	Old Main 340, WWU
March 6, 1986	Bellingham	1:30 p.m.	Old Main 340, WWU
April 3, 1986	Out of town	1:30 p.m.	
May 1, 1986	Bellingham	1:30 p.m.	Old Main 340, WWU
June 5, 1986	Bellingham	1:30 p.m.	Old Main 340, WWU
August 7, 1986	Bellingham	1:30 p.m.	Old Main 340, WWU
September 4, 1986	Out of town	1:30 p.m.	
October 2, 1986	Bellingham	1:30 p.m.	Old Main 340, WWU
November 6, 1986	Bellingham	1:30 p.m.	Old Main 340, WWU
December 4, 1986	Out of town	1:30 p.m.	

**WSR 85-21-051**

**ADOPTED RULES**

**THE EVERGREEN STATE COLLEGE**

[Order 85-3, Resolution No. 85-32—Filed October 15, 1985—Eff. January 1, 1986]

Be it resolved by the board of trustees of The Evergreen State College, acting at Olympia, Washington, that it does adopt the annexed rules relating to Evergreen council section of governance document, repealing WAC 174-107-230 through 174-107-350.

This action is taken pursuant to Notice No. WSR 85-14-034 filed with the code reviser on June 27, 1985. These rules shall take effect at a later date, such date being January 1, 1986.

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1985.

By Joseph D. Olander  
 President

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 174-107-230 IMPLEMENTATION OF GOVERNANCE POLICIES AND PROCEDURES: THE EVERGREEN COUNCIL.
- WAC 174-107-240 THE EVERGREEN COUNCIL—MEMBERSHIP.
- WAC 174-107-250 THE EVERGREEN COUNCIL—THE EXECUTIVE COMMITTEE.
- WAC 174-107-260 THE EVERGREEN COUNCIL—SUBCOMMITTEES.
- WAC 174-107-270 THE EVERGREEN COUNCIL—AD HOC COMMITTEES.
- WAC 174-107-280 THE EVERGREEN COUNCIL—STANDING COMMITTEES AND CONSULTATIVE CONSTITUENCY GROUPS.
- WAC 174-107-290 THE EVERGREEN COUNCIL—COMMUNITY ACCESS.
- WAC 174-107-300 THE EVERGREEN COUNCIL—THE AGENDA.
- WAC 174-107-310 THE EVERGREEN COUNCIL—MEETINGS.
- WAC 174-107-320 THE EVERGREEN COUNCIL—MINUTES OF MEETINGS.
- WAC 174-107-330 THE EVERGREEN COUNCIL—ACTIONS OF COUNCIL.
- WAC 174-107-340 THE EVERGREEN COUNCIL—RELATIONSHIP WITH ADMINISTRATORS.
- WAC 174-107-350 THE EVERGREEN COUNCIL—APPEALS FROM AND NOTIFICATION OF DECISIONS OR FINDINGS.

**WSR 85-21-052  
ADOPTED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
[Order 85-12—Filed October 15, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to School personnel—Beginning teachers assistance program, chapter 392-196 WAC.

This action is taken pursuant to Notice No. WSR 85-17-023 filed with the code reviser on August 13, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 399, Laws of 1985, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 7, 1985.  
By Frank B. Brouillet  
Superintendent of Public Instruction

**Chapter 392-196 WAC  
SCHOOL PERSONNEL—BEGINNING TEACHERS ASSISTANCE PROGRAM**

- WAC 392-196-005 Authority.
- 392-196-010 Purpose.
- 392-196-015 Mentor teacher—Definition.
- 392-196-020 Mentor teacher stipend—Definition.
- 392-196-025 Mentor teacher stipend—Minimum amount.
- 392-196-030 Mentor teacher—Qualifications for nomination.
- 392-196-035 Mentor teacher—Selection process.
- 392-196-040 Beginning teacher—Definition.
- 392-196-045 Beginning teacher stipend—Definition.
- 392-196-050 Beginning teacher stipend—Minimum amount.
- 392-196-055 SPI sponsored mentor teacher workshop—Definition.
- 392-196-060 School district application to SPI for participation in beginning teacher assistance program.
- 392-196-065 1985-86 pilot project—Building selection process.
- 392-196-070 1986-87 school year—Building selection process.
- 392-196-075 Annual amount for distribution to participating school districts.
- 392-196-080 Distribution of state moneys for the beginning teacher assistance program—1985-87 biennium.
- 392-196-085 Carryover prohibition.
- 392-196-090 Maximum control factor—Proration.

**NEW SECTION**

WAC 392-196-005 AUTHORITY. The authority for this chapter is RCW 28A.\_\_\_\_ which authorizes the superintendent of public instruction to adopt rules to establish and operate a beginning teachers assistance program.

**NEW SECTION**

WAC 392-196-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the operation of a beginning teachers assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state.

**NEW SECTION**

WAC 392-196-015 MENTOR TEACHER—DEFINITION. As used in this chapter, the term "mentor teacher" shall mean a classroom teacher who has been selected by a school district to provide continuing and sustained support to a beginning teacher, both in and outside the classroom.

NEW SECTION

WAC 392-196-020 MENTOR TEACHER STIPEND—DEFINITION. As used in this chapter, the term "mentor teacher stipend" shall mean an amount paid by a school district to a teacher for services as a mentor teacher including attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074.

NEW SECTION

WAC 392-196-025 MENTOR TEACHER STIPEND—MINIMUM AMOUNT. The minimum amount per school year of the mentor teacher stipend shall be nine hundred fifty dollars.

NEW SECTION

WAC 392-196-030 MENTOR TEACHER—QUALIFICATIONS FOR NOMINATION. In order to be nominated to serve as a mentor teacher pursuant to WAC 392-196-035, the teacher shall meet the following minimum qualifications:

(1) Be employed full time primarily as a classroom teacher.

(2) Have been employed primarily as a classroom teacher for one school year within the district and two additional school years within any public or private school in any grade, kindergarten through twelve.

(3) Hold a valid continuing teaching certificate issued pursuant to chapter 180-79 WAC or be eligible for conversion to such certificate pursuant to WAC 180-79-045.

NEW SECTION

WAC 392-196-035 MENTOR TEACHER—SELECTION PROCESS. Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process.

NEW SECTION

WAC 392-196-040 BEGINNING TEACHER—DEFINITION. As used in this chapter, the term "beginning teacher" shall mean a certificated teacher with fewer than ninety consecutive school days of classroom teaching experience in either a public or private school in any grade, kindergarten through twelve, and who is employed by the district for ninety consecutive school days or more to serve primarily as a classroom teacher.

NEW SECTION

WAC 392-196-045 BEGINNING TEACHER STIPEND—DEFINITION. As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher for one

day of attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074.

NEW SECTION

WAC 392-196-050 BEGINNING TEACHER STIPEND—MINIMUM AMOUNT. The minimum amount of the beginning teacher stipend shall be eighty dollars.

NEW SECTION

WAC 392-196-055 SPI SPONSORED MENTOR TEACHER WORKSHOP—DEFINITION. As used in this chapter, the term "superintendent of public instruction sponsored mentor teacher workshop" shall mean an in-service training program sponsored by the superintendent of public instruction for the purpose of providing professional training for mentor teachers in the methods and procedures for performing such role with particular emphasis upon providing continuing and sustained support by the mentor teacher to a beginning teacher. Such workshop shall be no more than three days in length, but need not be consecutive days, and shall not be held during school hours.

NEW SECTION

WAC 392-196-060 SCHOOL DISTRICT APPLICATION TO SPI FOR PARTICIPATION IN BEGINNING TEACHER ASSISTANCE PROGRAM. Any district may apply to the superintendent of public instruction for participation in the beginning teacher assistance program. The application shall require the superintendent of the district to provide the following assurances:

(1) The board of directors of the district has reviewed the requirements of this chapter and has agreed to the conditions therein.

(2) The mentor teacher shall be paid a mentor teacher stipend.

(3) The beginning teacher shall be paid a beginning teacher stipend.

(4) The mentor teacher shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the superintendent of public instruction sponsored mentor teacher workshop.

(5) The beginning teacher shall be required to attend and shall be reimbursed by the district for travel expenses for one day of attendance at the superintendent of public instruction's sponsored mentor teacher workshop.

(6) The mentor teacher shall be released from classroom teaching responsibilities in order to observe and assist the beginning teacher in the classroom.

(7) The mentor teacher and the beginning teacher shall be released from classroom teaching responsibilities in order to jointly observe and evaluate teaching situations.

(8) The total release time from classroom teaching as required by subsections (6) and (7) of this section shall be at least thirty-six scheduled instructional hours per school year.

(9) The mentor teacher and the beginning teacher shall be required to complete and forward to the superintendent of public instruction such evaluation reports of the beginning teacher assistance program as requested by the superintendent of public instruction.

(10) The superintendent of the district shall supply the superintendent of public instruction, at times specified by the superintendent of public instruction, such information as requested regarding the beginning teacher assistance program.

#### NEW SECTION

WAC 392-196-065 1985-86 PILOT PROJECT—BUILDING SELECTION PROCESS. During the 1985-86 school year one hundred mentor teachers shall be selected to participate in a pilot project. The selection process shall be as follows:

(1) The superintendent of public instruction shall pro rate one hundred mentor teachers among the nine educational service districts based upon a percentage of beginning teachers hired within the districts within each educational service district for the 1984-85 school year. A quota shall be established for each educational service district.

(2) Each school district applying for participation in the program shall select one or more school buildings in which one or more beginning teachers will be assigned for the 1985-86 school year. The name of each school building and the number of beginning teachers shall be recorded on a slip of paper and placed in a container for the respective educational service district.

(3) The superintendent of public instruction shall select the school buildings, including number of beginning teachers, by lot from each educational service district until the quota for each educational service district has been met.

#### NEW SECTION

WAC 392-196-070 1986-87 SCHOOL YEAR—BUILDING SELECTION PROCESS. The superintendent of public instruction will seek action by the 1986 legislature to permit a mentor teacher for each beginning teacher. However, if moneys are insufficient to achieve this goal, the number of mentor teachers for the 1986-87 school year shall be pro rated upon the number of positions requested per district and the number of positions available.

#### NEW SECTION

WAC 392-196-075 ANNUAL AMOUNT FOR DISTRIBUTION TO PARTICIPATING SCHOOL DISTRICTS. The superintendent of public instruction annually shall establish a dollar amount per mentor teacher for distribution to districts for support of the beginning teachers assistance program. Such distribution shall be used by the district exclusively for the following:

(1) Mentor teacher stipends.

(2) Travel expenses of the mentor and beginning teachers for attendance at the superintendent of public instruction mentor teacher workshop.

(3) Substitute teacher salaries for release time for mentor and beginning teachers.

(4) Beginning teacher stipends.

#### NEW SECTION

WAC 392-196-080 DISTRIBUTION OF STATE MONEYS FOR THE BEGINNING TEACHER ASSISTANCE PROGRAM—1985-87 BIENNIUM. For the 1985-86 and 1986-87 school years, the superintendent of public instruction shall distribute to districts in February of each school year, a maximum of one thousand six hundred dollars per mentor teacher.

#### NEW SECTION

WAC 392-196-085 CARRYOVER PROHIBITION. State moneys distributed to districts for the beginning teacher assistance program shall be subject to the carryover prohibition of WAC 392-122-900.

#### NEW SECTION

WAC 392-196-090 MAXIMUM CONTROL FACTOR—PRORATION. State moneys distributed to districts for the beginning teacher assistance program shall be subject to the proration provision of WAC 392-122-905 if the current appropriation to the superintendent of public instruction for the beginning teacher assistance program is adversely affected by action of the legislature after the commencement of the 1986-87 school year.

### WSR 85-21-053

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 85-161—Filed October 15, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is harvestable numbers of coho salmon are available.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 15, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-40-02100F WILLAPA HARBOR GILL NET SEASON.** *Notwithstanding the provisions of WAC 220-40-021, effective immediately until further notice, it is unlawful to fish for or possess salmon taken from any Willapa Harbor Salmon Management and Catch Reporting Area except as provided for in this section:*

*Areas 2G, 2J, 2K and 2M – Immediately through 6:00 p.m. October 16, 1985.*

*Areas 2H and the Willapa River – Immediately until further notice. Downstream from the overhead powerline crossing located between Willapa River Markers #55 and #56, 5 to 6 1/2 inch mesh only.*

#### REPEALER

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-40-02100E WILLAPA HARBOR GILL NET SEASON.** (85-155)

**WSR 85-21-054**

**PROPOSED RULES**

**LIQUOR CONTROL BOARD**

[Filed October 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Loss or destruction of licenses, permits, etc.—Fee, WAC 314-12-050;

that the agency will at 9:30 a.m., Wednesday, November 27, 1985, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is chapters 66.20 and 66.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 27, 1985.

Dated: October 15, 1985

By: L. H. Pedersen  
Chairman

#### STATEMENT OF PURPOSE

Title: WAC 314-12-050 Loss or destruction of licenses, permits, etc.—Fees.

Description of Purpose: To make WAC 314-12-050 consistent with WAC 314-38-030 which was enacted on December 12, 1983.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: Chapters 66.20 and 66.24 RCW.

Summary of Rule: WAC 314-38-030 which was enacted on December 12, 1983, states that the fee for duplicate licenses and permits is \$5.00. WAC 314-12-050, as it now stands, lists two different fees, one of \$5.00 and one of \$1.00.

Reason Supporting Proposed Action: The change will make WAC 314-12-050 (which has not been changed since 1963) consistent with WAC 314-38-030. WAC 314-12-050 refers to a "card of identification." As a result of a legislative change, the Liquor Control Board ceased issuing identification cards to people over 21 years of age in 1971. Therefore the board is proposing deleting the reference in WAC 314-12-050 to this now nonexistent piece of identification.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for this rule.

#### AMENDATORY SECTION (Amending Rule 4, filed 6/13/63)

WAC 314-12-050 LOSS OR DESTRUCTION OF LICENSES, PERMITS, ETC.—FEE((S)). Upon the loss or destruction of any license or permit to purchase liquor thereunder (~~or card of identification~~), application for a duplicate must be made to the board. Fee((s)): (~~License (except agent's);~~) \$5.00(~~;- agent's license or registration; class H purchase permit, retailer's certificate of authority, and card of identification, \$1.00~~)).

**WSR 85-21-055**

**PROPOSED RULES**

**LIQUOR CONTROL BOARD**

[Filed October 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Prohibited practices—Contracts—Gifts—Rebates, etc., WAC 314-12-140;

that the agency will at 9:30 a.m., Wednesday, November 27, 1985, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.28.010 and 66.08.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 27, 1985.

Dated: October 15, 1985

By: L. H. Pedersen  
Chairman

#### STATEMENT OF PURPOSE

Title: WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.

Description of Purpose: WAC 314-12-140(5), to permit wholesalers to lease or rent picnic cooling boxes to retail accounts; and 314-12-140(8), to permit manufacturers, wholesalers and importers who sell heavy equipment and fixtures to retail licensees to keep these receipts on file at their place of business and available for inspection by representatives of the board. This will eliminate the need for the manufacturer, wholesaler or importer to immediately forward to the board's Olympia office an invoice covering each such sale.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.010 and 66.28.010.

Summary of Rule: WAC 314-12-140(5), wholesalers are currently leasing cooling boxes to retail accounts and have been for a number of years. It is not feasible for the retail accounts to purchase these items, but it does pay for them to lease these from the wholesaler and then provide them to the public for parties, special occasions, etc., at a fair rental rate for the business area concerned; and 314-12-140(8), at the present time, WAC 314-12-140 requires that every manufacturer, wholesaler or importer who sells heavy equipment and fixtures to retail licensees to immediately forward to the board at Olympia a copy of the invoice covering such sale.

Reasons Supporting Proposed Action: WAC 314-12-140(5), at the present time the board does not have the personnel or resources to enforce the current prohibition against the leasing/renting of this equipment. Therefore, the board is proposing to make acceptable a practice which is widespread and does not threaten the safety of the citizens. This rule change will facilitate the public renting cooling boxes from local retailers and will allow wholesalers to rent or lease these cooling boxes to the retail licensees as long as this is done at the current market rates; and 314-12-140(8), the expense to the wholesaler, etc. of forwarding receipts for all of this very common type of work to the Liquor Board has been considered to be beyond a reasonable business cost. In addition, the board offices do not have the staffing or storage space to review and store each of these types of receipts. By providing that these receipts be on file and available for inspection, the board will still be able to maintain control while eliminating the present record-keeping burden on both the wholesaler, etc. and state government.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for this rule. Both businesses and the board will experience a decrease in cost as requirements for copying and filing these invoices are deleted.

**AMENDATORY SECTION** (Amending Order 150, Resolution No. 159, filed 11/7/84)

WAC 314-12-140 PROHIBITED PRACTICES—CONTRACTS—GIFTS—REBATES, ETC. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: PROVIDED, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer.

(b) Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators, but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer.

(c) Provide price cards and may also price goods of his own brands.

(d) Provide point of sale advertising material and brand signs.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC (Title XII).

(f) No manufacturer, wholesaler, importer, or any employee thereof, shall move or handle in any manner any products other than his own brands on the premises of any retail licensee.

(5) No manufacturer, wholesaler, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind except cooling boxes which may be rented or leased at current market rates, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind except for cooling boxes which may be rented or leased from a wholesaler at current market rates. Sales authorized in this regulation shall be made on a cash on delivery basis only.



(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales ~~((to retail licensees forward to the board at Olympia))~~ have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this regulation.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

NOTE: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

**WSR 85-21-056**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed October 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning quality standards, WAC 314-24-060; that the agency will at 9:30 a.m., Wednesday, November 27, 1985, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.08.030 (2)(y).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 27, 1985.

Dated: October 15, 1985

By: L. H. Pedersen  
Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-24-060 Quality standards.

Description of Purpose: To permit the use of benzoic acid(s) or its derivative(s) in specialty wines under our definition.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.030 (2)(y).

Summary of Rule: The rule as it currently stands prohibits the use of benzoic acid or its derivatives in wine approved for sale in our state. However, the majority of wine cooler products use sodium benzoate as a preservative and the board has been approving these products for sale in Washington. Wine coolers are considered "specialty wines" under our definition.

Reasons Supporting Proposed Action: The use of benzoic acid and its derivatives (including sodium benzoate) has been approved by the Food and Drug Administration as a preservative in many food products, including soft drinks. There is no danger in allowing this product in specialty wines. The addition of language which will allow for the use of benzoic acid or its derivative will make the rule consistent with current practice and existing board approval for wine cooler products.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for this rule.

**AMENDATORY SECTION** (Amending Order 14, filed 12/1/70, effective 1/1/71)

WAC 314-24-060 QUALITY STANDARDS. All wines of the types and classes hereinafter set forth sold in the state of Washington shall meet the following requirements.

Acid content:

(1) Volatile acids:

- (a) Red table wines . . . . Not over 0.14%, exclusive of sulfur dioxide, calculated as acetic acid.
- (b) All other wines . . . . Not over 0.12%, exclusive of sulfur dioxide, calculated as acetic acid.

(2) Fixed acids:

- (a) Grape wine:
  - (i) Table wine . . . Not less than 0.4% calculated as tartaric acid.
  - (ii) Dessert wine . . . Not less than 0.25% calculated as tartaric acid.
- (b) Apple wine . . . . Not less than 0.15% calculated as malic acid.

- (c) Fruit wine . . . . . Not less than 0.5% calculated as citric acid.
- (d) Berry wine . . . . . Not less than 0.5% calculated as citric acid.

(3) Brix (Balling):

- (a) Port wine . . . . . Minimum of 5.5 Brix at 20 degrees centigrade.
- (b) White port wine . . . . . Minimum of 5.5 Brix at 20 degrees centigrade.
- (c) Muscatel wine . . . . . Minimum of 5.5 Brix at 20 degrees centigrade.
- (d) Tokay wine . . . . . Minimum of 3.5 Brix at 20 degrees centigrade.
- (e) Dry sherry wine . . . . . Under 0.5 Brix at 20 degrees centigrade.
- (f) Sherry wine . . . . . Under 3 Brix at 20 degrees centigrade.
- (g) Creme or sweet sherry wine . . . . . Above 3 Brix at 20 degrees centigrade.

(4) Sulfur dioxide: Maximum of 350 parts per million total.

(5) Preservatives: No wines shall contain preservatives such as benzoic acid, salicylic acid or monochloroacetic acid, or their derivatives except that wines classified as specialty wine in accordance with WAC 314-24-003 (2)(w) may use benzoic acid or its derivatives if such use has been approved by the United States Food and Drug Administration.

(6) Stability: All wines shall be free from precipitates, colloidal matter, metallic taste, haze due to yeast, bacteria, tartrates, or other causes as determined by usual stability tests.

**WSR 85-21-057**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed October 16, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- Amd WAC 458-20-179 Public utility tax.
- Amd WAC 458-20-189 Sales to and by the state of Washington, counties, cities, school districts, and other municipal subdivisions.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, November 1, 1985.

The authority under which these rules are proposed is RCW 82.32.300.

This notice is connected to and continues the matter in Notice No. WSR 85-18-069 filed with the code reviser's office on September 4, 1985.

Dated: October 16, 1985  
 By: Matthew J. Coyle  
 Acting Director

**WSR 85-21-058**  
**NOTICE OF PUBLIC MEETINGS**  
**FORT STEILACOOM COMMUNITY COLLEGE**  
 [Memorandum—October 10, 1985]

The board of trustees for Fort Steilacoom Community College took official action and has approved the following as their regular meeting schedule for 1986:

MONTH	DATE	TIME	LOCATION
January	8	2:00 p.m.	FSCC Campus, P-12, Board Room
February	12	2:00 p.m.	FSCC Campus, P-12, Board Room
March	12	2:00 p.m.	FSCC Campus, P-12, Board Room
April	9	2:00 p.m.	FSCC Campus, P-12, Board Room
May	14	2:00 p.m.	FSCC Campus, P-12, Board Room
June	11	2:00 p.m.	FSCC Campus, P-12, Board Room
July	9	2:00 p.m.	FSCC Campus, P-12, Board Room
August (No meeting is usually scheduled for this month.)			
September	10	2:00 p.m.	FSCC Campus, P-12, Board Room
October	8	2:00 p.m.	FSCC Campus, P-12, Board Room
November	12	2:00 p.m.	FSCC Campus, P-12, Board Room
December	10	2:00 p.m.	FSCC Campus, P-12, Board Room

Please note: Special meetings may be called for at any time by the chairman or a majority vote of the board. All special meetings will be publicly advertised at least 24 hours prior to being convened, and are open to the public.

**WSR 85-21-059**  
**ADOPTED RULES**  
**MARINE EMPLOYEES' COMMISSION**  
 [Order 85-2—Filed October 16, 1985]

Be it resolved by the Marine Employees' Commission, acting at the Conference Room, 3rd Floor, Pier 66, Seattle, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 316-02-100 Service of process—Computation of time.
- Amd WAC 316-02-103 Service of process—Additional time after service by mail.
- Rep WAC 316-02-130 Service of process—Method of service.
- New WAC 316-02-135 Service of process—Method and completion of service on parties.
- Rep WAC 316-02-140 Service of process—Completion of service on parties.

This action is taken pursuant to Notice No. WSR 85-16-110 filed with the code reviser on August 7, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.64.260 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 27, 1985.  
 By David P. Haworth  
 Chairman

**AMENDATORY SECTION** (Amending Resolution No. 84-1, filed 3/20/84)

**WAC 316-02-100 SERVICE OF PROCESS - COMPUTATION OF TIME.** Unless otherwise provided in chapter 47.64 RCW, ((tm)) in computing any period of time prescribed by notice, the prescribed period of time shall commence on the date of receipt of such

notice. In computing any other period of time ((or)) allowed by chapter 47.64 RCW or other ((any)) applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

**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 Resolution No. 84-1, filed 3/20/84)

WAC 316-02-103 SERVICE OF PROCESS - ADDITIONAL TIME AFTER SERVICE BY MAIL. Unless a party is required to do some act upon a date specified in a notice or other paper served upon him, whenever a party has the right or is required to do some act within a prescribed period after service of a notice or other paper upon him, and the notice or paper is served on him by mail ((or by telegraph)), 3 days shall be added to the prescribed period.

**NEW SECTION**

WAC 316-02-135 SERVICE OF PROCESS - METHOD AND COMPLETION OF SERVICE ON PARTIES. Unless otherwise provided in chapter 47.64 RCW, any notice or other paper required under this chapter shall be in writing. Service thereof is sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known addresses of the parties. Refusal of restricted certified mail by any party shall be considered service. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

**REPEALER**

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

WAC 316-02-130 SERVICE OF PROCESS - METHOD OF SERVICE.

WAC 316-02-140 SERVICE OF PROCESS - COMPLETION OF SERVICE ON PARTIES.

**WSR 85-21-060**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed October 16, 1985]

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 Medical assistance—Application, amending WAC 388-84-110;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 4, 1985.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 22, 1985. The meeting site is in a location which is barrier free.

Dated: October 15, 1985

By: David A. Hogan, Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-84-110.

Purpose of the Rule Change: To clarify that applications for medical assistance under any program will follow the same standards and criteria.

Reason the Rule Change is Necessary: Some fair hearing decisions indicated confusion as to what standards and criteria applied to the limited casualty program.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: All medical assistance programs will follow the application standards and criteria in chapter 388-38 WAC.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB 41, phone 753-7316.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

**AMENDATORY SECTION** (Amending Order 1725, filed 12/3/81)

WAC 388-84-110 APPLICATION—DISPOSITION. (1) Time-lay determination standards are:

- (a) Sixty days for applicants based on disability,
  - (b) Forty-five days for all other categories,
  - (c) Certain unusual circumstances beyond the administrative control of the CSO may delay a decision on an application.
- (2) For cash assistance, approval of the medical assistance is concurrent.

(3) Applicants for medical assistance will be notified of departmental action by means of a notification of eligibility letter.

(4) Approval, denial, or withdrawal of the application for ~~((a categorically needy individual))~~ medical assistance, medical care services, or the limited casualty program will follow cash assistance standards and criteria in chapter 388-38 WAC. ~~((The denial notice will include the right to a fair hearing.~~

~~((5) Withdrawal of an application will follow WAC 388-38-172.))~~

**WSR 85-21-061**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed October 16, 1985]

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—Income—Definitions, amending WAC 388-54-725;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 4, 1985.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 15, 1985

By: David A. Hogan, Director  
Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-54-725.

Purpose of the Rule Change: To reflect changes in federal law and to clarify existing policies on treatment of unearned income.

Reason this Rule Change is Necessary: To adhere to federal regulations regarding unearned income.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Amendment changes policy to include entire amount of child support refund payments received by AFDC recipients from the Office of Support Enforcement as unearned income; clarifies mandatory deductions from sources other than AFDC, Refugee, GAU and GA-S grants are disregarded as income.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Phyllis M. Lowe, Community Services Program Manager, Division of Income Assistance, mailstop OB 31J, phone 753-5401 or scan 234-5401.

These rules are necessary as a result of federal law, Administrative Notice 85-87, United States Department of Agriculture, Food and Nutrition Service, Western Region.

AMENDATORY SECTION (Amending Order 2235, filed 5/15/85)

WAC 388-54-725 INCOME—DEFINITIONS. (1) Earned income shall include:

(a) All wages and salaries of an employee.

(b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(i) Payments from a roomer or boarder.

(ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of twenty hours a week.

(c) Training allowances from vocational and rehabilitative programs recognized by federal, state, or local governments, such as WIN ((or CETA)), to the extent training allowances are not a reimbursement.

(d) Payments under Title I (VISTA, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 (P.L. 93-113 ((Statute)), as amended).

(e) Payments of earned income tax credit (EIC).

(2) Unearned income shall include but not be limited to:

(a) Payments received from federally-aided public assistance programs, general assistance, or other assistance programs based on need.

(b) Moneys withheld from public assistance for purposes of recouping an overpayment resulting from the household's intentional failure to comply with the public assistance program's requirement.

(c) An annuity, pension, retirement, veteran's, or disability benefit; workmen's or unemployment compensation; and old-age ((or)), survivor's, or Social Security benefits; or strike benefits.

(d) The total payment to a household on behalf of a ((legally assigned)) foster child or adult.

(e) Support and alimony payments from nonhousehold members made directly to the household.

(f) Scholarships, educational grants (including loans on which repayment is deferred), fellowships, and veteran's education benefits in excess of amounts excluded. ~~((Such income shall be averaged over the period it is intended to cover.))~~

(g) Payments received from government-sponsored programs.

(h) Dividends, interest, royalties, and all other direct money payments which are gain or benefit.

(i) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty hours a week.

(j) Child support refund payments received by AFDC recipients from the office of support enforcement.

(3) The following items shall be disregarded as income:

(a) Moneys ~~((withheld))~~ from any source voluntarily ~~((or involuntarily from an assistance payment except for a mandatory deduction resulting from the household's failure to comply, earned income, or other source))~~ returned to repay a prior overpayment received from that same source.

(b) Mandatory deductions from sources other than AFDC, refugee, GA-U, and GA-S grants to repay a prior overpayment from that same source.

(c) Child support payments received by AFDC recipients which must be transferred to support enforcement.

**WSR 85-21-062**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2295—Filed October 16, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical care services (GAU), amending WAC 388-86-120.

This action is taken pursuant to Notice No. WSR 85-18-040 filed with the code reviser on August 30, 1985. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 16, 1985.

By David A. Hogan, Director  
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2084, filed 3/14/84)

WAC 388-86-120 MEDICAL CARE SERVICES (GAU). A recipient of a continuing general assistance grant is eligible to receive the same scope of care (WAC 388-86-005) as a recipient of Medicaid, except that no care will be provided outside the state of Washington other than in designated bordering cities as specified in chapter 388-82 WAC, and shall be subject to the following additional limitations.

(1) ~~((Prescribed drugs are limited to specific therapeutic classifications. Lists are published through the Drug Formulary and/or official memoranda.~~

~~(2))~~ Mental health services will be provided only in community mental health centers and to the extent that the recipient meets the client definitions and priorities established in the Community Mental Health Act.

~~((3))~~ (2) Eligibility for medical care services shall commence with the date of certification for general assistance. There shall not be retroactive certification for medical care received prior to the initial date of eligibility for the general assistance program.

**WSR 85-21-063**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
**(Division of Aeronautics)**  
 [Filed October 17, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning aircraft registration and indicia of registration, repealing chapter 12-16 WAC;

that the agency will at 10:00 a.m., Monday, December 16, 1985, in the Board Room, 1D 2, Transportation Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 47.68.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1985.

Dated: October 16, 1985

By: A. D. Andreas  
 Deputy Secretary

**STATEMENT OF PURPOSE**

Title: Chapter 12-16 WAC.

Description of Purpose: Repeal of the rule no longer pertinent to department function and superseded by RCW 47.68.250.

Statutory Authority: RCW 47.68.210, Rules—Standards.

Summary of Rule: Prescribes rules for aircraft registration and notice of sale under the Aeronautics Commission.

Reason for Rule: Nonapplicable, repeal.

Agency Proposing Rule: Department of Transportation, Aeronautics Division.

Personnel Responsible for Drafting Repeal: LeMoine D. Stitt, Aeronautics Program Specialist, Aeronautics Division, 8600 Perimeter Road, Seattle, Washington 98108, (206) 764-4131.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not required.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

1. WAC 12-16, Registration and Indicia of Registration

**WSR 85-21-064**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-162—Filed October 17, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is chinook salmon have cleared and harvestable numbers of chum and coho are available.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 17, 1985.

By Edward P. Manary for William R. Wilkerson Director

NEW SECTION

WAC 220-57-34000C NORTH NEMAH RIVER. Notwithstanding the provisions of WAC 220-57-340, effective 12:01 a.m. October 19, 1985 until further notice, bag limit A in those waters of the North Nemah River downstream from the lower bridge on the deadend Lower Nemah Road to the mouth except that chinook salmon over 28 inches in length must be released immediately.

**WSR 85-21-065**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Registration for Architects)**  
[Order PL 560—Filed October 17, 1985]

Be it resolved by the Washington State Board of Registration for Architects, acting at the Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188, that it does adopt the annexed rules relating to:

- Amd WAC 308-12-010 State board of registration.
- New WAC 308-12-025 Application for examination.
- Amd WAC 308-12-031 Registration examination.
- Amd WAC 308-12-050 Registration by reciprocity.
- Amd WAC 308-12-080 Approved schools of architecture.
- Amd WAC 308-12-081 The seal.
- New WAC 308-12-085 Corporations or joint stock associations.
- New WAC 308-12-115 Definitions.
- Rep WAC 308-12-082 Corporate practice.
- Rep WAC 308-12-110 Architect listings.
- Rep WAC 308-12-120 Definition of principal.
- Rep WAC 308-12-130 Definition of supervision.

This action is taken pursuant to Notice No. WSR 85-17-077 filed with the code reviser on August 21, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 5, chapter 37, Laws of 1985, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 17, 1985.  
By Sydney W. Beckett  
Executive Secretary

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)

WAC 308-12-010 STATE BOARD OF REGISTRATION. (1) Meetings: The Washington state board of registration for architects, hereinafter called the board, shall hold its regular public meeting annually in September. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

Executive sessions may be held by the board in conjunction with all public meetings, and at such other times as the board shall deem necessary and for the primary purpose of preparing and grading examinations, approving applications, conducting written and oral examinations, examining reciprocity applications, and acting on applications for reinstatement of revoked licenses, and confidential matters between candidates or registrants and the board.

(2) Rules of order. The latest edition of Robert's Rules of Order shall govern the conduct of business at meetings and sessions of the board.

(3) Officers. At the regular annual public meeting the board shall elect a chairman, a vice chairman and a secretary for the ensuing year.

(4) Quorum. A quorum at any regular or special meeting or session shall consist of ~~((three))~~ four members of the board.

(5) Rule changes. Prior to and during any adoption, amendments, or repeal of any rule, the board of registration shall conduct its business in accordance with chapter 34.04 RCW the Administrative Procedure Act.

(6) Annual report. The board shall issue an annual report and roster.

NEW SECTION

WAC 308-12-025 APPLICATION FOR EXAMINATION. (1) The application for examination must be submitted on forms provided by the board, accompanied by academic and/or practical experience verification in accordance with filing instructions to be considered ninety days prior to the next scheduled examination.

(2) Applications must be accompanied by an examination fee and an application fee as outlined in WAC 308-12-312.

(3) Notice of acceptance of application will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.

(4) No application fee will be refunded because of withdrawal from the examination.

AMENDATORY SECTION (Amending Order PL 517, filed 2/11/85)

WAC 308-12-031 REGISTRATION EXAMINATION. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.160 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered in June of each year at a location(s) the board determines appropriate.

The board adopts the architectural registration examination and grading procedures prepared by the National Council of Architectural Registration Boards ~~((to test the applicant's qualifications and minimum competency for registration))~~ as the written portion of the examination.

~~(1) ((Requirements for admittance to the examination are found in RCW 18.08.140 and 18.08.150.~~

~~(2) The application for examination must be submitted on forms provided by the board, accompanied by academic and/or practical experience verification in accordance with filing instructions prior to March fifteenth to be considered for the next scheduled examination.~~

~~(3) Applications must be accompanied by an examination fee and an application fee as outlined in WAC 308-12-312.~~

~~(4) Notice of acceptance of application will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.~~

~~(5) No application fee will be refunded because of withdrawal from the examination.~~

~~(6)) The written examination: The "architectural registration examination" is divided into nine divisions ((which will be administered in June of each year)). The examinees are tested on their ability to exercise value judgments in actual architectural practice situations. The examination covers the following:~~

TITLE	SUBJECT	<del>((TIME))</del> HOURS ALLOWED
Division A . . . . .	Predesign . . . . .	3
Division B . . . . .	Site design . . . . .	3 1/2
Division C . . . . .	Building design . . . . .	12
Division D . . . . .	Structural-general . . . . .	2 1/2
Division E . . . . .	Structural-lateral forces . . . . .	1 1/2
Division F . . . . .	Structural-long span . . . . .	1 1/2

TITLE	SUBJECT	<del>((TIME))</del> HOURS ALLOWED
Division G . . . . .	Mechanical, plumbing, electrical and life safety systems . . . . .	2 1/2
Division H . . . . .	Materials and methods . . . . .	2 1/2
Division I . . . . .	Construction documents and services . . . . .	3 1/2

~~((7))~~ (2) To pass the written examination, an applicant must achieve a passing grade on each division.

~~((8))~~ (3) All nine divisions of the architects registration examination must be taken on the first attempt. On subsequent attempts, examinees may retake any divisions not passed on previous attempts.

~~((9))~~ (4) The oral examination is given upon the applicant's completion of the written examination ~~((and the fulfilling of the experience requirement))~~.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

~~((The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health and property and to promote the public welfare.~~

To pass the oral examination, the applicant must exhibit an acceptable entry level knowledge and execution skill in basic professional documents, to assure the board that registration of the applicant will not present a hazard to)) The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.

The oral examination may be conducted by the full board or by ((a)) an architect member of the board. The board may ~~((recommend waiver of))~~ waive the full board examination if the examining board member deems the applicant prepared for registration. ~~((Such a recommendation shall be circulated to the balance of the board members and must receive approval by a majority of the board before the candidate may be registered and licensed. When a single board member conducts the oral examination, one of two recommendations is given. One is a recommendation for registration and licensing; the other is to recommend a full board oral examination. When the candidate is not recommended for registration he or she shall be called before the full board))~~ If such waiver is not granted or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.

The examinee will be required to retake the entire examination if all portions of the written and oral examination (is) are not successfully completed ~~((within the~~

five-year period)) as per RCW 18.08.160. The five-year period shall begin to run effective with the date on which the examinee first takes the examination. If the examinee does not successfully pass all portions of the written and oral examination, within five years from the date he or she first took the examination, he or she shall lose credit for all portions of the examination previously passed, and a new five-year period shall begin on the date on which the examinee begins to retake the examination.

AMENDATORY SECTION (Amending Order PL 517, filed 2/11/85)

WAC 308-12-050 REGISTRATION BY RECIPROCITY. ~~((+)) Any architect registered in another state who desires registration and licensure in Washington, shall make formal application on forms provided by)) Pursuant to RCW 18.08.— (section 11, chapter 37, Laws of 1985), the board(~~(, accompanied by the reciprocity registration fee.~~~~

(2) ~~The board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.~~

(3) ~~Each candidate shall submit a written comparative analysis of the Washington state law and the law of the base state of the applicant prior to the oral examination.~~

(4) ~~Any applicant seeking registration in the state of Washington and originally registered in the applicant's base state in the years beginning in 1978 through 1982, regardless of education, shall be required to have passed the NCARB qualifying examination and parts "A" and "B" of the professional examination. If an applicant has not passed the qualifying examination, the applicant must take and pass parts "D," "E," and "F," the structural divisions of the "architects registration examination." If an applicant has not passed part "A" of the professional examination, "building design," he or she must take and pass parts "B"—"site design" and "C"—"building design," of the "architects registration examination," given during June each year.~~

(5) ~~A person whose architectural registration examination did not include NCARB approved seismic sections will be required to attend an NCARB approved seismic seminar, write a treatise on lateral forces, or take sections "D," "E," and "F" of the architects registration examination, details of which can be received upon written request to the board)) will recommend to the director that the director grant a certificate of registration to a registered architect in another state or territory of the United States, the District of Columbia, or another country provided:~~

(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants.

(2) That the applicant presents documentation of NCARB Certification which may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered

under RCW 18.08.— (section 6, chapter 37, Laws of 1985).

(3) That the board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

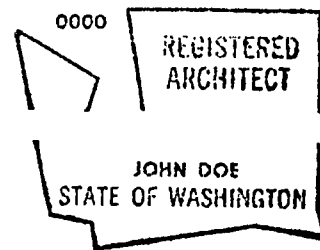
(4) That the territory, state or country grants reciprocal privileges to architects registered in the state of Washington.

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)

WAC 308-12-080 APPROVED SCHOOLS OF ARCHITECTURE. The board adopts the current "List of accredited schools of architecture" as published by the National Architectural Accrediting Board (~~and universities and colleges of architecture in the state of Washington as its "approved schools."~~);

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)

WAC 308-12-081 THE SEAL. Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered Architect, State of Washington." The seal with the registrant's counter signature shall appear on every drawing filed with public authorities. A facsimile of the seal appears herewith.



No architect shall stamp or countersignature shall be affixed to any drawings not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect. An architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that architect.

NEW SECTION

WAC 308-12-085 CORPORATIONS OR JOINT STOCK ASSOCIATIONS. (1) For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23A RCW, the corporation or joint stock association shall file with the board a letter of application containing a statement of the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period. The application shall be signed and attested by a corporate officer.



(2) In addition to the application for certificate of authorization, the corporation or joint stock association shall file with the board the documentation and information specified in RCW 18.08.— (section—, chapter 37, Laws of 1985).

(3) The designated architect responsible for the practice of architecture by said corporation shall be a resident and be regularly employed in that office having direct knowledge and supervisory control of such work. No individual will be the designated architect at more than one place of business or one company at any one time.

#### NEW SECTION

WAC 308-12-115 DEFINITIONS. (1) Accredited architectural degree—A professional degree received from the current list of accredited schools of architecture as published by the National Architectural Accrediting Board.

(2) Practical architectural work experience—Practical work experience performing activities involved in the practice of architecture, as defined in RCW 18.08.— (section 3, chapter 37, Laws of 1985), under the direct supervision of an architect. The board may approve similar practical work experience for full or partial credit and will accept intern development program experience as defined in the IDP training guidelines.

(3) Intern development program (IDP)—An internship program designed to provide a formal means of evaluating training, to recognize the intern-architects' professional development by compiling a continuing, comprehensive record of their internship training and to ensure intern-architects of a range of exposures that will help qualify them to take the professional examination.

(4) Supervision—The word "supervision" in RCW 18.08.— (section 3, chapter 37, Laws of 1985) means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations equipment, personnel, maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean an architect who is registered in this state; who is a shareholder, if the practice is through a professional service corporation; or a partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; or the designated architect of a stock corporation; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-12-082 CORPORATE PRACTICE.  
WAC 308-12-110 ARCHITECT LISTINGS.  
WAC 308-12-120 DEFINITION OF PRINCIPAL.

#### WAC 308-12-130 DEFINITION OF SUPERVISION.

#### NEW SECTION

WAC 308-12-321 COMPETENCE. (1) In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

(2) In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

(3) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(4) No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

#### NEW SECTION

#### WAC 308-12-322 CONFLICT OF INTEREST.

(1) An architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

(3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

#### NEW SECTION

WAC 308-12-323 FULL DISCLOSURE. (1) An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

(2) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in

connection with work for which he or she is claiming credit.

(3) If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially affect adversely the safety to the public of the finished project, the architect shall:

(a) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

(b) refuse to consent to the decision, and

(c) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project.

In the case of a termination in accordance with subsection (c), the architect shall have no liability to his or her client or employer on account of such termination.

(4) An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

(5) An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

(6) An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the board.

#### NEW SECTION

##### WAC 308-12-324 COMPLIANCE WITH LAWS.

(1) An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

(2) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

(3) An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

#### NEW SECTION

##### WAC 308-12-325 PROFESSIONAL CONDUCT.

(1) Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work.

(2) An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

(3) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

#### WSR 85-21-066

##### ADOPTED RULES

##### DEPARTMENT OF LICENSING

##### (Board of Funeral Directors and Embalmers)

{Order PL 561—Filed October 17, 1985}

Be it resolved by the Washington State Board of Funeral Directors and Embalmers, acting at Olympia, Washington, that it does adopt the annexed rules relating to procedures for handling dead human bodies by authorized crematory authorities, adding new sections WAC 308-48-700, 308-48-710, 308-48-720, 308-48-730, 308-48-740, 308-48-750, 308-48-760, 308-48-770 and 308-48-780.

This action is taken pursuant to Notice No. WSR 85-18-085 filed with the code reviser on September 4, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.39.175 as amended by section 6, chapter 402, Laws of 1985, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 9, 1985.

By Ian D. Morrison  
Chairman

#### NEW SECTION

WAC 308-48-700 DEFINITIONS. Unless the context clearly requires otherwise, the following definitions shall apply: (1) "Authorizing agent" means the person or persons legally entitled to order the cremation of the human remains.

(2) "Cremated remains" means the remaining bone fragments after cremation.

(3) "Cremation" means the reduction of a human body by combustion or calcination to its lowest elements.

(4) "Cremation chamber" means the enclosed space within which the cremation process takes place.

(5) "Cremation container" means the case in which the human remains should be delivered to the crematory to be placed in the cremation chamber for cremation.

(6) "Crematory" means the legal entity which conducts cremations or the building or area of a building that houses the cremation chamber and holding facility.

(7) "Holding facility" means an area designated for the retention of human remains prior to disposition.

(8) "Human remains" means the body of a deceased person.

(9) "Processed remains" means bone fragments reduced to unidentifiable dimensions by pulverization after

foreign materials are removed; sometimes referred to as ashes.

(10) "Sealable container" means any container in which processed remains can be placed and sealed to prevent leakage of contents and the entrance of foreign materials.

#### NEW SECTION

**WAC 308-48-710 IDENTIFICATION OF HUMAN REMAINS.** A crematory shall not take custody of unidentified human remains. Before acceptance of human remains, the crematory shall verify that identification is attached to the cremation container or to the remains. Upon acceptance of human remains for cremation, the crematory shall make a permanent signed record of the following:

- (1) Name of deceased;
- (2) Date of death;
- (3) Place of death;
- (4) Name and relationship of authorizing agent;
- (5) Name of firm engaging crematory services.
- (6) Color, shape & outside covering of any casket or description of any alternative container or other covering to be consumed with the body.

#### NEW SECTION

**WAC 308-48-720 HOLDING HUMAN REMAINS FOR CREMATION.** (1) Human remains designated for cremation will be cremated without unreasonable delay.

(2) When the crematory is unable to cremate the human remains immediately upon taking custody, the crematory shall provide a holding facility. The holding facility shall:

- (a) Comply with any applicable public health law;
- (b) Preserve the dignity of the Human Remains;
- (c) Recognize the personal integrity and health of the crematory personnel.

(3) A crematory shall not hold the human remains for cremation unless it is contained within an individual, rigid and closed cremation container. The cremation container shall meet the following standards:

(a) Be composed of a suitable combustible material. If the remains are delivered to the crematory in a non-combustible container, the authorizing agent shall be informed of the disposition of the container if it is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory shall be in accordance with the provisions of RCW 18.39 and regulations adopted thereunder and applicable health laws.

- (b) Be rigid enough for handling with ease.
- (c) Protect the health and safety of the crematory personnel.
- (d) Provide proper covering for the human remains.
- (4) A crematory shall not accept for holding a human remains within a cremation container having evidence of body fluid leakage.

(5) Human remains that are not embalmed shall be held only within a refrigerated facility or in compliance with applicable public health regulations.

(6) Holding facilities shall be secure from access by all unauthorized persons.

#### NEW SECTION

**WAC 308-48-730 CREMATION OF HUMAN REMAINS.** (1) Cremation will not take place until the necessary permits and consents are issued by the Health Department and/or Coroner/Medical Examiner or Prosecuting Attorney.

(2) Immediately prior to being placed within the cremation Chamber, the identification of the human remains shall be verified by the crematory and placed near the cremation chamber control panel where it shall remain until the cremation is complete.

(3) A crematory may not simultaneously cremate more than one human remains within the same cremation chamber unless written authorization to do so from the authorizing agent of each human remains to be cremated has been received after full and adequate disclosure regarding the manner of cremation. A written authorization shall exempt the crematory from all liability for commingling of cremated remains.

#### NEW SECTION

**WAC 308-48-740 PROCESSING OF CREMATED REMAINS.** (1) Upon completion of the cremation, the residual of the cremation process shall be removed from the cremation chamber and the chamber swept clean. The residual shall be placed within an individual container and the identification removed from the control panel area and attached to the container or tray.

(2) All cremated remains shall undergo final processing to comply with applicable legal requirements. Any identifiable residual other than bone fragments shall be manually removed and the fragments then reduced to five millimeters or less unless otherwise instructed by the authorizing agent. An exception to the five millimeter requirement shall be granted at the request of the authorizing agent for cremated remains which will be placed in a cemetery, mausoleum, columbarium or building devoted exclusively to religious purposes.

(3) All body prosthesis, bridgework or similar items removed from the cremated remains shall be disposed of by the crematory as directed by the authorizing agent. No other materials shall be removed from the cremated remains.

#### NEW SECTION

**WAC 308-48-750 PACKAGING AND STORAGE OF CREMATED OR PROCESSED REMAINS.**

(1) The entire cremated or processed remains shall be placed in a sealable container or in such container as may have been ordered by the authorizing agent, and the identification of the cremated or processed remains noted on the container.

(2) Should the cremated or processed remains not adequately fill the container, the space may be filled with suitable packing material that will not become integrated with the cremated or processed remains and securely closed.

(3) If the entire cremated or processed remains will not fit within the dimensions of the designated receptacle, the remainder shall be placed in a separate container or, upon written permission of the authorizing agent, be disposed of according to the established procedures of the crematory.

(4) When an unfirm temporary container is used, the container shall be placed within a sturdy container and all seams sealed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the deceased person whose processed or cremated remains are contained therein.

#### NEW SECTION

WAC 308-48-760 DISPOSITION OF CREMATED OR PROCESSED REMAINS. (1) A crematory shall keep an accurate record of all cremations performed and disposition of the remains as required by law. The record shall include the dates of the following: death, issuance of permit, delivery of remains to crematory, cremation, processing of cremated remains, and packaging of cremated or processed remains. (See also WAC 308-48-710)

(2) When cremated or processed remains have been in the possession of a crematory, funeral establishment, or cemetery as originally authorized by the authorizing agent without instructions and/or payment for final disposition for a period of two years or more, prior to disposition the entity holding the remains must endeavor to contact the authorizing agent by registered mail for disposition instructions. The authorizing agent must be informed of the procedures that may be followed if disposition instructions are not received.

(3) If contact cannot be made with the authorizing agent and/or disposition instructions are not received within 60 days, the entity holding cremated or processed remains may arrange for permanent disposition of the remains in any legal manner. If disposition is to be made in a cemetery, such disposition may be in an individual, common, or community grave, crypt or niche from which individual recovery of the cremated remains may or may not be possible. No entity making disposition of remains under this procedure shall be liable for the non-recoverability of the remains.

(4) A permanent record of the name of the deceased, place of death, crematory and location of the disposition shall be maintained by the entity which arranged for permanent disposition of the remains.

#### NEW SECTION

WAC 308-48-770 ENDORSEMENT REQUIRED. No crematory owned or operated by or located on property licensed as a funeral establishment shall conduct cremations without first having applied for and obtained an endorsement for crematory operations from the board of funeral directors and embalmers. The endorsement shall be prominently displayed on the crematory premises.

#### NEW SECTION

WAC 308-48-780 CREMATORIES - INSPECTIONS. Crematories regulated under the authority of chapter 18.39 RCW are subject to inspection at least once each year by the inspector of funeral directors and embalmers to ensure compliance with Washington State laws and regulations related to health or the handling or disposal of human remains.

#### **WSR 85-21-067**

##### **ADOPTED RULES**

#### **THE EVERGREEN STATE COLLEGE**

[Order 85-4, Resolution No. 85-32—Filed October 18, 1985—Eff. January 1, 1986]

Be it resolved by the board of trustees of The Evergreen State College, acting at Olympia, Washington, that it does adopt the annexed rules relating to parking policy relating to establishment of infraction review committee, WAC 174-116-123.

This action is taken pursuant to Notice No. WSR 85-14-112 filed with the code reviser on July 3, 1985. These rules shall take effect at a later date, such date being January 1, 1986.

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED August 14, 1985.

By Joseph D. Olander  
President

#### AMENDATORY SECTION (Amending Order 84-2, Resolution No. 84-28, filed 6/19/84)

WAC 174-116-123 ESTABLISHMENT OF INFRACTION REVIEW COMMITTEE. The Evergreen State College infraction review committee is hereby established, the members of which shall be composed of the following:

(1) One faculty member chosen by the vice president and provost;

(2) One exempt staff member chosen by the president;

(3) One classified staff member chosen by the vice president for business;

(4) Two currently enrolled students (~~chosen by the Evergreen council~~);

(5) The chief of security will serve as a nonvoting member; and

(6) A nonvoting secretary chosen by the chief of security.

**WSR 85-21-068**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 18, 1985]

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 Standards of assistance—Supplemental security income (SSI) program, amending WAC 388-29-295;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 2, 1985.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 17, 1985

By: David A. Hogan, Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-29-295.

Purpose of the Rule Change: To update SSI standards.

Reason These Rules are Necessary: Increase in federal benefit rate; and budgetary decision to reduce state supplemental payment (SSP).

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Congress passed a maximum cost-of-living adjustment of 3.5 percent, effective January 1, 1986. The exact amount will not be known until the middle of October. The amounts in the revision are predicated on the maximum and may be slightly adjusted prior to permanent adoption. The department has elected to apply a decrease option in the SSP.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Dorothy Hopkins, Community Services Program Manager, Division of Income Assistance, mailstop OB 31J, phone 234-4041 scan.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-295 STANDARDS OF ASSISTANCE—SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. Effective January 1, ((1985)) 1986, standards of SSI assistance paid to eligible individuals and couples are:

	Standard	Federal Benefit	State Supplement
<b>Area I</b>			
Living alone			
Individuals	<del>\$(363.30)</del> 365.00	<del>\$325.00</del> \$337.00	<del>\$ 38.30)</del> \$ 28.00
Couples			
Both eligible	<del>((525.40)</del> 528.00	<del>488.00</del> 506.00	<del>37.40))</del> 22.00
With essential person	<del>((525.40)</del> 528.00	<del>488.00</del> 506.00	<del>37.40))</del> 22.00
With ineligible spouse	<del>((525.40)</del> 528.00	<del>325.00</del> 337.00	<del>200.40))</del> 191.00
<b>Area II</b>			
Living alone			
Individuals	<del>((342.85)</del> 344.55	<del>325.00</del> 337.00	<del>17.85))</del> 7.55
Couples			
Both eligible	<del>((495.45)</del> 506.00	<del>488.00</del> 506.00	<del>7.45))</del> 0
With essential person	<del>((495.45)</del> 506.00	<del>488.00</del> 506.00	<del>7.45))</del> 0
With ineligible spouse	<del>((495.45)</del> 506.00	<del>325.00</del> 337.00	<del>170.45))</del> 169.00
Shared living			
Individuals	<del>((229.35)</del> 230.47	<del>216.67)</del> 224.66	<del>12.68))</del> 5.81
Couples			
Both eligible	<del>((341.91)</del> 343.63	<del>325.34)</del> 337.33	<del>16.57))</del> 6.30
With essential person	<del>((341.91)</del> 343.63	<del>325.34)</del> 337.33	<del>16.57))</del> 6.30
With ineligible spouse	<del>((341.91)</del> 343.63	<del>216.67)</del> 224.66	<del>125.24))</del> 118.97

**WSR 85-21-069**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 85-163—Filed October 18, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is harvestable numbers of coho salmon are available.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 18, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

*WAC 220-57-27000P HOH RIVER. Notwithstanding the provisions of WAC 220-57-270, effective immediately until further notice: (1) Downstream from the mouth of Willoughby Creek: Bag Limit A. (2) Downstream from Highway 101 Bridge: Six salmon per day not more than four of which may exceed 24 inches in length, and not more than two of which may be coho salmon.*

### REPEALER

*The following section of the Washington Administrative Code is repealed:*

*WAC 220-57-27000N HOH RIVER. (85-110)*

## **WSR 85-21-070**

### **EMERGENCY RULES**

### **DEPARTMENT OF FISHERIES**

[Order 85-164—Filed October 18, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is restrictions in Area 10 provide protection for summer/fall chinook and chum returning to the Suquamish Hatchery. Restrictions in Area 8 protect Skagit coho. Restrictions in the Skagit River provide protection for coho spawning salmon stocks. Restrictions in the Samish River provide protection for natural coho after the high hatchery harvest rate in marine waters. Restrictions in the Strait of Juan de Fuca

tributaries provide protection for local summer/fall chinook and coho stocks. Restrictions in Area 10C, 10D and the Cedar River protect Lake Washington origin sockeye. Restrictions in Area 13J and 13K protect local early timed chum stocks while allowing harvest of south sound coho.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 18, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

*WAC 220-28-520 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. Effective October 20, 1985, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

*Area 8 – Effective through October 26, closed to all commercial fishing.*

*Area 10 – Effective through December 31, closed to all commercial fishing in that portion northwest of a line from the flashing buoy at the entrance to Agate Passage to the flashing light at the end of the Indianola dock.*

*Area 10C and Cedar River – Closed to all commercial fishing until further notice.*

*Area 10D – Effective until further notice, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shoreline of Lake Sammamish between the Sammamish River and Issaquah Creek.*

*Areas 13J and 13K – Effective through October 26, closed to all gill net gear, and all other gear must release chum when open.*

*Samish River – Closed to all commercial fishing.*

*Skagit River (downstream of Mount Vernon Bridge) – Effective through October 26, closed to all commercial fishing.*

*Skagit River (Mount Vernon Bridge to Gilligan Creek) – Effective through November 2, closed to all commercial fishing.*

*Skagit River (upstream of Gilligan Creek) – Closed to all commercial fishing until further notice.*

*Salt and Deep creeks, and Lyre, Pysht, Hoko, Sekiu, East and West Twin, and*

*Clallam rivers - Effective through November 2, closed to all commercial fishing.*

### REPEALER

The following section of the Washington Administrative Code is repealed effective October 20, 1985.

WAC 220-28-519 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS (85-157).

**WSR 85-21-071**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 85-165—Filed October 18, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is the openings in Areas 6D, 7B, 7E and 12C provide opportunity to harvest the non-Indian share of coho. Openings in Areas 8A, 8D, 10, 10E, 11 and 12 provide opportunity to harvest non-Indian share of chum. The opening in Area 7 and 7A provides opportunity to harvest Canadian origin chum. All other Puget Sound marine and freshwater areas are closed to prevent overharvest.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 18, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-47-617 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective October 20, 1985 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

\*Areas 7 and 7A - Closed except reefnets may fish from 5:00 AM to 9:00 PM daily, October 21 through October 23 and gill nets using 6-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, the night of October 21 through the morning of October 23 and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, October 22 and 23. Those waters of the Drayton Harbor and San Juan Island preserves are closed as provided in WAC 220-47-252 and WAC 220-47-262.

\*Area 7B - Closed except gill nets using 5-inch minimum mesh and purse seines may fish through 4:00 PM, October 25. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

\*Area 7E - Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, the night of October 21 through the morning of October 24 and purse seines may fish from 5:00 AM to 9:00 PM daily, October 22 through October 24. Those waters of Ship Bay northeasterly of a line from Tongue Point to the Juniper Point marker are closed.

\*Areas 8A, 8D, 10, 10E, 11, and 12 - Closed except gill nets using 6-inch minimum mesh may fish from 5:00 PM to 9:00 AM the night of October 21 through the morning of October 22 and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM October 22. Fishery exclusion zones applicable to Areas 8A, 10, 10E, and 11 commercial fisheries are described in WAC 220-47-307.

\*Area 12C - Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly, the night of October 21 through the morning of October 24 and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily, October 22 through October 24. Fishery exclusion zones applicable to Area 12C commercial fisheries are described in WAC 220-47-307.

\*Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 8, 9, 9A, 10A, 10C, 10D, 10F, 10G, 11A, 12A, 12B, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

### REPEALER

The following section of the Washington Administrative Code is repealed effective October 20, 1985.

WAC 220-47-616 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (85-158).

WSR 85-21-072
EMERGENCY RULES
LOTTERY COMMISSION
[Order 80-Filed October 20, 1985]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 315-32-010 Definitions for Lotto.
Amd WAC 315-32-020 Price of Lotto ticket.
Amd WAC 315-32-030 Play for Lotto.
Amd WAC 315-32-040 Prizes for Lotto.
Amd WAC 315-32-050 Ticket purchases.
Amd WAC 315-32-060 Drawings.

We, the Washington State Lottery Commission, find that an emergency exists and that this 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.

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

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 6, 1985.
By Duane Kovacevich
Deputy Director

Chapter 315-32 WAC
((EVERGREEN)) LOTTO

- WAC
315-32-010 Definitions for ((Evergreen)) Lotto.
315-32-020 Price of ((Evergreen)) Lotto ticket.
315-32-030 Play for ((Evergreen)) Lotto.
315-32-040 Prizes for ((Evergreen)) Lotto.
315-32-050 Ticket purchases.
315-32-060 Drawings.

AMENDATORY SECTION (Amending Order 61, filed 8/3/84)

WAC 315-32-010 DEFINITIONS FOR ((EVERGREEN)) LOTTO. (1) Number: Any play integer from 1 through ((40)) 44 inclusive.

(2) Game grids: A field of the ((40)) 44 numbers found on the play slip.

(3) Play slip: A mark-sense game card used by players of ((Evergreen)) Lotto to select plays. There shall be ten game grids on each play slip identified as A, B, C, D, E, F, G, H, I and J.

AMENDATORY SECTION (Amending Order 61, filed 8/3/84)

WAC 315-32-020 PRICE OF ((EVERGREEN)) LOTTO TICKET. The price of each ((Evergreen)) Lotto ticket shall be \$1.00 and shall contain two plays. A player may use a play slip to purchase up to 5 tickets as follows:

- 1 ticket: \$1 - game grids A and B.
2 tickets: \$2 - game grids A, B, C and D.
3 tickets: \$3 - game grids A, B, C, D, E and F.
4 tickets: \$4 - game grids A, B, C, D, E, F, G and H.
5 tickets: \$5 - game grids A, B, C, D, E, F, G, H, I and J.

AMENDATORY SECTION (Amending Order 61, filed 8/3/84)

WAC 315-32-030 PLAY FOR ((EVERGREEN)) LOTTO. (1) Type of play: ((An Evergreen)) A Lotto player must select six numbers in each play. A winning play is achieved only when 3, 4, 5, or 6 of the numbers selected by the player match, in any order, the six winning numbers drawn by the lottery.

(2) Method of play: The player will use play slips to make number selections. The TDM will read the play slip and issue ticket(s) with corresponding plays. If a play slip is not available, the agent may enter the selected numbers via the keyboard. A player may leave all play selections to a random number generator operated by the computer, commonly referred to as "quick play."

AMENDATORY SECTION (Amending Order 75, filed 6/10/85)

WAC 315-32-040 PRIZES FOR ((EVERGREEN)) LOTTO. (1) The prize amounts to be paid to each ((Evergreen)) Lotto player who selects a winning combination of numbers in the first, second, and third prize categories vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that ((Evergreen)) Lotto drawing distributed over the number of winning tickets in each ((of the following categories)) category. The prize amount to be paid in the fourth prize category is a fixed value and shall be the same regardless of the number of fourth prize winners.

Table with 3 columns: WINNING COMBINATIONS, PRIZE CATEGORIES, ODDS OF WINNING (ONE PLAY). Rows include All six winning numbers in one play (First Prize), Any five but not six winning numbers in one play (Second Prize), Any four but not five or six winning numbers in one play (Third Prize), and Any three but not four, five, or six winning numbers in one play (Fourth Prize).

(2) Prize ((pool)) allocation. The prize ((pool)) allocation consists of forty-five percent of ((Evergreen)) Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: Prize pool—forty-three percent of Lotto revenue and prize reserve—two percent of Lotto revenue.



## (3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence) ~~(, provided, that the jackpot shall have a minimum cash value of \$500,000)~~. The director may increase the ~~((minimum))~~ cash value of the jackpot by an amount not to exceed the amount added to the jackpot from the prior week's sales.

(b) Second prize. ~~((Twenty))~~ Ten percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. ~~((Twenty))~~ Nineteen percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. All players who selected three of the six winning numbers in one play (in any sequence) will receive a free ticket of \$1.00 value for a future purchase of Lotto or Daily Number Game tickets.

(e) Prize reserve. ~~((Two percent of))~~ The prize ~~((pool is to))~~ reserve will be held for payment of ~~((jackpot))~~ prizes at the discretion of the director.

~~((f))~~ (f) All prize allocations will be rounded down to nearest dollar, and the remainder, if any, from the rounding process shall be placed in the prize reserve.

~~((g))~~ (g) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

~~((h))~~ (h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) of this section.

~~((i))~~ (i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery ~~((fund))~~ account for further use as prizes, pursuant to RCW 67.70.190.

## (4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next

drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6), provided, fourth prize winning tickets submitted to the lottery for payment will receive \$1.00 in lieu of a free ticket.

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty equal annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten equal annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single ~~((lump-sum))~~ payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form ~~((of fixed-term annuity))~~ designated by the director.

AMENDATORY SECTION (Amending Order 61, filed 8/3/84)

WAC 315-32-050 TICKET PURCHASES. (1) ~~((Evergreen))~~ Lotto tickets may be purchased between 6:00 a.m. and 11:00 p.m., Sunday through Friday and from 6:00 a.m. to the time established under WAC 315-30-040(2) on Saturdays, provided that on-line agents shall sell tickets only during their normal business hours.

(2) ~~((Evergreen))~~ Lotto tickets may be purchased only from a licensed agent authorized by the director to sell on-line tickets.

(3) ~~((Evergreen))~~ Lotto tickets shall on the front of the ticket contain the player's selection of numbers, amount, game grids played, ~~((and))~~ drawing date, and validation and reference numbers. The back of the ticket shall contain overall odds of winning, player instructions, player information and signature area, and the ticket serial number.

(4) ~~((Evergreen))~~ Lotto tickets may be purchased for the next drawing only.

AMENDATORY SECTION (Amending Order 61, filed 8/3/84)

WAC 315-32-060 DRAWINGS. (1) ~~((An Evergreen))~~ A Lotto drawing shall be held each week on Saturday evening, except that the director may change the drawing schedule if Saturday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, six winning numbers with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn numbers shall not be declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

## WSR 85-21-073

## ADOPTED RULES

## CRIMINAL JUSTICE TRAINING COMMISSION

[Order 15C—Filed October 21, 1985]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to basic corrections officers academy curriculum, WAC 139-36-031.

This action is taken pursuant to Notice No. WSR 85-14-095 filed with the code reviser on July 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.101.080(2) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 10, 1985.

By James C. Scott  
Executive Director

AMENDATORY SECTION (Amending Order 15A, filed 10/8/84)

WAC 139-36-031 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM. (~~Effective July 1, 1985~~) The Basic Corrections Officers Academy of the Washington State Criminal Justice Training Commission shall be ~~(+60)~~ 80 instructional hours in length and shall include the following subject matter:

- (1) The System
  - (a) Practical Law for Corrections Officers
  - (b) Problem Solving
- (2) Supervision and Care of Inmates
  - (a) Supervising Inmates
  - (b) Health and Mental Health Care
  - (c) Discipline of Inmates
  - (d) Professionalism
  - (e) Dealing with Aggressive Behavior
- (3) Safety and Security
  - (a) ~~((First Aid/CPR))~~ Security Management
  - (b) ~~((Security Management))~~ Proper Use of Force
  - ~~((c) Observation of Group Dynamics))~~
  - ~~((d) Proper Use of Force))~~
- (4) Communication Skills
  - (a) Incident Report Writing
  - (b) Listening
  - (c) Interpersonal Skills
- (5) Personal Development
  - (a) Stress Management
  - (b) Physical Fitness
  - ~~((c) Cultural Awareness))~~

## WSR 85-21-074

## ADOPTED RULES

## CRIMINAL JUSTICE TRAINING COMMISSION

[Order 19—Filed October 21, 1985]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to admission and participation requirements for basic law enforcement academy attendee, WAC 139-22-020.

This action is taken pursuant to Notice No. WSR 85-14-094 filed with the code reviser on July 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.101.080(2) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 10, 1985.

By James C. Scott  
Executive Director

NEW SECTION

WAC 139-22-020 ADMISSION AND PARTICIPATION REQUIREMENTS FOR BASIC LAW ENFORCEMENT ACADEMY ATTENDEE. The Washington State Criminal Justice Training Commission is responsible for the conduct of the basic law enforcement academy and to therein certify, to and for the State of Washington, those officers who have demonstrated the ability and suitability requisite to law enforcement service and the public trust.

In accordance with that responsibility, and to ensure the continuing integrity and credibility of the basic academy program, no individual shall be granted academy admission or allowed continued participation if such individual, in adult status, has been convicted of a felony offense, or has been convicted of a gross misdemeanor or misdemeanor involving moral turpitude.

For this purpose, the term "convicted" shall include any disposition adverse to the subject, except a decision not to prosecute, a dismissal, or acquittal; provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

Additionally, and for this purpose, the term "felony offense" shall include any act or omission which is classified as a felony by the laws of the jurisdiction in which such act or omission occurred, or for which imprisonment in a federal or state penitentiary could have been imposed.

It shall be the responsibility of each sponsoring or applying agency to request a search of state and national criminal history records information regarding its applicant through the submission of applicant's fingerprints to an appropriate action agency or agencies.

Each application for academy attendance shall be accompanied by a written attestation by the applying agency that (1) the aforementioned records search has been effected regarding the individual for which academy application is being made, and (2) that such search indicated the absence of any felony conviction or other disqualifying conviction.

No exception to, or variance from, the above requirements or the prohibition which is provided, will be granted without the approval of the Board on Law Enforcement Training Standards and Education.

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

**WSR 85-21-075**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed October 21, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning small businesses and minority contractors, chapter 468-14 WAC;

that the agency will at 10:00 a.m., Monday, December 16, 1985, in the Board Room, 1D 9, Transportation Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is [RCW 47.28.030(2)].

The specific statute these rules are intended to implement is RCW 47.28.030(2).

Dated: October 21, 1985

By: A. D. Andreas  
Deputy Secretary

**STATEMENT OF PURPOSE**

**Title:** Chapter 468-14 WAC, Small businesses and minority contractors.

**Description of Purpose:** Adoption of amendment to chapter 468-14 WAC.

**Statutory Authority:** RCW 47.28.030(2).

**Summary of Rule:** The rule, as it now reads, does not conform to the standard practice of requiring a bid deposit or performance bond on some projects.

**Reason for Rule:** The proposed addition to this rule will bring it into conformance with standard practice.

**Agency Proposing Rule:** Washington State Department of Transportation.

**Department Personnel Responsible for Drafting and Implementation:** Mr. Del Vandehey, State Construction Engineer, Department of Transportation, Room 2B24, Transportation Building, Olympia, Washington 98504, (206) 753-6058.

**Agency Comments or Recommendations:** None.

**Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action:** No.

**AMENDATORY SECTION** (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

**WAC 468-14-050 BONDS—WITHHOLDING ON MONTHLY PROGRESS PAYMENTS.** No bid deposit or performance bond shall be required unless specified in the specifications, but it shall be specified in the bidding proposal that, each month, the contractor may be required to submit paid invoices showing that disbursements have been made to laborers, materialmen, mechanics and subcontractors due such persons from the previous progress payment. If such disbursements have not been made, the monthly progress payment shall be withheld pending receipt of the paid invoices.

**WSR 85-21-076**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 85-167—Filed October 21, 1985]

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

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is these sanctuaries are adopted at the recommendation of the Columbia River Compact Commission.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 21, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-32-03600S CLOSED AREAS.** Notwithstanding the provisions of WAC 220-32-036, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from the following waters:

(1) *Kalama River: Those waters within points from one-half mile upstream to one mile downstream from the mouth of the Kalama River, except those waters west of a line projected from Coffin Rock Light No. 42 in Oregon to the Kalama Range Light No. 47A on the Washington Shore.*

(2) *Lewis River: Those waters near the mouth of the Lewis River lying easterly of lines projected from flashing green light "79" to Warrior Rock Light thence to a fishing boundary marker on Bachelor Island 162 degrees true from Warrior Rock Light.*

(3) *Elokomin River: Those waters of Elokomin Slough and the Columbia River lying inside, northerly and easterly of a straight line, from group flashing white light " 35" located on Price Island to flashing green light " 39" located on Hunting Island.*

(4) *Abernathy Creek: Those waters of the Columbia River and the mouth of Abernathy Creek from a point one-half mile upstream to 1,300 yards downstream from Abernathy Creek at the flashing white 4-second light No. 81 and extending to midstream of the Columbia River.*

(5) *Grays Bay: Those waters of Grays Bay north of a line projected from Rocky Point due east to the eastern shore of Grays Bay.*

**WSR 85-21-077**

**ADOPTED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 85-10—Filed October 21, 1985]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Student—Health records, chapter 392-182 WAC.

This action is taken pursuant to Notice No. WSR 85-17-006 filed with the code reviser on August 9, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 5, chapter 50, Laws of 1985, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 7, 1985.

By Frank B. Brouillet  
Superintendent of Public Instruction

**Chapter 392-182 WAC  
STUDENT—HEALTH RECORDS**

**WAC**

- 392-182-005 Authority.
- 392-182-010 Purpose.
- 392-182-015 Supplement to chapter 180-38 WAC.
- 392-182-020 Quick verification of immunization records.

**NEW SECTION**

WAC 392-182-005 **AUTHORITY.** The authority for this chapter is RCW 28A.\_\_\_\_\_ which requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before the immunization records are received."

**NEW SECTION**

WAC 392-182-010 **PURPOSE.** The purpose of this chapter is to implement RCW 28A.\_\_\_\_\_ and provide for quick verification of immunization records of students transferring from one school to another before the immunization records are received.

**NEW SECTION**

WAC 392-182-015 **SUPPLEMENT TO CHAPTER 180-38 WAC.** This chapter is intended to supplement rules of the state board of education in chapter 180-38 WAC. Definitions within chapter 180-38 WAC are incorporated herein by reference.

**NEW SECTION**

WAC 392-182-020 **QUICK VERIFICATION OF IMMUNIZATION RECORDS.** In the event the records of a student transferring from one school to another have not been received before or on the student's first day of attendance at the new school, the chief administrator of the new school shall attempt to verify the immunization status of the student prior to excluding such student pursuant to the provision of chapter 180-38 WAC. Such verification of full immunization, commencement of a schedule of immunization, or a statement of exemption may rely upon telephonic or electronic communication with the chief administrator or other appropriate official at the previous school that indicates which of the specifically required vaccines the student has received and the month and year in which they were administered.

**WSR 85-21-078**

**EMERGENCY RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Order 140—Filed October 21, 1985]

Be it resolved by the Higher Education Personnel Board, acting at the Peninsula College, Port Angeles, Washington, that it does adopt the annexed rules relating to Employee performance evaluation—Appeal, amending WAC 251-20-050.

We, the Higher Education Personnel Board, find that an emergency exists and that this 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 the emergency is board approved emergency adoption of amendment effective July 28, 1985, and pended permanent adoption to October 18, 1985, meeting; emergency adoption must be extended for time period between expiration of emergency adoption and permanent adoption.

These 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED September 20, 1985.

By John A. Spitz  
Director

AMENDATORY SECTION (Amending Order 119, filed 7/31/84)

WAC 251-20-050 EMPLOYEE PERFORMANCE EVALUATION—APPEAL. An appeal against action under this chapter shall be restricted ((as follows:

(+)) to allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-010, 251-20-020, 251-20-030, and 251-20-040, as provided in WAC 251-12-075.

((2) To a reduction in salary resulting from withholding of a periodic increment as provided in WAC 251-12-080.))

**WSR 85-21-079**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 85-168—Filed October 21, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is the initial projection for the just established season was based upon digging only one tide per day. With heavy digging on the off tide, rate at which clams are being taken exceeds levels permissible for sustained harvest. Allowing digging on the evening tide will allow diggers the lower (better) of the two daily tides.

These 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 21, 1985.

By Russell W. Cahill  
for William R. Wilkerson  
Director

NEW SECTION

WAC 220-56-36000K RAZOR CLAMS. Notwithstanding the provisions of WAC 220-56-360, effective immediately until further notice it is unlawful to dig for or possess razor clams taken for personal use except as provided for in this section:

(1) Razor Clam Areas 1, 2, and 3 are open from 12:01 a.m. October 15 to 11:59 p.m. December 15, 1985.

(2) Razor Clam digging is allowed on odd-numbered days only.

(3) Effective 12:01 a.m. October 23, 1985 until further notice digging will be allowed only during the hours of noon to midnight. No digging will be allowed during the morning hours.

(4) It is unlawful to dig for razor clams at any time in the Long Beach or Twin River Razor Clam Sanctuaries as defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-36000J RAZOR CLAMS. (85-156)

**WSR 85-21-080**

**ADOPTED RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Order 85-30—Filed October 22, 1985]

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, WA 98504, the annexed rules relating to chapter 296-65 WAC, asbestos removal and encapsulation is a new Washington Administrative Code which concerns the removal or encapsulation of asbestos. Workers are required to have a minimum of thirty hours of training before working with asbestos. The proposed rules will provide specifications for the certification of training programs for the removal or encapsulation of asbestos, as well as provide specifications for the certification of asbestos workers, establish certain fees, and identify methods of compliance for proper removal or encapsulation of asbestos.

This action is taken pursuant to Notice No. WSR 85-18-045 filed with the code reviser on August 30, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to Substitute Senate Bill 4209, chapter 387, Laws of 1985, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 22, 1985.

By R. A. Davis  
Director

Chapter 296-65 WAC  
Asbestos Removal and Encapsulation.

NEW SECTION

WAC 296-65-001 PURPOSE AND SCOPE. This standard regulates asbestos removal and encapsulation, requires minimum training for asbestos workers and establishes a training certification and notification program for asbestos projects.

NEW SECTION

WAC 296-65-003 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Approved" means approved by the department.
- (2) "Asbestos" includes different forms of chrysotile, amosite, crocidolite, tremolite, anthophyllite and actinolite.
- (3) "Asbestos fibers" means asbestos fibers longer than 5 micrometers.
- (4) "Asbestos project" includes the construction, demolition, repair, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system involving the demolition, removal, encapsulation, salvage, or disposal of material releasing or likely to release asbestos fibers into the air.
- (5) "Auxiliary project" means a work activity which does not directly involve an asbestos project but which may disturb or expose asbestos or asbestos-containing materials.
- (6) "Certificate" means the certificate issued by the department.
- (7) "Certified asbestos worker" means an individual who has successfully completed an approved asbestos training course and has received the certificate.
- (8) "Contractor" includes any partnership, firm, association, corporation or sole proprietorship that contracts to perform the removal or encapsulation of asbestos.
- (9) "Department" means the department of labor and industries.
- (10) "Demolition" includes the wrecking or removal of any load-supporting structural member of a facility including any related handling operations.
- (11) "Direct on-site supervision" means the supervision of no more than three workers by a certified asbestos worker who is physically present at all times at the asbestos project. It includes the authority to immediately correct any deficiencies on the project.
- (12) "Encapsulation" means the application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).
- (13) "HEPA filtration" means high efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.
- (14) "NESHAP" means the National Emission Standards for Hazardous Air Pollutants.

(15) "Person" means any partnership, firm, association, corporation, sole proprietorship or the state of Washington or its political subdivisions.

(16) "Removal" includes the stripping of any asbestos containing materials from the surface or components of a facility.

(17) "Renovation" includes altering in any way one or more facility components. Operations in which load-supporting structural members are wrecked or removed are excluded.

(18) "Repair" includes the restoration of asbestos containing insulation that has been damaged, usually located on pipes, boilers, tanks, turbines, ducts or other facility components. Repair usually consists of the application of duct tape, rewettable glass cloth, canvas, cement or other suitable material to seal exposed areas where asbestos fibers may be released. Repair of previously encapsulated asbestos containing materials may involve filling damaged areas with non-asbestos substitutes and reencapsulating. Repair of enclosures around asbestos containing materials is contemplated by this term.

(19) "Structural component" includes any pipe, duct, boiler, tank, reactor, turbine or furnace at or in a facility or any structural member of a facility.

(20) "Structural member" means any load-supporting or non-load-supporting member of a facility such as beams, walls, and ceilings.

(21) "Structure" means an entire facility, building or major portion thereof, such as a building wing.

NEW SECTION

WAC 296-65-005 TRAINING COURSE CONTENT. An approved basic asbestos course shall consist of at least 30 hours of training. The initial training course shall provide, at a minimum, information on the following topics:

- (1) The physical characteristics of asbestos including types, fiber size, aerodynamic characteristics and physical appearance.
- (2) Examples of different types of asbestos and asbestos containing materials. Real asbestos shall be used only for observation by trainees and shall be enclosed in sealed unbreakable containers.
- (3) The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period of diseases, hazards to immediate family, and the health basis for asbestos standards.
- (4) Employee personal protective equipment including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedure, methods for field checking of the facepiece-to-face seal (positive and negative pressure checks), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g. eye glasses and facial hair), the components of a proper respiratory protection program, respirator program administrator, requirements on oil

lubricated reciprocating piston compressors for breathing air, and selection and use of personal protective clothing.

(5) Use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.

(6) Medical monitoring procedures and requirements, including the provisions of WAC 296-62-071 through 296-62-07121 and 296-62-07517, any additional recommended procedures and tests, benefits of medical monitoring and employee access to records.

(7) Air monitoring procedures and requirements, including the requirements of WAC 296-62-07517, including a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, current standards with proposed changes if any, employee observation and notification, recordkeeping and employee access to records, interpretation of air monitoring results, and analytical methods for bulk and air samples.

(8) State-of-the-art work practices for asbestos removal and encapsulation activities including purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, enclosure and repair shall be discussed individually. Appropriate work practices for both indoor and outdoor asbestos projects shall be included.

(9) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area.

(10) Additional safety hazards that may be encountered during asbestos removal and encapsulation activities and hazard abatement; including electrical hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces, noise, and heat stress.

(11) The requirements, procedures and standards established by:

(a) The Environmental Protection Agency, 40 CFR Part 61, Subparts A and M.

(b) Washington State Department of Ecology.

(c) Local air pollution control agencies.

(d) Washington State Department of Labor and Industries, Division of Industrial Safety and Health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), Chapter 387, Laws of 1985 (Asbestos Removal and Encapsulation), and ensuing regulations.

(12) Actual worksite considerations.

(13) The instruction required by this section shall include, at a minimum, hands-on training for the following:

(a) Glove bag techniques;

(b) The opportunity to don respirators including half facepiece and full facepiece air purifying respirators,

powered air purifying respirators (PAPR), and Type-C supplied-air respirators. Qualitative or quantitative fit testing shall be performed on each student in accordance with WAC 296-62-071 through 296-62-07121;

(c) Removal and repair of sprayed-on material, troweled-on material and pipe lagging;

(d) Basic construction of a decontamination unit, and proper entry and exit;

(e) Suit-up in protective clothing consisting of coveralls, foot coverings and head coverings.

(14) Asbestos containing materials shall not be used for hands-on training.

#### NEW SECTION

WAC 296-65-010 ASBESTOS WORKER CERTIFICATION. (1) For the purposes of this section "individual" means any natural person.

(2) Individuals shall pass, in a manner approved by the department, a written examination relevant to the safe performance of asbestos related activities.

(a) Upon successful completion of an approved training course the department will issue a certificate.

(b) To be considered timely, an application for an asbestos worker certificate must be received by the department no later than 60 days after the completion date of an approved training course.

(3) Individuals shall not perform any asbestos project work prior to issuance of the certificate. The certificate shall be valid for two years from the date of issuance.

(4) Certified asbestos workers shall attend a 7-hour refresher course prior to certificate renewal.

(a) The course shall, at a minimum, adequately review the subjects required by WAC-296-65-005, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations. Specific subjects may be required by the department.

(b) An application for renewal of the certificate must be accompanied by proof of attendance in an approved refresher training course.

(c) To be considered timely, the certificate renewal application must be received by the department no later than 60 days after the certificate expiration date.

(5) The certificate shall be available for inspection at all times during an asbestos project.

(6) The department may suspend or revoke a certificate for failure of the holder to comply with any applicable health or safety standards.

**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 296-65-015 TRAINING COURSE CERTIFICATION. Basic and refresher asbestos training courses may be provided by any person, environmental health consulting firm, union, trade association, educational institution, public health organization, individual, governmental agency, or other entity.

(1) Each course shall be evaluated by the department for the breadth of knowledge and experience required to

properly train asbestos workers. Course content shall be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.

(2) Sponsors of basic and refresher training courses proposed for approval must submit:

- (a) Background information about course sponsors;
- (b) Course locations and fees;
- (c) Copies of course handouts;
- (d) A detailed description of course content and the amount of time allotted to each major topic;
- (e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;
- (f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each;
- (g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;
- (h) A description of course evaluation methods; and
- (i) Any restrictions on attendance (language, class size, affiliation, etc.).

(3) Application for training course approval and course materials shall be submitted to the department at least 45 days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program  
 Department of Labor and  
 Industries, AX-31hy  
 814 E. 4th Avenue  
 P.O. Box 207  
 Olympia, Washington 98504

(4) Upon approval of a basic or refresher asbestos training course, the department will issue the course sponsor a certificate. The certificate is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (2) and (3) of this section.

(5) To be considered timely, the training course certificate renewal must be received by the department no later than 60 days after the certificate expiration date.

(6) Any changes to a training course must be approved by the department in advance.

(7) The course sponsor shall provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after a course is completed and must include the name and address of each trainee.

(8) The course sponsor must notify the department at least one week before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.

(9) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.

(10) The department may suspend or revoke the certification of a training course if its sponsor fails to maintain the course content and quality as initially approved.

(11) The training course sponsor shall limit each class to a maximum of thirty participants unless granted an exception in writing by the department. To apply for an exception allowing class size to exceed thirty, the course sponsor must submit the following information in writing to the department for evaluation and approval prior to expanding class size beyond thirty participants.

- (a) The class attendance limit;
- (b) The teaching methods and techniques for training the proposed larger class; and
- (c) The protocol for conducting the written examination.

(12) The instructor to student ratio shall not exceed one-to-ten for any of the training required by WAC 296-65-005(13).

NEW SECTION

WAC 296-65-020 NOTIFICATION REQUIREMENTS. A copy of any notice of intention to demolish or renovate a facility required to be filed with an air pollution control agency in accordance with NESHAP (40 CFR Part 61) shall be sent directly to the department by each person whose employees, if any, are renovating or demolishing any structure. Notices must be received within the same time periods required under NESHAP and may be mailed to:

Asbestos Certification Program  
 Department of Labor and  
 Industries, AX-31hy  
 814 E. 4th Avenue  
 P.O. Box 207  
 Olympia, Washington 98504.

NEW SECTION

WAC 296-65-025 CERTIFICATE FEE. (1) A non-refundable administrative fee of twenty-five dollars (\$25.00) shall be assessed for each initial or renewal certificate application. The fee (check or money order) must accompany the certificate application and be made payable to the department. An application form may be obtained from any approved training course instructor or directly from the department.

(2) A non-refundable administrative fee of one hundred fifty dollars (\$150.00) shall be assessed for each initial or renewal application for an approved training course certificate. A check or money order shall accompany any application made under the provisions of WAC 296-65-015 and be made payable to the department.

NEW SECTION

WAC 296-65-030 METHODS OF COMPLIANCE. (1) No contractor, employee, or other individual is eligible to work on an asbestos project unless properly issued a certificate by the department, except in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship in its own facility



and by its own employees under the direct on-site supervision of a certified asbestos worker.

(2) No person may assign any employee, contract with or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a certified asbestos worker except in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship in its own facility and by its own employees under the direct on-site supervision of a certified asbestos worker.

(3)(a) In cases excepted under subsections (1) and (2) of this section, the partnership, firm, corporation or sole proprietorship shall annually submit a written description to the department which includes at least the following information:

(i) The kinds of asbestos projects expected to be undertaken during a period of time not to exceed one year from the date of submission;

(ii) The procedures to be used in undertaking asbestos projects;

(iii) Methods of compliance with chapter 296-65 WAC and chapter 296-62 WAC;

(iv) Methods of compliance with any additional procedures required by law for the safe demolition, removal, encapsulation, salvage, and disposal of asbestos; and

(v) The name, address and certification number of the supervising certified asbestos worker.

(b) The written description required by this section shall be submitted to the department prior to commencement of work.

(4) A further written description must be submitted to the department prior to commencing a project, if during the one year period covered by the written description submitted to the department in accordance with WAC 296-65-030(3), previously unidentified or new asbestos projects are proposed.

(5) Written descriptions, shall be mailed to:

Asbestos Certification Program,  
Department of Labor and  
Industries, AX-31hy  
814 E. 4th Avenue  
P.O. Box 207  
Olympia, Washington 98504.

#### NEW SECTION

WAC 296-65-040 APPEALS - NOTICE AND FILING. (1) Any final Correction Order issued by the department citing a violation of the provisions of Chapter 387, Laws of 1985 or this chapter shall only be appealed to the department. Any appeal from such an order shall be communicated in writing to the department within 30 calendar days of receipt of such order by the appealing party.

(2) The written notice of appeal shall indicate:

(a) The specific Correction Order being appealed;

(b) The name and address of the appealing party;

(c) The grounds upon which the appealing party considers the Correction Order to be unjust or unlawful;

(d) A statement of the facts asserted in support of each of the grounds for the appeal;

(e) The specific relief sought; and

(f) A statement that the person signing the notice of appeal has read it and to the best of his or her knowledge, information and belief there are good grounds to support the appeal.

(3) The written notice of appeal shall be delivered to:

Asbestos Certification Program  
Department of Labor and  
Industries, AX-31hy  
814 E. 4th Avenue  
P.O. Box 207  
Olympia, Washington 98504

#### NEW SECTION

WAC 296-65-045 APPEALS - PROCEDURE. Any appeal of a final Correction Order of the department shall be heard and ruled upon in accordance with the provisions of the Washington Administrative Procedure Act, chapter 34.04 RCW, and chapter 296-08 WAC.

#### **WSR 85-21-081**

#### **EMERGENCY RULES**

#### **BOARD OF INDUSTRIAL INSURANCE APPEALS**

[Order 19—Filed October 23, 1985]

Be it resolved by the Board of Industrial Insurance Appeals, acting at Olympia, Washington, that it does adopt the annexed rules relating to rules of practice and procedure before the Board of Industrial Insurance Appeals, to wit: WAC 263-12-145 and 263-12-150.

We, the Board of Industrial Insurance Appeals, find that an emergency exists and that this 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 the emergency is on July 28, 1985, ESB 3426 became effective. Agency procedural rules require amendment to conform to new law.

These 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 Board of Industrial Insurance Appeals as authorized in RCW 51.52.020.

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

APPROVED AND ADOPTED October 22, 1985.

By Gary B. Wiggs  
Chairperson

#### AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-145 PETITION FOR REVIEW. (1) Time for filing. Within twenty days, or such further period as the board may allow on written application of a

party, filed within twenty days from the date of communication of the proposed decision and order to the parties or their representatives of record, any party aggrieved thereby may file with the secretary of the board at Olympia, Washington, a written petition for review with copies thereof served on all other parties. The date such petition for review is ~~((received at))~~ placed in the mail or personally delivered to the board's offices in Olympia shall be the date upon which filing is perfected. In the event such petition for review is filed, the failure of any party not aggrieved by the proposed decision and order to file a petition for review shall not be deemed a waiver by such party of any objections or irregularities disclosed by the record.

(2) Contents. Such petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein. A general objection to findings of fact on the ground that the weight of evidence is to the contrary shall not be considered sufficient compliance, unless the objection shall refer to the evidence relied upon in support thereof. If legal issues are involved, the petition for review shall set forth the legal theory relied upon and citation of authority and/or argument in support thereof. In order to facilitate preparation of such petition for review in sufficient detail, the board shall, on request of any party, serve upon said party a copy of the transcript of testimony and other proceedings at the hearing, provided that such party sign an acknowledgement that receipt thereof shall constitute compliance by the board, in the event of an appeal to superior court, with that portion of RCW 51.52.110 requiring service on said party of a certified copy of the testimony in industrial insurance cases.

With respect to rulings concerning admission or exclusion of evidence, a general objection to all such rulings adverse to the party shall be considered adequate compliance with this rule.

(3) Action by board on petition for review. Within twenty days after receipt of a petition for review, the board shall enter an order either denying the petition for review, in which case the proposed decision and order shall become the final order of the board, or granting the petition for review, in which case the board shall within one hundred and eighty days from the date a petition for review is filed issue a final decision and order based upon its review of the record or any part thereof deemed necessary: PROVIDED, That if a petition for review is not acted upon by the board within twenty days from the date it is filed, it shall be deemed to have been granted.

Any party may, within ten days of receipt of the board's order granting review, submit a reply to the petition for review, a written brief, or a statement of position regarding the matters to which objections were made, or the board may, on its own motion, require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters to which objections were made, within such time and on such terms as may be prescribed. In such instances, copies of the transcript of testimony and other proceedings at the hearing shall be furnished to any party

requesting same, and this shall be deemed compliance with RCW 51.52.110 in industrial insurance cases.

After review of the record, the board may set aside the proposed decision and order and remand the appeal to the hearing process, with instructions to the industrial appeals judge to whom the appeal is assigned on remand, to schedule a further hearing for the purpose of presenting such evidence in addition to that contained in the record as the board deems necessary to decide the appeal fairly and equitably. In the exercise of this power, a physical or mental examination of a worker or victim of crime by medical experts or evaluation by an expert vocational consultant may be ordered to be conducted at the board's expense. Any evidence presented by the industrial appeals judge shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented, he must make application therefor immediately following the conclusion of such evidence. Such application will be granted by recessing the hearing to a time and place for taking such rebuttal evidence. Following the completion of the further hearing ordered by the board, the industrial appeals judge shall enter a proposed decision and order based upon the entire record.

If an objection is made to a ruling or rulings of an industrial appeals judge sustaining an objection to admissibility of evidence, or denying a recess for the presentation of further evidence, or denying a motion for a physical or mental examination or vocational evaluation of a worker or victim of crime, and the board determines that said ruling or rulings were erroneous, the board may return the case to the industrial appeals judge with appropriate instructions, and a further proposed decision and order shall be issued by the industrial appeals judge after the additional evidence shall have been received.

#### AMENDATORY SECTION (Amending Order 12, filed 12/2/82)

WAC 263-12-150 FINALITY OF PROPOSED DECISIONS AND ORDERS. (1) Where no petition for review is filed. In the event no petition for review is filed as provided herein by any party, the proposed decision and order of the industrial appeals judge shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(2) Proposed decision and order deemed adopted without formal action. If an order adopting the proposed decision and order is not formally signed by the board on the day following the ~~((expiration of the time period for filing a))~~ date the petition for review of the proposed decision and order is due, said proposed decision and order shall be deemed adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

(3) Order adopting proposed decision and order—delay in mailing to parties. To permit adequate time for postal delivery of petitions for review or requests for extension of time to file petitions for review which have been filed by mail pursuant to RCW 51.52.104, the

board will delay the mailing of its order adopting the proposed decision and order to all parties until three days after the date the petition is due. Notwithstanding the date of mailing of the order adopting the proposed decision and order, such order shall be effective immediately following the last day permitted for filing a petition for review.

(4) Setting aside final order due to delayed postal delivery. If, after entry or mailing of the order adopting proposed decision and order, a petition for review or a request for extension of time to file a petition for review is received which bears evidence of mailing within the time permitted for filing such petition, the board will set aside the order adopting the proposed decision and order and consider the petition or request for extension as one timely filed.

### WSR 85-21-082

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Salary compensation lid compliance, chapter 392-126 WAC;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the Wanamaker Conference Room, Superintendent of Public Instruction's Office, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1985.

The authority under which these rules are proposed is RCW 28A.58.095.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 23, 1985

By: Frank B. Brouillet

Superintendent of Public Instruction

#### STATEMENT OF PURPOSE

Rule: Chapter 392-126 WAC, Finance—Salary compensation lid compliance.

Rule Section(s): [No information supplied by agency.]  
Statutory Authority: RCW 28A.58.095.

Purpose of the Rule(s): To establish policies and procedures for implementing the salary compensation lid.

Summary of the New Rule(s) and/or Amendments: WAC 392-126-120 generalizes definition to avoid annual updating; 392-126-245 clarifies reference to certificated staff; 392-126-250 clarifies reference to certificated staff; 392-126-255 clarifies reference to certificated staff; 392-126-260 generalizes definition to avoid annual updating; 392-126-265 generalizes definition to avoid annual updating; 392-126-285 inserts omission from previous year; 392-126-336 defines the

term "district 1440 classified insurance benefit factor"; 392-126-355 updates terminology to state "classified derived base salary"; 392-126-360 updates terminology to state "classified derived base salary" and generalizes definition to avoid annual updating; 392-126-365 reflects change in appropriation act language for classified insurance benefits; 392-126-385 inserts omission from previous year; 392-126-505 generalizes allowed insurance benefit level to avoid annual updating; 392-126-620 extends the timeline for the Superintendent of Public Instruction to notify the district after the informal review whether the district is in violation of certificated compliance; 392-126-700 updates terminology to state "classified derived base salary"; 392-126-705 reflects change in appropriation act language for classified insurance benefits; 392-126-710 updates terminology to state "classified derived base salary" and reflects change in appropriation act language for classified insurance benefits; 392-126-820 extends the timeline for the Superintendent of Public Instruction to notify the district after the informal review whether the district is in violation of classified compliance; and 392-126-350 repeals section.

Reasons Which Support the Proposed Action(s): Action by 1985 legislature for SPI to continue monitoring salary compensation lid.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Robert Schley, SPI, 3-1717; and Enforcement: Perry Keithley, SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-120 DEFINITION—LEAP DOCUMENT ((5)) FOR BASIC EDUCATION STAFF SALARY ALLOCATIONS. As used in this chapter, "LEAP Document ((5)) for Basic Education Staff Salary Allocations" shall mean the computer tabulation of the derived base salaries for basic education certificated staff, and the average salaries for basic education classified staff as established in the 1983-85 state Operating Appropriations Act in effect at the time.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-245 DEFINITION—CERTIFICATED STAFF MIX FACTOR. As used in this chapter, "certificated staff mix factor" shall mean the same as the term defined in WAC 392-121-121.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-250 DEFINITION—DISTRICT CERTIFICATED STAFF MIX FACTOR. As used in this chapter, "district certificated staff mix factor" shall mean the same as the term defined in WAC 392-121-125.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-255 DEFINITION—DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "certificated district derived base salary" shall mean the salary amount calculated as follows:

(1) Divide a district's certificated staff highest annual salaries for the current school year by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain an average salary amount for the current school year;

(2) The average salary amount is then divided by the district certificated staff mix factor for the current school year; and

(3) The quotient obtained is the district certificated derived base salary for the current school year for purpose of salary compliance.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-260 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education certificated derived base salary" shall mean the appropriate district certificated derived base salary shown on LEAP Document (~~(5-improved by \$1,089-97)~~) for Basic Education Staff Salary Allocations for the (~~(1984-85)~~) current school year. In the event that maximum allowed basic education certificated derived base salary is less than the district's reported prior school year certificated derived base salary, the district may request on Form 1043 that the superintendent of public instruction use the reported prior school year certificated derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the (~~(1984-85)~~) current school year.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-265 DEFINITION—MAXIMUM ALLOWED CERTIFICATED INSURANCE BENEFITS. As used in this chapter, "maximum allowed certificated insurance benefits" shall mean the insurance benefit amount specified in the state Operating Appropriations Act (~~(of one hundred seventy-nine dollars)~~) multiplied by twelve months per full-time equivalent staff unit for the (~~(1984-85)~~) current school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the Operating Appropriations Act multiplied by twelve months, the district's maximum allowed certificated insurance benefits shall be the district's reported prior school year actual average annual insurance benefits.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-285 DEFINITION—FORM 1043. As used in this chapter, "Form 1043" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year certificated derived base salary or prior school year insurance benefits be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-260 and 392-126-265.

#### NEW SECTION

WAC 392-126-336 DEFINITION—DISTRICT 1440 CLASSIFIED INSURANCE BENEFIT FACTOR. As used in this chapter, "district 1440 classified insurance benefit factor" shall mean the insurance benefit factor for each district calculated as follows:

(1) Determine the district's number of full-time equivalent basic education classified staff for the current school year based on 2080 hours per year equals one full-time equivalent staff pursuant to WAC 392-121-115(4);

(2) Determine the district's number of full-time equivalent basic education classified staff for the current school year based on 1440 hours per year equals one full-time equivalent staff, with no individual employee counted for more than one full-time equivalent staff;

(3) Divide the result in subsection (2) of this section by the result in subsection (1) of this section; and

(4) The result is the district 1440 classified insurance benefit factor for the current school year for purpose of salary compliance.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-355 DEFINITION—DISTRICT CLASSIFIED (~~(ADJUSTED)~~) DERIVED BASE SALARY. As used in this chapter, "district classified (~~(adjusted)~~) derived base salary" shall mean the salary amount calculated as follows:

(1) Divide the district's classified staff highest average annual salaries for the current school year by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the average classified salary for the current school year;

(2) Divide the result obtained in subsection (1) of this section by the (~~(state-supported)~~) district classified increment mix factor (~~(adjusted)~~) for the current school year; and

(3) The result obtained is the district classified (~~(adjusted)~~) derived base salary for the current school year for purpose of salary compliance.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-360 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CLASSIFIED (~~(ADJUSTED)~~) DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education classified (~~(adjusted)~~) derived base salary" shall mean the appropriate district average salary shown on LEAP Document (~~(5-improved by \$1,155-91)~~) for Basic Education Staff Salary Allocations for the (~~(1984-85)~~) current school year divided by the district classified increment mix factor for the prior school year. In the event that the maximum allowed basic education classified (~~(adjusted)~~) derived base salary is less than the district's reported prior school year classified (~~(adjusted)~~) derived base salary, the district may request on Form 1048 that the superintendent of public instruction use the reported prior school year classified (~~(adjusted)~~) derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the (~~(1984-85)~~) current school year.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-365 DEFINITION—MAXIMUM ALLOWED CLASSIFIED INSURANCE BENEFITS. As used in this chapter, "maximum allowed classified insurance benefits" shall mean the insurance benefit amount authorized in the state Operating Appropriations Act (~~(of one hundred seventy-nine dollars)~~) multiplied by twelve months multiplied by the district 1440 classified insurance benefit factor per full-time equivalent staff unit for the (~~(1984-85)~~) current school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the Operating Appropriations Act multiplied by twelve months multiplied by the district 1440 classified insurance benefit factor, the district's maximum allowed classified insurance benefits shall be the district's reported prior school year actual average annual insurance benefits. For the purpose of establishing the maximum allowed classified insurance benefits for classified employees, a full-time equivalent employee is an employee contracted to work 1,440 hours per year or more for the (~~(1984-85)~~) current school year.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-385 DEFINITION—FORM 1048. As used in this chapter, "Form 1048" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year classified (~~(adjusted)~~) derived base salary or prior school year insurance benefits be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-360 and 392-126-365.

#### AMENDATORY SECTION (Amending Order 84-32, filed 8/13/84)

WAC 392-126-505 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF CERTIFICATED INSURANCE BENEFITS. Insurance benefit increases granted certificated employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent certificated staff unit authorized in the Appropriations Act for the current school year. If insurance benefits granted certificated employees in the prior school year were in excess of the maximum allowed certificated insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed certificated insurance benefit level

shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted certificated employees exceeds the maximum allowed certificated insurance benefit, the district may certify to the superintendent of public instruction on Form 1042 that:

(1) For those certificated employees whose prior school year insurance benefits exceeded the maximum allowed certificated insurance benefits for the current school year, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those certificated employees whose prior school year insurance benefits were equal to or less than the maximum allowed certificated insurance benefits, the average of these employees' current school year insurance benefits does not exceed ~~((one hundred seventy-nine dollars))~~ the amount specified for the current school year in the Operating Appropriations Act multiplied by twelve ((months)).

**AMENDATORY SECTION** (Amending Order 84-32, filed 8/13/84)

**WAC 392-126-620 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CERTIFICATED STAFF.** Following the informal review, the superintendent of public instruction shall have ~~((ten))~~ twenty calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for certificated staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-630.

**AMENDATORY SECTION** (Amending Order 84-32, filed 8/13/84)

**WAC 392-126-700 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF AVERAGE CLASSIFIED SALARIES.** Unless compliance is demonstrated by the provisions of WAC 392-126-710, compliance with the salary-compensation lid shall be calculated as follows:

For basic education classified staff, if the district's reported classified ~~((adjusted))~~ derived base salary exceeds the district's maximum allowed classified ~~((adjusted))~~ derived base salary the district shall be considered in violation of the salary-compensation lid for the current school year: **PROVIDED**, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1045 pursuant to WAC 392-126-810 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: **PROVIDED FURTHER**, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1046 pursuant to WAC 392-126-810 may exclude new positions as defined in WAC 392-126-130.

**AMENDATORY SECTION** (Amending Order 84-32, filed 8/13/84)

**WAC 392-126-705 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF CLASSIFIED INSURANCE BENEFITS.** Insurance benefit increases granted classified employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent classified staff unit authorized in the Operating Appropriations Act for the current school year multiplied by the district 1440 classified insurance benefit factor. If insurance benefits granted classified employees in the prior school year were in excess of the maximum allowed classified insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed classified insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted classified employees exceeds the maximum allowed classified insurance benefit, the district may certify to the superintendent of public instruction on Form 1047 that:

(1) For those classified employees whose prior school year insurance benefits exceeded the maximum allowed classified insurance benefits for the current school year, the average of these employees' current

school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those classified employees whose prior school year insurance benefits were equal to or less than the maximum allowed classified insurance benefits, the average of these employees' current school year insurance benefits does not exceed ~~((one hundred seventy-nine dollars))~~ the amount specified for the current school year in the Operating Appropriations Act multiplied by twelve ((months)) multiplied by the district 1440 classified insurance benefit factor.

**AMENDATORY SECTION** (Amending Order 84-32, filed 8/13/84)

**WAC 392-126-710 SALARY-COMPENSATION LID COMPLIANCE-NO INCREASES CONSTITUTE COMPLIANCE-CLASSIFIED STAFF.** If the superintendent of public instruction has determined that a district's classified ~~((adjusted))~~ derived base salary for the current school year exceeds the maximum allowed classified ~~((adjusted))~~ derived base salary pursuant to WAC 392-126-700, or a district's payment for insurance benefits for classified staff exceeds the amounts specified for the current school year in the Operating Appropriations Act multiplied by the district 1440 classified insurance benefit factor, the district may certify to the superintendent of public instruction on Form 1047 that it gave no salary increase pursuant to WAC 392-126-700 or insurance benefit increase pursuant to WAC 392-126-705, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes.

**AMENDATORY SECTION** (Amending Order 84-32, filed 8/13/84)

**WAC 392-126-820 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CLASSIFIED STAFF.** Following the informal review, the superintendent of public instruction shall have ~~((ten))~~ twenty calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for classified staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-830.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 392-126-350 DEFINITION-STATE-SUPPORTED CLASSIFIED INCREMENT MIX FACTOR ADJUSTMENT.**

**WSR 85-21-083**

**PROPOSED RULES**

**PUBLIC WORKS BOARD**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Works Board intends to adopt, amend, or repeal rules concerning the operations of the Public Works Board, including board meetings, public records, public works loans and pledges, and compliance with the State Environmental Policy Act;

that the agency will at 10:30 a.m., Tuesday, December 3, 1985, in the Small Auditorium, Sea-Tac International Airport, Seattle, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 466 [446], Laws of 1985.

The specific statute these rules are intended to implement is section 10, chapter 466 [446], Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Monday, December 2, 1985.

Dated: October 15, 1985

By: Robert C. Anderson  
Chairman

**STATEMENT OF PURPOSE**

Title: Title 399 WAC, Public Works Board.

Statutory Authority and Specific Statute the Rule is Intended to Implement: Section 10, chapter 446, Laws of 1985, to implement chapter 446, Laws of 1985.

Summary of the Rule and Statement of the Reasons Supporting the Proposed Action: The proposed rules implement the authority granted to the Public Works Board in chapter 446, Laws of 1985. They establish the standards for applications for public works loans and pledges, board deliberations on those applications, and prioritization of applications for recommendations to the legislature. They also establish the Public Works Board's rules on public records and the State Environmental Policy Act. These rules are required for implementation of chapter 446, Laws of 1985.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Robert C. Anderson, Chairman, Public Works Board, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, phone (206) 753-2200.

Name of the Organization Proposing the Rule: Public Works Board.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: Necessary to carry out the intent of chapter 446, Laws of 1985, which creates the Public Works Board and authorizes it to make low interest or interest-free loans for and to guarantee financing of local governments' public works projects that meet the legislation's criteria and standards.

Whether the Rule is Necessary as the Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

**Chapter 399-10 WAC  
GENERAL PROVISIONS**

**WAC**

- 399-10-010 Organization and operation of the public works board.
- 399-10-020 Board meeting.
- 399-10-030 Communications with the board.

**NEW SECTION**

**WAC 399-10-010 ORGANIZATION AND OPERATION OF THE PUBLIC WORKS BOARD.** (1) The public works board, hereinafter referred to as the board, is a thirteen-member board appointed by the governor and created pursuant to section 9, chapter 446, Laws of 1985.

(2) The governor shall appoint one of the general public members of the board as chair. The board may elect such other officers for such

terms as it may from time to time deem necessary in accordance with the board's bylaws.

(3) The board's staff support and office space is provided by the department of community development, whose main office is located in the Ninth & Columbia Building, Olympia, Washington, 98504; phone (AC 206) 753-2200.

(4) The purpose of the board is to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

**NEW SECTION**

**WAC 399-10-020 BOARD MEETING.** (1) Notice of the times and places of the regular meetings will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the board.

(2) Special meetings of the board may be called at any time by the chairman of the board or by a majority of the board members. Notice of such meetings will be as provided by law.

**NEW SECTION**

**WAC 399-10-030 COMMUNICATIONS WITH THE BOARD.** Any and all written communications with the board, including but not limited to requests for information or copies of agency records, or submittals of any nature, shall be addressed to the public works board, in care of the chairman, at the address which appears in WAC 399-10-010(4). Telephonic communications may be initiated by calling the phone number also listed in WAC 399-10-010(4).

**Chapter 399-20 WAC  
PUBLIC RECORDS**

**WAC**

- 399-20-010 Purpose.
- 399-20-020 Definitions.
- 399-20-030 Public records available.
- 399-20-040 Public records officer.
- 399-20-050 Records index.
- 399-20-060 Office hours.
- 399-20-070 Requests for public records.
- 399-20-080 Copying.
- 399-20-090 Exemptions.
- 399-20-100 Review of denials of public records requests.
- 399-20-110 Protection of public records.
- 399-20-120 Adoption of form.

**NEW SECTION**

**WAC 399-20-010 PURPOSE.** The purpose of this chapter shall be to insure the compliance by the public works board with the provisions of chapter 1, Laws of 1973, Initiative Measure No. 276, and in particular sections 25 through 32 of that act, and RCW 42.17.250 through 42.17.320 concerning disclosure of public records.

**NEW SECTION**

**WAC 399-20-020 DEFINITIONS.** The following definitions shall apply to this chapter: (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the board regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all paper, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Board" means the public works board, created pursuant to chapter 446, Laws of 1985, and shall also refer to the board's officers and staff, where appropriate.

(4) "Department" means the department of community development, and shall also refer to the department's staff, where appropriate.

NEW SECTION

WAC 399-20-030 PUBLIC RECORDS AVAILABLE. All public records of the board are deemed to be available for public inspection and copying, except as otherwise provided by RCW 42.17.260 and 42.17.310 as now or may hereafter be amended, and by WAC 399-20-090.

NEW SECTION

WAC 399-20-040 PUBLIC RECORDS OFFICER. The department's public records officer shall be the public records officer for the board. The public records officer shall be responsible for implementation of the board's rules and regulations regarding inspection and copying of public records, and for insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

NEW SECTION

WAC 399-20-050 RECORDS INDEX. (1) The board will make available to any person upon request a current index which provides identifying information as to the following records:

- (a) Those statements of policy and interpretations of policy, statutes and regulations which have been adopted by the board;
- (b) Administrative staff manuals and instructions to staff that affect a member of the public;
- (c) Planning policies and goals, and interim and final planning decisions;
- (d) Factual staff reports and studies, factual consultant's reports and studies, specific reports and studies and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (e) Correspondence and materials relating to any responsibilities of the board.

(2) The current index promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to the public records available for inspection and copying.

NEW SECTION

WAC 399-20-060 OFFICE HOURS. Public records shall be available for inspection and copying during the department's normal office hours. For purposes of this chapter, normal office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 399-20-070 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board, public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at the board's offices, or by writing or calling the board. The form shall be presented or mailed to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the board's offices during normal office hours. The request shall include the following information:

- (a) The name, address, and organization represented, if any, of the person requesting the record;
- (b) The calendar date on which the request was made, and, when presented in person, the time of day;
- (c) The nature of the request;
- (d) If the matter requested is referred to within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 399-20-080 COPYING. No fee shall be charged for the inspection of public records. The board may charge a fee of ten cents per page for providing copies of public records, when copies of more than ten pages are provided, and for use of the department's copy equipment. This charge is the amount necessary to reimburse the department for its actual cost incident to such copying.

NEW SECTION

WAC 399-20-090 EXEMPTIONS. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 399-20-070 is exempt from disclosure under the provisions of RCW 42.17.260 and 42.17.310.

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.

NEW SECTION

WAC 399-20-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a request from public records, the public records officer or other authorized staff member denying the request shall refer it to the chairman of the board or his designee. The chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following receipt of the request for review.

(3) Administrative remedies shall not be considered exhausted until the request has been returned with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

NEW SECTION

WAC 399-20-110 PROTECTION OF PUBLIC RECORDS. In order to properly protect the public records in the custody of the board, the following guidelines shall be adhered to by any person inspecting such public records:

- (1) No public records shall be removed from the offices of the board;
- (2) Inspection of any public records shall be conducted in the presence of a designated board or department employee;
- (3) No public records may be marked or defaced in any manner during inspection;
- (4) Public records which are maintained in a file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the board or department; and
- (5) Access to file cabinets, shelves, vaults, etc., is restricted to board or department personnel.

NEW SECTION

WAC 399-20-120 ADOPTION OF FORM. The board hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "request for public records."

In order to request copies of our public records, please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.



Chapter 399-30 WAC  
PUBLIC WORKS LOANS AND PLEDGES

Public Works Board  
9th and Columbia Building  
Mail Stop GH-51 CAMPUS  
Olympia, Washington 98504-4111

REQUEST FOR  
PUBLIC RECORDS

(206) 753-2200

NAME OF REQUESTOR: PHONE:

STREET ADDRESS:

CITY: STATE: ZIP:

DATE OF REQUEST (M/D/Y): TIME: A.M. P.M.

PUBLIC RECORDS OR INFORMATION REQUESTED:

Completed by Public Works  
Board Staff

NUMBER OF COPIES, IF REQUESTED: NUMBER OF COPIES PROVIDED:

APPOINTMENT TO VIEW RECORDS: AMOUNT RECEIVED  
FOR COPIES: \$

(Preferred Dates)

(1st) DATE: TIME: APPOINTMENT CONFIRMED:  
(2nd) DATE: TIME:  
(3rd) DATE: TIME: DATE: TIME:  
STAFF:

IF SPECIAL EQUIPMENT REQUIRED FOR VIEWING RECORDS, PLEASE DESCRIBE:

AGREEMENTS: I have read, understand, and will comply with the rules of the public works board governing the inspection and copying of public records. I also agree that any list of individuals and/or information provided me by the board shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for the purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

SIGNATURE OF REQUESTOR: DATE:

ACKNOWLEDGEMENT OF RECEIPT

DATE: TIME: A.M. P.M.

SIGNATURE OF STAFF RECIPIENT:

REASON IF AGENCY IS UNABLE TO COMPLY:

WAC 399-20-120 (11/85)

(FOR BOARD USE ONLY)

Number of copies \_\_\_\_

Number of pages \_\_\_\_

Per page charge \$ .10  
for in excess of  
ten pages

Total charge \$ \_\_\_\_

WAC

- 399-30-010 Purpose.
- 399-30-020 Definitions.
- 399-30-030 Loan and financing guarantee applications.
- 399-30-040 Board deliberations.
- 399-30-050 Recommendations to the legislature.
- 399-30-060 Loan and financing guarantee contracts.

NEW SECTION

WAC 399-30-010 PURPOSE. (1) Pursuant to authority derived from chapter 446, Laws of 1985, the public works board may make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may also pledge money to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(2) The purpose of this chapter is to prescribe the form and manner in which local governments may make application to the board for financial assistance, and to provide for the consideration and disposition of such applications.

NEW SECTION

WAC 399-30-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the public works board.
- (2) "Department" means the department of community development.
- (3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.
- (4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.
- (5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

NEW SECTION

WAC 399-30-030 LOAN AND FINANCING GUARANTEE APPLICATIONS. (1) Applications for loans and/or financing guarantees to assist in the financing of critical public works projects may be made by any local government in the state of Washington.

- (2) All applicants must meet the following conditions:
  - (a) Applicant cities and counties must be imposing a real estate excise tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;
  - (b) Applicant local governments must have developed a long-term plan for financing public work needs; and
  - (c) Applicant local governments must be using all local revenue sources that are reasonably available for funding public works, taking into consideration local employment and economic factors.
- (3) Direct costs eligible for public works loans are those costs which are directly attributable to a specific project and shall include:
  - (a) Direct labor (engineering and/or construction) including related employee benefits:
    - (i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in (A) engineering, (B) acquisition of rights-of-way, (C) actual construction activities are considered a direct cost of construction projects. The cost of services rendered by employees are assigned for short periods of time to perform on a full-time basis the types of services described above and when similar procedures are followed for nonurban arterial board projects;
    - (ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:



- (A) F.I.C.A. (Social Security) – employer's share;
- (B) Retirement benefits;
- (C) Hospital, health, dental, and other welfare insurance;
- (D) Life insurance;
- (E) Industrial and medical insurance;
- (F) Vacation;
- (G) Holiday;
- (H) Sick leave; and
- (I) Military leave and jury duty.

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

(b) Contract engineering services.

(c) Right-of-way acquisition costs including:

(i) Purchase of land and easements acquired for and devoted to the project;

(ii) Purchase of improvements;

(iii) Adjustment or reestablishment of improvements;

(iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;

(v) Removal or demolition of improvement;

(vi) Other direct costs in connection with the acquisition. Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: **PROVIDED**, That such costs shall be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less which may not use this type of fund shall be allowed the same rates as used by the department of highways.

(f) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.

(i) An overhead rate or "loading factor" shall not be considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, shall be considered a reduction of direct costs. Any material which may be salvaged in connection with a project shall be assigned a reasonable value and considered a reduction of direct costs.

(g) Interdepartmental charges for work performed by the local government's departments, other than the road or street department, for the benefit of specific construction projects shall be limited to direct costs plus an allocation of indirect costs based upon ten percent of direct labor dollars, excluding employee benefits.

(h) Other direct costs incurred for materials or services acquired for a specific project shall be eligible for participation by public works loan funds and may include, but shall not be limited to such items as:

(i) Telephone charges;

(ii) Reproduction and photogrammetry costs;

(iii) Computer usage; and

(iv) Printing and advertising.

(4) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain but not be limited to the following information:

(a) Name and address of the local government making the application;

(b) Complete description of the public works project for which financing assistance is sought;

(c) Demonstration of the applicant jurisdiction's critical need for the project;

(d) The applicant jurisdiction's financing proposal for the proposed project;

(e) If the application is being made for a loan, a repayment plan;

(f) The number of communities to be served by the proposed project;

(g) Tax rates imposed by the applicant local government for taxes whose revenues can be used to finance public works projects; and

(h) Utility rates charged for sewerage, water, garbage, and other utilities.

(5) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official of the applicant jurisdiction. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request.

#### NEW SECTION

**WAC 399-30-040 BOARD DELIBERATIONS.** (1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized according to criteria established by the board.

(3) Applicants will be notified in writing of board decisions on the prioritization or disapproval of applications.

#### NEW SECTION

**WAC 399-30-050 RECOMMENDATIONS TO THE LEGISLATURE.** (1) Prior to November 1, 1986, and in each subsequent year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which the board recommends for funding by the legislature. In the board's first year of operation, the board shall submit this list to the ways and means committees by February 1, 1986.

(2) In addition to the requirements of RCW 43.—(6) (section 12(6), chapter 446, Laws of 1985), the list will include such supporting material as the board considers necessary to meet the purposes of this chapter.

#### NEW SECTION

**WAC 399-30-060 LOAN AND FINANCING GUARANTEE CONTRACTS.** (1) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account until the list is in final form and the appropriations are received from the legislature.

(2) After the legislature has appropriated funds from the public works trust fund for a specific list of public works projects, the loan funds will be disbursed to the applicant local government pursuant to a contract therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine: **PROVIDED**, That the amount loaned to a local government shall not exceed ninety percent of the local government's share of the proposed project's cost: **PROVIDED FURTHER**, That the interest rate for loans shall not exceed three percent per annum: **PROVIDED FURTHER**, That loans shall not exceed twenty years in duration, or the useful life of the improvements. Exception to these provisions shall be made only in cases of severe economic distress and/or natural disaster.

(3) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government and an original contract returned to the board prior to the disbursement of any funds thereunder.

#### Chapter 399-40 WAC

#### COMPLIANCE WITH STATE ENVIRONMENTAL POLICY ACT

#### WAC

399-40-010	Purpose.
399-40-020	Statement.

#### NEW SECTION

**WAC 399-40-010 PURPOSE.** The purpose of this chapter is to comply with RCW 43.21C.120, which requires all agencies of government in the state of Washington, consistent with the rules and guidelines adopted under RCW 43.21C.110, to adopt rules pertaining to the integration of policies and procedures of the State Environmental Policy Act of 1971, into the various programs under their jurisdiction for implementation.

#### NEW SECTION

**WAC 399-40-020 STATEMENT.** Pursuant to WAC 197-10-800, the public works board has reviewed its authorized activities and

has found them all to be exempt under the provisions of chapter 197-10 WAC.

**WSR 85-21-084**  
**EMERGENCY RULES**  
**PUBLIC WORKS BOARD**  
[Order 85-11—Filed October 23, 1985]

Be it resolved by the Public Works Board, acting at the Small Auditorium, Sea-Tac International Airport Terminal Building, that it does adopt the annexed rules relating to the operations and procedures of the Public Works Board, including board meetings, public records, public works loans and pledges, and compliance with the State Environmental Policy Act.

We, the Public Works Board, find that an emergency exists and that this 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 the emergency is the limited time available to the Public Works Board for completion of the first loan prioritization cycle necessitates the adoption of emergency rules, in order to meet the intent of the legislation establishing the board.

These 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 Public Works Board as authorized in section 10, chapter 466 [446], Laws of 1985.

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

APPROVED AND ADOPTED October 15, 1985.

By Robert C. Anderson  
Chairman

*Chapter 399-10 WAC*  
**GENERAL PROVISIONS**

- WAC 399-10-010 *Organization and operation of the public works board.*
- 399-10-020 *Board meeting.*
- 399-10-030 *Communications with the board.*

NEW SECTION

WAC 399-10-010 **ORGANIZATION AND OPERATION OF THE PUBLIC WORKS BOARD.** (1) *The public works board, hereinafter referred to as the board, is a thirteen-member board appointed by the governor and created pursuant to section 9, chapter 446, Laws of 1985.*

(2) *The governor shall appoint one of the general public members of the board as chair. The board may elect such other officers for such terms as it may from*

*time to time deem necessary in accordance with the board's bylaws.*

(3) *The board's staff support and office space is provided by the department of community development, whose main office is located in the Ninth & Columbia Building, Olympia, Washington, 98504; phone (AC 206) 753-2200.*

(4) *The purpose of the board is to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.*

NEW SECTION

WAC 399-10-020 **BOARD MEETING.** (1) *Notice of the times and places of the regular meetings will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the board.*

(2) *Special meetings of the board may be called at any time by the chairman of the board or by a majority of the board members. Notice of such meetings will be as provided by law.*

NEW SECTION

WAC 399-10-030 **COMMUNICATIONS WITH THE BOARD.** *Any and all written communications with the board, including but not limited to requests for information or copies of agency records, or submittals of any nature, shall be addressed to the public works board, in care of the chairman, at the address which appears in WAC 399-10-010(4). Telephonic communications may be initiated by calling the phone number also listed in WAC 399-10-010(4).*

*Chapter 399-20 WAC*  
**PUBLIC RECORDS**

- WAC 399-20-010 *Purpose.*
- 399-20-020 *Definitions.*
- 399-20-030 *Public records available.*
- 399-20-040 *Public records officer.*
- 399-20-050 *Records index.*
- 399-20-060 *Office hours.*
- 399-20-070 *Requests for public records.*
- 399-20-080 *Copying.*
- 399-20-090 *Exemptions.*
- 399-20-100 *Review of denials of public records requests.*
- 399-20-110 *Protection of public records.*
- 399-20-120 *Adoption of form.*

NEW SECTION

WAC 399-20-010 **PURPOSE.** *The purpose of this chapter shall be to insure the compliance by the public works board with the provisions of chapter 1, Laws of 1973, Initiative Measure No. 276, and in particular sections 25 through 32 of that act, and RCW 42.17.250*

through 42.17.320 concerning disclosure of public records.

#### NEW SECTION

**WAC 399-20-020 DEFINITIONS.** The following definitions shall apply to this chapter: (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the board regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all paper, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Board" means the public works board, created pursuant to chapter 446, Laws of 1985, and shall also refer to the board's officers and staff, where appropriate.

(4) "Department" means the department of community development, and shall also refer to the department's staff, where appropriate.

#### NEW SECTION

**WAC 399-20-030 PUBLIC RECORDS AVAILABLE.** All public records of the board are deemed to be available for public inspection and copying, except as otherwise provided by RCW 42.17.260 and 42.17.310 as now or may hereafter be amended, and by WAC 399-20-090.

#### NEW SECTION

**WAC 399-20-040 PUBLIC RECORDS OFFICER.** The department's public records officer shall be the public records officer for the board. The public records officer shall be responsible for implementation of the board's rules and regulations regarding inspection and copying of public records, and for insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

#### NEW SECTION

**WAC 399-20-050 RECORDS INDEX.** (1) The board will make available to any person upon request a current index which provides identifying information as to the following records:

(a) Those statements of policy and interpretations of policy, statutes and regulations which have been adopted by the board;

(b) Administrative staff manuals and instructions to staff that affect a member of the public;

(c) Planning policies and goals, and interim and final planning decisions;

(d) Factual staff reports and studies, factual consultant's reports and studies, specific reports and studies and any other factual information derived from tests, studies,

reports or surveys, whether conducted by public employees or others; and

(e) Correspondence and materials relating to any responsibilities of the board.

(2) The current index promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to the public records available for inspection and copying.

#### NEW SECTION

**WAC 399-20-060 OFFICE HOURS.** Public records shall be available for inspection and copying during the department's normal office hours. For purposes of this chapter, normal office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

#### NEW SECTION

**WAC 399-20-070 REQUESTS FOR PUBLIC RECORDS.** In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, and to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board, public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at the board's offices, or by writing or calling the board. The form shall be presented or mailed to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the board's offices during normal office hours. The request shall include the following information:

(a) The name, address, and organization represented, if any, of the person requesting the record;

(b) The calendar date on which the request was made, and, when presented in person, the time of day;

(c) The nature of the request;

(d) If the matter requested is referred to within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to assist the member of the public in appropriately identifying the public record requested.

#### NEW SECTION

**WAC 399-20-080 COPYING.** No fee shall be charged for the inspection of public records. The board may charge a fee of ten cents per page for providing copies of public records, when copies of more than ten pages are provided, and for use of the department's copy equipment. This charge is the amount necessary to reimburse the department for its actual cost incident to such copying.

NEW SECTION

**WAC 399-20-090 EXEMPTIONS.** (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 399-20-070 is exempt from disclosure under the provisions of RCW 42.17.260 and 42.17.310.

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.

NEW SECTION

**WAC 399-20-100 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Following receipt of a written request for review of a decision denying a request from public records, the public records officer or other authorized staff member denying the request shall refer it to the chairman of the board or his designee. The chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following receipt of the request for review.

(3) Administrative remedies shall not be considered exhausted until the request has been returned with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.

NEW SECTION

**WAC 399-20-110 PROTECTION OF PUBLIC RECORDS.** In order to properly protect the public records in the custody of the board, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the offices of the board;

(2) Inspection of any public records shall be conducted in the presence of a designated board or department employee;

(3) No public records may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in a file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the board or department; and

(5) Access to file cabinets, shelves, vaults, etc., is restricted to board or department personnel.

NEW SECTION

**WAC 399-20-120 ADOPTION OF FORM.** The board hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "request for public records."

In order to request copies of our public records, please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

			REQUEST FOR PUBLIC RECORDS
Public Works Board 9th and Columbia Building Mail Stop GH-51 CAMPUS Olympia, Washington 98504-4111			(206) 753-2200
NAME OF REQUESTOR:		PHONE:	
STREET ADDRESS:			
CITY:	STATE:	ZIP:	
DATE OF REQUEST (M/D/Y):	TIME:	A.M.	P.M.
PUBLIC RECORDS OR INFORMATION REQUESTED:			
			Completed by Public Works Board Staff
NUMBER OF COPIES, IF REQUESTED:		NUMBER OF COPIES PROVIDED:	
APPOINTMENT TO VIEW RECORDS:		AMOUNT RECEIVED FOR COPIES: \$	
(Preferred Dates)			
(1st) DATE:	TIME:	APPOINTMENT CONFIRMED:	
(2nd) DATE:	TIME:	DATE:	TIME:
(3rd) DATE:	TIME:	STAFF:	
IF SPECIAL EQUIPMENT REQUIRED FOR VIEWING RECORDS, PLEASE DESCRIBE:			
AGREEMENTS: I have read, understand, and will comply with the rules of the public works board governing the inspection and copying of public records. I also agree that any list of individuals and/or information provided me by the board shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for the purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.			
SIGNATURE OF REQUESTOR:		DATE:	
ACKNOWLEDGEMENT OF RECEIPT			
DATE:	TIME:	A.M.	P.M.
SIGNATURE OF STAFF RECIPIENT:			
REASON IF AGENCY IS UNABLE TO COMPLY:			

WAC 399-20-120 (11/85)

(FOR BOARD USE ONLY)

Number of copies \_\_\_\_\_

Number of pages \_\_\_\_\_

Per page charge \$ .10  
for in excess of  
ten pages

Total charge \$ \_\_\_\_\_

Chapter 399-30 WAC  
PUBLIC WORKS LOANS AND PLEDGES

- WAC
- 399-30-010 Purpose.
- 399-30-020 Definitions.
- 399-30-030 Loan and financing guarantee applications.
- 399-30-040 Board deliberations.
- 399-30-050 Recommendations to the legislature.
- 399-30-060 Loan and financing guarantee contracts.

NEW SECTION

WAC 399-30-010 PURPOSE. (1) Pursuant to authority derived from chapter 446, Laws of 1985, the public works board may make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may also pledge money to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(2) The purpose of this chapter is to prescribe the form and manner in which local governments may make application to the board for financial assistance, and to provide for the consideration and disposition of such applications.

NEW SECTION

WAC 399-30-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the public works board.
- (2) "Department" means the department of community development.
- (3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.
- (4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.
- (5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or

improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

NEW SECTION

WAC 399-30-030 LOAN AND FINANCING GUARANTEE APPLICATIONS. (1) Applications for loans and/or financing guarantees to assist in the financing of critical public works projects may be made by any local government in the state of Washington.

(2) All applicants must meet the following conditions:

- (a) Applicant cities and counties must be imposing a real estate excise tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;
- (b) Applicant local governments must have developed a long-term plan for financing public work needs; and
- (c) Applicant local governments must be using all local revenue sources that are reasonably available for funding public works, taking into consideration local employment and economic factors.

(3) Direct costs eligible for public works loans are those costs which are directly attributable to a specific project and shall include:

(a) Direct labor (engineering and/or construction) including related employee benefits:

- (i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in (A) engineering, (B) acquisition of rights-of-way, (C) actual construction activities are considered a direct cost of construction projects. The cost of services rendered by employees are assigned for short periods of time to perform on a full-time basis the types of services described above and when similar procedures are followed for nonurban arterial board projects;
- (ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:

- (A) F.I.C.A. (Social Security) - employer's share;
- (B) Retirement benefits;
- (C) Hospital, health, dental, and other welfare insurance;
- (D) Life insurance;
- (E) Industrial and medical insurance;
- (F) Vacation;
- (G) Holiday;
- (H) Sick leave; and
- (I) Military leave and jury duty.

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

- (b) Contract engineering services.
- (c) Right-of-way acquisition costs including:
  - (i) Purchase of land and easements acquired for and devoted to the project;
  - (ii) Purchase of improvements;
  - (iii) Adjustment or reestablishment of improvements;

(iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;

(v) Removal or demolition of improvement;

(vi) Other direct costs in connection with the acquisition. Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: **PROVIDED**, That such costs shall be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less which may not use this type of fund shall be allowed the same rates as used by the department of highways.

(f) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.

(i) An overhead rate or "loading factor" shall not be considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, shall be considered a reduction of direct costs. Any material which may be salvaged in connection with a project shall be assigned a reasonable value and considered a reduction of direct costs.

(g) Interdepartmental charges for work performed by the local government's departments, other than the road or street department, for the benefit of specific construction projects shall be limited to direct costs plus an allocation of indirect costs based upon ten percent of direct labor dollars, excluding employee benefits.

(h) Other direct costs incurred for materials or services acquired for a specific project shall be eligible for participation by public works loan funds and may include, but shall not be limited to such items as:

(i) Telephone charges;

(ii) Reproduction and photogrammetry costs;

(iii) Computer usage; and

(iv) Printing and advertising.

(4) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain but not be limited to the following information:

(a) Name and address of the local government making the application;

(b) Complete description of the public works project for which financing assistance is sought;

(c) Demonstration of the applicant jurisdiction's critical need for the project;

(d) The applicant jurisdiction's financing proposal for the proposed project;

(e) If the application is being made for a loan, a repayment plan;

(f) The number of communities to be served by the proposed project;

(g) Tax rates imposed by the applicant local government for taxes whose revenues can be used to finance public works projects; and

(h) Utility rates charged for sewerage, water, garbage, and other utilities.

(5) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official of the applicant jurisdiction. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request.

#### NEW SECTION

##### WAC 399-30-040 BOARD DELIBERATIONS.

(1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized according to criteria established by the board.

(3) Applicants will be notified in writing of board decisions on the prioritization or disapproval of applications.

#### NEW SECTION

WAC 399-30-050 RECOMMENDATIONS TO THE LEGISLATURE. (1) Prior to November 1, 1986, and in each subsequent year, the board shall develop and submit to the ways and means committees of the senate and house of representatives a prioritized list of projects which the board recommends for funding by the legislature. In the board's first year of operation, the board shall submit this list to the ways and means committees by February 1, 1986.

(2) In addition to the requirements of RCW 43.—(6) (section 12(6), chapter 446, Laws of 1985), the list will include such supporting material as the board considers necessary to meet the purposes of this chapter.

#### NEW SECTION

WAC 399-30-060 LOAN AND FINANCING GUARANTEE CONTRACTS. (1) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account until the list is in final form and the appropriations are received from the legislature.

(2) After the legislature has appropriated funds from the public works trust fund for a specific list of public works projects, the loan funds will be disbursed to the applicant local government pursuant to a contract therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine: **PROVIDED**, That the amount loaned to a local government shall not exceed ninety percent of the local government's share of the proposed project's cost: **PROVIDED FURTHER**, That the interest rate for loans shall not exceed three percent per annum: **PROVIDED FURTHER**, That loans shall not exceed twenty

years in duration, or the useful life of the improvements. Exception to these provisions shall be made only in cases of severe economic distress and/or natural disaster.

(3) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government and an original contract returned to the board prior to the disbursal of any funds thereunder.

**Chapter 399-40 WAC  
COMPLIANCE WITH STATE ENVIRONMENTAL  
POLICY ACT**

**WAC**

399-40-010 Purpose.  
399-40-020 Statement.

**NEW SECTION**

**WAC 399-40-010 PURPOSE.** *The purpose of this chapter is to comply with RCW 43.21C.120, which requires all agencies of government in the state of Washington, consistent with the rules and guidelines adopted under RCW 43.21C.110, to adopt rules pertaining to the integration of policies and procedures of the State Environmental Policy Act of 1971, into the various programs under their jurisdiction for implementation.*

**NEW SECTION**

**WAC 399-40-020 STATEMENT.** *Pursuant to WAC 197-10-800, the public works board has reviewed its authorized activities and has found them all to be exempt under the provisions of chapter 197-10 WAC.*

**WSR 85-21-085  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES  
[Filed October 23, 1985]**

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 this notice proposes to add several new sections to and amend several existing sections of chapter 296-30 WAC, crime victim compensation program. The amendments clarify and simplify the existing rules and delete some existing sections that will be unnecessary when statutory amendments become effective January 1, 1986. The new sections define who is a family member eligible to receive counseling for sexual assault pursuant to RCW 7.68.070(12), what constitutes unjust enrichment to the person responsible for the victim's injuries under RCW 7.68.070(15), and what factors the department will consider if it is asked to waive, modify or adjust the debt owed to the department by a person found to have committed the crime. The rules also clarify that treatment of a crime victim by a medical or counseling service provider constitutes acceptance of the department's medical aid rules and fees;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the House Office Building, Hearing Room C, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 2, 1985.

The authority under which these rules are proposed is RCW 7.68.030 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 7.68.020, 7.68.050, 7.68.060(2), 7.68.070(4), (12) and (15), 7.68.080 and 7.68.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 23, 1985

By: Richard A. Davis  
Director

**STATEMENT OF PURPOSE**

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-30 WAC, rules for the administration of the crime victim compensation program; includes WAC 296-30-010 Definitions; 296-30-020 Vehicular assault and vehicular homicide; 296-30-050 Distribution of third party recoveries; 296-30-060 Requirement to report criminal acts; 296-30-080 Counseling for sexual assault; 296-30-130 Lump sum benefits; 296-30-170 Payment for medical examination of victims of sexual assault; 296-30-180 Payment of benefits to prevent unjust enrichment; 296-30-081 Acceptance of rules and fees; and 296-30-120 Factors considered in order to modify debt due department.

Statutory Authority: RCW 7.68.030.

Specific Statutes that Rules are Intended to Implement: RCW 7.68.020, 7.68.050, 7.68.060(2), 7.68.070(4), (12) and (15), 7.68.080 and 7.68.120.

This notice proposes to add several new sections to and amend several existing sections of chapter 296-30 WAC, crime victim compensation program. The amendments clarify and simplify the existing rules and delete some existing sections that will be unnecessary when statutory amendments become effective January 1, 1986. The new sections define who is a family member eligible to receive counseling for sexual assault pursuant to RCW 7.68.070(12), what constitutes unjust enrichment to the person responsible for the victim's injuries under RCW 7.68.070(15), and what factors the department will consider if it is asked to waive, modify or adjust the debt owed to the department by any person found to have committed the crime. The rules also clarify that treatment of a crime victim by a medical or counseling service provider constitutes acceptance of the department's medical aid rules and fees.

Chapter 7.68 RCW was amended during the last legislative session. The amendments added new sections and deleted others. These proposed rules implement the legislative changes and delete portions of the rules which no longer reflect statutory language and intent.

Donald M. Anderson, Assistant Director, Employment Standards/Apprenticeship Council/Crime Victim Compensation Division, 925 Plum, Olympia, Washington, (206) 753-3487.

## Department of Labor and Industries.

These are basic rules aimed at assisting the department in administering the crime victim compensation program and at providing information to eligible victims and service providers. The rules will be easy for victims, their beneficiaries, and service providers to follow and understand.

These rules are not necessary to comply with a federal law or a federal or state court decision.

A small business economic impact statement is not attached. These rules impact people and will have no economic impact on small businesses.

## Chapter 296-30 WAC

## RULES ((AND REGULATIONS)) FOR THE ADMINISTRATION OF THE CRIME VICTIM COMPENSATION PROGRAM

## AMENDATORY SECTION (Amending Order 85-3, filed 1/15/85)

WAC 296-30-010 DEFINITIONS. Whenever used in these rules ((and regulations)), the following words ((shall have these meanings)) mean:

(1) "Innocent victim" means any person whose injury was not the direct, proximate result of his or her consenting to, provoking, or inciting the criminal act ((which)) that resulted in the injury.

(2) "Bodily injury" means any harmful or offensive touching, and ((is to)) includes severe emotional distress where no touching takes place when:

- (a) Claimant is not the object of the criminal act and:
  - (i) The distress is intentionally or recklessly inflicted;
  - (ii) The distress is inflicted by extreme or outrageous conduct;
  - (iii) The claimant has a reasonable apprehension of imminent bodily harm;
  - (iv) The claimant is in the immediate vicinity of the criminal act at the time the criminal act takes place.

(b) Claimant is the victim of the criminal act and:
 

- (i) The distress is intentionally inflicted;
- (ii) The distress is inflicted by outrageous or extreme conduct; and
- (iii) The claimant had a reasonable apprehension of imminent bodily harm.

(3) "Private insurance" means sources of recompense available by contract, such as life ((and/or)) disability insurance.

(4) "Public insurance" means any state or federal statutory welfare and insurance plan ((which provides recompense to)) that compensates victims or their beneficiaries as a result of the claimed injury or death. This does not include state, federal, or private deferred income retirement plans.

(5) The test used to define "the result of" as used in RCW 7.68.070 (3) (a) and (b) is two pronged. First, it must be determined that cause in fact exists, and second, it must then be determined that proximate cause exists.

(a) Cause in fact exists if "but for" the acts of the victim the ((injury producing)) crime that produced the injury would not have occurred.

(b) Proximate cause exists if, once cause in fact is found, it is determined that the acts of the victim:

- (i) Resulted in a foreseeable injury to the victim;
- (ii) Played a substantial role in the injury; and
- (iii) Were the direct cause of the injury.

(6) "Institutions maintained and operated by department of social and health services" ((shall)) means those institutions in which the department of social and health services assumes responsibility for medical coverage of the institution's residents.

(7) "Reasonable cooperation" generally exists when the claimant is:
 

- (a) Willing to talk to police and give information to aid in the investigation; and
- (b) Willing to assist in the prosecution of the alleged criminal.

(8) ((~~"First two hundred dollars" means that the claimant is not reimbursed for the first two hundred dollars of loss sustained and the claimant must suffer two hundred dollars in damages before she or he is eligible for benefits. The loss is the first \$200.00 of loss that is incurred by the claimant. If the \$200.00 includes both time loss and medical costs, the department will deduct the \$200.00 from the time loss. This provision does not apply to costs covered by RCW 7.68-170.~~)) A person is "unjustly enriched" within the meaning of RCW

7.68.070(15) when it would be deficient in justice and fairness, or inequitable, to allow that person to obtain, or have control of or access to, benefits or compensation paid as a result of an injury to a victim of crime.

## AMENDATORY SECTION (Amending Order 85-3, filed 1/15/85)

WAC 296-30-020 VEHICULAR ASSAULT AND VEHICULAR HOMICIDE. ((The Crime Victim's Act)) Chapter 7.68 RCW shall cover those people killed or injured as a result of a vehicular homicide or vehicular assault ((only)) that occurred after ((the)) July 24, 1983 ((effective date)) if there has been a conviction for the vehicular assault or vehicular homicide. Eligibility ((under this section)) occurs when the claimant's injury results in the assailant's conviction for vehicular assault or vehicular homicide, or when the claimant's injury is a direct result of the collision ((which)) that led to the vehicular assault or vehicular homicide conviction. The claimant's injury need not be the one ((which)) that led to the conviction.

## AMENDATORY SECTION (Amending Order 85-3, filed 1/15/85)

WAC 296-30-050 DISTRIBUTION OF THIRD PARTY RECOVERIES. (1) ((Prior to)) Before July, 1977. Any claimant who receives crime victim's benefits is required to ((fully)) reimburse fully the department for all benefits paid to the claimant under ((this act)) chapter 7.68 RCW if the claimant recovers damages from the person or persons who committed the criminal act. The reimbursement is limited to ((that)) the amount recovered by the victim.

(2) After July, 1977 and before April 1, 1980. Any claimant who receives crime victim's benefits is required to ((fully)) reimburse fully the department for all benefits paid to the claimant under ((this act)) chapter 7.68 RCW if the claimant recovers damages from any liable party. The reimbursement is limited to that amount recovered by the victim.

(3) An injury((?)) or death that occurred on or after April 1, 1980 ((and any)), for which recovery was made before July 24, 1983. This amendment incorporated the industrial insurance third party recovery statutes RCW 51.24.050((=100)) through 51.24.100 into ((the Crime Victim's Act)) chapter 7.68 RCW. The amendment changed the department's entitlement to reimbursement. For those victims injured or killed on or after April 1, 1980, and for which any recovery was made ((prior to)) before July 24, 1983, disbursement of ((any)) an award or settlement is as follows:

- (a) Reasonable attorney's fees.
- (b) Victim receives 25% of the balance.
- (c) The department shall receive the balance to the extent necessary to reimburse the department for benefits paid.
- (d) Any remaining balance is paid to the victim.
- (e) If any remaining balance is paid to the victim, no further crime victim benefits will be paid to the victim until the amount of benefits she or he continued to be eligible for equals the remaining balance paid at the time of settlement or award.

(4) Recoveries made on or after July 24, 1983. This ((section)) sub-section applies to all claimants who receive an award or settlement from a liable third party on or after July 24, 1983. These awards shall be disbursed as follows:

- (a) Costs and reasonable attorney's fees paid proportionately by the victim and the department.
- (b) Victim then receives 25% of the balance.
- (c) Department receives the balance to the extent necessary to reimburse the department for its lien minus its share of attorney's fees.
- (d) Any remaining balance goes to the victim.
- (e) The department may compromise its lien for injuries ((which)) that were sustained on or after April 1, 1980.

(5) Steps for determining proportionate attorney's fees:

- (a) Determine the amount of the settlement((?)) or award obtained by the claimant.
- (b) Determine attorney's fees and costs.
- (c) For an open claim, determine the amount of the department's lien at the time of settlement((?)) or award. If the claim is closed at the time of the recovery, determine the claimant's full entitlement from the department.

(6) Calculate what percent of the total recovery equals the department's lien for open cases, and the claimant's entitlement for closed claims. This percent is the department's proportionate share.

((Ex:))	\$1,000	Recovery:
	\$-200	Attorney's fees and costs:



\$ 100 Department lien.  
~~\$ 20 Department's proportionate share of attorney's fees and costs.~~  
 \$ 100 Equals 10% of the total recovery, thus the department's proportionate share of attorney's fees and costs is 10%.)

Ex. in a nondeficiency judgment

\$ 1,000	Gross recovery
\$ 200	Attorney fees
\$ 100	Entitlement or claim costs
\$ 20	Department's proportionate share of attorney's fees and costs. The \$100 claim costs equals 10% of the total recovery. Thus, the department's proportionate share of attorney's fees are equal to 10% of \$200 or \$20

Ex. in deficiency judgments/recoveries

\$ 1,000	Gross recovery
\$ 200	Attorney fees
\$ 2,000	Claim costs
\$ 1,000	
\$ -200	Attorney fees
\$ 800	Claimant receives 25% of this figure = 200
\$ -200	Claimant 25% share
\$ 600	Balance remaining goes to the department and is used to determine if settlement/judgment is deficient. If this balance is deficient, as it is here, this figure is used to calculate the department's proportionate share of attorney's fees and costs.
60%	Department percent of attorney fees (\$6.00 = 60% of \$1,000 recovery)
\$ 120	Department's share of attorney fees
\$ +200	Claimant's 25% share
\$ 320	Claimant's total recovery
\$ 600	Balance
\$ -120	Attorney fees, department
\$ 480	Department's recovery

(7) Once the claim is closed, the department shall reexamine its proportionate share. If the claimant's final entitlement is greater than the amount of the department's lien at the time of recovery, the department shall reimburse the claimant for the department's increased percentage of the attorney's fees and costs.

Ex.:	\$ 1,000	Recovery.
	\$ 200	Attorney's fees and costs.
	\$ 100	Department's lien at time of recovery.
	\$ 20	Attorney's fees and costs paid at time of recovery.
	\$ 500	Claimant's total entitlement (50% of total recovery).
	\$ 100	Department's full proportionate share of attorney's fees and costs (50%, that amount determined by the claimant's entitlement).
	\$ 80	The amount that the department must reimburse the claimant for attorney's fees and costs.

AMENDATORY SECTION (Amending Order 85-3, filed 1/15/85)

WAC 296-30-060 REQUIREMENT TO REPORT CRIMINAL ACTS. (1) The following are examples under which the seventy-two hour reporting requirement in RCW 7.68.060(2) (~~with~~) may be tolled:

- (a) Unconsciousness or coma of victim.
- (b) Youth of victim (because of age the victim is unaware that a crime has been committed against her).
- (c) Rape trauma syndrome.

(d) A report of an assault against a child made to children's protective services when (~~such~~) the report is made within seventy-two hours of when it reasonably could have been made.

(2) This list is not and should not be considered exhaustive but is for illustrative purposes.

AMENDATORY SECTION (Amending Order 85-3, filed 1/15/85)

WAC 296-30-080 (~~(MEDICAL AID)~~) COUNSELING FOR SEXUAL ASSAULT. (~~(RCW 7.68.080 is hereby interpreted to allow treatment as follows:)~~)

(1) Pursuant to RCW 7.68.070(12), the department shall pay for counseling for victims of sexual assault and, when appropriate, for members of a victim's immediate family. An immediate family member shall be defined as the victim's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family and who hold themselves out as a family unit.

(2) Counseling for the above defined family members is appropriate when:

(a) The counseling is for the spouse, child, parent, or sibling of the victim who suffers psychological trauma as a result of the sexual assault; or

(b) The family member and victim live in the same household and the family member suffers psychological trauma as a result of the sexual assault; or

(c) The family member sees the assault; or

(d) Counseling of the family member will aid in the victim's recovery.

(3) Evaluation and counseling must be done by a counselor with a MSW or equivalent degree (~~(in a related discipline)~~), a PhD psychologist, or a psychiatrist. The fee for an MSW or equivalent degree for 45-50 minutes(±) with report . . . . 40 units.

NEW SECTION

WAC 296-30-081 ACCEPTANCE OF RULES AND FEES. Providing medical or counseling services to an injured crime victim whose claim for crime victims benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those fees contained in WAC 296-21-010 through 296-23-9408 and in WAC 296-30-080 less any available benefits of public or private collateral resources.

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined.

If the medical provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid that are in excess of the amounts that the victim is entitled to from public or private insurers, and bill the department for services rendered at fee schedule rates if such rates are in excess of the public or private insurance entitlements.

NEW SECTION

WAC 296-30-120 FACTORS CONSIDERED IN ORDER TO MODIFY DEBT DUE DEPARTMENT. RCW 7.68.120 allows the department in the interest of justice or rehabilitation, to waive, modify, or adjust the debt owed to the department by any person found to have committed the criminal act for which crime victim benefits were paid. To determine whether or not the debt should be modified, waived or adjusted, the department shall consider the following factors:

- (1) The gravity of the offense;
- (2) Extent of injury to victim;
- (3) Type of crime;
- (4) circumstances surrounding the criminal act;
- (5) The assailant's attempts at rehabilitation:
  - (a) Rehabilitation program involvement;
  - (b) Employment efforts;
  - (c) Community involvement;
- (6) Ability to pay:
  - (a) Income;
  - (b) Necessary expenses;
  - (c) Number and ages of dependents;
- (7) Sentence imposed by the court.

AMENDATORY SECTION (Amending Order 85-3, filed 1/15/85)

WAC 296-30-130 LUMP SUM BENEFITS. (1) Lump sum benefits paid to the survivor(s) of an unemployed victim (~~(with)~~ shall be paid on a monthly basis if the survivor(s) is entitled to private or public death benefits. The death benefit payments (~~(with)~~ shall be deducted each month from the crime victim's death benefits. Crime victim's benefit payments (~~(with)~~ shall continue until the combined public or private death benefits and the crime victim's death benefits equal the total amount that the survivor(s) is eligible for under (~~the Crime Victim's Act~~) chapter 7.68 RCW.

(2) The amount of the monthly payments (~~(with be)~~ is based on the state's average monthly wage and (~~(with be)~~ are determined by the percentages established in RCW 51.32.050.

(3) This lump sum payment (~~(with)~~ shall be adjusted upward by a factor of 8% to reflect the present and future value of the money.

(4) The survivor(s) of an employed victim are entitled to a maximum of ten thousand dollars in death benefits. These benefits (~~(with)~~ shall be paid in the same manner as the benefits paid to the survivor(s) of an unemployed victim except that the monthly rate shall be determined by the deceased's regular rate of pay.

(5) This procedure was adopted to ensure equal treatment of survivor(s) in like circumstances.

AMENDATORY SECTION (Amending Order 85-3, filed 1/15/85)

WAC 296-30-170 PAYMENT FOR MEDICAL (~~BENEFITS~~) EXAMINATION OF VICTIMS OF SEXUAL ASSAULT. (~~(+)~~ A victim(s) of sexual assault (~~(shall be)~~ is entitled to (~~benefits under this statute~~) payment for the costs of a medical examination under RCW 7.68.170 regardless of whether she or he qualifies for benefits under (~~this act, provided;~~) chapter 7.68 RCW, if the hospital or emergency medical facility proves to the department that:

~~((a))~~ (1) The care was provided;

~~((b) The victim was not bitten;)~~ and

~~((c))~~ (2) The examination was performed (~~for the purpose of gathering~~) at least in part to gather medical evidence for possible prosecution of the assailant.

NEW SECTION

WAC 296-30-180 PAYMENT OF BENEFITS TO PREVENT UNJUST ENRICHMENT. RCW 7.68.070(15) prohibits the department from paying any benefits or compensation to the person who caused a crime victims injuries, or to any other person if that person would be unjustly enriched by the benefits. In some situations, as when a child is injured by a parent or a spouse by the other spouse, there is a danger that the injuring person will divert to her own use the benefits or compensation intended for the victim.

To prevent this possibility, the department may on its own motion or the motion of the victim or his or her guardian, request that the victim or other responsible adult establish (1) a trust for which the trustee shall be a neutral third person; or (2) a savings or checking account for which a neutral third person must cosign all withdrawals or checks. Crime victims compensation benefits shall then be deposited in the established account.

The department shall continue to pay medical providers directly.

**WSR 85-21-086**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 23, 1985]

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 chapter 296-310 WAC, farm labor contracting rules. The rules: Describe the procedures for applying for and renewing farm labor contracting licenses; specify the requirements for a license to transport agricultural employees; set the amount of the contractor's bond and license fees; and specify when a

license may be denied, revoked, or suspended. The rules describe the procedures for filing complaints. They specify how the Department of Labor and Industries shall notify violators of a violation of the law, and describe the procedures for appeal of the notice of violation and of the hearing on appeal. The rules also clarify the law's provisions for filing suit against a contractor and for collecting judgments. Finally, WAC 296-310-240 sets the civil penalties the department will impose for violations of the law;

that the agency will at 1:00 p.m., Tuesday, November 26, 1985, in the Small Conference Room, First Floor, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 2, 1985.

The authority under which these rules are proposed is RCW 19.30.130.

The specific statute these rules are intended to implement is RCW 19.30.020, 19.30.050, 19.30.060, 19.30.\_\_\_\_ (section 12, chapter 280, Laws of 1985), 19.30.\_\_\_\_ (section 15, chapter 280, Laws of 1985) and 19.30.\_\_\_\_ (section 16, chapter 280, Laws of 1985).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Written or oral comments 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 hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the 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:

Dan Hainline, Program Manager  
 ESAC Division  
 Department of Labor and Industries  
 General Administration Building, AX-31r  
 Olympia, Washington 98504  
 (206) 753-3474

Dated: October 23, 1985

By: Richard Davis  
 Director

**STATEMENT OF PURPOSE**

Title and Number of Rule: New chapter 296-310 WAC, Farm labor contracting rules.

Statutory Authority: RCW 19.30.130.

Specific Statute that the Rules are Intended to Implement: RCW 19.30.020, 19.30.050, 19.30.060, 19.30.\_\_\_\_ (section 12, chapter 280, Laws of 1985), 19.30.\_\_\_\_ (section 15, chapter 280, Laws of 1985) and 19.30.\_\_\_\_ (section 16, chapter 280, Laws of 1985).

Summary of the Rules: New chapter 296-310 WAC, Farm labor contracting rules. The rules: Describe the procedures for applying for and renewing farm labor

contracting licenses; specify the requirements for a license to transport agricultural employees; set the amount of the contractor's bond and license fees; and specify when a license may be denied, revoked, or suspended. The rules describe the procedures for filing complaints. They specify how the Department of Labor and Industries shall notify violators of a violation of the law, and describe the procedures for appeal of the notice of violation and of the hearing on appeal. The rules also clarify the law's provisions for filing suit against a contractor and for collecting judgments. Finally, WAC 296-310-240 sets the civil penalties the department will impose for violations of the law.

**Reasons Supporting the Proposed Rules:** The farm labor contracting law, chapter 19.30 RCW, was amended by chapter 280, Laws of 1985. The law now requires a farm labor contractor to obtain a surety bond and insurance. The department is granted expanded powers to enforce the law and to act on behalf of injured employees. The department currently has no rules establishing the procedures for implementing the farm labor contracting law. The increased complexity of, and the greater authority given to the department, by chapter 280, Laws of 1985, requires the new rules to ensure that all persons affected by the law have notice of the procedures.

**Agency Personnel Responsible for Drafting:** Dan Hainline, Program Manager, ESAC Division, Department of Labor and Industries, General Administration Building, AX-31r, Olympia, Washington, (206) 753-3474; **Implementation and Enforcement:** Don Anderson, Assistant Director, ESAC Division, Department of Labor and Industries, General Administration Building, AX-31r, Olympia, Washington, (206) 753-6311.

**Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule:** Department of Labor and Industries.

**Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule:** These are basic rules that will not be difficult or expensive for the contractors who must comply with them. The application procedures have been designed to be as simple as the law allows, and the hearing procedures follow the uniform procedure rules in chapter 1-08 WAC.

The rule is 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:** See chapter 280, Laws of 1985, which amended chapter 19.30 RCW. The new law greatly expands the protections offered by the law.

No small business economic impact statement is required. The economic impact of the rules comes from the license fee and the bond requirement. The minimum license fee is set by statute and the rules follow the statutory minimum. The bond amount is graduated so that larger contractors need a larger bond.

#### NEW SECTION

WAC 296-310-010 DEFINITIONS. For the purposes of this chapter:

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Bonded contractor" means a contractor who obtained a surety bond in order to comply with RCW 19.30.030(5).

(4) "Contractor" means a farm labor contractor.

(5) "Department" means the department of labor and industries.

(6) "Director" means the director of the department of labor and industries.

(7) "Employee" means an agricultural employee.

(8) "Farm labor contractor" means any person, or his or her agent or subcontractor, who, for a fee, performs any farm labor contracting activity.

(9) "License" means a farm labor contractor license.

(10) "Secured contractor" means a contractor who assigned a savings account to, or deposited cash or other security with, the department in order to comply with RCW 19.30.030(5).

(11) "Security" means a savings account assigned to, or cash or other security deposited with, the department.

#### NEW SECTION

WAC 296-310-020 APPLICATION FOR INITIAL AND RENEWED LICENSES. (1) To obtain a license, a contractor must:

(a) Complete an application for a license;

(b) Provide the information required by RCW 19.30.030(1), (6), and (7);

(c) Obtain a surety bond or provide other acceptable security to the department. If the contractor obtains a bond, it must submit the original bond to the department;

(d) Obtain insurance and supply the information required by WAC 296-310-040(2) if the contractor seeks a license to transport workers; and

(e) Pay the fee set by WAC 296-310-060.

(2) The department shall send a renewal notice to the contractor's last recorded address at least forty-five days before the contractor's license expires. The contractor may renew its license if it submits the renewal notice and provides the materials required in subsection (1)(b), (c), (d) if appropriate, and (e) of this section.

(3) The contractor must submit all materials to the department in one package. Each of the materials must name the contractor exactly as it is named on the application for license or the renewal notice. If the contractor is renewing its license, each of the materials must include the contractor's license number. If any of the materials are missing, do not properly name the contractor, or do not include the license number, the department shall refuse to license or renew the license of the contractor.

(4) The bond and the insurance policy must expire no sooner than the expiration date of the license for which the contractor has applied.

(5) Applications for issuance or renewal of a license must be sent to:

Department of Labor and Industries  
ESAC Division  
General Administration Building  
Olympia WA 98504

#### NEW SECTION

WAC 296-310-030 DENIAL OF LICENSE. (1) The department may refuse to issue or renew a license for the reasons listed in RCW 19.30.050 and 19.30.060. If the department refuses a license for any of these reasons, it shall serve on the contractor a notice of denial of license. The notice of denial of license shall:

(a) Describe concisely the ground for denial of the license; and

(b) Specify the statutory authority for the denial.

The notice of denial shall inform the contractor that it may request a hearing pursuant to WAC 296-310-160 on the denial. The notice shall specify that if no hearing is requested within thirty days of the

date of issuance of the notice the director shall issue a final, unappealable order denying the license.

(2) The department also may refuse to issue a license to or renew the license of a contractor who fails to comply with WAC 296-310-020. The department shall inform the contractor of the problem either in writing or, if appropriate, orally. Because compliance with WAC 296-310-020 involves technical requirements that are entirely within the control of the contractor, no hearing shall be granted on a failure to comply.

#### NEW SECTION

**WAC 296-310-040 REQUIREMENTS FOR A LICENSE TO TRANSPORT EMPLOYEES.** (1) A contractor who intends to transport employees must obtain liability insurance. The department shall require public liability and property damage insurance that provides coverage, for each single occurrence and for each vehicle used to transport employees, in the following minimum amounts:

- (a) \$50,000 for injury or damage to property;
- (b) \$100,000 for injury or damage, including death, to any one person; and
- (c) \$500,000 for injury or damage, including death, to more than one person.

(2) The contractor must also provide to the department evidence of the insurance policy or policies.

#### NEW SECTION

**WAC 296-310-050 AMOUNT OF BOND OR SECURITY.** (1) A contractor must provide a bond or security in the following minimum amount:

- (a) If the contractor employs or intends to employ:
  - (i) From one to ten employees: \$5,000
  - (ii) From eleven to fifty employees: \$10,000
  - (iii) From fifty-one to one hundred employees: \$15,000
  - (iv) Over one hundred employees: \$20,000
- (b) If the contractor does not employ agricultural employees, but only recruits, solicits, supplies, transports, or hires employees for another person, and that person takes complete responsibility for payment of wages to the employees, the contractor shall obtain a \$5,000 bond or other security.

(2) If the contractor obtains a two-year license, the bond or security shall be twice the minimum amounts stated in subsection (1) of this section.

(3) The department may order the contractor to obtain a bond or security for an amount greater than the minimums set by subsections (1) and (2) of this section if the security or bond is insufficient to satisfy the contractor's potential liability for the license period. If the department determines that an increased bond is necessary, it shall serve on the contractor a notice to increase bond or security. The notice shall:

- (a) Describe concisely the reasons an increase in the bond or security is necessary;
- (b) Specify the statutory authority for the required increase; and
- (c) Grant the contractor thirty days from the date of issuance of the notice to obtain and provide to the department the increased bond or security.

The notice shall inform the contractor that it may request a hearing pursuant to WAC 296-310-160 on the order to increase the bond or security. The notice shall specify that if no hearing is requested within thirty days of the date of issuance of the notice the director shall issue a final, unappealable order requiring the contractor to submit the increased bond or security. The notice shall also specify that, if the contractor neither appeals nor obtains the increased bond or security within the thirty days, the department shall suspend the contractor's license.

(4) If the director issues a final, unappealed decision raising the amount of the bond or security, the raised amount shall be required for all license periods after the date of issuance of the final decision unless the decision specifically states otherwise. A contractor may, if the circumstances that led to the increased amount change, file with the department a written petition to lower the amount. The petition shall specify the grounds that justify a lowering of the bond or security. The department shall investigate the petition and shall issue a new notice stating its decision on the bond amount. The contractor, if aggrieved, may appeal this new notice as provided in subsection (3) of this section.

#### NEW SECTION

**WAC 296-310-060 FEES.** (1) The fee for a one-year license is:

- (a) For a contractor engaged in forestation or reforestation: \$100.00
  - (b) For all other contractors: \$35.00
- (2) The fee for a two year license is:
- (a) For a contractor engaged in forestation or reforestation: \$200.00
  - (b) For all other contractors: \$70.00

#### NEW SECTION

**WAC 296-310-070 DUPLICATE LICENSES.** If a contractor loses its license, or if the license is stolen or destroyed, the contractor may obtain a duplicate license upon application to the department. The application must specify the reason a duplicate is necessary.

The duplicate license shall be stamped prominently with the word "duplicate." A new contractor license number shall be supplied to the contractor.

#### NEW SECTION

**WAC 296-310-080 LENGTH OF LICENSE PERIOD.** A contractor who is obtaining its initial license shall be licensed for one year only. A contractor who is renewing its license may choose to obtain either a one-year or two-year license, unless the department informs the contractor that it may obtain only a one-year license.

All one-year licenses shall expire on December 31 of the year of issuance. All two-year licenses shall expire on December 31 of the year following the year of issuance.

#### NEW SECTION

**WAC 296-310-090 CHANGE IN BUSINESS STRUCTURE, NAME, ADDRESS, OR NUMBER OF EMPLOYEES.** (1) If a contractor changes its business structure (for example, if it changes from a partnership to a corporation, or if the partners in a partnership change), the contractor must apply for a new license in the manner required by WAC 296-310-020. If a contractor does not obtain a new license after a change in its business structure, its previous license may be invalid.

(2) If a contractor changes its name or address, it must notify the department within ten days.

(3) If a contractor begins employing agricultural employees, or increases the number of its employees, so that the bond or security is insufficient for that number of employees, the contractor must obtain a new bond or security in the amount required by WAC 296-310-050 and submit it to the department. The department need not issue a notice to increase the amount of bond or security in this situation.

#### NEW SECTION

**WAC 296-310-100 CANCELLATION OF INSURANCE OR BOND.** (1) No surety company may cancel any bond issued to a contractor pursuant to RCW 19.30.040, unless the contractor previously submits another bond or other security, for the same amount, that covers the contractor's liability for the same period as that for the bond that is to be cancelled.

(2) A cancellation of a surety bond or insurance policy is effective thirty days after the department receives the cancellation notice, if the cancellation notice contains the following information:

- (a) The name of the contractor, exactly as it appears on the contractor's license;
- (b) The contractor's license number;
- (c) The contractor's business address;
- (d) The number of the bond or insurance policy that is to be cancelled;
- (e) The effective date of the bond or insurance policy that is to be cancelled; and

(f) If the cancellation is of a surety bond, a certification that the contractor has previously obtained and submitted to the department a new bond or other security as required by subsection (1) of this section.

(3) To help the department process cancellations, the information in subsection (2) of this section should be provided in the order shown.

(4) The insurance and bonding companies should send cancellation notices to the department by certified or registered mail.

**NEW SECTION**

**WAC 296-310-110 REFUND OF SECURITY DEPOSITED WITH THE DEPARTMENT.** (1) If a contractor is secured, the department shall release its interest in the security three years after the contractor's last license expired. The department shall not release its interest, however, if an unsatisfied judgment or claim is outstanding against the contractor.

(2) The department shall in any case release its interest in the security if the contractor provides a surety bond in the same amount that covers all of the periods in which the contractor was licensed for the previous three years, plus for the contractor's current license period if applicable.

**NEW SECTION**

**WAC 296-310-120 REVOCATION OR SUSPENSION OF LICENSE.** (1) The department may revoke a contractor's license for the reasons listed in RCW 19.30.050(1) and 19.30.060. If the department revokes a license, it shall serve on the contractor a notice of revocation. The notice of revocation shall:

- (a) Describe concisely the ground for the revocation; and
- (b) Specify the statutory authority for the revocation.

The notice of revocation shall inform the contractor that it may request a hearing on the revocation. The notice shall specify that if no hearing is requested within thirty days after the date of issuance of the notice, the director shall issue a final, unappealable order revoking the contractor's license. The hearing may be requested pursuant to WAC 296-310-160.

(2) A contractor is entitled to retain its license only if it remains in compliance with the bonding and insurance requirements of RCW 19.30.030 and 19.30.040. If a contractor's surety bond or other security is impaired or becomes insufficient, the contractor's insurance policy is cancelled, or the contractor transports employees without insurance, the department shall suspend the contractor's license until the contractor obtains a new bond, other security, or insurance policy, eliminates the impairment to the bond or security, or ceases to transport workers. The contractor may not do business while its license is suspended.

The department shall inform the contractor in writing of the suspension and of the steps the contractor must take to remove the suspension. The contractor may not appeal a suspension of licensing.

**NEW SECTION**

**WAC 296-310-130 SUBMISSION OF COMPLAINT.** Any person may submit to the department a complaint alleging a violation of chapter 19.30 RCW or challenging an application for a license. The complaint must describe the alleged violation or ground for denying a license, and must identify the alleged violator or applicant. It would aid the department's investigation if the complaint also specifies:

- (1) The name and address of the complainant; and
- (2) The address of the alleged violator or applicant.

**NEW SECTION**

**WAC 296-310-140 INVESTIGATION OF COMPLAINT.** The department shall investigate a complaint unless the complaint was submitted more than three years after the date of the alleged violation. The department shall not investigate any complaint filed more than three years after the date of the violation.

**NEW SECTION**

**WAC 296-310-150 NOTICE OF VIOLATION.** (1) If the department determines that there is reasonable cause to believe that chapter 19.30 RCW has been violated, the department shall serve on the violator a notice of violation. The notice of violation shall:

- (a) Describe concisely the violation;
- (b) Specify which statute was violated;
- (c) If known, identify the employees who were affected by the violation;
- (d) If known and applicable, state the amount of unpaid wages or damages the violator owes;
- (e) State the penalty, if any, the department will assess for the violation; and
- (f) State whether the contractor's license is being revoked as a result of the violation.

(2) If the notice alleges that the contractor owes unpaid wages or damages, the department shall serve a copy of the notice of violation on the violator's surety bond company.

(3) The notice of violation shall inform the violator and, if applicable, its surety that they may request a hearing on the violation, the amount of unpaid wages or damages owed, or the penalty assessed. The notice shall specify that if no hearing is requested within thirty days after the date the notice was issued the director shall issue a final, unappealable order finding that the violation did occur, ordering the violator to pay any unpaid wages or damages, and assessing penalties.

**NEW SECTION**

**WAC 296-310-160 APPEAL OF NOTICES.** (1) The contractor or violator, or the violator's surety if the surety has an interest in the matter, may request a hearing on the matter asserted in a notice of denial of license, a notice of revocation, a notice of increased bond amount, or a notice of violation. One original and four copies of the request must be filed with the director within thirty days after the date the department issued the notice. A party requesting a hearing on a notice of violation must also serve a copy of the request on the surety or the violator as appropriate.

(2) The request for hearing must be in writing and must specify:

- (a) The name and address of the party requesting the hearing;
- (b) The name and date of issuance of the notice that is being appealed;
- (c) The matters contained in the notice that the requestor believes are erroneous;
- (d) The reasons the notice is erroneous; and
- (e) If a surety is appealing a notice of violation, the name and address of the violating contractor.

**NEW SECTION**

**WAC 296-310-170 HEARING ON APPEAL OF NOTICE.** (1) The director may hear an appeal personally or may delegate the authority to hold the hearing and draft a proposed decision to an administrative law judge pursuant to chapter 34.12 RCW. The plaintiff at the hearing shall be the department and the defendants shall be the contractor or the violator and its surety. The department shall have the burden of proving, by a preponderance of the evidence, that the matters stated in the notice occurred.

(2) Any person who has standing may, upon motion, be allowed to intervene as a plaintiff in a hearing on a notice of violation. Any interested person, whether or not admitted as a plaintiff, may submit written arguments and affidavits in any hearing.

(3) The hearing shall be conducted in accordance with the Uniform Procedure Rules, chapter 1-08 WAC.

(4) If the director presides over the hearing, the director shall issue a final decision that includes findings of fact and conclusions of law and, if appropriate for a violation, an order to pay unpaid wages, damages, or a penalty.

(5) If an administrative law judge presides over the hearing, she or he shall issue a proposed decision that includes findings of fact and conclusions of law and, if appropriate for a violation, an order to pay unpaid wages, damages, or a penalty. The proposed decision shall be served on the contractor or the violator and its surety, the department, and any persons who have intervened as plaintiffs. Any of these parties, if aggrieved by the proposed decision, may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts. A copy of the proposed decision shall also be mailed to all persons who submitted written arguments or affidavits at the hearing.

(6) An appellant must file with the director an original and four copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director shall review the proposed decision in accordance with the Administrative Procedure Act, chapter 34.04 RCW. The director may: Require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a department

employee to prepare a summary of the record for the department to review. The director may allow the parties to present oral arguments as well as the written arguments. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director shall serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to RCW 34.04.130 unless the final decision affirms an unappealed proposed decision. If no party appeals within the period set by RCW 34.04.130, the director's decision is conclusive and binding on all parties. The director shall also mail a copy of the final decision to all persons who submitted written arguments or affidavits at the hearing.

#### NEW SECTION

**WAC 296-310-180 EFFECT OF FINAL DECISION.** If the director issues a final decision that includes a finding that a violator owes unpaid wages or damages, and the finding is not appealed or is affirmed by the courts, the finding and the decision are res judicata in any action by the department, or by any other person who was a plaintiff at the hearing, against the violator and its surety to recover the unpaid wages or damages. The finding and decision are not res judicata in any action by a person who was not a party at the hearing.

#### NEW SECTION

**WAC 296-310-190 SUIT BY DEPARTMENT FOR UNPAID WAGES OR DAMAGES.** (1) RCW 19.30— (4) (section 15, chapter 280, Laws of 1985) authorizes the department to sue a violator and its surety on behalf of an employee to recover unpaid wages and other damages. The department is not required to bring suit and, in its sole discretion, may decide not to do so in any case. The department also shall not sue on behalf of any employee who has already brought a suit against the violator and its surety in the matter.

(2) The department may file a suit against the violator and its surety at any time and without regard to whether administrative proceedings have been exhausted.

(3) The department may include in any suit a request for an injunction against the violator.

#### NEW SECTION

**WAC 296-310-200 PROCEDURES FOR FILING SUIT AGAINST A CONTRACTOR.** (1) A suit against a contractor and its bond or security for unpaid wages or damages may be brought in any court with jurisdiction. The venue may be in the county in which the claim arose, or in which either the damaged person or the defendant resides.

(2) When a contractor is sued, the plaintiff must serve the summons and complaint on the contractor and its surety by serving three copies of the summons and complaint by certified or registered mail on the department. The department shall not accept personal service of the summons and complaint.

(3) The department may be unable to process a summons and complaint if the summons and complaint do not contain the following information:

- (a) The contractor's name exactly as it appears on the contractor's license;
- (b) The contractor's business address;
- (c) The names of the owners, partners, or officers of the contractor; and
- (d) The contractor's license number.

If the suit names a surety as a defendant, the summons and complaint should also include:

- (e) The name and address of the surety that issued the contractor's bond;
- (f) The bond number; and
- (g) The effective date of the bond.

If the information is insufficient for the department to identify the contractor or surety that is being sued, the department shall not attempt to serve the summons and complaint and shall return them to the plaintiff.

#### NEW SECTION

**WAC 296-310-210 COLLECTION OF JUDGMENTS.** (1) If a contractor is secured, a plaintiff who has received a final judgment against a contractor may satisfy the judgment out of the security held by the department.

(2) The department shall satisfy a final judgment if the plaintiff serves on the department three certified copies of the unsatisfied judgment. The plaintiff must include the following information with the copies of the judgment:

- (a) The name of the contractor, exactly as it appears on the contractor's license;
- (b) The contractor's business address;
- (c) The names of the owners, partners, or officers of the contractor;
- (d) The contractor's license number; and
- (e) The exact amount of the judgment awarded by the court, including attorney's fees and interest.

If the department does not receive sufficient information to enable it to pay the judgment, it shall inform the plaintiff that more information is needed.

(3) If a contractor is bonded, a plaintiff can satisfy a final judgment only against the contractor or the bonding company. The department can neither satisfy the judgment nor, unless the department itself is the plaintiff, force the contractor or the bonding company to pay the judgment. The plaintiff must join the bonding company in the suit if it wants the bonding company to pay the judgment.

#### NEW SECTION

**WAC 296-310-220 PRIORITY FOR PAYMENT OF JUDGMENTS.** RCW 19.30— (section 16, chapter 280, Laws of 1985) contains two different provisions for priority in paying judgments from the contractor's bond or security.

(1) If a contractor is secured, the department shall satisfy final judgments against the contractor in the order the department receives the judgments.

(2) If a contractor is bonded, claims for unpaid wages and benefits are satisfied first, claims for damages are satisfied second, and claims for costs and attorney's fees are satisfied last. No claim in a lesser category may be satisfied until all pending claims in the preceding categories are satisfied, unless the total amount of all pending claims in the preceding categories is less than the amount of the bond that remains unimpaired.

#### NEW SECTION

**WAC 296-310-230 CIVIL PENALTIES.** (1) In determining the amount of any civil penalty to be imposed under RCW 19.30— (section 15, chapter 280, Laws of 1985) the department shall consider the following factors:

- (a) Previous violations by the violator;
  - (b) The history of the violator in taking all necessary measures to prevent or correct violations;
  - (c) The magnitude and seriousness of the violation;
  - (d) The remedial purpose of chapter 19.30 RCW;
  - (e) Any mitigating circumstances; and
  - (f) Any other factors the department considers relevant.
- (2) It is the violator's responsibility to inform the department of mitigating evidence.

(3) The penalties for acting as a contractor without a license, or for transporting employees without an endorsement to do so, are:

- (a) Up to \$500 for the first violation;
- (b) Up to \$750 for the second violation; and
- (c) Up to \$1000 for the third and any further violations.

#### NEW SECTION

**WAC 296-310-240 ADJUSTMENT OF CONTROVERSIES.** (1) Upon receipt of a complaint or on its own motion, the department shall attempt to adjust equitably a controversy between a contractor and its employees.

(2) No particular form of proceeding is necessary for resolving disputes. The supervisor of employment standards shall, in each case, use his or her best judgment in designing a procedure. However, in every case in which the supervisor determines that a hearing should be held, the supervisor shall notify the affected persons, or their representatives, of the time, date, place, and purpose of the hearing.

(3) A hearing shall be informal and shall not be subject to chapter 34.04 RCW. The supervisor's suggestions for resolution are advisory and not binding, and may not be appealed to any person or court.

(4) The director may delegate the resolution of any particular case to a person other than the supervisor of employment standards. That person shall have the same authority as the supervisor to determine the form of the proceeding.

**NEW SECTION**

WAC 296-310-250 FILING AND SERVICE. All papers required to be filed with the director under this chapter or chapter 19.30 RCW shall be addressed to Director, Department of Labor and Industries, General Administration Building, Olympia, WA 98504.

Filing and service may be made as provided in WAC 1-08-090 through 1-08-140.

**NEW SECTION**

WAC 296-310-260 LIABILITY OF PERSON WHO USES SERVICES OF UNLICENSED CONTRACTOR. (1) A person who knowingly uses the services of an unlicensed contractor is liable for unpaid wages, damages, and civil and criminal penalties to the same extent as the unlicensed contractor.

(2) Pursuant to RCW 19.30.— (section 14, chapter 280, Laws of 1985), a person may prove lack of knowledge by proving that she or he relied on a license issued by the department under chapter 19.30 RCW, or upon the department's representation that the contractor was licensed. The department shall not make oral representations that a contractor is or is not licensed. All representations by the department that a contractor is licensed shall be made in writing and shall be signed by the director or the employment standards supervisor or the assistant director. The department shall not accept reliance on a supposed oral representation as proof in any administrative enforcement proceeding.

**NEW SECTION**

WAC 296-310-270 INSPECTION OF RECORDS. A contractor or any person using a contractor's services shall allow a representative of the department to inspect at any reasonable time the records it is required to keep by chapter 19.30 RCW.

**WSR 85-21-087**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF REVENUE**

[Filed October 23, 1985]

The Department of Revenue hereby withdraws the notice of intent to adopt, amend, or repeal rules, concerning WAC 458-40-19110, Forest land values—1986, filed on October 11, 1985, WSR 85-21-037.

The aforementioned 1986 forest land values were incorrect due to an error in the average stumpage value calculation for the period July 1, 1980, through June 30, 1985.

Trevor W. Thompson  
Director, Property Tax

**WSR 85-21-088**

**PROPOSED RULES  
DEPARTMENT OF REVENUE**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning Forest land values—1986, WAC 458-40-19110;

that the agency will at 10:00 a.m., Wednesday, November 27, 1985, in the Conference Room, 6004 Capitol Way Building, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 84.33.120.

The specific statute these rules are intended to implement is RCW 84.33.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Wednesday, November 27, 1985.

Dated: October 23, 1985

By: Trevor W. Thompson  
Director, Property Tax

**STATEMENT OF PURPOSE**

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: WAC 458-40-19110 Forest land values—1986.

Purpose: To establish the forest land values for each grade of bare forest land on the basis of its use only for growing and harvesting timber.

Statutory Authority: RCW 84.33.120 directs the Department of Revenue prior to January 1 of each year to determine forest land values and to certify such values to the county assessors.

Summary and Reasons for the Rule: The rule sets out the procedure for determining the per acre dollar value of forest land annually and giving consideration to land quality (land quality grades 1 through 8, and operability classes 1 through 4 for each land qualities 1 through 7) with a uniform valuation system throughout the state.

Drafters of the Rule: John Conklin, (206) 753-2871, and Bill Derkland, (206) 753-1359, 6004 Capitol Way Building, Olympia, WA 98504; Rule Implementation and Enforcement: Matthew Coyle, Acting Director of Revenue, Room 145, General Administration Building, Olympia, WA 98504, (206) 753-5574.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

**NEW SECTION**

WAC 458-40-19110 FOREST LAND VALUES—1986. The forest land values, per acre, for each grade of forest land for the 1986 assessment year are determined to be as follows:

1986 WASHINGTON FOREST LAND VALUES		
LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$148
	2	143
	3	137
	4	100
2	1	124
	2	120
	3	116
	4	84

Dated: October 23, 1985

By: L. H. Pedersen  
Chairman

1986  
WASHINGTON FOREST LAND VALUES

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
3	1	98
	2	95
	3	91
	4	70
4	1	74
	2	72
	3	70
	4	55
5	1	54
	2	50
	3	48
	4	32
6	1	27
	2	26
	3	26
	4	24
7	1	13
	2	13
	3	12
	4	12
8		1

STATEMENT OF PURPOSE

Title: WAC 314-24-110 Domestic wineries, wine wholesalers, wine importers—Monthly reports—Bonds required—Payment of tax; and 314-24-220 Licensing and operation of bonded wine warehouses.

Description of Purpose: WAC 314-24-110, to properly reflect the total amount of the wine tax including the surcharge in RCW 82.02.030; and to make the wine tax for a domestic winery due at the time it is removed from federal bond rather than at the time it is sold or provided under the following circumstances: For sale at retail on the winery premises, for sale to retail licensees, for samples to authorized licensees for the purpose of negotiating a sale, and for furnishing without charge to a not-for-profit group for the purpose of enology or the study of viticulture; and 314-24-220, to require the bonded wine warehouse licensees to have on file and available for inspection records of all wine transactions including receipts and shipments of wine and total inventory on hand at the bonded warehouse.

Statutory Authority: RCW 66.08.030 for WAC 314-24-110; and RCW 66.24.185 for WAC 314-24-220.

Statutes Implemented by the Rule: RCW 66.24.210 and 66.28.040 for WAC 314-24-110; and RCW 66.24.185 for WAC 314-24-220.

Summary of Rule: WAC 314-24-110 currently only delineates the wine tax of 20.25 cents per liter contained in RCW 66.24.210(1). It does not include the 7% surcharge levied in RCW 82.02.030 and referenced in RCW 66.24.210(2). This rule change combines both of them; does away with superfluous language in subsection (1) of the rule in that the domestic winery license of and by itself now incorporates the privilege of selling wine of its own production at retail on the winery premises; provides in subsection (3) for the state wine tax to be paid by the domestic winery when the wine is removed from federal bond in the instances listed in the "description of purpose" above. In addition, in subsection (3) it provides implementing rules for payment of the wine tax on wine furnished by a domestic winery to a not-for-profit group for the purpose of enology or the study of viticulture; and also provides for the rewording of some of the language to make it more readable and understandable without changing the intent. WAC 314-24-220 currently requires that the bonded wine warehouse licensee shall, on or before the 20th day of each month, submit to the board for the previous month reports showing all receipts and shipments of wine and the total inventory on hand at the bonded warehouse. This information is really not needed or desired to be on hand in the Olympia offices. It is necessary information, however, which must be available to the board so that movement of wine between wineries and the bonded wine warehouse can be verified on a post-audit basis. Subsection (4) of this rule as reworded makes the maintenance of records and their availability for inspection a requirement.

**WSR 85-21-089**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 314-24-110 Domestic wineries, wine wholesalers, wine importers—Monthly reports—Bonds required—Payment of tax.
- Amd WAC 314-24-220 Licensing and operation of bonded wine warehouses;

that the agency will at 10:00 a.m., Wednesday, November 27, 1985, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030 and 66.24.185.

The specific statute these rules are intended to implement is RCW 66.24.210, 66.28.040 and 66.24.185.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 27, 1985.



Reason Supporting Proposed Action: WAC 314-24-110, it is impossible for anyone reading this rule as currently written in subsections (1), (3), and (4) to know what the total tax rate is, whether it be a licensee who has to pay the tax or board employees who have to administer it. The changes list both the tax and the surcharge and then combine them for simplicity sake into one combined rate of \$0.2167 per liter. The primary impetus for changing the payment of the wine tax by the domestic winery from when the wine is sold to when it is removed from federal bond is so it will coincide with the wine tax liability for the federal government, which will make recordkeeping easier for the licensees. WAC 314-24-220, it is really an unnecessary burden for the bonded wine warehouse to submit this information to Olympia on a monthly basis and, likewise, causes added work to board staff to process the information after it is received.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282, and James E. Hoing, Controller, Financial Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6258.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: WAC 314-24-110, these changes should simplify and make it easier to understand and properly administer collection of the state wine tax from the domestic wineries and, at the same time, ease the administrative burden for the wineries; and 314-24-220, these changes will make it less burdensome for the licensees and also for the board without any loss of control.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This rule amendment will have no negative cost impact. By eliminating certain reporting requirements, costs will be reduced for both the industry and the board.

**AMENDATORY SECTION** (Amending Order 138, Resolution No. 147, filed 4/11/84)

WAC 314-24-110 DOMESTIC WINERIES, WINE WHOLESALEERS, WINE IMPORTERS—MONTHLY REPORTS—BONDS REQUIRED—PAYMENT OF TAX. (1) Every domestic winery (~~which is licensed to sell wine of its own production at retail on the winery premises pursuant to chapter 66.24 RCW;~~) and every holder of a wine wholesaler's license must at all times when said license is in force, have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board. The said bond shall be payable to the Washington state liquor control board and conditioned that such domestic winery and wine wholesaler will pay to the board the tax of twenty and one-fourth cents per liter plus a seven percent surcharge, for a total of \$0.2167 per liter, levied by reason of RCW 66.24.210 ((section 24-A of the Washington State Liquor Act)) and 82.02.030.

(2) Every person, firm or corporation holding a license to manufacture or produce wine within the state of Washington shall, on or before

the twentieth day of each month, submit to the board, upon forms furnished by the board, reports showing all transactions in wine manufactured or produced on the winery premises, including such wine sold at retail on such premises and wine sold to licensees within the state.

(3) At the time of making such monthly reports to the board, the domestic winery shall pay to the board the total wine tax and surcharge of ((twenty and one-fourth cents)) \$0.2167 per liter on wine ((sold)) removed from federal bond for sale at retail on the winery premises, as provided in RCW 66.28.010 and 66.24.170; on wine ((sold under a wine wholesaler's license)) removed from federal bond for sale to retail licensees as provided in RCW 66.24.170; ((and)) on wine ((furnished)) removed from federal bond for furnishing as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040; and on wine removed from federal bond for furnishing without charge to a not-for-profit group for the purpose of enology or the study of viticulture as provided in RCW 66.28.040; PROVID-ED, That such tax shall not apply ((or be paid on sales to Washington wine wholesalers, on inter-winery shipments, nor to shipments exported directly by a domestic winery to a point outside the state of Washington, nor on its sales)) to or be paid by a domestic winery on sales to Washington wine wholesalers, inter-winery shipments, shipments exported directly to a point outside the state of Washington, or sales to the Washington state liquor control board.

(4) Every person, firm or corporation holding a wine importer's license or a wine wholesaler's license in the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the twentieth day of each month, of all wine that such importer or wholesaler has purchased and received during the preceding calendar month on which the wine tax has not been paid. The total tax ((of twenty and one-fourth cents)) and surcharge of \$0.2167 per liter shall be paid by ((a wine wholesaler upon first acquisition of)) the first wine wholesaler to receive the wine on which such tax has not been previously paid, including wine received as samples from outside the state of Washington and/or wine furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040, and shall be remitted to the board at the time of filing the monthly report required in this subsection. Such tax shall apply to sales by a wine wholesaler to the Washington state liquor control board. The report method of payment of tax shall be exclusive of any other method. Where a wine importer does not also hold a wine wholesaler's license, the wine importer shall pay the wine tax on any wines received and/or furnished as samples.

(5) Failure to make such report, or pay said total tax and surcharge where required, at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the delinquent domestic winery, wine importer, or wine wholesaler. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of purchase. In addition, in case of any such tax delinquency, the board shall immediately give notice to the surety on such domestic winery or wine wholesaler's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(6) Wine wholesalers or wine importers who export wine to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.210 ((has)) and the surcharge as imposed by RCW 82.02.030 have been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, wine sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. The wine tax shall not be paid on wine being shipped in interstate commerce from one point outside this state directly through the state to another point outside the geographical confines of this state.

(7) The board may make other arrangements for reporting and payment of total tax and surcharge where an in-state licensee purchases wine from within and/or without the state of Washington primarily for export from the state. Such arrangements would be on an individual basis and would be for the purpose of simplifying the reporting and accounting requirements.

**AMENDATORY SECTION** (Amending Order 158, Resolution No. 167, filed 4/24/85)

WAC 314-24-220 LICENSING AND OPERATION OF BONDED WINE WAREHOUSES. (1) There shall be a license for

bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a Class N license. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a United States winery outside the state of Washington holding a Washington certificate of approval. The wine must be under federal bond, and the Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine wholesaler or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse licensee shall ~~(, on or before the twentieth day of each month, submit to the board for the previous month, upon forms furnished by the board or acceptable to the board, reports showing all)~~ have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) Shipments from the bonded wine warehouse may only be made to licensed Washington wine wholesalers, the liquor control board, the producing winery, another bonded wine warehouse or for export. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine wholesalers, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e., other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

**WSR 85-21-090**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed October 23, 1985]

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 maximum cost standards, amending WAC 388-42-150;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 2, 1985.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.08.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 23, 1985

By: David A. Hogan, Director

Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-42-150.

Purpose of this Change: To update funeral vendor rates by three percent effective January 1, 1986.

The Rules are Necessary: To implement section 208 of Second Substitute Senate Bill 3656.

Statutory Authority: RCW 74.08.090.

Summary: Necessary to increase funeral vendor rates by three percent effective January 1, 1986.

Person Responsible for Drafting, Implementation and Enforcement of the Change: Jay Emry, Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-4910.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 2100, filed 5/22/84, effective 7/1/84)

WAC 388-42-150 MAXIMUM COST STANDARDS.

- (1) Mortuary services—Actual costs, but not to exceed:
    - (a) Essential services only ..... ~~\$(250)~~ 258
    - (b) Essential services plus funeral/memorial service ..... ~~\$(573)~~ 590
  - (2) Burial services—Actual costs, but not to exceed:
    - (a) Burial only, no plot included ..... ~~\$(314)~~ 323
    - (b) Burial with plot included, single or multiple interment ..... ~~\$(362)~~ 373
  - (3) Cremation services—Actual costs, but not to exceed:
    - (a) Cremation only ..... ~~\$(149)~~ 153
    - (b) Cremation and disposition ..... ~~\$(222)~~ 229
- (4) These standards include all applicable taxes.  
(5) These standards shall be effective ~~(July 1, 1984)~~ January 1, 1986.

**WSR 85-21-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed October 23, 1985]

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 Standards—Eligibility, amending chapter 388-29 WAC;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 2, 1985.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 12, 1985. The meeting site is in a location which is barrier free.

Dated: October 22, 1985

By: David A. Hogan, Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-29-100, 388-29-110, 388-29-112, 388-29-130, 388-29-145, 388-29-160, 388-29-200, 388-29-220, 388-29-260 and repealing WAC 388-29-290.

Purpose of the Rules: To increase grant payment levels by three percent, effective January 1, 1985 [1986]; to repeal energy policy; and to implement the utilities in lieu of rent provisions of P.L. 98-181.

These Rules are Necessary: To implement section 208 of Second Substitute Senate Bill 3656; to implement the utilities in lieu of rent provisions of P.L. 98-181; and to repeal energy policy.

Summary: Grant payment levels are increased three percent effective January 1, 1986; provisions relating to the low income home energy assistance program (LIHEAP or EAP) are being repealed. This change is

being made because responsibility for LIHEAP is being shifted from DSHS to the local community action agencies; selected households which pay utilities in lieu of rent are to be treated as renters as provided in P.L. 98-181.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jack Hecht/Jay Emry, Program Manager, Adult/Emergency Services Section, Division of Income Assistance, mailstop OB-31J, phone 753-1494.

These rules are necessary as a result of federal law, P.L. 98-181.

AMENDATORY SECTION (Amending Order 2265, filed 7/31/85)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) ~~((Effective July 1, 1985;))~~ The state-wide monthly need standards for basic requirements are:

(a) Household with shelter costs effective July 1, 1985.

Households residing in a lower income housing project assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act shall be treated as renters if they make any utility payment in lieu of a rental payment.

Recipients in Household	Need Standard
1	\$ 497
2	628
3	777
4	914
5	1,053
6	1,195
7	1,381
8	1,528
9	1,678
10 or more	1,823

(b) Household with supplied shelter effective January 1, 1986.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ <del>((+81))</del> 187
2	<del>((263))</del> 271
3	<del>((348))</del> 359
4	<del>((433))</del> 446
5	<del>((518))</del> 534
6	<del>((603))</del> 622
7	<del>((688))</del> 709
8	<del>((773))</del> 797
9	<del>((858))</del> 884
10 or more	<del>((943))</del> 966

(2) ~~((Effective July 1, 1985;))~~ One hundred eighty-five percent of the state-wide monthly need standard for basic requirements is:

(a) Household with shelter costs effective July 1, 1985.

Recipients in Household	185% of Need Standard
1	\$ 919
2	1,162
3	1,437
4	1,691
5	1,948
6	2,211
7	2,555
8	2,827
9	3,104
10 or more	3,373

(b) Household with supplied shelter effective January 1, 1986.

Recipients in Household	185% of Need Standard
1	\$ ((335)) 346
2	((487)) 501
3	((644)) 664
4	((801)) 825
5	((958)) 988
6	((1,116)) 1,151
7	((1,273)) 1,312
8	((1,430)) 1,474
9	((1,587)) 1,635
10 or more	((1,745)) 1,787

(3) Effective ((July 1, 1985)) January 1, 1986, the state-wide monthly payment standard shall be:

(a) Payment standards for households with shelter costs reflecting a ratable reduction of ((38.6)) 36.8 percent of need standards.

Households residing in a lower income housing project assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act shall be treated as renters if they make any utility payment in lieu of a rental payment.

Recipients in Household	Payment Standard
1	\$ ((304)) 314
2	((385)) 397
3	((476)) 492
4	((567)) 578
5	((646)) 666
6	((731)) 756
7	((847)) 873
8	((936)) 966
9	((1,028)) 1,061
10 or more	((1,117)) 1,153

(b) Payment standards for households with supplied shelter reflecting the need standard.

The monthly payment standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ ((181)) 187
2	((263)) 271
3	((348)) 359
4	((433)) 446
5	((518)) 534
6	((603)) 622
7	((688)) 709
8	((773)) 797
9	((858)) 884
10 or more	((943)) 966

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-110 STANDARDS OF ASSISTANCE—GRANT MAXIMUMS. (1) Grants to families of eight or more shall not exceed the following maximums. In computing the grant amount, nonexempt income (and resources; general assistance only) available to meet need shall be deducted from the monthly payment standard specified in this chapter.

(2) Effective ((July 1, 1984)) January 1, 1986, the maximum is:

Number in household	Maximum
8 or more	\$ ((936)) 966

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-112 STANDARDS OF ASSISTANCE—CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP). The state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment standard.

Recipients in Household	(1) Maximum grant.
1	\$ ((304)) 314
2	((385)) 397
3	((476)) 492
4	((567)) 578
5	((646)) 666
6	((731)) 756
7	((847)) 873
8 or more	((936)) 966

(2) Payment maximums for individual emergent need items.

	1	2	3	4	5	6	7	8 (or more)
Food	\$((166) 171)	\$210 216	\$260 268	\$306 315	\$352 363	\$400 412	\$462 476	\$511 526
Shelter	((186) 201)	235 242	291 300	342 352	394 406	447 460	516 531	571 588
Clothing	((22) 23)	27 28	34 35	40 41	46 47	52 54	60 62	67 69
Minor Medical	((128) 132)	162 167	201 207	236 243	272 280	308 317	356 367	394 406
Utilities	((43) 44)	55 57	68 70	80 82	92 95	105 108	121 125	134 138
Household Maint.	((54) 56)	69 71	85 88	100 103	115 118	131 135	151 156	167 172

Job-related transportation - as needed not to exceed the grant maximum. Transportation of a child to home - as needed not to exceed the grant maximum.

(3) These standards are effective ((July 1, 1984)) January 1, 1986.

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-130 STANDARDS OF ASSISTANCE—PERSONS IN CONGREGATE CARE FACILITIES. (1) The standard for congregate care shall be the rate established and published by the department for payment to specific congregate care facilities which contract with the department to provide a specific level of care.

(2) ((Regular rates	
(a) 1-15 beds, existing facilities	\$19.09/day
(b) 1-15 beds, new facilities	16.80/day
(c) 16 or more beds	16.80/day
(3) Mental health	
(a) 1-15 beds, existing facilities	\$21.99/day
(b) 1-15 beds, new facilities	19.70/day
(c) 16 or more beds	19.70/day
(4) Intensive alcohol treatment	
(a) Board and room	\$16.80/day
(b) Treatment, 1-15 beds	28.42/day
(c) Treatment, 16 or more beds	21.31/day
(5) Long-term inpatient alcohol treatment	\$19.70/day
(6) Alcohol recovery house	
(a) 1-15 beds	\$24.65/day
(b) 16 or more beds	19.70/day
(7) Residential drug treatment	
(a) 1-15 beds	\$21.75/day
(b) 16 or more beds	16.80/day
(8) COPES add-ons	
(a) Three hours	\$ 3.61/day
(b) Four hours	4.41/day
(c) Five hours	5.20/day

(9) Congregate care facility residents receiving SSI or GA-U benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance, and necessary incidentals, and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

((10)) The monthly standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be ((thirty-five)) thirty-six dollars and ((fifty-five)) sixty-two cents effective January 1, 1986.

((H) These standards are effective July 1, 1984.))

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-145 STANDARDS OF ASSISTANCE—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING. (1) A child attending school under temporary absence provisions according to chapter 388-24 WAC is eligible for clothing, personal maintenance, and necessary incidentals only.

(2) Effective ((July 1, 1984)) January 1, 1986, the monthly standard shall be ((thirty-five)) thirty-six dollars and ((fifty-five)) sixty-two cents.

(3) The child shall not be included as a member of the household in computing the requirements for the household.

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-160 ADDITIONAL REQUIREMENTS—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) Effective ((November 1, 1984)) January 1, 1986, the monthly standard for restaurant meals shall be one hundred ((sixty-three)) sixty-eight dollars.

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-200 ADDITIONAL REQUIREMENTS—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant or recipient has a guide dog assigned to him or her by an accredited guide dog organization.

(2) Effective ((November 1, 1984)) January 1, 1986, the monthly standard for food for a guide dog shall be ((thirty-two)) thirty-three dollars.

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-220 ADDITIONAL REQUIREMENTS—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his or her laundry, and

(b) He or she has no one able to perform this service for him or her.

(2) Effective ((November 1, 1984)) January 1, 1986, the monthly standard for laundry shall be ((nine)) ten dollars.

**AMENDATORY SECTION** (Amending Order 2215, filed 3/13/85)

WAC 388-29-260 STANDARDS OF ASSISTANCE—PERSONS IN BOARDING HOMES—GENERAL ASSISTANCE. (1) The monthly standard for board and room shall be two hundred ((eighteen)) twenty-five dollars and ((fifty)) six cents or seven dollars and ((twenty)) forty-two cents per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be ((thirty-five)) thirty-six dollars and ((fifty-five)) sixty-two cents.

(3) These standards are effective ((July 1, 1984)) January 1, 1986.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-29-290 LOW-INCOME HOME ENERGY ASSISTANCE ALLOWANCE.

**WSR 85-21-092**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF ECOLOGY**

[Memorandum—October 23, 1985]

**REQUEST FOR VARIANCE FROM STATE NOISE STANDARDS**

The Washington State Department of Ecology will hold a public hearing on November 26, 1985, to consider an application for a variance from the state noise standards, pursuant to chapter 70.107 RCW and WAC 173-60-080.

The variance is sought by the Washington State Department of Transportation for a period of three years during the night-time hours for construction activity related to Interstate 90 in the city of Mercer Island.

Representatives from the Department of Transportation and the Department of Ecology will present testimony regarding the variance request.

Public testimony will also be received.

The hearing will be held on November 26, 1985, at the Mercer Island Community Center, 8736 S.E. 24th Street, Mercer Island, Washington at 7:30 p.m. The decision date is tentatively set for December 12, 1985.

**WSR 85-21-093**

**PROPOSED RULES  
DEPARTMENT OF ECOLOGY**

[Filed October 23, 1985]

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 delegation, amending WAC 173-06-030;

that the agency will at 10:00 a.m., Tuesday, November 26, 1985, in the Department of Ecology, Abbott Raphael Hall, Room 131, Lacey, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is RCW 43.21A.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 23, 1985

By: Glen H. Fiedler  
Deputy Director

**STATEMENT OF PURPOSE**

Title: WAC 173-06-030 Delegation.

Description of Purpose: Allows the director to delegate signature authority.

Statutory Authority: RCW 43.21A.090.

Summary of Rule: Allows the director broader authority to delegate signature authority to the most appropriate level.

Reasons Supporting Proposed Action: Coincides with director's decentralization plan. Gives the director the ability to delegate additional signature authority to the

regional managers, division supervisors, and two section heads which was previously restricted.

Agency Personnel Responsible for Drafting and Implementation: Susan Greenland, AR Hall, Room 174, 459-6144; and Enforcement: Andrea Riniker, 459-6168.

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: See "summary of rule" above.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: N/A.

Small Business Economic Impact Statement: N/A.

AMENDATORY SECTION (Amending Order DE 75-7, filed 5/16/75)

WAC 173-06-030 DELEGATION. The authority delegated hereby includes the authority to issue orders, directives or decisions reviewable before appropriate administrative or judicial bodies. The authority delegated is limited to the power to act for the department in carrying out functions within the power of the department. No delegation made shall be effective or within the authority of any particular person to exercise unless that person has been issued a specific letter of authorization from the director authorizing him or her to act for the department in the specifics set forth in such letter. Subject to the foregoing restriction, the following delegations are made:

(1) To the deputy director, ~~((executive assistant director and))~~ assistant directors, regional managers and division supervisors, the authority to:

- (a) Issue orders relating to emergency episodes;
- (b) Issue regulatory notices and orders ~~((and resource damage claims))~~;
- (c) Impose civil penalties;
- (d) Perform departmental functions relating to grants, gifts, loans, bonds, fees and special funds;
- (e) Enter into contracts and appoint personnel;
- (f) Initiate requests for review before Shorelines Hearings Board;
- (g) Issue determinations relating to tax credits or exemptions for pollution control facilities;
- (h) Perform ~~((the responsibilities in (2) below~~

~~(2) To the regional managers and division heads the authority to perform))~~ departmental functions relating to ~~((:))~~ adjudication of water rights;

~~((:))~~ (i) Issue licenses, permits, variances, certificates, and certifications ((and adjudications of rights));

~~((b) Approval))~~ (j) Approve, ((modification)) modify or ((denial of)) deny proposals, and plans and specifications required to be submitted to the department((:

~~((c) Reports, environmental impact statements, and registrations required to be submitted to the department))~~.

(2) To the facility planning and design section head the authority to approve, modify or deny proposals, and plans and specifications required to be submitted to the department which involve funding assistance.

(3) To a registered professional engineer within the dam safety section the authority to approve or deny plans and specifications with regard to safety for the construction or modification of dams.

## WSR 85-21-094

### PROPOSED RULES

## SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—General apportionment, chapter 392-121 WAC;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the Wanamaker Conference Room, Superintendent of Public Instruction's Office, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1985.

The authority under which these rules are proposed is RCW 28A.41.055 and 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 23, 1985

By: Frank B. Brouillet  
Superintendent of Public Instruction

### STATEMENT OF PURPOSE

Rule: Chapter 392-121 WAC.

Rule Section(s): WAC 392-121-110(2).

Statutory Authority: RCW 28A.41.055 and 28A.41.170.

Purpose of the Rule(s): Reporting of part-time students for apportionment purposes by school districts.

Summary of the New Rule(s) and/or Amendments: Part-time public school students may be reported by school districts for apportionment purposes for the amount of hours these students attend normal class periods or receive ancillary services as long as these hours could be reported for a public school student.

Reasons Which Support the Proposed Action(s): 1985 legislative enactment of home-based instruction law.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, Legal Office, 753-2298; Implementation: Bob Schley, Financial Services, 753-1717; and Enforcement: Perry Keithley, Financial Services, 753-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-110 ADDITIONAL DEFINITIONS. As used in this chapter, the terms:

(1) "Residence," "resident student" and "nonresident student" shall be defined as those terms are defined in WAC 392-137-010.

(2) "Part-time student" shall mean a student who is enrolled pursuant to chapter 392-134 WAC (part-time attendance and ancillary services) for less time than the minimum time required for a full-time-equivalent student: PROVIDED, Part-time students may be reported by a school district for apportionment purposes for the number of hours these students attend normal class periods or receive ancillary services as long as these hours would be reported for a public school student pursuant to WAC 392-121-105.

(3) "School day" shall mean a calendar day except school holidays on which all students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

(4) "School year" shall mean the annual period commencing on the first day of September of one calendar year and ending the last day of August of the next ensuing calendar year: PROVIDED, That for those school districts commencing basic education programs prior to September 1, school days scheduled prior to September 1 shall be considered to be within the school year that commences September 1.

**WSR 85-21-095**

**PROPOSED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Categorical apportionment, chapter 392-122 WAC;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the Wanamaker Conference Room, Superintendent of Public Instruction's Office, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1985.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 23, 1985

By: Frank B. Brouillet  
Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-122 WAC, Finance—Categorical apportionment.

Rule Section(s): [No information supplied by agency.]

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To set forth the procedures for the funding of the state categorical programs.

Summary of the New Rule(s) and/or Amendments: WAC 392-122-106 defines the term "Form P-223H"; 392-122-107 defines the term "Report 1220"; 392-122-115 updates terminology to state "classified derived base salary"; 392-122-125 updates terminology to state "classified derived base salary"; 392-122-131 states the calculation for the handicapped program basic education backout; 392-122-132 states the calculation for the handicapped program substitute teacher pay allocations; 392-122-605 updates the funding formula to include the specific learning disabled backout; 392-122-610 updates the distribution adjustments to include the specific learning disabled enrollment; 392-122-710 corrects terminology in the WAC reference and enrollment report reference; 392-122-900 clarifies expenditures to include F-196 Part III indirect expenditures and abatements and allows the use of second year reversions to make up for funding shortfalls; and 392-122-905 includes reports as a means of announcing proration of rates.

Reasons Which Support the Proposed Action(s): Action by 1985 legislature.

Person or Organization Proposing the Rule(s): [SPI, government.]

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Robert Schley, SPI, 3-1717; and Enforcement: Perry Keithley, SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

**NEW SECTION**

WAC 392-122-106 DEFINITION—FORM P-223H. "Form P-223H" shall mean the report of school district handicapped headcount enrollment for eligible handicapped students as defined in WAC 392-122-135 submitted monthly by the school districts to the superintendent of public instruction for the school year for the purpose of calculating the handicapped program allocations. The count dates for handicapped student enrollments shall be the same as specified in WAC 392-121-105(2). This report shall indicate the handicapped enrollment by resident school district and serving school district.

**NEW SECTION**

WAC 392-122-107 DEFINITION—REPORT 1220. "Report 1220" shall mean the school district's handicapped allocation report calculated and prepared by the superintendent of public instruction using the district's eight-month average annual headcount enrollment as submitted on Form P-223H for the school year and the ratios and percentages established in the LEAP document for state handicapped programs as defined in WAC 392-122-105. For the purpose of handicapped allocations, the district's eight-month average annual headcount enrollment shall be the average of the enrollments for first school day of the second reporting month and the subsequent seven months.

**AMENDATORY SECTION** (Amending Order 84-36, filed 10/2/84)

WAC 392-122-115 DEFINITION—STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CLASSIFIED ((~~AVERAGE~~)) DERIVED BASE SALARY. "Handicapped program classified ((~~average~~)) derived base salary" means the handicapped program classified average salary for the current school year calculated and provided annually by the superintendent of public instruction for the purpose of distributing handicapped program allocations.

**AMENDATORY SECTION** (Amending Order 84-36, filed 10/2/84)

WAC 392-122-125 STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CLASSIFIED ((~~AVERAGE~~)) DERIVED BASE SALARY. State handicapped program moneys shall be allocated using each school district's handicapped program classified ((~~average~~)) derived base salary and its classified increment mix factor for classified state handicapped program staff as provided in the state operating appropriation act currently in effect and provided by the superintendent of public instruction for the purpose of distributing handicapped program allocations. The classified increment mix factor used for classified staff in each school district shall be determined using the procedure described in WAC 392-121-128 and 392-121-129. The classified increment mix factor and average salary computations shall be based on classified staff as reported on Form S-277 with work assignments in the state handicapped program.

**NEW SECTION**

WAC 392-122-131 STATE HANDICAPPED PROGRAM—BASIC EDUCATION BACKOUT. The district's basic education backout shall be calculated based on the percentages established in the LEAP document for state handicapped programs as defined in WAC 392-122-105.

NEW SECTION

WAC 392-122-132 STATE HANDICAPPED PROGRAM—SUBSTITUTE TEACHER PAY ALLOCATIONS. State handicapped program moneys for substitute teacher pay allocations shall be allocated to school districts for certificated staff units at the maximum rate established in the LEAP document for state handicapped programs as defined in WAC 392-122-105.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-605 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR THE STATE REMEDIATION ASSISTANCE PROGRAM. (1) As used in this section, the term "fourth grade basic skills test" shall mean the approved fourth grade test administered by districts pursuant to RCW 28A.03.060.

(2) A district's entitlement for state moneys for the state remediation assistance program shall be calculated as follows:

(a) ~~((Multiplying))~~ Multiply the percentage of students taking the fourth grade basic skills test for last year that scored in the lowest quartile as determined by the nationally normed scores by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six: PROVIDED, That if the district did not have any student score in the lowest quartile as defined above in the fourth grade basic skills test, the district shall use the average percentage of district students so scoring for the previous five years ~~((state-wide averages))~~; and

(b) Reduce the amount obtained in (a) of this subsection to the extent that the number of students ages seven through eleven resident to the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and

(c) Multiply the number of students obtained in ~~((the above calculation))~~ (b) of this subsection by the per pupil allocation established in the state appropriation act for the state remediation assistance program; and

~~((+))~~ (d) The product is the district's entitlement subject to WAC 392-122-610, 392-122-900 and its provision for enrollment adjustment.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-610 DISTRIBUTION OF STATE MONEYS FOR THE STATE REMEDIATION ASSISTANCE PROGRAM. The superintendent of public instruction shall apportion to districts for the state remediation assistance program the amount calculated per district in WAC 392-122-605 in monthly payments according to the schedule depicted in RCW 28A.48.010 ~~((that))~~. Monthly payments to districts shall be adjusted ((in intervals)) during the year to ((accurately)) reflect the changes in each district's ~~((grades two through six))~~ annual average full time enrollment in grades two through six and eight-month annual average specific learning disabled headcount enrollment ages seven through eleven.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-710 DISTRIBUTION OF STATE MONEYS FOR THE TRANSITIONAL BILINGUAL PROGRAM. The superintendent of public instruction shall apportion to districts for the state transitional bilingual program the amount calculated per district in WAC ~~((392-122-700))~~ 392-122-705 according to the apportionment schedule provided in RCW 28A.48.010. ~~((The amount apportioned may))~~ Monthly payments to districts shall be adjusted ((intermittently)) during the year to reflect changes in the district's reported eligible students as reported on the ((P223SN, Special needs enrollment reporting form)) P223, Monthly report of school district enrollment form.

AMENDATORY SECTION (Amending Order 84-36, filed 10/2/84)

WAC 392-122-900 GENERAL PROVISION—CARRYOVER PROHIBITION. Categorical apportionment moneys shall not be carried over by a school district from one school district fiscal year to another. Moneys distributed by the superintendent of public instruction for a categorical program which remain unspent during the applicable

school district fiscal year in expenditure classifications deemed allowable by the superintendent of public instruction including indirect expenditures and abatements listed on Year-End Financial Statement F-196 Part III, shall:

(1) At the end of the school year beginning during the first year of each biennium revert to the superintendent of public instruction for reallocation; and

(2) At the end of the school year beginning during the second year of each biennium revert to the state treasurer: PROVIDED, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in the second year of the biennium, any moneys recovered shall first be allocated to fully fund these programs.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-905 GENERAL PROVISION—MAXIMUM CONTROL FACTOR—PRORATION. The maximum rate of allocation specified in this chapter shall be allocated by the superintendent of public instruction to school districts unless the state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds appropriated for allocation to school districts for such programs. All such prorations shall be announced to school districts through official agency bulletins or reports.

**WSR 85-21-096****PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Apportionment for part-time public school attendance, chapter 392-134 WAC;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the Wanamaker Conference Room, Superintendent of Public Instruction's Office, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1985.

The authority under which these rules are proposed is RCW 28.41.140 and 28A.41.145.

Dated: October 23, 1985

By: Frank B. Brouillet

Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-134 WAC.

Rule Section(s): WAC 392-134-002, 392-134-003, 392-134-005, 392-134-015 and 392-134-020.

Statutory Authority: RCW 28.41.140 and 28A.41.145.

Purpose of the Rule(s): To implement home-based instruction programs.

Summary of the New Rule(s) and/or Amendments: WAC 392-134-002 Authority, statutory authority is RCW 28A.41.145; 392-134-003 Purpose, to implement the part-time public school attendance law; 392-134-005 Definitions, includes a student receiving home-based instruction in the definition of a part-time student, to the extent they are attending public school or receiving ancillary services from a public school; 392-134-015



Enrollment practices, home-based instruction students may attend a public school to participate in any course or receive ancillary services; 392-134-020, Provision of educational program to part-time public school students—Reports—Sites, specifies section defining legal transportation of part-time public school students; and 392-134-001 repealed.

Reasons Which Support the Proposed Action(s): 1985 legislative enactment of home-based instruction schooling.

Person or Organization Proposing the Rule(s): SPI.

Agency Personnel Responsible for Drafting: Ralph Julnes, Legal, 753-2298; Implementation: Bob Schley, Financial Services, 753-1717; and Enforcement: Perry Keithley, Financial Services, 753-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### NEW SECTION

WAC 392-134-002 **AUTHORITY.** The authority for this chapter is RCW 28A.41.145 which authorizes the superintendent of public instruction to adopt rules and regulations regarding part-time public school attendance.

#### NEW SECTION

WAC 392-134-003 **PURPOSE.** The purpose of this chapter is to implement the part-time public school attendance law.

#### AMENDATORY SECTION (Amending Order 80-6, filed 4/15/80)

WAC 392-134-005 **DEFINITIONS.** As used in this chapter the term: (1) "Ancillary service" shall mean any cocurricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which preschool through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities;

(2) "Course" shall mean any instructional curricular service or activity in which preschool through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance; (~~and~~)

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district; and

(c) Any student who is participating in home-based instruction to the extent that the student is also enrolled in a public school for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services.

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools; (~~and~~)

(5) "Private school student" shall mean a student who is enrolled in a private school "full-time" as defined by the private school of attendance; and

(6) "Home-based instruction" shall mean an instructional program established pursuant to RCW 28A.27.010(4).

#### AMENDATORY SECTION (Amending Order 80-6, filed 4/15/80)

WAC 392-134-015 **ENROLLMENT PRACTICES AND CONDITIONS.** ((+)) Requests for part-time attendance shall be processed by a public school only when made by the student, the student's parent(s), or the student's guardian(s) (~~and~~);

((+)) In addition, the enrollment of a part-time public school student who otherwise attends a private school shall be conditioned upon the certification by the student or by the student's parent(s) or guardian(s) as may be required by the public school, that:

((+)) (1) The student is a private school student; and  
 ((+)) (2) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance.

#### AMENDATORY SECTION (Amending Order 80-6, filed 4/15/80)

WAC 392-134-020 **PROVISION OF EDUCATIONAL PROGRAM TO PART-TIME PUBLIC SCHOOL STUDENTS—REPORTS—SITES.** (1) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students at the same level and quality as provided by the public school to full-time students;

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physician disability or sickness. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: **PROVIDED,** That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) Transportation between a part-time public school student's private school and a public school in which he/she is enrolled may not be provided to the student at the expense of a public school district in whole or part: **PROVIDED,** That the following interschool transportation may be provided at the expense of a public school district:

(a) Transportation which is provided in connection with a part-time student's participation in field trips and special events permitted by subsection (2) (~~of this section~~) of this section; and

(b) The transportation of part-time public school students which:

(i) Is necessary to comply with a condition to the receipt of federal funds; and

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-134-001 **PURPOSES.**

**WSR 85-21-097**

**PROPOSED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Special allocations, instructions, and requirements, chapter 392-140 WAC;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the Wanamaker Conference Room, Superintendent of Public Instruction's Office, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1985.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 23, 1985

By: Frank B. Brouillet  
Superintendent of Public Instruction

#### STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC, Finance—Special allocations, instructions, and requirements.

Rule Section(s): WAC 392-140-042 RAP, grade seven through nine—Applicable provisions; 392-140-043 RAP, grades seven through nine—Definition—Educationally deprived; 392-140-044 RAP, grades seven through nine—Definition—Placement test; 392-140-046 RAP, grades seven through nine—Definition—Supplemental instructional assistance; 392-140-047 RAP, grades seven through nine—Definition—Like services; 392-140-048 RAP, grades seven through nine—Definition—Remediation program; 392-140-049 RAP, grades seven through nine—Definition—Eligible students; 392-140-050 RAP, grades seven through nine—District application; 392-140-051 RAP, grades seven through nine—Board approval; 392-140-052 RAP, grades seven through nine—Content of district application; 392-140-053 RAP, grades seven through nine—Program requirement—Notification of parents; 392-140-054 RAP, grades seven through nine—Program requirement—Allowable expenditure; 392-140-055 RAP, grades seven through nine—Program requirement—End of year report; 392-140-056 RAP, grades seven through nine—Program requirement—Annual program evaluation; 392-140-057 RAP, grades seven through nine—Definition—District 7-9 FTE enrollment; 392-140-058 RAP, grades seven through nine—Definition—District eighth grade RAP percentage; 392-140-059 RAP, grades seven through nine—Definition—District specific learning disabled enrollment for ages 12 to 14; 392-140-061 RAP, grades seven through nine—Definition—District grades 7 through 9 service population; 392-140-062 RAP, grades seven through nine—Definition—Grades 7 through 9 per student support level; 392-140-063 RAP, grades seven through nine—District allocation for RAP program for grades seven through nine; 392-140-064 RAP, grades seven through nine—Distribution of state moneys for the state remediation assistance program grades seven through nine; 392-140-065 General provision—Carryover prohibition; and 392-140-066 General provision—Maximum control factor—Proration.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): Implementation of the grades 7 through 9 remediation program of section 509, chapter 6, Laws of 1985 1st ex. sess.

Summary of the New Rule(s) and/or Amendments: WAC 392-140-042 sets forth the purpose for this chapter; 392-140-043 defines educationally deprived; 392-140-044 defines placement test; 392-140-046 defines instructional assistance; 392-140-047 defines like services; 392-140-048 defines remediation program; 392-140-049 defines eligible students; 392-140-051 states requirement of board approval; 392-140-052 outlines content of district application; 392-140-053 requires parent notification; 392-140-054 requires expenditures only for allowable objects and activities; 392-140-055 requires end-of-year report; 392-140-056 requires annual program evaluation; 392-140-057 defines the term "district eighth grade RAP percentage"; 392-140-059 defines the term "district specific learning disabled enrollment for ages twelve through fourteen"; 392-140-061 defines the term "district grades 7 through 9 service population"; 392-140-062 defines the term "grades seven through nine per student support level"; 392-140-063 describes the calculation of the district allocations for the RAP program for grades 7 through 9; 392-140-064 describes the calculation of and the process of making the monthly payments by the state for the support of the RAP program for grades 7 through 9; 392-140-065 states the prohibition of carrying over RAP money; and 392-140-066 states that seven through nine RAP is subject to proration provisions of WAC 392-122-905.

Reasons Which Support the Proposed Action(s): Actions by the legislature during the 1985 legislative session as reflected in the Operating Appropriations Act.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation: Judy Schrag, SPI, 4-1842; and Enforcement: Perry Keithley, SPI, 3-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

#### NEW SECTION

WAC 392-140-042 RAP, GRADES SEVEN THROUGH NINE—APPLICABLE PROVISIONS. The provisions of WAC 392-140-042 through 392-140-066 shall be applicable to the distribution of state categorical apportionment funds to districts for the grades seven through nine remediation program established in section 509, chapter 6, Laws of 1985 1st ex. sess.

#### NEW SECTION

WAC 392-140-043 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—EDUCATIONALLY DEPRIVED. As used in WAC 392-140-042 through 392-140-066, the term "educationally deprived" shall mean students whose educational attainment in basic skills achievement, as documented by placement testing, is below the level that is appropriate for the student's chronological grade level.

NEW SECTION

WAC 392-140-044 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—PLACEMENT TEST. As used in WAC 392-140-042 through 392-140-066, the term "placement test" shall mean an objective test(s) administered by a district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-046 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—SUPPLEMENTAL INSTRUCTIONAL ASSISTANCE. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, the term "supplemental instructional assistance" shall mean instruction in reading, math, or communication skills designed and implemented consistent with supplemental service models approved for ECIA Chapter 1 Regular, i.e., classroom, limited pullout, replacement, add-on, and/or locally designed models.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-047 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—LIKE SERVICES. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, the term "like services" shall mean programs conducted pursuant to chapter 28A.13 RCW which provides services designed to meet the special educational needs of participating students. However, the term "like services" does not include communication disorder or physical or occupational therapy services if the student is receiving no other special education instruction.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-048 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—((DISCRETIONARY)) REMEDIATION PROGRAM. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, the term "((discretionary)) remediation program" shall mean providing supplemental instructional assistance in reading, math, or communication skills to any students in grades seven through nine who are ((in the bottom quartile on a nationally normed standardized test)) educationally deprived and who are not receiving like services in programs established in chapter 28A.13 RCW.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-049 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—ELIGIBLE STUDENTS. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, the term "eligible students" means students in grades seven through nine who ((score in the lowest quartile on a nationally normed standardized test in reading, math or communication skills)) are educationally deprived and are not receiving like services under the provisions of chapter 28A.13 RCW.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-050 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DISTRICT APPLICATION. Each district that seeks an allocation from the state for the ((discretionary)) remediation program shall submit for approval an annual application on forms provided by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-051 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—BOARD APPROVAL. The district's annual application shall be approved by formal action of the district's board of directors.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-052 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—CONTENT OF DISTRICT APPLICATION. The district's annual application shall contain the following:

- (1) Planned expenditures by program activity and object;
- (2) Instructional program description which describes the supplemental services to be offered to eligible students;
- ((+2)) (3) Estimated number of students to be served;

((+3)) (4) Assurances that the total expenditure of program moneys will be for purposes specified in the statute and these administrative codes.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-053 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—NOTIFICATION OF PARENTS. The district shall notify parents of participating students of the involvement of their child in the remediation assistance program.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-054 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURES. School districts shall expend ((discretionary)) remediation assistance program revenue only in the allowable objects of expenditure as specified for the remediation program ((in the accounting manual for the public school districts in the state of Washington)) on SPI Form 1000B, RAP 7-9.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-055 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—END OF YEAR REPORT. Districts shall submit to the superintendent of public instruction at the close of the program year an end-of-year report on forms provided by the superintendent of public instruction which includes number of students served by grade level, basic skills area, ethnicity, and gender.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-056 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—ANNUAL PROGRAM EVALUATION. The ((district shall use a nationally normed standardized test score)) Title I Evaluation and Reporting System (TIERS) shall be used by districts to evaluate educational achievement of students participating in the ((discretionary)) remediation assistance program. Resulting data shall be reported annually to the superintendent of public instruction on provided forms.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-057 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT 7-9 FTE ENROLLMENT. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, the term "district 7-9 FTE enrollment" shall mean that current year enrollment reported pursuant to WAC 392-121-105(3) by the district for grades seven through nine.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-058 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT EIGHTH GRADE RAP PERCENTAGE. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, the term "district eighth grade RAP percentage" shall mean the percentage of students who scored in the lowest quartile of the eighth grade basic skills test conducted in the ((+1983-84)) previous school year pursuant to RCW 28A.03.360.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-059 ((+1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT ((HANDICAPPED)) SPECIFIC LEARNING DISABLED ENROLLMENT FOR AGES ((SEVEN TO)) TWELVE THROUGH FOURTEEN. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, "district ((handicapped)) specific learning disabled enrollment for age ((seven to)) twelve through fourteen" shall mean that current year resident district enrollment reported ((by the district)) pursuant to WAC ((392-171-135 excluding those students reported pursuant to WAC 392-122-135 (1) and (3)) 392-171-406 for students whose chronological age is ((seven to)) twelve through fourteen years inclusive.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-061 ((1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—(~~DISTRICT GRADES SEVEN THROUGH NINE DEFINITION~~)~~DISTRICT GRADES SEVEN THROUGH NINE SERVICE POPULATION~~. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, "district grades seven through nine remediation service population" shall mean the result obtained from the following calculation:

(1) Multiply the district 7-9 FTE enrollment by the district eighth grade RAP percentage;

(2) ((~~Multiply the district handicapped enrollment for ages seven through fourteen by the like services factor~~)) Determine the district specific learning disabled enrollment for ages twelve through fourteen which exceeds four percent of the district 7-9 FTE enrollment;

(3) Subtract the result obtained in subsection (2) of this section from the result obtained in subsection (1) of this section; and

(4) In the event the result obtained in subsection (3) of this section is a negative number, the district shall not receive moneys for the purposes of WAC ((392-140-045)) 392-140-042 through ((392-140-064)) 392-140-066.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-062 ((1984-85)) RAP, GRADES SEVEN THROUGH NINE—DEFINITION—GRADES SEVEN THROUGH NINE PER STUDENT SUPPORT LEVEL. As used in ((this chapter)) WAC 392-140-042 through 392-140-066, the term "grades 7-9 per student support level" shall mean the ((amount of money calculated by the superintendent of public instruction based upon the state's total service population and available appropriation authority. In no case shall the per student support level exceed three hundred dollars)) per pupil allocation established in the state appropriation act for the grades seven through nine state remediation assistance program.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-063 ((1984-85)) RAP, GRADES SEVEN THROUGH NINE—DISTRICT ALLOCATION. The district allocation shall be determined by the superintendent of public instruction by multiplying the result obtained in WAC 392-140-061 by the result obtained in WAC 392-140-062.

AMENDATORY SECTION (Amending Order 84-38, filed 10/2/84)

WAC 392-140-064 ((1984-85)) RAP, GRADES SEVEN THROUGH NINE—DISTRIBUTION OF STATE MONEYS FOR THE STATE REMEDIATION ASSISTANCE PROGRAM GRADES SEVEN THROUGH NINE. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-140-063 in monthly payments according to the schedule depicted in RCW 28A.48.010 that shall be adjusted in intervals to reflect the changes in each district's ((1984-85)) grades seven through nine annual average full time equivalent enrollment, ((1984-85 handicapped enrollment for)) and the district specific learning disabled enrollment for ages ((seven to)) twelve through fourteen((, and the 1984-85 like services factor)) which exceeds four percent of the district 7-9 FTE enrollment.

NEW SECTION

WAC 392-140-065 GENERAL PROVISION—CARRYOVER PROHIBITION. State remediation moneys shall be governed by the carryover prohibition contained in WAC 392-122-900.

NEW SECTION

WAC 392-140-066 GENERAL PROVISION—MAXIMUM CONTROL FACTOR—PRORATION. The maximum rate of allocation specified in WAC 392-140-062 will be subject to the proration provision contained in WAC 392-122-905.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-140-045 1984-85 RAP, GRADES SEVEN THROUGH NINE—APPLICABLE PROVISIONS.

WAC 392-140-060 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—LIKE SERVICES FACTOR.

**WSR 85-21-098****PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Washington state honors award program, chapter 392-210 WAC;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the Wanamaker Conference Room, Superintendent of Public Instruction's Office, Old Capitol Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1985.

The authority under which these rules are proposed is chapter 28A.03 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 26, 1985.

Dated: October 23, 1985

By: Frank B. Brouillet

Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-210 WAC, Washington state honors award program.

Rule Section(s): WAC 392-210-005 Authority; 392-210-010 Purpose; 392-210-015 Criteria for the selection of Washington state honors award students; 392-210-020 Determination of Washington state honors award academic achievement index; 392-210-025 Credits earned in academic core subjects; 392-210-030 Enrollment in academic core subjects during grade twelve required; 392-210-035 Notification of students eligible for honors award; 392-210-040 Notification of Washington honors award recipients; 392-210-045 Washington honors award certificate; 392-210-050 Notification to local business and community representatives; and 392-210-055 Special consideration for 1985-86 school year.

Statutory Authority: Chapter 28A.03 RCW.

Purpose of the Rule(s): To set forth the rules for the establishment and administration of the Washington state honors awards program.

Summary of the New Rule(s) and/or Amendments: WAC 392-210-005 states the authority for the Superintendent of Public Instruction to adopt rules regarding the Washington state honors award program; 392-210-010 states the purpose of chapter 392-210 WAC; 392-210-015 establishes the criteria for selecting the honors award recipients; 392-210-020 describes the calculation of the academic achievement index; 392-210-025 establishes the credit requirements in academic core subjects; 392-210-030 establishes the enrollment requirements

for grade twelve; 392-210-035 states that students be notified of the eligibility requirements for the honors awards; 392-210-040 sets the timeline for providing names of honors students to school principals; 392-210-045 states that a certificate will be prepared for each honors award student and delivered to the school principal by April 1; 392-210-050 states that the school principal shall encourage recognition of award recipients; and 392-210-055 states that timelines for the 1985-86 school year may be adjusted by the Superintendent of Public Instruction to initiate the program.

Reasons Which Support the Proposed Action(s): Mandated by chapter 28A.03 RCW.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Implementation: Alfred Rasp, SPI, 753-3449; and Enforcement: Charles R. (Bob) Marshall, SPI, 753-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 392-210 WAC

WASHINGTON STATE HONORS AWARD PROGRAM

WAC

392-210-005	Authority.
392-210-010	Purpose.
392-210-015	Criteria for the selection of Washington state honors award students.
392-210-020	Determination of the Washington state honors award academic achievement index.
392-210-025	Credits earned in academic core subjects.
392-210-030	Enrollment in academic core subjects during grade twelve required.
392-210-035	Notification of students eligible for honors award.
392-210-040	Notification of Washington honors award recipients.
392-210-045	Washington honors award certificate.
392-210-050	Notification to local business and community representatives.
392-210-055	Special consideration for 1985-86 school year.

NEW SECTION

WAC 392-210-005 AUTHORITY. The authority for this chapter is chapter 28A.03 RCW which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the Washington state honors award program.

NEW SECTION

WAC 392-210-010 PURPOSE. The purpose of this chapter is to set forth the policies and procedures for the administration of the Washington state honors award program.

NEW SECTION

WAC 392-210-015 CRITERIA FOR THE SELECTION OF WASHINGTON STATE HONORS AWARD STUDENTS. The Washington state honors award program shall recognize the top ten percent of the students in the state in each year's high school graduating class who have demonstrated outstanding academic achievement. Outstanding academic achievement shall be determined by the following criteria:

(1) An academic achievement index based upon a combination of the combined high school grade point average (calculated as provided in WAC 180-57-055) in the academic core subjects of English, mathematics, science, social studies, and foreign language and the combined verbal and quantitative composite scores on the Washington pre-college test;

(2) Credits (as defined in WAC 180-51-050) earned in grades nine through eleven in the academic core subjects of English, mathematics, science, social studies, and foreign language;

(3) Completion of at least seventy-five percent of the graduation requirements for the high school in which the candidate is enrolled; and

(4) Enrollment in at least three academic core subjects in grade twelve.

In order to be considered for a Washington honors award, students must have taken the Washington pre-college test prior to enrollment in grade twelve and be enrolled in a participating high school as indicated by the principal on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-210-020 DETERMINATION OF THE WASHINGTON STATE HONORS AWARD ACADEMIC ACHIEVEMENT INDEX. The superintendent of public instruction shall calculate the academic achievement index based upon an equivalent numeric weighting of the combined high school grade point average in academic core subjects and the combined verbal and quantitative composite scores on the Washington pre-college test. The superintendent of public instruction shall determine the top ten percent of each year's graduating class based upon a ranking of all participating students on the academic achievement index.

NEW SECTION

WAC 392-210-025 CREDITS EARNED IN ACADEMIC CORE SUBJECTS. To be considered for a Washington state honors award, a student must have earned, during grades nine through eleven, at least seventy-five percent of the credits required for graduation from his or her high school including a minimum of ten credits in the academic core subjects as follows:

English	3 credits
Mathematics	2 credits
Science	2 credits
Social Studies	2 credits
Foreign Language	1 credit

Each participating high school principal shall verify, on forms provided by the superintendent of public instruction, that each candidate has completed at least seventy-five percent of the school's total graduation credit requirements. The superintendent of public instruction shall evaluate the high school transcript of each student and verify that each student has earned the minimum credits in each of the academic core subjects. All participating high schools shall make available the grades nine through eleven transcripts for all participating students on or before August 15 of each year.

NEW SECTION

WAC 392-210-030 ENROLLMENT IN ACADEMIC CORE SUBJECTS DURING GRADE TWELVE REQUIRED. To be considered for a Washington state honors award, a student must be enrolled in at least three of the academic core subjects of English, mathematics, science, social studies, and foreign language during the first term of the senior year, excluding summer term. The minimum enrollment requirement shall be verified in writing by the participating high school principal before November 1 of each school year, on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-210-035 NOTIFICATION OF STUDENTS ELIGIBLE FOR HONORS AWARD. Commencing with the ninth grade, and each year thereafter, each participating high school shall provide, no later than October 1, each enrolled student with a copy of the eligibility criteria for the Washington state honors award. The superintendent of public instruction shall provide schools with a suggested format that may be used to notify students.

NEW SECTION

WAC 392-210-040 NOTIFICATION OF WASHINGTON HONORS AWARD RECIPIENTS. On or before December 1 of each school year the superintendent of public instruction shall provide to each participating school principal the names of those enrolled students who have been selected for a Washington honors award.

NEW SECTION

WAC 392-210-045 WASHINGTON HONORS AWARD CERTIFICATE. The superintendent of public instruction shall prepare annually for each honors award recipient a suitable printed certificate which shall describe the purposes of the award, indicate the year in which the award was given, identify the student and his or her high school, and be signed by the superintendent of public instruction. The certificate for each honors award recipient shall be delivered to the participating high school principal on or before April 1 of each school year. Each participating principal shall provide for issuing the certificate to each recipient at the regular high school commencement or other appropriate time prior to high school commencement.

NEW SECTION

WAC 392-210-050 NOTIFICATION TO LOCAL BUSINESS AND COMMUNITY REPRESENTATIVES. The principal of each participating school shall encourage local businesses and community organizations to recognize the accomplishments of the Washington honors award recipients.

NEW SECTION

WAC 392-210-055 SPECIAL CONSIDERATION FOR 1985-86 SCHOOL YEAR. The provisions of WAC 392-210-020 and 392-210-030 through 392-210-045 notwithstanding, for the 1985-86 school year the timelines for notification of students and schools and other program requirements may be adjusted by the superintendent of public instruction as required to initiate the Washington honors award program.

**WSR 85-21-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 23, 1985]

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 safety standards for construction work, amending the following sections: WAC 296-155-003, 296-155-005, 296-155-010, 296-155-012, 296-155-020, 296-155-035, 296-155-100, 296-155-110, 296-155-120, 296-155-125, 296-155-130, 296-155-140, 296-155-155, 296-155-160, 296-155-165, 296-155-200, 296-155-201, 296-155-205, 296-155-212, 296-155-225, 296-155-230, 296-155-250, 296-155-260, 296-155-270, 296-155-275, 296-155-280, 296-155-300, 296-155-305, 296-155-325, 296-155-330, 296-155-335, 296-155-34911, 296-155-34912, 296-155-34913, 296-155-34914, 296-155-34920, 296-155-355, 296-155-360, 296-155-365, 296-155-370, 296-155-400, 296-155-405, 296-155-425, 296-155-430, 296-155-435, 296-155-440, 296-155-475, 296-155-480, 296-155-485, 296-155-500, 296-155-505, 296-155-510, 296-155-525, 296-155-530, 296-155-545, 296-155-570, 296-155-575, 296-155-576, 296-155-580, 296-155-605, 296-155-610, 296-155-615, 296-155-625, 296-155-650, 296-155-655, 296-155-660, 296-

155-665, 296-155-66501, 296-155-66502, 296-155-680, 296-155-690, 296-155-695, 296-155-700, 296-155-705, 296-155-720, 296-155-725, 296-155-730, 296-155-750, 296-155-765, 296-155-775, 296-155-830 and 296-155-950.

The following new sections are proposed for chapter 296-155 WAC, safety standards for construction work:

- New WAC 296-155-009 Equipment not owned by, or under control of the employer.
- New WAC 296-155-203 Confined spaces.
- New WAC 296-155-20301 Definitions.
- New WAC 296-155-20303 Evaluation of potentially hazardous atmospheres.
- New WAC 296-155-20305 Entry into confined space.
- New WAC 296-155-20307 Confined space work on sewer systems under construction.
- New WAC 296-155-211 Leg protection.
- New WAC 296-155-363 Safety requirements for powder actuated fastening systems, in accordance with ANSI A10.3-1977, safety requirements for powder actuated fastening systems.
- New WAC 296-155-36301 Scope.
- New WAC 296-155-36303 Purpose.
- New WAC 296-155-36305 Definitions applicable to this section.
- New WAC 296-155-36307 Requirements.
- New WAC 296-155-36309 Power loads.
- New WAC 296-155-36311 Fasteners.
- New WAC 296-155-36313 Operation.
- New WAC 296-155-36315 Limitations of use.
- New WAC 296-155-36317 Maintenance and storage.
- New WAC 296-155-36319 Authorized instructor.
- New WAC 296-155-36321 Qualified operator.
- New WAC 296-155-367 Masonry saws.
- New WAC 296-155-407 Protective clothing.
- New WAC 296-155-48523 Manually propelled mobile ladder stands and scaffolds (towers).
- New WAC 296-155-48525 Manually propelled elevating work platforms.
- New WAC 296-155-48527 Self-propelled elevating work platforms.
- New WAC 296-155-48529 Boom supported elevating work platforms.
- New WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices.
- New WAC 296-155-48533 Crane and forklift suspended or elevated personnel platforms.
- New WAC 296-155-50503 Roofing brackets.
- New WAC 296-155-50505 Roofing, insulating and waterproofing.
- New WAC 296-155-515 Ramps, runways, and inclined walkways.
- New WAC 296-155-52505 Certification of cranes, derricks and other hoisting equipment.
- New WAC 296-155-52506 Advisory crane certification panel.
- New WAC 296-155-52507 Unit proof load test and inspection.
- New WAC 296-155-52508 Examination and inspection of cranes and derricks.
- New WAC 296-155-617 Servicing multipiece rim wheels.
- New WAC 296-155-61701 Scope.
- New WAC 296-155-61703 Definitions applicable to this section.
- New WAC 296-155-61705 Employee training.
- New WAC 296-155-61707 Tire servicing equipment.
- New WAC 296-155-61709 Wheel component acceptability.
- New WAC 296-155-61711 Safe operating procedure.
- New WAC 296-155-61713 Safe operating procedure single piece rim wheels.
- New WAC 296-155-65505 Sewage piping system.
- New WAC 296-155-66005 Borrow pits.
- Rep WAC 296-155-760 Concrete finishing.
- Rep WAC 296-155-850 Definitions applicable to this part.
- Rep WAC 296-155-855 General provisions.
- Rep WAC 296-155-860 Blaster qualifications.
- Rep WAC 296-155-865 Surface transportation of explosives.

Rep	WAC 296-155-870	Underground transportation of explosives.
Rep	WAC 296-155-875	Storage of explosives and blasting agents.
Rep	WAC 296-155-880	Loading of explosives or blasting agents.
Rep	WAC 296-155-885	Initiation of explosives charges— Electric blasting.
Rep	WAC 296-155-890	Use of safety fuse.
Rep	WAC 296-155-895	Use of detonating cord.
Rep	WAC 296-155-900	Firing the blast.
Rep	WAC 296-155-905	Inspection after blasting.
Rep	WAC 296-155-910	Misfire.
Rep	WAC 296-155-915	Underwater blasting.
Rep	WAC 296-155-920	Blasting in excavation work under compressed air;

that the agency will at 9:30 a.m., Wednesday, November 27, 1985, in the Hearing Room A, House Office Building, Capitol Campus, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 19, 1985.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

The specific statute these rules are intended to implement is RCW 49.17.050 (9) and (10) and 49.17.060(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 21, 1985.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for adoption or in response to written comments received before the deadline.

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:

G. David Hutchins, Assistant Director  
Industrial Safety and Health Division  
Post Office Box 207  
Olympia, Washington 98504  
(206) 753-6500

Dated: October 23, 1985

By: R. A. Davis  
Director

#### STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: Chapter 296-155 WAC, Safety standards for construction work.

Statutory Authority: RCW 49.17.040 and 49.17.050.

Specific Statute that Rules are Intended to Implement: RCW 49.17.270, 49.17.060(1) and 49.17.050 (9) and (10).

Summary of the Rule(s): Chapter 296-155 WAC was reviewed by an ad hoc committee consisting of equal representation by labor and management along with the

Department of Labor and Industries, Division of Industrial Safety and Health personnel to update the standard.

Reasons Supporting the Proposed Rule(s): To ensure safe and healthful working conditions for every person working in the state of Washington; and to be in compliance with federal regulations.

Agency Personnel Responsible for Drafting: Ray V. Wax, Safety Regulations Program Supervisor, Department of Labor and Industries, Division of Industrial Safety and Health, 814 East 4th Avenue, Olympia, Washington 98504, (206) 753-6381; Implementation and Enforcement: G. David Hutchins, Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, 814 East 4th Avenue, Olympia, Washington 98504, (206) 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. subsection 667(c)(2).

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the businesses in any one industry be reviewed and altered to minimize their impact upon small businesses. The proposed changes to chapter 296-155 WAC have been reviewed in light of that requirement. The conclusions of this review are summarized as follows: WAC 296-155-140, sanitation is amended to require flush toilet facilities on a construction project estimated to cost one and one-half million dollars or where there are twenty or more employees. It is estimated that implementation of this requirement will cost affected employers approximately \$190.00 to \$475.00 per month per maintained facility to rent or approximately \$15,000.00 to \$25,000.00 to buy if the facility is maintained by the employer. (Current regulations require noncaustic chemical portable toilets at a cost of \$80.00 to \$140.00 per unit to rent per month depending on location of project.) By setting the dollar amount for compliance at 1.5 million dollars or twenty employees or more at any site, the department feels it is complying with the intent of the Regulatory Fairness Act. WAC 296-155-205, head protection is revised to require all persons on any worksite to wear protective helmets. It also requires employers to provide protective helmets at no cost to the employee. The purchase price for quantities of 1 to 24 is approximately \$6.05 per employee on construction site. The purchase price for quantities of 25 to 199 is approximately \$5.80 per employee on construction site. In reviewing the estimated



cost of implementation of this standard the department has determined that the amount is negligible compared to the safety protection provided. WAC 296-155-511, leg protection is revised to state that employees whose duties require them to operate a power chain saw shall wear flexible ballistic nylon pads. The approximate purchase price is \$25.00 per set. Again the department has determined that the dollar amount is negligible compared to the safety protection provided. WAC 296-155-525, cranes and derricks is amended with the following sections having economic impacts: WAC 296-155-525 (4)(b) power cranes - certified. The cost of certification will be (0) if the Department of Labor and Industries performs the certifications. Estimated cost of \$150.00 per certification if a private certifying agency is utilized; WAC 296-155-525 (5)(b)(i) wind - speed indicating devices are estimated to cost from (0) for newer cranes which come equipped with the required device to \$900.00 for vintage cranes; and WAC 296-155-525 (10)(e) the requirement for a warning device to alert the operator of "two-blocking" potential may cost from \$250.00 to \$5,000.00 to implement depending on the type of system the employer decides to utilize.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-003 SUBSECTIONS, SUBDIVISIONS, ITEMS, SUBITEMS, AND SEGMENTS. (1) That portion of section ((~~numeration~~) numeration) appearing after the chapter designation appears in either a three digit or a five digit format (e.g. 296-24-330 and 296-24-30002). The final two digits of the section number are implied decimal extensions of the first three digits and represent a further division of the three digit enumeration.

(2) Sections of this chapter may be divided into subsections (1), (2), (3), etc., which may in turn be divided into subdivisions (a), (b), (c), etc., which may be further divided into items (i), (ii), (iii), etc., which may be further divided into subitems (A), (B), (C), etc., which may be further divided into segments (aa), (bb), (cc), etc., all according to the following hierarchy, e.g.

Sections	296-24-330 and 296-24-33002
Subsections	(1) (2)
Subdivisions	(a) (b)
Items	(i) (ii)
Subitems	(A) (B)
Segments	(( <del>aa</del> )) I (( <del>bb</del> )) II

NOTE: "Part" as used in this standard means a major division of this chapter relating to a specific topic or topics and containing various related sections.

**AMENDATORY SECTION** (Amending Order 80-20, filed 11/13/80)

WAC 296-155-005 PURPOSE AND SCOPE. (1) The standards included in this chapter apply throughout the state of Washington, to any and all work places subject to the Washington Industrial Safety and Health Act (chapter 49.17 RCW), where construction, alteration, demolition, related inspection, and/or maintenance and repair work, including painting and decorating, is performed. These standards are minimum safety requirements with which all industries must comply when engaged in the above listed types of work.

~~(2) ((When a provision of this chapter conflicts with a provision of any chapter of another vertical safety standard applying to the employers' specific type of work place, the provision of the vertical safety standard of specific application shall prevail.))~~ If a provision of this chapter conflicts with a provision of the general safety and health standard (chapter 296-24 WAC) or the general occupational health standard (chapter 296-62 WAC), the provision of this chapter shall prevail. When a provision of this chapter conflicts with a provision of another vertical safety standard applying to the place of work, the provisions of the vertical standard of specific application shall prevail.

**NEW SECTION**

WAC 296-155-009 EQUIPMENT NOT OWNED BY, OR UNDER CONTROL OF THE EMPLOYER. (1) When any tool or piece of equipment fails to meet the requirements of any safety standard or recommended safety practices, the tool or equipment shall not be used.

(2) It is the employer's responsibility to ensure that any defective equipment or tools are not used by employees of that employer.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-010 VARIANCE AND PROCEDURE. Realizing that conditions may exist in operations under which certain state standards will not have practical application, the director of the department of labor and industries or his authorized representative may, pursuant to this section, sections eight or nine of the Washington Industrial Safety and Health Act (chapter 80, Laws of 1973, RCW 49.17.080 and 49.17.090) and appropriate administrative rules of this state and the department of labor and industries and upon receipt of application and after adequate investigation by the department, permit a variation from these requirements when other means of providing an equivalent measure of protection are afforded. Such variation granted shall be limited to the particular case or cases covered in the application for variance and may be revoked for cause. The order granting a variance shall be conspicuously posted on the premises and shall remain posted during the time it is in effect. A copy of the variance shall be available at the work site. All requests for variances from safety and health standards included in this chapter, shall be made in writing to the director of the department of labor and industries at Olympia, Washington, or his duly authorized representative, the ((~~supervisor of safety~~) assistant director), division of industrial safety and health, department of labor and industries, Olympia, Washington.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-012 DEFINITIONS APPLICABLE TO ALL SECTIONS OF THIS CHAPTER.

**NOTE:** Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section. Certain parts of this chapter contain definitions as they apply to that particular part.

(1) "Approved" means approved by the director of the department of labor and industries or his authorized representative: PROVIDED, HOWEVER, that should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the bureau of mines, the provisions of WAC 296-155-006 shall apply.

(2) "Assistant director" means the individual in charge of the division of industrial safety and health, department of labor and industries, or his or her authorized representative.

(3) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

((~~3~~)) (4) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

((~~4~~)) (5) "Confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage



tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

((5)) (6) "Construction work" shall mean and include all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling, of buildings and other structures and all operations in connection therewith; the excavation, construction, alteration and repair of sewers, trenches, caissons, conduits, pipe lines, roads and all operations pertaining thereto; the moving of buildings and other structures, and to the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments or any other construction, alteration, repair or removal work related thereto.

((6)) (7) "Defect" means any characteristic or condition which tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

((7)) (8) "Department" means the department of labor and industries.

((8)) (9) "Designated person" means "authorized person" as defined in subsection ((2)) (3) of this section.

((9)) (10) "Director" means the director of the department of labor and industries, or his designated representative.

((10)) (11) "Division" means the division of industrial safety and health of the department.

((11)) (12) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: PROVIDED, that any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

((12)) (13) "Equipment" means all machinery, devices, tools, facilities, safeguards, and protective construction used in connection with construction operations.

((13)) (14) "Ground fault circuit interrupter" means a fast acting circuit breaker that is sensitive to very low levels of current leakage to ground. The device is designed to limit the electric shock to a current and time duration below that which can cause serious injury.

(15) "Hazard" means that condition, potential or inherent, which is likely to cause injury, death, or occupational disease.

((14)) (16) "Hazardous substance" means a substance which, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury.

((15)) (17) "Maintenance" means the work of keeping a building, machine, roadway, etc., in a state of good repair.

((16)) (18) "Part" means a major division, of this chapter, relating to a specific topic or topics and containing various sections, subsections, etc.

((17)) (19) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

((18)) (20) "Repair" means to restore a building, machine, roadway, etc., to an original state after damage or decay.

((19)) (21) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

((20)) (22) "Safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

((21)) (23) "Shall" means that the provision(s) of the standard are mandatory.

((22)) (24) "Substantial" means constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand all normal wear, shock and usage.

((23)) (25) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the

department of labor and industries through the division of industrial safety and health.

((24)) (26) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

((25) "Supervisor" means the supervisor of the division of industrial safety and health.

((26)) (27) "Working day" means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

((27)) (28) "~~(Workmen)~~ Worker," "personnel," "man," "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer whether by manual labor or otherwise.

((28)) (29) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

((29)) (30) Abbreviations used in this chapter:

- (a) "ANSI" means American National Standards Institute.
- (b) "API" means American Petroleum Institute.
- (c) "ASA" means American Standards Association.
- (d) "ASAE" means American Society of Agricultural Engineers.
- (e) "ASHRE" means American Society of Heating and Refrigeration Engineers.
- (f) "ASME" means American Society of Mechanical Engineers.
- (g) "ASTM" means American Society of Testing and Materials.
- (h) "AWS" means American Welding Society.
- (i) "BTU" means British thermal unit.
- (j) "BTUH" means British thermal unit per hour.
- (k) "CFM" means cubic feet per minute.
- (l) "CFR" means Code of Federal Register.
- (m) "CGA" means Compressed Gas Association.
- (n) "CIE" means Commission Internationale de l'Eclairage.
- (o) "DOT" means department of transportation.
- (p) "FRP" means fiberglass reinforced plastic.
- (q) "GPM" means gallons per minute.
- (r) "ICC" means Interstate Commerce Commission.
- (s) "ID" means inside diameter.
- (t) "LPG" means liquefied petroleum gas.

((30)) (31) Additional abbreviations used in this chapter:

- (a) "MCA" means Manufacturing Chemist Association.
- (b) "MSHA" means United States department of labor mine safety and health administration.

(c) "NBFU" means National Board of Fire Underwriters.

((c)) (d)

"NEMA" means National Electrical Manufacturing Association.

((d)) (e)

"NFPA" means National Fire Protection Association.

((e)) (f)

"NTP" means normal temperature and pressure.

((f)) (g)

"OD" means outside diameter.

((g)) (h)

"PSI" means pounds per square inch.

((h)) (i)

"PSIA" means pounds per square inch absolute.

((i)) (j)

"PSIG" means pounds per square inch gauge.

((j)) (k)

"RMA" means Rubber Manufacturers Association.

((k)) (l)

"SAE" means Society of Automotive Engineers.

((l)) (m)

"TFI" means The Fertilizer Institute.

((m)) (n)

"TSC" means Trailer Standard Code.

~~((fn))~~ (o)

"UL" means Underwriters' Laboratories, Inc.

~~((fo))~~ (p)

"USASI" means United States of America Standards Institute.

~~((pt))~~ (q)

"USC" means United States Code.

~~((qt))~~ (r)

"USCG" means United States Coast Guard.

~~((rt))~~ (s)

"WAC" means Washington Administrative Code.

~~((st))~~ (l)

"WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-020 HOUSEKEEPING. (1) ~~((During the course of construction, alteration, or repairs, form and scrap lumber with protruding nails, and all other debris, shall be kept cleared from work areas, passageways, and stairs, in and around buildings or other structures.~~

~~(2) Combustible scrap and debris shall be removed at regular intervals during the course of construction. Safe means shall be provided to facilitate such removal.~~

~~(3) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, etc., shall be equipped with covers. Garbage and other waste shall be disposed of at frequent and regular intervals.) All places of employment shall be kept clean to the extent that the nature of the work allows.~~

~~(2) To facilitate cleaning, every floor, working surface, and passageway shall be kept free from protruding nails, splinters, loose boards or openings.~~

~~(3) Cleaning and sweeping shall be performed in such a manner as to minimize the contamination of the air with dust, and so far as is practical, shall be done at the end of the workday or outside of working hours.~~

~~(4) In areas where workers may pass or perform duties, all debris and accumulations of material shall be removed. Hoses and electrical conductors across aisles or passageways shall be covered or suspended overhead so that a tripping hazard will not be created.~~

~~(5) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Permanent aisles and passageways shall be appropriately marked.~~

~~(6) Storage of material shall not create a hazard. Bags, containers, bundles, construction materials and other equipment shall be stored in tiers, stacked, blocked or interlocked. They shall be limited in height so that they are stable and secure against falling, sliding, or collapse.~~

~~(7) Free access shall be maintained at all times to all exits, fire alarm boxes, fire extinguishing equipment, and other emergency equipment.~~

~~(8) Working and storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation control shall be exercised when necessary.~~

~~(9) All lunchrooms, washrooms, and restrooms shall be kept in a clean and sanitary condition. Garbage cans in lunchrooms and restrooms shall be equipped with fitted covers and the contents disposed of daily.~~

~~(10) During the course of construction, alteration, repair or demolition of buildings and structures, employers shall perform continuous clean-up of their work area, including removal of all rubble, scrap, boxes, crates and excess material daily to on-site trash disposal areas. Contractors and subcontractors shall leave their work areas clean at the end of each day.~~

~~(11) Containers shall be provided for the collection and separation of waste, trash, oily and used rags, and other refuse. Containers used for garbage and other oily, flammable, or hazardous wastes, such as caustics, acids, harmful dusts, and similar materials, shall be equipped with covers. Common garbage and other waste shall be disposed of at frequent and regular intervals. Chemical agents or substances which might react to create a hazardous condition shall be stored and disposed of separately. All hazardous wastes which are subject to the requirements of chapter 173-303 WAC shall be handled, accumulated and disposed of in accordance with that chapter.~~

(12) All floors and walkways shall be maintained in good condition. Loose or broken components shall be repaired or replaced and slippery surfaces treated to ensure safe footing.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-035 GENERAL REQUIREMENTS. (1) (a) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirements of this chapter is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(b) Any employer who has been issued an order of immediate restraint for a condition, practice, method, process or means in the work place, shall not continue such condition, practice, method, process or means or shall not continue to use a machine or equipment, or any part to which a notice prohibiting such use has been attached.

(2) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

(3) Employees shall use safeguards provided for their protection.

(4) Suitable clothing shall be worn for the job performed. Sufficient and proper clothing shall be worn to assist in preventing scratches, abrasions, slivers, sunburn, hot liquid burns, or similar hazards. Loose or ragged clothing, scarfs or ties shall not be worn while working around moving machinery.

(5) When it is necessary for employees to work above other employees, those working underneath shall be notified, and when employees are put to work underneath other employees, those working overhead shall be notified. Where construction work is in progress above workers, a catch platform or other means shall be provided to protect the persons working below. One completed floor shall be maintained between workers and steel or concrete work above.

(6) When employees (shah) report to their employers the existence of any unsafe equipment or method or any other hazard which, to their knowledge is unsafe and where such unsafe equipment or method or other hazard exists in violation of this chapter it shall be corrected by the employer.

(7) Nothing herein contained shall prevent the use of existing equipment during its lifetime provided it shall be properly safeguarded, maintained in good condition, be in conformity with applicable safety and health standards, and shall conform to safety factors for the material used, as herein provided.

(8) As construction progresses, the component parts of structures shall be secured or braced to prevent collapse or failure.

(9) Means shall be provided for prompt and safe removal of injured employees from elevated work locations and trenching excavations.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-155-100 MANAGEMENT'S RESPONSIBILITY.

(1) It shall be the responsibility of management to establish and supervise:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health.

(d) A system for reporting and recording accidents that will fulfill requirements of chapter 296-27 WAC.

(2) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.

(3) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.

(4) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Parts B, D, and other applicable parts of this standard.

~~(5)((a) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.~~

(b) For purposes of subdivision (a) of this subdivision, "confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.) Confined spaces. The requirements of chapters 296-24, 296-62 and 296-155 WAC shall apply.

(6) Management shall not assign mechanics or other employees to work on equipment by themselves when there is a possibility that the employee could fall from elevated work locations or equipment or that an employee could be pinned down by heavy parts or equipment so that they could not call for or obtain assistance if the need arises.

NOTE: This subsection does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-110 ACCIDENT PREVENTION PROGRAM.  
((1) An accident prevention program, wherein there is equitable management-employee participation, shall be established in all establishments, industrial plants, or operations.

(2) It shall be the responsibility of the employer to initiate and maintain such accident prevention programs as may be necessary to comply with this part. The division may be contacted for assistance in initiating and maintaining an effective accident prevention program.

(3) All accident prevention programs shall be tailored to the needs of the particular operation.

(4) Employer and employee representatives, as elected, delegated or appointed, shall attend and actively take part in frequent and regular safety committee meetings.

(5) Accident prevention programs shall provide for employer-employee safety meetings and frequent and regular safety inspections of jobsites, materials, equipment, and operating procedures.

(6) Frequency of safety meetings and safety inspections shall be determined by the employer.

(7) Safety inspections shall be administered by competent personnel as designated by the employer.

(8) A record of safety activities, such as inspections and meetings, shall be maintained by the employer for a period covering the previous twelve months and shall be made available, upon request, to noncompliance representatives of the department.) Every employer shall develop a written accident prevention program, as required by WAC 296-24-040, and a safety and health committee plan, as required by WAC 296-24-045. Every employer, regardless of the number of employees, is required to implement the requirements of WAC 296-24-045, except that the provisions of WAC 296-24-045 and 296-24-040(1)(b) may be accomplished by:

(1) Foreman-crew safety meetings.

(a) Foreman-crew safety meetings shall be held at least weekly.

(b) Foreman-crew meetings shall be tailored to the particular operation.

(c) At least weekly, a walk-around safety inspection shall be conducted jointly by one member of management and one employee, elected by the employees as their authorized representative.

(2) Minutes of each foreman-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day. Minutes of meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the division of industrial safety and health, upon request.

(3) Foreman-crew meetings shall address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation or notice of violation to assist in correction of identified unsafe conditions or practices.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) An evaluation of the accident and illness prevention program with a discussion of recommendations for improvement.

(e) The attendance shall be documented.

(f) The subjects discussed shall be documented.

(4) Subcontractors and their employees may attend the prime contractor's meeting provided that the prime contractor is receptive to the arrangement and that all other requirements of this section are met.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-120 FIRST-AID TRAINING AND CERTIFICATION. ((The purpose of this section is to assure that all employees of this state can be afforded quick and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid-trained person.

(1) From the Revised Code of Washington (RCW 51.36.030) "Every employer . . . shall cooperate with the department in training one or more employees in first aid to the injured."

(2) There shall be present or available at all work sites, at all times, a person or persons holding a valid certificate of first aid training from the department of labor and industries, U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence. (A valid first aid certificate is one which is less than three years old.)

(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:

(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate. PROVIDED, That if the duties or work of the foreman, supervisor or person in direct charge of a crew, is absent from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place (such as occurs in construction, logging, etc.)

(b) In fixed establishments, all foremen, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate. PROVIDED, That in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the group.

NOTE: In emergencies, foremen will be permitted to work up to 30 days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding the valid first-aid certificate shall be available at all times employees are working within that department.

(d) In small businesses, offices or similar types of fixed workplaces, compliance with the requirements of subsection (2) of this section may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.

A plan for combining a number of small businesses etc., into such a group shall be submitted to the safety education section of the division of industrial safety and health for approval. That section is also available for assisting employers who wish to develop such a plan. Criteria for approval by the division include:

(i) The businesses within the group must not be widely dispersed;

(ii) The person or persons holding the first-aid certificates, their usual places of work, their work phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;

(iii) First-aid kits must be available as required by WAC 296-24-065, of the general safety and health standards.

(7) Those employers who believe that establishments for which they are responsible are proximate enough to a fixed location of professional medical services, such as a hospital, clinic, etc. and wish to be exempted from the requirements of this section, may apply to the department

~~for a variance from these provisions according to RCW 49.17.080, 49-17.090, and the general safety and health standards WAC 296-24-010:~~

~~(8) Industrial first-aid course instructors will, upon request, be furnished by the division of industrial safety and health, department of labor and industries:~~

~~(9) A basic first-aid course recognized by the division of industrial safety and health, department of labor and industries requires instruction involving student participation in exercises involving the following:~~

- ~~Bleeding control and bandaging.~~
- ~~Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.~~
- ~~Closed chest massage.~~
- ~~Burns, scalds.~~
- ~~Sunstroke, heat exhaustion.~~
- ~~Frostbite, freezing.~~
- ~~Strains, sprains, hernias.~~
- ~~Fractures, dislocations.~~
- ~~Proper transportation of injured.~~
- ~~Bites, stings.~~

~~Subjects covering specific health hazards likely to be encountered by coworkers of first-aid students enrolled in the course:)) This section is designed to assure that all employees in this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.~~

~~(1) Each employer shall have available at all worksites, at all times, a person or persons holding a valid certificate of first-aid training from the department of labor and industries or other organization, association, or agency that has been approved by the department or equivalent training that can be verified by documentary evidence. A valid first-aid certificate is one which is less than three years old. All foremen, supervisors, or persons in direct charge of crews shall have a valid first-aid certificate: PROVIDED, That if the duties or work of the foreman, supervisor or person in direct charge of the crew require an absence from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at any worksite. If there is no foreman, supervisor or person in direct charge assigned to the crew, at least one employee shall have a valid first-aid certificate. NOTE: In emergencies, foremen will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.~~

~~(2) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:~~

- ~~Bleeding control and bandaging.~~
- ~~Cardio Pulmonary Resuscitation "C.P.R."~~
- ~~Poisons.~~
- ~~Shock, unconsciousness, stroke.~~
- ~~Burns, scalds.~~
- ~~Sunstroke, heat exhaustion.~~
- ~~Frostbite, freezing, hypothermia.~~
- ~~Strains, sprains, hernias.~~
- ~~Fractures, dislocation.~~
- ~~Proper transportation of the injured.~~
- ~~Bites, stings.~~

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-125 FIRST-AID KIT. (1) All employers who employ men and women covered by the act shall furnish first-aid kits as required by the division of industrial safety and health, department of labor and industries, (RCW 51.36.030).

(2) First-aid supplies shall be readily accessible when required by this section.

(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all

crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks and similar equipment shall be equipped with not less than a ten package weather-proof first-aid kit.

(4) All crew vehicles used for transporting workers shall be equipped with not less than a ten package weather-proof first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to comply with a 16-, 24-, or 36-package kit depending upon the number of personnel normally being transported.

(5) At least one weather-proof first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs.

(6) The size and quantity of first-aid kits, required to be located at any site, shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

Number of Personnel Normally Assigned To Worksite	Minimum First Aid Supplies Required At Worksite
1 - 50 persons	First-Aid kit
1 - 5	10 package Kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200	First-aid Station
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
Over 200 persons	First-aid Room
	Refer to WAC 296-24-070

(7) Employers shall establish a procedure to ensure that first-aid kits and required contents are maintained in a serviceable condition.

(8) First-aid kits shall contain at least the following items, in a weatherproof container with individual sealed packages for each type of item:

**10 Package Kit**

- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. bandage compress, 4" (1 per pkg.)
- 1 Pkg. scissors\* and tweezers (1 each per pkg.)
- 1 Pkg. triangular bandage, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice\*\*

**16 Package Kit**

- 1 Pkg. absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors\* and tweezers (1 each per pkg.)
- 2 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice\*\*

**24 Package Kit**

- 2 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. bandage compresses, 4" (1 per pkg.)
- 1 Pkg. eye dressing (1 per pkg.)
- 1 Pkg. scissors\* and tweezers (1 each per pkg.)
- 6 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice\*\*

36 Package Kit

- 4 Pkgs. absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. eye dressing (1 per pkg.)
- 1 Pkg. scissors\* and tweezers (1 each per pkg.)
- 8 Pkgs. triangular bandages, 40" (1 per pkg.)
- 1 Pkg. antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physicians choice\*\*

\*Scissors shall be capable of cutting 2 layers (~~or~~ ~~off~~) of 15 oz. cotton cloth or its equivalent.

\*\*First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department shall be contacted for recommended items to complete the kit.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones on a 8 1/2" x 11" preprinted form plainly stating worksite address or location, the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite. Form No. SP 900L available from all safety division offices. First-aid kit Form No. SP 900S also available.

(10) Where the eyes or body of any person may be exposed to injurious chemicals and/or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided, within the work area, for immediate emergency use.

(11) When required by the department, two wool blankets or two fire retardant blankets, capable of supporting 250 pounds each, and a stretcher shall be available in addition to first-aid kits.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-130 FIRST-AID STATION. (1) First-aid stations shall be located as close as (~~practicable~~) practical to the highest concentration of personnel.

(2) First-aid stations shall be well marked and (~~available to personnel during all working hours~~) located as close as practical to the highest concentration of employees. The location will be determined by the division of industrial safety and health, in case of any dispute over location.

(3) One person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station.

(4) First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first-aid kit may be a permanent wall-mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit.

(5) (~~When required by the department, the~~) The first-aid station shall be equipped with two wool blankets, or two fire retardant blankets capable of supporting 250 pounds each, and a stretcher in addition to first-aid kits.

(6) A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first-aid station.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-140 SANITATION. (1) Potable water. (a) An adequate supply of potable water shall be provided in all places of employment.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) The common drinking cup is prohibited.

(e) 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.

(f) All water containers used to furnish drinking water shall be thoroughly cleaned at least once each week or (~~oftener~~) more often as conditions require.

(2) Nonpotable water. (a) Outlets for nonpotable water such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Part E of this chapter, to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(3) Toilets and wash facilities at construction jobsites. (a) Accessible toilets shall be provided for employees according to the following table:

TABLE B-1

Number of Employees	Minimum Number of Facilities
1 - 20	1 toilet ( <del>seat</del> ) facility and 1 urinal
21 - 60	2 toilet ( <del>seats</del> ) facilities and 2 urinals
<del>(61 - 70)</del>	
61 - 90	3 toilet ( <del>seats</del> ) facilities and 3 urinals
<del>(71 - 120)</del>	
91 - 120	4 toilet ( <del>seats</del> ) facilities and 4 urinals
121 - 150	5 toilet ( <del>seats</del> ) facilities and 5 urinals
151 - 180	6 toilet and 6 urinals
Over 180	1 toilet ( <del>seat</del> ) facility and 1 urinal for each additional 40 employee or any fraction thereof.

(~~Note: The prime contractor shall ensure the above toilet requirements are met.~~)

(b) Toilets shall be maintained in clean, sanitary, and functional condition. Where there are twenty or more employees consisting of both sexes, facilities shall be provided for each sex.

On multi-employer worksites, the prime contractor shall ensure the above toilet requirements are met. This does not relieve each employer of responsibility for providing facilities for their own employees.

(~~(b) Under temporary field conditions not covered by subdivision (c) or (d) of this subsection, provisions shall be made to assure not less than one toilet facility is available.~~)

(c)(i) Jobsites shall be provided with flush toilets and washing facilities consisting of warm water wash basins for maintaining personal cleanliness if the jobsite is for a project estimated to cost one million five hundred thousand dollars or more, or to employ twenty or more employees at any one time.

(ii) A building or mobile, self-contained unit shall be provided for such facilities. The number, types and maintenance of facilities shall conform to minimum standards established by Table B-1. Other approved toilet facilities may be substituted for the facilities specified in WAC 296-155-140 (3)(c)(i) if the department of labor and industries determines that providing these facilities is impractical.

(iii) Provisions of subsection (3)(c) of this section shall become effective on May 5, 1986.

(d) Job sites, not (~~provided with a sanitary sewer~~) covered in subsection (3)(c)(ii) of this section shall be provided with (~~one of the following toilet facilities unless prohibited by local codes~~

(i) Privies (where their use will not contaminate ground or surface water); for specifications refer to the general safety and health standards, WAC 296-24-13003;

(ii) Caustic chemical toilets, for specifications refer to the general safety and health standards WAC 296-24-13005;

(iii) Recirculating toilets, for specifications refer to the general safety and health standards WAC 296-24-13011;

(iv) Combustion toilets, for specifications refer to the general safety and health standards WAC 296-24-13009;

(v) noncaustic chemical toilets(~~,-the~~)). The following specifications (~~shall pertain~~) apply:

(~~(A)~~) (i) A noncaustic chemical toilet shall be a self-contained unit equipped with a waste receiving chemical holding container.

(~~(B)~~) (ii) Rooms, buildings, or shelters housing noncaustic chemical toilets shall be of sound construction and easy to clean, and shall provide shelter and privacy. The toilet rooms shall be ventilated to the outside and adequately lighted(~~,-and~~). All openings into the toilet room shall be covered with 16-mesh screen.

(~~(C)~~) (iii) Noncaustic chemical toilets shall be serviced on a regular schedule. Servicing shall include the use of a disinfectant for cleaning urinal and seat, removing waste from container, recharging container with an odor controlling chemical and installing an adequate supply of toilet tissue.

~~((F))~~ (iv) Service must be performed in accordance with local codes by approved servicing organizations. Waste shall be disposed of or discharged in accordance with requirements of local health department regulations.

~~((E))~~ (v) Toilets shall be furnished on every third floor of multi-story worksites and shall be ~~((furnished to be))~~ within 200 feet horizontally of all employees.

~~((F))~~ (vi) Portable containers for high-rise, tunnel or other ~~((nonaccessible))~~ inaccessible work areas. A complete unit, i.e. seat(s) and urinal with waste container ~~((should))~~ shall conform to regular unit standards except an enclosure is not required where an adequate shield or enclosure is provided in which the unit may be placed. The unit shall be returned to a convenient location on ground level in order to be serviced by a servicing company.

~~((G))~~ (vii) Waste containers shall be fabricated from impervious materials, e.g. plastic, steel, fiberglass or their equal. Containers shall be water tight and capable of containing the chemical waste in a sanitary manner and the container shall be fitted to the building in a manner so as to prevent insects from entering from the exterior of the building. Containers shall be adequate in size to be used by the number of persons according to the schedule for minimum requirements without filling the container to more than half of its volume before regular schedule for servicing.

~~((H))~~ (viii) Removal of waste shall be handled in a clean and sanitary manner by means of a vacuum hose and received by a leakproof tank truck. All valves on the tank shall be leak-proof.

~~((I))~~ (ix) Provisions shall be made so service trucks have a clear approach and convenient access to the toilets which are to be serviced.

~~((J))~~ (x) Disposal of waste from tank trucks must be in accordance with local health department requirements. In the absence of provisions by local health departments, waste must be disposed of through municipal or district sanitary sewage systems. Municipal or area sanitary sewage district shall provide sewage disposal locations and facilities which are adequate and convenient for duly authorized toilet service organizations.

~~((K))~~ (c) The requirements of this section for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(4) Food handling. All employees' food service facilities and operations shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(5) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(6) Washing facilities. The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-155-155 NONIONIZING RADIATION. (1) Only qualified and trained employees shall be assigned to install, adjust, and operate laser equipment.

(2) Proof of qualification of the laser equipment operator shall be available and in possession of operator at all times.

(3) Employees, when working in areas in which a potentially hazardous exposure (see WAC 296-62-09005(4)) to direct or reflected laser radiation exists, shall be provided with antilaser eye protection devices specified in Part C of this chapter.

(4) Areas in which class II and III lasers are used shall be posted with standard laser warning placards.

(5) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.

(6) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.

(7) The laser beam shall not be directed at employees.

(8) When it is raining or snowing, or when there is dust or fog in the air, and it is impracticable to cease laser system operation, employees shall be kept out of range of the area of source and target during such weather conditions.

(9) Laser equipment shall bear a conspicuously displayed label to indicate hazard classification. This label shall be prepared in accordance with 21 CFR 1040.10.

(10) Only Class I, II, or III laser equipment shall be used. Class IV laser equipment shall not be used.

(11) Laser unit in operation shall be set up above the heads of the employees, when possible.

(12) Employees shall not be exposed to radiofrequency/microwave radiation in excess of the permissible exposure limits specified in WAC 296-62-09005.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-155-160 GASES, VAPORS, FUMES, DUSTS, AND MISTS. (1) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the general occupational health standards, WAC 296-62-07515 shall be avoided.

(2) To achieve compliance with (1) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in WAC 296-62-07515. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with WAC 296-155-220.

(3) Subsections (1) and (2) of this section do not apply to the exposure of employees to airborne asbestos dust. Whenever any employee is exposed to airborne asbestos dust, the requirements of the general occupational health standards, WAC 296-62-07517 shall apply.

(4) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. See chapter 296-62 WAC, the General Occupational Health Standards and other applicable standards.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-165 LIGHTING AND ILLUMINATION. (1) ~~((General. Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to not less than the minimum illumination intensities listed in Table B-3 while any work is in progress:))~~

TABLE B-3  
MINIMUM ILLUMINATION  
INTENSITIES IN FOOT-CANDLES

Foot-Candles	Area or operation
5	General construction area lighting.
3	General construction area, concrete placement, excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: Warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas. (Exception: Minimum of 10 foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.)
10	General construction plant and shops (e.g.: batch plants, screening plants, mechanical and electrical equipment rooms, carpenter shops, rigging lofts and active storerooms, barracks or living quarters, locker or dressing rooms, mess halls, and indoor toilets and workrooms).
30	First aid rooms, infirmaries, and offices.

(2) Other areas. For areas or operations not covered above, refer to the general occupational health standards, WAC 296-62-09003, for recommended values of illumination.)) Lighting which is adjusted to

provide a margin of safety in production and inspection tasks shall be provided and maintained. The minimum level of task lighting in all indoor work places shall be an average of ten foot-candles measured thirty inches above the floor. MSHA approved cap lights shall be acceptable for use in tunnel headings.

(2) Whenever general lighting of an entire area is not provided, illumination sufficient to provide visibility of potentially hazardous nearby objects and emergency control equipment shall be supplied. The minimum level of nontask lighting in all indoor work places shall be an average of three foot-candles measured thirty inches above the floor.

(3) Diffusion and distribution of artificial and natural light. Artificial light sources shall be installed with regard to mounting height, spacing, and reflectors or other suitable accessories as to secure a reasonably uniform distribution of illumination and to avoid glare and sharply defined shadows which could temporarily reduce a person's ability to see clearly into shadow.

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. The minimum levels specified in subsections (1) and (2) of this section represent averages with the lowest level in an area to be no less than fifty percent of the indicated value.

#### AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-200 GENERAL REQUIREMENTS. (1) Application. (a) Protective equipment, including personal protective equipment for eyes, face, head, hearing, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.

(2) Construction personnel shall comply with plant or job (~~safe~~) safety practice and procedures, peculiar to particular industries and plants, relating to protective equipment and procedures when engaged in construction work in such plants or job sites.

(3) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates a need for using such equipment to reduce the hazards to the employees.

(4) Where there is a danger of contact with moving parts of machinery, or the work process is such that a (~~similar~~) hazard exists:

(a) The clothing of employees shall fit closely about the body.

(b) Dangling neck wear, bracelets, wristwatches, rings, or similar articles shall not be worn by employees.

~~((c) Cranial and facial hair shall be completely confined or cut short:))~~

(5) Employees, whose duties are (~~regularly~~) performed in areas and under circumstances (~~when~~) where they are exposed to the danger of moving vehicles, shall wear work vests of highly visible materials, or equivalent distinguishing apparel.

(6) Employers shall require that employees wear no less than a short sleeved shirt, long pants, and shoes meeting the requirements of WAC 296-155-212. Any person at a worksite shall wear no less than a short sleeved shirt, long pants, and shoes meeting the requirements of WAC 296-155-212.

NOTE: For additional personal protective and life saving equipment requirements, refer to the general safety and health standards, WAC 296-24-075 through 296-24-092.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-155-201 DEFINITIONS APPLICABLE TO THIS CHAPTER. (1) "Catenary life line" means a horizontal rope between two fixed anchorages, independent of the work surface, to which the lanyard is attached, either by tying or by means of a sliding connection. The catenary life line shall be capable of supporting a minimum dead weight of 5,400 pounds per person, applied at the midpoint of the line.

(2) "Contaminant" means any material which by reason of its action upon, within, or to a person or object is likely to cause physical harm.

~~((2))~~ (3) "Dropline" means a vertical rope from a fixed anchorage, independent of the work surface, to which the lanyard is affixed or tied.

(4) "Fixed anchorage" means a secure point of attachment, not a part of the work surface, for droplines, lifelines, catenary life lines, or lanyards. The fixed anchorage and its appurtenances shall be capable of supporting a minimum dead weight of 5,400 pounds per worker.

(5) "Lanyard" means a rope, suitable for supporting one person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a safety line.

~~((3))~~ (6) "Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached.

~~((4))~~ (7) "O.D." means optical density and refers to the light refractive characteristics of a lens.

~~((5))~~ (8) "Radiant energy" means energy that travels outward in all directions from its source.

~~((6))~~ (9) "Safety belt" means a device, usually worn around the waist which, by reason of its attachment to a lanyard and lifeline or a structure, will prevent a worker from falling.

#### NEW SECTION

WAC 296-155-203 CONFINED SPACES. All work conducted in a confined space shall comply with the provisions of chapter 296-62 WAC and the following sections.

#### NEW SECTION

WAC 296-155-20301 DEFINITIONS. (1) "Confined space" means any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include but are not limited to storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines and open top spaces more than 4 feet in depth, such as pits, tubcs, vaults and vessels.

(2) Toxic atmospheres are atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in WAC 296-62-075 through 296-62-07517.

(3) Chemical contact agents are defined in WAC 296-62-07003.

(4) Oxygen deficient atmospheres are deemed to exist if the atmosphere at sea level has less than 18% oxygen by volume or has a partial pressure of 135 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions.

(5) Flammable atmospheres are atmospheres in excess of 20% of the lower explosive limit. These are usually toxic as well as flammable.

#### NEW SECTION

WAC 296-155-20303 EVALUATION OF POTENTIALLY HAZARDOUS ATMOSPHERES. Evaluation of the atmospheres shall be made by competent personnel.

(1) Atmospheric tests shall be made using accepted procedures and/or instruments to determine the kind and extent of any hazards present. However, atmospheric tests should be supplemented by other types of evaluation.

(2) Evaluation shall consider such factors as degree of toxicity, flammability, oxygen deficiency, noise, temperature, vapor pressures, sorption on surface, sludges, residue and ventilation rates.

(3) Evaluation shall be made immediately prior to entry and during occupation at intervals dependent on the possibility of changing conditions.

(4) Testing or other evaluation shall be made in all locations where employees may be exposed.

(5) If there is any doubt as to the validity of evaluation, the hazard shall be assumed to be high, and personal protective equipment or measures used accordingly.

#### NEW SECTION

WAC 296-155-20305 ENTRY INTO CONFINED SPACE. After initial cleaning, vapor freeing, and evaluation of the atmosphere,



the confined space may be entered to complete cleaning, repair or other work.

(1) Respiratory protective equipment shall be used when indicated.

(2) An observer capable of maintaining communication at all times shall be located outside the confined space. He shall have respiratory protection available when indicated.

(3) If the possibility of a highly toxic or flammable atmosphere, or oxygen deficiency exists or can develop, workers shall wear safety harness with lifeline attached and a means of rescue shall be provided.

(4) Fire extinguishing equipment shall be immediately available when indicated.

(5) Ventilation shall be maintained at all times when employees are in confined spaces except when the atmosphere has been purposely inerted to provide safer working conditions. All work shall stop and the area shall be evacuated if ventilation fails.

(6) All tools and equipment shall be available as required.

(7) Emergency lighting shall be available as required.

(8) The area shall be evacuated if any indication of ill effects such as dizziness, irritation or excessive odors are noted.

#### NEW SECTION

WAC 296-155-20307 CONFINED SPACE WORK ON SEWER SYSTEMS UNDER CONSTRUCTION. New systems under construction or new installations which have not been connected to a used system, may substitute forced ventilation for the testing requirements of WAC 296-62-14523 and 296-155-20303, provided:

(1) Ventilation is effectively provided at least five minutes prior to entry into the confined space;

(2) Ventilation is provided, as required by WAC 296-62-110, et seq., which supplies a continuous flow of air;

(3) Ventilation exhaust is discharged so as to present no hazard to other employees;

(4) A watchman is provided at the surface when there are employees in the manhole or pipe. He shall not leave the manhole unwatched until such time as all employees are out and the cover has been replaced; and

(5) All other requirements for confined spaces are observed.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-205 HEAD PROTECTION. (1) ~~((Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets))~~ All persons on any worksite shall wear protective helmets. Employers shall provide protective helmets at no cost to the employee.

(a) Helmets for the protection of employees against impact and/or penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971.

(2) Caps with metal buttons or metal visors shall not be worn around electrical hazards.

(3) Persons working near moving machinery or in locations which present a hair-catching or fire hazard shall wear caps, nets, or other type head and face protection or covering that will completely contain the hair.

(4) Employers of members of the Old Order Amish or the Sikh Dharma Brotherhood shall not be cited for the failure to provide head protection and requiring these members to wear head protection provided these members have so notified their employer of their religious objection to the wearing of hard hats, in writing.

(5) Employees working on asphalt paving crews when they are exposed to extreme temperatures from hot mix and when they are not exposed to falling objects need not wear protective helmets. Flaggers working in conjunction with asphalt paving operations are not exempt from this requirement.

#### NEW SECTION

WAC 296-155-211 LEG PROTECTION. Employees whose duties require them to operate a power chain saw shall wear flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers,

or other equivalent protection, that will protect the vulnerable area of the legs.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-212 FOOT PROTECTION. (1) Substantial footwear, made of leather or other equally firm material, shall be worn by employees in any occupation of the construction industry in which there is a danger of injury to the feet through falling or moving objects, or worn by employees exposed to a danger of injury from burning, scalding, cutting, penetration, or like hazard.

(a) The soles and heels of such footwear shall be of a material that will not create a slipping hazard.

(b) Footwear that has deteriorated to a point where it does not provide the required protection shall not be used.

(2) Calks or other suitable footwear, which will afford reasonable protection from slipping, shall be worn while working on logs, poles, pilings, or similar round ~~((timbers))~~ forest products.

(3) Tennis shoes and other similar types of thin or soft soled athletic shoes, open toed sandals, slippers, dress shoes, or other similar type shoes, shall not be worn by employees on construction or demolition sites.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-225 SAFETY BELTS, DROPLINES, LIFELINES, AND LANYARDS.

~~((Note: When temporary floors, staging, ladders, scaffolds or safety nets are provided, structural steel erectors (connectors) need not wear safety belts when the use of safety belts may provide an additional hazard. Follow-up steel erectors such as "bolters," "riveters," etc., are not exempt from this provision and must wear safety belts and lanyards and be tied off at all times, except when provided with a safety net.~~

~~((1) Where workers are employed 25 feet or more above the floor, ground, or water surface, and it is impracticable to provide temporary floors, staging, ladders, or scaffolds, safety nets or safety belts and life lines shall be provided and used.~~

~~((2)) (1) General.~~

~~((a) When work is to be performed from locations 10 feet or more in height suitable standard, or wire rope railings, guardrails shall be installed.~~

~~((b) Safety belts shall be used when workers are exposed to the hazard of falling from buildings, bridges, structures, or construction members such as trusses, beams, purlins, or plates at elevations exceeding 10 feet above ground, water surface, or continuous floor level below.~~

~~((c) When requirements in (a) and (b) of this subsection are impractical, approved-type safety nets (see WAC 296-155-230) shall be used.~~

~~((d) When the work is of short duration and limited exposure, and the hazards involved in rigging and installing the safety devices required by this section equal or exceed the hazards involved in the actual construction, these provisions may be temporarily suspended for connectors only, provided adequate risk control is recognized and maintained under immediate, competent supervision.~~

~~((2)(a) Safety belts and lanyards shall be worn by any worker exposed to a fall of ten feet or more from an elevated work area not otherwise protected by the provisions of this section. The anchor end of the lanyard shall be secured at a level not lower than the workman's waist, and at a horizontal distance not to exceed 6 feet. Where the waist level connection is not possible, connections at foot level may be permitted, provided that adequate risk control procedures are followed. Lanyards shall be secured to a substantial member of the structure or to securely rigged lines.~~

~~((b) If worker's duties require horizontal movement, rigging shall be provided so that the attached lanyard will slide along with him. Such rigging shall be provided for all suspended staging, outdoor advertising sign platforms, floats, and all other catwalks, or walkways 10 feet or more above the ground or level beneath.~~

~~((3) Lifelines, droplines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subjected to in-service loading, as distinguished from static load testing, shall be immediately removed from service and shall not be used again for employee safeguarding.~~

~~((3) Lifelines)) (4) Droplines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of~~



5,400 pounds, and shall extend below the operation a sufficient distance to permit a safe landing but shall not touch the ground, walking surface, or safe landing area.

~~((4))~~ (5) Droplines or lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,400 pounds, shall be used.

~~((5))~~ (6) Safety belt lanyard shall be a minimum of 1/2-inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than 6 feet. The rope shall have a nominal breaking strength of 5,400 pounds.

~~((6))~~ (7) All safety belt, harness, and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, Class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

~~((7))~~ (8) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation and shall conform to the requirements of ANSI A10.14, 1975.

~~((8))~~ (9) No employee shall enter a gas main, sewer, sewer flue, duct, tunnel, or other similar place without first notifying the (foreman) supervisor of his intention to do so. ((He shall wear)) A safety ((belt)) harness with ((lifeline attached,)) attached retriever line shall be worn and an observer shall be stationed at the opening through which the worker entered when conditions require ((it, the line being held by a fellow worker stationed at the opening through which he enters. In such cases signals shall be agreed upon, and failure of the worker to respond to a signal shall be sufficient cause for immediate investigation)). See WAC 296-62-145 through 296-62-14529.

(10) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work in hoppers, bins, silos, tanks, or other confined spaces.

(b) Work on hazardous slopes, structural steel (except as provided in subsection (1)(d) of this section), erecting or dismantling safety nets, tying reinforcing bars, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-230 SAFETY NETS. (1) ~~((Safety nets shall be provided when workplaces are more than 25 feet above the ground or water surface, or other surface where the use of ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts are impractical:~~

~~(2) Where safety net protection is required by this part, operations shall not be undertaken until the net is in place and has been tested. The manufacturer's current certification of testing shall satisfy the requirements of this subsection.~~

~~(3) (a) Nets shall extend 8 feet beyond the edge of the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than 25 feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surfaces or structures below. Such clearances shall be determined by impact load testing.) (a) Where the elevation is 25 feet or more above the ground, water surface, or level below, and when the use of safety belts and lifelines or more conventional types of protection are clearly impractical, the exterior and interior of the structure shall be provided with an approved-type safety net extending at least 8 feet horizontally from the perimeter and positioned at a distance not to exceed 10 feet vertically below the working surface. Nets shall be hung with sufficient clearance to prevent contact with the surfaces or structures below. Such clearances shall be determined by impact load testing.~~

~~(b) It is intended that only one level of nets be required for bridge construction.~~

~~(c) Safety nets shall be provided wherever workers are permitted to be underneath a work area not otherwise protected from falling objects. In such cases, nets shall be lined with a mesh of size and strength sufficient to contain tools and materials capable of causing injury.~~

Net linings shall be of not more than 1-inch mesh and be constructed of synthetic twine not less than No. 18-inch size or of wire not less than 22 gauge.

~~((4))~~ (2) The mesh size of nets shall not exceed 6 inches by 6 inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

~~((5))~~ (3) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

~~((6))~~ (4) Connections between net panels shall develop the full strength of the net.

(5) The safety net shall be tested on-the-job in the suspended position immediately following installation or major repair and at six-month intervals thereafter.

(6) The test shall consist of dropping a 400-pound bag of sand not more than 30 inches in diameter from a height of twenty-five feet above the net into the center of the net.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-250 DEFINITIONS APPLICABLE TO THIS PART. (1) "Approved" for the purpose of this part, means equipment that has been listed or approved by a nationally recognized testing laboratory such as Factory Mutual Engineering Corp., or Underwriters' Laboratories, Inc., federal agencies such as ~~((Bureau of Mines))~~ United States Mine Safety and Health Administration or ~~((U.S.))~~ United States Coast Guard, which issue approvals for such equipment, or the department of labor and industries.

(2) "Closed container" means a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(3) "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.

(4) "Combustion" means any chemical process that involves oxidation sufficient to produce light or heat.

(5) "Fire brigade" means an organized group of employees that are knowledgeable, trained, and skilled in the safe evacuation of employees during emergency situations and in assisting in fire fighting operations.

(6) "Fire resistance" means so resistant to fire that, for specified time and under conditions of a standard heat intensity, it will not fail structurally and will not permit the side away from the fire to become hotter than a specified temperature. For purposes of this part, fire resistance shall be determined by the Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-72.

(7) "Flammable" means capable of being easily ignited, burning intensely or having a rapid rate of flame spread.

(8) "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).

(9) "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.

(10) "Liquified petroleum gases" "LPG" and "LP Gas" mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them, such as propane, propylene, butane (normal butane or isobutane), and butylenes.

(11) "Portable tank" means a closed container having a liquid capacity more than 60 U.S. gallons, and not intended for fixed installation.

(12) "Safety can" means an approved closed container, of not more than 5 gallons capacity, having a ~~((flash-arresting screen;))~~ spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire exposure.

(13) "Salamander" means a portable heating device, solid or liquid fueled, which is not vented to the outdoor atmosphere.

(14) "Vapor pressure" means 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)," (ASTM D-323-68).

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-155-260 FIRE PROTECTION. (1) General requirements. (a) The employer shall be responsible for development of a fire protection program to be followed throughout all phases of construction and demolition work, and he shall provide for firefighting equipment as specified in this part. As fire hazards occur, there shall be no delay in providing necessary equipment.

(b) Access to all available firefighting equipment shall be maintained at all times.

(c) All firefighting equipment, provided by the employer, shall be conspicuously located.

(d) All firefighting equipment shall be periodically inspected by a competent person, and maintained in operating condition. Defective equipment shall be immediately replaced.

(e) As warranted by the project, the employer shall provide a trained and equipped firefighting organization (fire brigade) to assure adequate protection to life.

(2) Water supply. (a) A temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate firefighting equipment shall be made available as soon as combustible materials accumulate.

(b) Where underground water mains are to be provided, they shall be installed, completed, and made available for use as soon as practicable.

(3) Portable firefighting equipment. (a) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of a combustible building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed a horizontal distance of 100 feet.

NOTE: One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(b) A 1/2-inch diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be substituted for a 2A-rated fire extinguisher, provided it is capable of discharging a minimum of 5 gallons per minute with a minimum hose stream range of 30 feet horizontally. The garden-type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(c) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, where combustibles are present, at least one fire extinguisher shall be located adjacent to a stairway.

(d) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(e) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.






(f) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(g) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A-1972 and the general safety and health standards, WAC 296-24-59007.

(h) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this part. (See table D-1)

Table D-1

KNOW YOUR FIRE EXTINGUISHERS

 CLASS A FIRES <small>WOOD, PAPER, TRASH HAVING GLOWING EMBERS</small> 	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	STORED PRESSURE	CARTRIDGE OPERATED	WATER PUMP TANK	SODA ACID	FOAM	CO <sub>2</sub>	SODIUM OR POTASSIUM BICARBONATE	STANDARD PRESSURE	STANDARD PRESSURE	CANTRIDGE OPERATED
CLASS B FIRES <small>FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC</small> 	YES	YES	YES	YES	YES	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	YES	YES
CLASS C FIRES <small>ELECTRICAL EQUIPMENT</small> 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES <small>COMBUSTIBLE METALS</small> 	<b>SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES</b>									
METHOD OF OPERATION	PULL PIN - SQUEEZE HANDLE	TURN UPSIDE DOWN AND DUMP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN - SQUEEZE LEVER	RUPTURE CARTRIDGE - SQUEEZE LEVER	PULL PIN - SQUEEZE HANDLE	PULL PIN - SQUEEZE HANDLE	RUPTURE CARTRIDGE - SQUEEZE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE AND WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY - RECHARGE	DISCHARGE ANNUALLY - RECHARGE	WEIGH CAN ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY

NOTE: One hundred feet, or less, of 1-1/2 inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute, may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

(i) If fire hose connections are not compatible with local firefighting equipment, the contractor shall provide adapters, or equivalent, to permit connections.

(j) During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

(4) Fixed firefighting equipment. (a) Sprinkler protection. (i) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons.

NOTE: Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(b) Standpipes. In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

(5) Fire alarm devices. (a) An alarm system, e.g., telephone system, siren, etc., shall be established by the employer whereby employees on the site and the local fire department can be alerted for an emergency.

(b) The alarm code and reporting instructions shall be conspicuously posted at phones and at employee entrances.

(6) Fire cutoffs. (a) Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors,

with automatic closing devices, shall be hung on openings as soon as ((practicable)) practical.

(b) Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-270 FLAMMABLE AND COMBUSTIBLE AND COMBUSTIBLE LIQUIDS. (1) General requirements. (a) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon, except that this shall not apply to those flammable liquid materials which are highly viscid highly (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container or approved metal safety cans shall be used for storage, use, and handling of flammable liquids.

(b) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(c) Flammable and combustible liquid containers shall be legibly marked to indicate their contents.

(d) Gasoline shall not be used as a solvent or a cleaning agent.

(2) Indoor storage of flammable and combustible liquids. (a) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquid petroleum gas, see WAC 296-155-275.

(b) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws, when more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep fire away."

(c) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(d) (i) Inside storage room shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Test of Building Construction and Material, NFPA 251-1972.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1970, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table D-2 following:

TABLE D-2

Fire protection provided	Fire resistance	Maximum size	Total allowable quantities gals./sq. ft./floor area
Yes	2 hrs.	500 sq. ft.	10
No	2 hrs.	500 sq. ft.	4
Yes	1 hr.	150 sq. ft.	5
No	1 hr.	150 sq. ft.	2

NOTE: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class 1, Division 1, hazardous locations. For definition of Class 1, Division 1, hazardous locations, see WAC 296-155-455.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with subsection (3) of this section.

(3) Storage outside buildings. (a) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(b) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(c) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Outdoor portable tank storage. (i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(e) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(f) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30-1972, The Flammable and Combustible Liquids Code.

(g) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of the Flammable and Combustible Liquids Code, NFPA 30-1972.

(4) Fire control for flammable or combustible liquid storage. (a) At least one portable fire extinguisher, having a rating of not less than 20-B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(b) At least one portable fire extinguisher having a rating of not less than 20-B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(c) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1972.

(d) At least one portable fire extinguisher having a rating of not less than 20-B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

(5) Dispensing liquids. (a) Areas in which flammable or combustible liquids are transferred at the same time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-foot distance or by construction having a fire-resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(b) Transfer flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(c) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tank is prohibited.

(d) The dispensing units shall be protected against collision damage.

(e) Dispensing devices and nozzles for flammable liquids shall be of an approved type, as required by WAC 296-24-33015.

(6) Handling liquids at point of final use. (a) Flammable liquids shall be kept in closed containers when not actually in use.

(b) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(c) Flammable liquids shall be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

Each storage container for flammable or combustible liquids, with a capacity of 50 gallons or more, shall have the contents of the container identified by a sign of clearly visible contrasting colors with letters at least 3 inches high, painted on the container at the discharge valve and at the fill point.

(7) Service and refueling areas. (a) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(b) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1971.

- (c) The dispensing hose shall be an approved type.
- (d) The dispensing nozzle shall be an approved automatic-closing type (~~(without a latch-open device)~~).
- (e) Underground tanks shall not be abandoned.
- (f) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.
- (g) (i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.
- (ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.
- (h) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids.
- (i) Conspicuous and legible signs prohibiting smoking shall be posted.
- (j) The motor(s) of ~~((#))~~ any equipment being fueled shall be shut off during the fueling operation except when specifically exempted.
- (k) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20BC located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

#### AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-275 LIQUEFIED PETROLEUM GAS (LP-GAS). (1) Approval of equipment and systems. (a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

(b) All cylinders shall meet the department of transportation specification identification requirements published in 49 CFR Part 178, Shipping Container Specifications.

(2) Welding on LP-gas containers. Welding is prohibited on containers.

(3) Container valves and container accessories. (a) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-gas service.

(b) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(4) Safety devices. (a) Every container and every vaporizer shall be provided with one or more approved safety relief valves or devices. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into a building which is below such discharge.

(b) Shutoff valves shall not be installed between the safety relief device and the container, or the equipment or piping to which the safety relief device is connected, except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(c) Container safety relief devices and regulator relief vents shall be located not less than 5 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(5) Dispensing. (a) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from the nearest building or other construction and; in any event, not less than 25 feet from any building opening.

(b) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

(6) Requirements for appliances. (a) LP-gas consuming appliances shall be approved types.

(b) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-gas, and is in good condition, may be used with LP-gas only after it is properly converted, adapted, and tested for performance with LP-gas before the appliance is placed in use.

(7) Containers and regulating equipment installed outside of buildings or structures. containers shall be upright upon firm foundations or otherwise firmly secured. The possible effect on the outlet piping of

settling shall be guarded against by a flexible connection or special fitting.

(8) Containers and equipment used inside of buildings or structures. (a) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is ~~((impracticable))~~ impractical, containers and equipment ~~((shall be))~~ are permitted to be used inside of buildings or structures in accordance with ~~((subdivisions))~~ (b) through (k) of this subsection. In addition, there may be provisions of this section that are applicable to the particular use or occupancy.

(b) "Containers in use" means connected for use.

(c) Systems utilizing containers having a water capacity greater than 2 1/2-pounds (nominal 1 pound LP-gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.

(d) Regulators, when required, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(e) Valves on containers having water capacity greater than 50 pounds (nominal 20 pounds LP-gas capacity) shall be protected from damage while in use or storage.

(f) Aluminum piping or tubing shall not be used.

(g) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as ~~((practicable))~~ practical. Hoses shall be long enough to permit compliance with spacing provisions of ~~((subdivisions))~~ (a) through (m) of this subsection, without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(h) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the mainburner, and pilot if used, in the event of flame failure. Such heaters, having inputs above 50,000 BTU per hour, shall be equipped with either a pilot, which must be lighted and proved before the main burner can be turned on, or an electrical ignition system.

NOTE: The provisions of this subdivision do not apply to portable heaters under 7,500 BTU per hour input when used with containers having a maximum water capacity of 2 1/2 pounds.

(i) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(j) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located to minimize exposure to high temperatures or physical damage.

(k) Containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-gas capacity) connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(l) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-gas capacity).

(m) For temporary heating, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the containers. Blower and radiant type heaters shall not be directed toward any LP-gas container within 20 feet.

(n) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(o) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers, manifolded together for connection to a heater or heaters, shall not be greater than 735 pounds (nominal 300 pounds LP-gas capacity). Such manifolds shall be separated by at least 20 feet.

(p) Storage of containers awaiting use shall be in accordance with subsections (10) and (11) of this section.

(9) Multiple container systems. (a) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system.

This provision is not to be construed as requiring an automatic changeover device.

(b) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(c) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

(10) Storage of LPG containers. Storage of LPG within building is prohibited.

(11) Storage outside of buildings. (a) Storage outside of buildings, for containers awaiting use, shall be located from the nearest building or group of buildings, in accordance with Table D-3:

TABLE D-3

Quantity of LP-gas stored:	Distance (feet)
500 lbs. or less _____	0
501 to 6,000 lbs. _____	10
6,001 to 10,000 lbs. _____	20
Over 10,000 lbs. _____	25

(b) Containers shall be in a suitable ventilated enclosure or otherwise protected against tampering, or possible damage by vehicular traffic.

(12) Fire protection. Storage locations shall be provided with at least one approved portable fire extinguisher having a rating of not less than 20-B:C.

**AMENDATORY SECTION** (Amending Order 76-29, filed 9/30/76)

WAC 296-155-280 TEMPORARY HEATING DEVICES. (1) Ventilation. (a) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of workers. Where natural means of fresh air supply is inadequate, mechanical ventilation shall be provided.

(b) When heaters are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to ensure proper combustion, maintain the health and safety of workers, and limit temperature rise in the area.

(2) Clearance and mounting. (a) Temporary heating devices shall be installed to provide clearance to combustible material not less than the amount shown in Table D-4.

(b) Temporary heating devices, which are listed for installation with lesser clearances than specified in Table D-4, may be installed in accordance with their approval.

TABLE D-4

Heating appliances	Minimum clearance, (inches)		
	Sides	Rear	Chimney connector
Room heater, circulating type _____	12	12	18
Room heater, radiant type _____	36	36	18

(c) Heaters not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such heaters are used, they shall rest on suitable heat insulating material or at least 1-inch concrete, or equivalent. The insulating material shall extend beyond the heater 2 feet or more in all directions.

(d) Heaters used in the vicinity of combustible tarpaulins, canvas, or similar coverings shall be located at least 10 feet from the coverings. The coverings shall be securely fastened to prevent ignition or upsetting of the heater due to wind action on the covering or other material.

(3) Stability. Heaters, when in use, shall be set horizontally level, unless otherwise permitted by the manufacturer's markings.

(4) Oil-fired heaters. (a) Flammable liquid-fired heaters shall be equipped with a primary safety control to stop the flow of fuel in the

event of flame failure. Barometric or gravity oil feed shall not be considered a primary safety control.

(b) Heaters designed for barometric or gravity oil feed shall be used only with the integral tanks.

(c) Heaters specifically designed and approved for use with separate supply tanks may be directly connected for gravity feed, or an automatic pump, from a supply tank.

(5) Salamanders. (a) Coverage. The use of solid fuel salamanders is prohibited in buildings and on scaffolds.

(b) General requirements. (i) All solid fuel salamanders shall be designed and constructed for use with solid fuel, that is, coal or coke.

(ii) Solid fuel salamanders shall be equipped with a cover designed as part of the unit, to prevent spillage of burning material in case of tipover.

(iii) Salamanders shall be assembled in accordance with the instructions issued by the manufacturer.

(iv) The safeguards engineered into the product shall be maintained and any replacement shall be equivalent thereto.

(v) Salamanders shall be stored in such a manner as to prevent deterioration or damage to the unit.

(c) Operation. (i) Manufacturers' instructions shall be followed by the user.

(ii) Each time a salamander is placed in operation it shall be checked to insure that it is functioning properly. Its operation shall be checked periodically thereafter.

(iii) When concentrations of carbon monoxide attain quantities greater than 50 parts per million (0.005 percent) to air volume at employee breathing levels, the salamander shall be extinguished unless additional natural or mechanical ventilation is provided to reduce the carbon monoxide content to permissible limits.

(iv) Tests for presence of carbon monoxide shall be made by a qualified person within 1 hour after the start of each shift and at least every 3 hours thereafter. If concentrations of carbon monoxide reach 30 parts per million to air volume, tests shall be made more frequently to determine if there is a continuing increase of carbon monoxide concentration.

(v) Records of all tests including the date, time, results obtained, and person making tests, shall be maintained for the duration of the project.

(vi) No persons shall be permitted to be within the area being heated by the salamanders except under the following circumstances: When tending the salamanders; when testing the atmosphere; or in emergency situations.

(vii) No employee shall be permitted to enter the heated area until notification is given to another person located outside. Periodic checks shall be made to ensure the health and safety of employees entering the heated area.

(viii) When a salamander is being used, the responsibility for its operation and maintenance shall be assigned to a qualified employee.

(ix) Salamanders shall not be moved, handled, or serviced while hot or burning, or while component parts are hot to the touch.

(x) Salamanders, when in use, shall be set level with the horizontal unless otherwise permitted by the manufacturer's markings. Salamanders shall be designed so as not to tip over when placed on a surface inclined 25° to the horizontal.

(xi) If equivalent protection and safety is afforded by alternative design, the 25° limitation may be reduced.

(xii) Salamanders not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such salamanders are used they shall rest on suitable insulating material or at least 1-inch concrete or equivalent. The insulating material shall extend beyond the salamander 2 feet or more in all directions.

(xiii) Salamanders used in the vicinity of tarpaulins, canvas, or similar coverings shall be located a safe distance from coverings and other combustible materials. The coverings shall be securely fastened to prevent ignition of the covering or upsetting of the salamanders due to wind action on the covering or other material.

(xiv) Salamanders in use shall be protected to prevent flame extinguishment.

(d) Ventilation. (i) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of employees. Where natural means for fresh air supply is inadequate, mechanical ventilation shall be provided. Particular attention shall be given to confined spaces and pockets where heat and fumes may accumulate and employees may be present (roof areas, peaks, basement).

(ii) When salamanders are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to assure proper

combustion, maintain the health and safety of employees, and limit temperature rise in the area.

(e) Fueling. (i) Salamanders shall be refueled only by a person trained in such operations.

(ii) Only a 1 day's supply of heater fuel shall be stored inside a building in the vicinity of the salamander. General fuel storage shall be outside the structure.

(iii) All fuel storage shall be maintained a minimum of 25 feet from source of ignition.

(f) Maintenance. (i) The user shall comply with the maintenance instructions as provided by the manufacturer.

(ii) Equipment showing evidence of deterioration or damage that constitutes a safety or health hazard shall be removed from service.

(iii) Salamander repairs shall be performed in accordance with the manufacturer's recommendations, and replacement parts shall be equal to, the equivalent of, or the same as the original salamander equipment.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-300 ACCIDENT PREVENTION SIGNS AND TAGS. (1) General. Signs and symbols required by this section shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(2) Danger signs. (a) Danger signs (see Figure E-1) shall be used only where an immediate hazard exists.

(b) Danger signs shall have red as the predominating color for the upper panel; black outline on the borders; and a white lower panel for additional sign wording.

(3) Caution signs. (a) Caution signs (see Figure E-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(b) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.



FIGURE E-1



FIGURE E-2

(4) Exit signs. (a) Every exit sign shall have the word "exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

(b) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) Safety instruction signs. Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(6) Directional signs. Directional signs, other than automotive traffic signs specified in subsection (7) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(7) Traffic signs. (a) Construction areas shall be posted with legible traffic signs at points of hazard.

(b) All traffic control signs or devices used for protection of construction workers shall conform to American National Standards Institute ((~~D6.1-1971~~) D6.1-1978, Manual on Uniform Traffic Control Devices for Streets and Highways as amended by the Washington state department of ((highways)) transportation (M24-OT (HT)).

(8) Accident prevention tags. (a) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(b) Specifications for accident prevention tags similar to those in Table E-1 shall apply.

(i) Additional rules. American National Standards Institute (ANSI) Z35.1-((+1968))1972, Specifications for Accident Prevention signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1-((+1968))1972 and Z35.2-1968 with respect to rules not specifically prescribed in this Part.

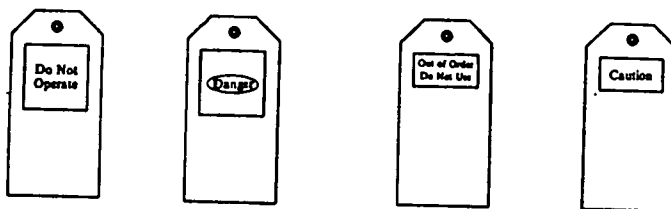


TABLE E-1

White tag- White letters on red square      White tag- White letters on red oval with a black square      Yellow tag- Yellow letters on a black background      White tag- White letters on black background

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order-Do Not Use

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

WAC 296-155-305 SIGNALING. (1) ((Flagman)) Flaggers. (a) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, ((flagmen)) flaggers or other appropriate traffic controls shall be provided.

(b) Signaling directions by ((flagmen)) flaggers shall conform to American National Standards Institute ((~~D6.1-1971~~) D6.1-1978, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by the Washington state department of ((highways)) transportation. (M24-01 (HT)).

(c) Hand signaling by ((flagmen)) flaggers shall be by use of sign paddles at least 18 inches in diameter with series "C" letters at least 6 inches high or lights approved by the transportation commission. When hand signaling is done in periods of darkness, the sign paddles must be reflectorized or illuminated as required by ANSI ((~~D6.1-1971~~) D6.1-1978, manual on uniform traffic control devices. The "STOP" side of the paddle shall have a red background with white lettering. When a paddle has a "SLOW" side, the background shall be orange and the lettering black. Colors shall conform to ANSI ((~~D6.1-1971~~) D6.1 current edition.



(d) ((Flagmen)) Flaggers shall wear a red or orange warning garment and a yellow protective helmet while flagging. Warning garments worn at night shall be of reflectorized material.

(e) ((Flagmen shall complete a Washington state approved flagging course, or the equivalent, prior to being assigned duties as a flagman)) Each flagger shall have in their possession a valid certificate of completion of an approved flagging course.

NOTE: Personnel that have not completed a flagging course may be assigned duties as ((flagmen)) flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention.

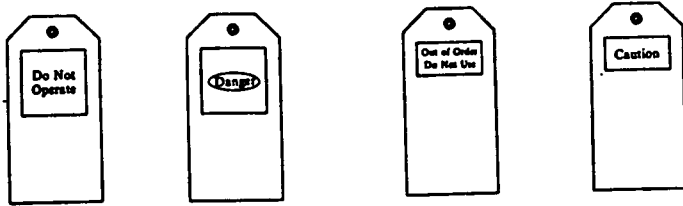


TABLE E-1

White tag- White letters on red square      White tag- White letters on red oval with a black square      Yellow tag- Yellow letters on a black background      White tag- White letters on black background

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger
Yellow	Black	Caution
White	Black	Out of Order- Do Not Use

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-325 GENERAL REQUIREMENTS FOR STORAGE. (1) General. (a) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(b) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.

(c) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.

(d) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.

(2) Material storage. (a)(i) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.

(ii) Temporary floors, used in steel erection, concrete forms and shoring (i.e., stripped forms, shoring jacks, clamps, steel rods or pipes, base plates, etc.) placed within close proximity to an open-sided floor for movement to another tier for placement, shall be considered "in-process equipment and subject to the provisions contained in Parts "O" and "P" of this standard. When this type equipment is to be left overnight, or for longer periods of time, they shall be anchored and braced

to prevent displacement in any direction and subject to the provisions of this subsection while in "interim storage."

(b) Employees required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with lifelines and safety belts meeting the requirements of WAC 296-155-225, Part C.

(c) Noncompatible materials shall be segregated in storage.

(d) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.

(i) When cement and lime is delivered in paper bags they shall be carefully handled to prevent the bags bursting.

(ii) Cement and lime bags shall not be piled more than ten bags high except when stored in bins or enclosures built for the purpose of storage.

(iii) When bags are removed from the pile, the length of the pile shall be kept at an even height, and the necessary step backs every five bags maintained.

(iv) Persons handling cement and lime bags shall wear ((goggles and tight-neck and arm bands)) eye protection which prevents contact between the substance and the worker's eyes (such as goggles or other sealed eye protection) and shall wear long sleeve shirts with close fitting neck and cuffs.

(v) Persons shall be warned against wearing clothing that has become hard and stiff with cement.

(vi) Persons shall be instructed to report any susceptibility of their skin to cement and lime burns.

(vii) A hand cream or vaseline and eye wash shall be provided and kept ready for use to prevent burns.

(viii) Lime shall be stored in a dry place to prevent a premature slacking action that may cause fire.

(e) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(f) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

(i) Brick shall never be stacked, for storage purposes, on scaffolds or runways.

(ii) When delivering brick on scaffolds inside the wall lines in wheelbarrows, they shall be dumped toward the inside of the building and not toward the wall.

(iii) Blocks shall always be stacked and not thrown in a loose pile.

(g) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(i) When blocks are stacked inside a building, the piles shall be so distributed as not to overload the floor on which they stand.

(ii) Blocks shall not be dropped or thrown from an elevation or delivered through chutes.

(h) Lumber:

(i) Used lumber shall have all nails withdrawn before stacking.

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber stacks shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.

(v) All stored lumber shall be stacked on timber sills to keep it off the grounds. Sills shall be placed level on solid supports.

(vi) Cross strips shall be placed in the stacks when they are stacked more than four feet high.

(i) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

(i) Persons handling reinforcing steel shall wear heavy gloves.

(ii) When bending of reinforcing steel is done on the job, a strong bench shall be provided, set up on even dry ground or a floor for the persons to work on.

(iii) Structural steel shall be carefully piled to prevent danger of members rolling off or the pile toppling over.

(iv) Structural steel shall be kept in low piles, consideration being given to the sequence of use of the members.

(v) Corrugated and flat iron shall be stacked in flat piles, with the piles not more than four feet high and spacing strips shall be placed between each bundle.

(j) Sand, gravel and crushed stone. Stock piles shall be frequently inspected to prevent their becoming unsafe by continued adding to or withdrawing from the stock.

(i) If material becomes frozen, it shall not be removed in a manner that would produce an overhang.



**AMENDATORY SECTION** (Amending Order 79-9, filed 7/31/79)

**WAC 296-155-330 RIGGING EQUIPMENT FOR MATERIAL HANDLING.** (1) General.

(a) Rigging equipment for material handling shall be inspected prior to use on each shift and as necessary during its use to ensure that it is safe. Defective rigging equipment shall be removed from service.

(b) Rigging equipment shall not be loaded in excess of its recommended safe working load, as prescribed in Tables F-1 through F-20 in this part and shall comply with ANSI B 30.9-1971.

(c) Rigging equipment, when not in use, shall be removed from the immediate work area so as not to present a hazard to employees.

(d) Special custom design grabs, hooks, clamps, or other lifting accessories (~~(-for such units as modular panels, prefabricated structures and similar materials;)~~) shall be marked to indicate the safe working loads and shall be proof-tested (~~(prior)~~) to ~~((use to))~~ 125 percent of ~~((their))~~ the rated load prior to use. Such custom devices shall be permanently marked with an identification number and permanent records shall be maintained on the jobsite for each device.

(2) Alloy steel chains. Chains used for overhead lifting shall be proof tested alloy steel.

(a) Welded alloy steel chain slings shall have permanently affixed durable identification stating size, grade, rated capacity, and sling manufacturer.

(b) Hooks, rings, oblong links, pear-shaped links, welded or mechanical coupling links, or other attachments, when used with alloy steel chains, shall have a rated capacity at least equal to that of the chain.

(c) The use of job or shop hooks and links, or makeshift fasteners, formed from bolts, rods, etc., or other such attachments, shall be prohibited.

(d) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in Table F-1.

(e) Whenever wear at any point of any chain link exceeds that shown in Table F-2, the assembly shall be removed from service.

(f) If at any time any three foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(g) The practice of placing bolts or nails between two links to shorten chains is prohibited.

(h) Splicing broken chains by inserting a bolt between two links with the heads of the bolt and the nut sustaining the load, or passing one link through another and inserting a bolt or nail to hold it, is prohibited.

(i) Whenever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person.

(3) Wire rope.

(a) Table F-3 through F-14 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope and wire rope slings with various types of terminals. For sizes, classifications, and grades not included in these tables, the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, provided that a safety factor of not less than 5 is maintained.

(b) Protruding ends of strands in splices on slings and bridles shall be covered or blunted.

(c) Wire rope shall not be secured by knots.

(d) The following limitations shall apply to the use of wire rope:

(i) An eye splice made in any wire rope shall have not less than three full tucks.

NOTE: This requirement shall not preclude the use of another form of splice or connection which can be shown to be as efficient and which is not otherwise prohibited.

(ii) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(iii) Wire rope shall not be used, if in any length of eight diameters, the total number of visible broken wires exceeds 10 percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect.

(e) When U-bolt wire rope clips are used to form eyes, Table F-20 shall be used to determine the number and spacing of clips.

(f) When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(g) ~~((Eyes in wire rope bridles, slings or bull wires shall not be formed by wire rope clips or knots.))~~ U-Bolt wire rope clips shall be made of drop-forged steel.

NOTE: See Table F-20 for number of clips and spacing requirements.

CORRECT METHOD OF ATTACHING WIRE ROPE CLIPS



U-Bolt of all clips on dead end of rope

(4) Natural rope, and synthetic fiber.

(a) General. When using natural or synthetic fiber rope slings, Tables F-15, F-16, F-17 and F-18 shall apply.

(b) All splices in rope slings provided by the employer shall be made in accordance with fiber rope manufacturers' recommendations.

(i) In manila rope, eye splices shall contain at least three full tucks, and short splices shall contain at least six full tucks (three on each side of the centerline of the splice).

(ii) In layed synthetic fiber rope, eye splices shall contain at least four full tucks, and short splices shall contain at least eight full tucks (four on each side of the centerline of the splice).

(iii) Strand end tails shall not be trimmed short (flush with the surface of the rope) immediately adjacent to the full tucks. This precaution applies to both eye and short splices and all types of fiber rope. For fiber ropes under 1-inch diameter, the tails shall project at least six rope diameters beyond the last full tuck. For fiber ropes 1-inch diameter and larger, the tails shall project at least 6 inches beyond the last full tuck. In applications where the projecting tails may be objectionable, the tails shall be tapered and spliced into the body of the rope using at least two additional tucks (which will require a tail length of approximately six rope diameters beyond the last full tuck).

(iv) For all eye splices, the eye shall be sufficiently large to provide an included angle of not greater than 60° at the splice when the eye is placed over the load or support.

(v) Knots shall not be used in lieu of splices.

(vi) All fibre rope used for hoisting purposes or for the support of scaffolds, or any part thereof, shall be of high grade Manila hemp (abaca). Fibre rope used for the support of scaffolds, or any part thereof, except rope used for lashing or tying purposes, shall be not less than 3/4-inch in diameter.

(vii) The maximum safe working load for fibre rope shall not exceed ~~((+/- of))~~ the maximum strength as shown in the following table:

STRENGTH OF HIGH GRADE MANILA (ABACA) ROPE  
COMMON LAY THREE STRAND

Approximate Diameter in inches	Circumference in inches	Safe Load in Pounds
3/16 (6 yarns)	1/2	98
1/4 (6 yarns)	3/4	116
5/16 (6 yarns)	1	200
3/8 (12 yarns)	1 1/8	241
7/16 (15 yarns)	1 1/4	291
15/32 (18 yarns)	1 3/8	350
1/2 (21 yarns)	1 1/2	408
9/16	1 3/4	526
5/8	2	666
3/4	2 1/4	816
13/16	2 1/2	983
7/8	2 3/4	1,166
1	3	1,366
1 1/16	3 1/4	1,683
1 1/8	3 1/2	1,833
1 1/4	3 3/4	2,083
1 5/16	4	2,365
1 3/8	4 1/4	2,666
1 1/2	4 1/2	2,916

NOTE: This table is based on data contained in the U.S. Department of Commerce circular of the Bureau of Standards, No. 324.

- (5) Synthetic webbing (nylon, polyester, and polypropylene).
- (a) The employer shall have each synthetic web sling marked or coded to show:
  - (i) Name or trademark of manufacturer.
  - (ii) Rated capacities for the type of hitch.
  - (iii) Type of material.
- (b) Rated capacity shall not be exceeded.
- (6) Shackles and hooks.
  - (a) Table F-19 shall be used to determine the safe working loads of various sizes of shackles, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products, provided that a safety factor of not less than 5 is maintained.
  - (b) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.
  - (c) Hooks shall not be modified by welding and/or drilling unless written approval by the manufacturer has been received.

- (7) Slings.
  - (a) When slings are provided as a part of the hoisting equipment, every precaution shall be taken to keep them in a serviceable condition.
    - (i) ~~(Cable)~~ Wire rope slings shall be frequently inspected and oiled.
    - (ii) Slings shall not be left where they can be damaged by traffic or form stumbling hazards.
    - (iii) Blocks or heavy bagging shall be used at corners of the load to protect the sling from sharp bending.
  - (b) When a load is lifted by a multiple rope sling the sling shall be so arranged that the strain can be equalized between the ropes.
    - (i) When using a sling with both ends engaged in the hoisting block, the sling shall be adjusted so as to equalize the stress.
    - (ii) Slings shall be placed on the load at safe lifting angles.
- (8) Material handling—General.
  - (a) When necessary to store building material on public thoroughfares, care shall be exercised to see that it is so piled or stacked as to be safe against collapse or falling over.
  - (b) Material shall be so located as not to interfere with, or present a hazard to employees, traffic or the public.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-335 DISPOSAL OF WASTE MATERIALS. (1) Whenever materials are dropped more than 20 feet to any point lying outside the exterior walls of the building, an enclosed chute of wood, or equivalent material, shall be used. For the purpose of this subsection, an enclosed chute is a slide, closed in on all sides, through which material is moved from a high place to a lower one.

(2) When debris is dropped (~~through holes in the floor~~) without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 20 feet back from the projected edge of the opening above. Signs warning of the hazard of falling materials shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(3) All scrap lumber, waste material, and rubbish shall be removed from the immediate work area as the work progresses.

(4) Disposal of waste material or debris by burning shall comply with local fire regulations.

(5) All solvent waste, oily rags, and flammable liquids shall be kept in fire resistant covered containers until removed from the worksite.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-34911 TABLE F-11.

TABLE F-11

RATED CAPACITIES FOR STRAND LAID GROMMET - HAND TUCKED IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	<del>((Hlus.))</del> Vertical	<del>(Hlus.)</del> Choker	<del>((Hlus.))</del> Vertical Basket*
1/4	7 x 19	0.85	0.64	1.7
5/16	7 x 19	1.3	1.0	2.6
3/8	7 x 19	1.9	1.4	3.8
7/16	7 x 19	2.6	1.9	5.2
1/2	7 x 19	3.3	2.5	6.7
9/16	7 x 19	4.2	3.1	8.4
5/8	7 x 19	5.2	3.9	10.00
3/4	7 x 19	7.4	5.6	15.0
7/8	7 x 19	10.0	7.5	20.0
1	7 x 19	13.0	9.7	26.0
1-1/8	7 x 19	16.0	12.0	32.0
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1-1/4	7 x 37	18.0	14.0	37.0
1-3/8	7 x 37	22.0	16.0	44.0
1-1/2	7 x 37	26.0	19.0	52.0

\* These values only apply when the D/d ratio is 5 or greater where:  
 D = Diameter of curvature around which rope is bent.  
 d = Diameter of rope body.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-34912 TABLE F-12.

TABLE F-12

RATED CAPACITIES FOR CABLE LAID GROMMET - HAND TUCKED 7 x 6 x 7 AND 7 x 6 x 19 CONSTRUCTIONS IMPROVED PLOW STEEL GRADE ROPE 7 x 7 x 7 CONSTRUCTION GALVANIZED AIRCRAFT GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	<del>((Hlus.))</del> Vertical	<del>(Hlus.)</del> Choker	<del>((Hlus.))</del> Vertical Basket *
3/8	7 x 6 x 7	1.3	0.95	2.5
9/16	7 x 6 x 7	2.8	2.1	5.6
5/8	7 x 6 x 7	3.8	2.8	7.6
<hr/>				
3/8	7 x 7 x 7	1.6	1.2	3.2
9/16	7 x 7 x 7	3.5	2.6	6.9
5/8	7 x 7 x 7	4.5	3.4	9.0
<hr/>				
5/8	7 x 6 x 19	3.9	3.0	7.9
3/4	7 x 6 x 19	5.1	3.8	10.0
15/16	7 x 6 x 19	7.9	5.9	16.0
1-1/8	7 x 6 x 19	11.0	8.4	22.0
1-5/16	7 x 6 x 19	15.0	11.0	30.0
1-1/2	7 x 6 x 19	19.0	14.0	39.0
1-11/16	7 x 6 x 19	24.0	18.0	49.0
1-7/8	7 x 6 x 19	30.0	22.0	60.0
2-1/4	7 x 6 x 19	42.0	31.0	84.0
2-5/8	7 x 6 x 19	56.0	42.0	112.0

\* These values only apply when the D/d ratio is 5 or greater where:  
 D = Diameter of curvature around which cable body is bent.  
 d = Diameter of cable body.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-34913 TABLE F-13.

TABLE F-13

RATED CAPACITIES FOR STRAND LAID  
ENDLESS SLINGS-MECHANICAL JOINT  
IMPROVED PLOW STEEL GRADE ROPE

ROPE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	<del>((Hlus.))</del> (Hlus.)	<del>(Hlus.)</del> (Hlus.)	<del>((Hlus.))</del> Vertical Basket *
1/4	6 x 19 IWRC	0.92	0.69	1.8
3/8	6 x 19 IWRC	2.0	1.5	4.1
1/2	6 x 19 IWRC	3.6	2.7	7.2
5/8	6 x 19 IWRC	5.6	4.2	11.0
3/4	6 x 19 IWRC	8.0	6.0	16.0
7/8	6 x 19 IWRC	11.0	8.1	21.0
1	6 x 19 IWRC	14.0	10.0	28.0
1-1/8	6 x 19 IWRC	18.0	13.0	35.0
<hr/>				
1-1/4	6 x 37 IWRC	21.0	15.0	41.0
1-3/8	6 x 37 IWRC	25.0	19.0	50.0
1-1/2	6 x 37 IWRC	29.0	22.0	59.0

\* These values only apply when the D/d ratio is 5 or greater where:  
D = Diameter of curvature around which rope is bent.  
d = Diameter of rope body.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-34914 TABLE F-14.

TABLE F-14

RATED CAPACITIES FOR CABLE LAID  
ENDLESS SLINGS-MECHANICAL JOINT  
7 x 7 x 7 AND 7 x 7 x 19 CONSTRUCTIONS  
GALVANIZED AIRCRAFT GRADE ROPE  
7 x 6 x 19 IWRC CONSTRUCTION IMPROVED  
PLOW STEEL GRADE ROPE

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	<del>((Hlus.))</del> (Hlus.)	<del>(Hlus.)</del> (Hlus.)	<del>((Hlus.))</del> Vertical Basket*
1/4	7 x 7 x 7	0.83	0.62	1.6
3/8	7 x 7 x 7	1.8	1.3	3.5
1/2	7 x 7 x 7	3.0	2.3	6.1
5/8	7 x 7 x 7	4.5	3.4	9.1
3/4	7 x 7 x 7	6.3	4.7	12.0
<hr/>				
5/8	7 x 7 x 19	4.7	3.5	9.5
3/4	7 x 7 x 19	6.7	5.0	13.0
7/8	7 x 7 x 19	8.9	6.6	18.0
1	7 x 7 x 19	11.0	8.5	22.0
1-1/8	7 x 7 x 19	14.0	10.0	28.0
1-1/4	7 x 7 x 19	17.0	12.0	33.0
<hr/>				
3/4	7 x 6 x 19 IWRC	6.2	4.7	12.0
7/8	7 x 6 x 19 IWRC	8.3	6.2	16.0
1	7 x 6 x 19 IWRC	10.0	7.9	21.0
1-1/8	7 x 6 x 19 IWRC	13.0	9.7	26.0
1-1/4	7 x 6 x 19 IWRC	16.0	12.0	31.0

TABLE F-14--cont.

CABLE BODY		RATED CAPACITIES, TONS (2,000 lb)		
Dia. (inches)	Constr.	<del>((Hlus.))</del> (Hlus.)	<del>(Hlus.)</del> (Hlus.)	<del>((Hlus.))</del> Vertical Basket*
1-3/4	7 x 6 x 19 IWRC	18.0	14.0	37.0
1-1/2	7 x 6 x 19 IWRC	22.0	16.0	43.0

\* These values only apply when the D/d value is 5 or greater where:  
D = Diameter of curvature around which cable body is bent.  
d = Diameter of cable body.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-34920 TABLE F-20.

TABLE F-20

NUMBER AND SPACING OF U-BOLT  
WIRE ROPE CLIPS

Improved plow steel(;) )	Number of Clips		Minimum spacing (inches)
	Drop forged	<del>((Other material))</del>	
<hr/>			
3/8 and under	4		3
1/2	3	<del>((4))</del>	3
5/8	3	<del>((4))</del>	3 <del>((+4))</del>
3/4	4	<del>((5))</del>	4 1/2
7/8	4	<del>((5))</del>	5 1/4
1	5	<del>((6))</del>	6
1 1/8	6	<del>((6))</del>	6-3/4) 7
1 1/4	6	<del>((7))</del>	7-1/2) 8
1 3/8	7	<del>((7))</del>	8-1/4) 9
1 1/2	7	<del>((8))</del>	9) 10

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-355 HAND TOOLS. (1) Employers shall not issue or permit the use of unsafe hand tools.

(2) Wrenches, including adjustable, pipe, end, and socket wrenches shall not be used when jaws are sprung or worn to the point that slippage occurs.

(3) ~~((Combination "axe-hammers," with handles exceeding 16 inches in length, shall not be used to drive nails or spikes.))~~ Nails shall not be cut with an axe.

(4) Impact tools, such as drift pins, wedges, and chisels, shall be kept free of mushroomed heads.

(5) The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

**AMENDATORY SECTION** (Amending Order 76-29, filed 9/30/76)

WAC 296-155-360 POWER-OPERATED HAND TOOLS. (1) Electric Power-operated tools. (a) Electric power operated tools shall either be of the approved double-insulated type or grounded in accordance with Part I of this chapter.

(b) The use of electric cords for hoisting or lowering tools shall not be permitted.

(2) Pneumatic power tools. (a) Pneumatic power tools and hose sections shall be secured ~~((to the hose or whip by some positive means to))~~ by threaded couplings, quick disconnect couplings or by 100 pound tensile strength safety chain or equivalent across each connection to prevent the tool or hose connections from becoming accidentally disconnected.

(b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact (percussion) tools to prevent attachments from being accidentally expelled.

(c) All pneumatically driven nailers, staplers, and other similar equipment provided with automatic fastener feed, shall have a safety device on the muzzle to prevent the tool from ejecting fasteners, unless the muzzle is in contact with the work surface.

EXCEPTION: Pneumatic nailers or staplers utilizing "fine wire" brads or staples do not require a muzzle contact safety device, provided:

(1) The overall weight of the fastening device does not exceed the weight of standard 18 gauge wire, 1-1/2 inches long.

(2) The operator and any other person within 12 feet of the point of operation wear approved eye protection.

NOTE: The normal maximum diameter tolerance for manufacturing standard 18 gauge wire is .045 inches.

(d) Compressed air shall not be used at the nozzle for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment which meets the requirements of Part C of this chapter.

NOTE: The ((30 p.s.i.)) above requirement does not apply ((for)) to concrete form, mill scale, and similar cleaning purposes. Concrete form, mill scale, and similar cleaning may be performed with air pressure exceeding 30 p.s.i. provided the nozzle and/or cleaning pipe is at least three feet long with a quick-closing (deadman) valve between the hose and the nozzle or pipe. The operator and all other employees within range of flying debris shall be protected by eye or face protection as specified in WAC 296-155-215.

(e) The manufacturer's safe operating pressure for hoses, pipes, valves, filters, and other fittings shall not be exceeded.

(f) The use of hoses for hoisting or lowering tools shall not be permitted.

(g) All hoses exceeding 1/2-inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

(h) Airless spray guns of the type which atomize paints and fluids at high pressures (1,000 pounds or more per square inch) shall be equipped with automatic or visible manual safety devices which will prevent pulling of the trigger to prevent release of the paint or fluid until the safety device is manually released.

(i) In lieu of the above, a diffuser nut which will prevent high pressure, high velocity release, while the nozzle tip is removed, plus a nozzle tip guard which will prevent the tip from coming into contact with the operator, or other equivalent protection, shall be provided.

(3) Fuel powered tools. (a) All fuel powered tools shall be stopped while being refueled, serviced, or maintained, and fuel shall be transported, handled, and stored in accordance with Part D of this chapter.

(b) When fuel powered tools are used in enclosed spaces, the applicable requirements for concentrations of toxic gases and use of personal protective equipment as outlined in Parts B and C of this chapter shall apply.

(4) Hydraulic power tools. (a) The fluid used in hydraulic powered tools shall be fire resistant fluid approved under schedule 30 of the Bureau of Mines, U.S. Department of the Interior, and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.

(b) The manufacturer's safe operating pressures for hoses, valves, pipes, filters, and other fittings shall not be exceeded.

~~((5) Powder-actuated tools. (a) Only employees who have been trained in the operation of the particular tool in use, and certified in accordance with WAC 296-24-662 through 296-24-66225, shall be allowed to operate a powder-actuated tool.~~

~~(b) The tool shall be tested each day before loading to see that safety devices are in proper working condition. The method of testing shall be in accordance with the manufacturer's recommended procedure.~~

~~(c) Any tool found not in proper working order, or that develops a defect during use, shall be immediately removed from service and not used until properly repaired.~~

~~(d) Personal protective equipment shall be in accordance with Part C of this chapter.~~

~~(e) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any employees. Hands shall be kept clear of the open barrel end.~~

~~(f) Loaded tools shall not be left unattended.~~

~~(g) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.~~

~~(h) Driving into materials easily penetrated shall be avoided unless such materials are backed by a substance that will prevent the pin or fastener from passing completely through and creating a flying missile hazard on the other side.~~

~~(i) No fastener shall be driven into a spalled area caused by an unsatisfactory fastening.~~

~~(j) Tools shall not be used in an explosive or flammable atmosphere.~~

~~(k) All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.~~

~~(l) Powder-actuated tools used by employees shall meet all other applicable requirements of American National Standards Institute, A10.3-1970, Safety Requirements for Explosive-Actuated Fastening Tools.~~

~~(m) In addition to subdivisions (a) through (l) of this subsection, WAC 296-24-662 through 296-24-66225, safety requirements for explosive-actuated fastening tools, shall apply.)~~

#### NEW SECTION

WAC 296-155-363 SAFETY REQUIREMENTS FOR POWDER ACTUATED FASTENING SYSTEMS, IN ACCORDANCE WITH ANSI A10.3-1977, SAFETY REQUIREMENTS FOR POWDER ACTUATED FASTENING SYSTEMS.

#### NEW SECTION

WAC 296-155-36301 SCOPE. This standard provides safety requirements for a powder actuated fastening tool or machine which propels a stud, pin, fastener, or other object for the purpose of affixing it by penetration to another object.

This standard does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud welding equipment.

#### NEW SECTION

WAC 296-155-36303 PURPOSE. The purpose of this standard is to provide reasonable safety for life, limb, and property, by establishing requirements for design, construction, operation, service, and storage of powder actuated fastening tools, fasteners, and power loads.

#### NEW SECTION

WAC 296-155-36305 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Angle control – a safety feature designed to prevent a tool from operating when tilted beyond a predetermined angle.

(2) Approved – meeting the requirements of this standard and acceptable to the department of labor and industries, division of industrial safety and health.

(3) Cased power load – a power load with the propellant contained in a closed case.

(4) Caseless power load – a power load with the propellant in solid form not requiring containment.

(5) Chamber (noun) – the location in the tool into which the power load is placed and in which it is actuated.

(6) Chamber (verb) – to fit the chamber according to manufacturer's specifications.

(7) Fasteners – any pins (unthreaded heads) or studs (threaded heads) driven by powder actuated tools.

(8) Fixture – a special shield that provides equivalent protection where the standard shield cannot be used.

(9) Head – that portion of a fastener that extends above the work surface after being properly driven.

(10) Misfire – a condition in which the power load fails to ignite after the tool has been operated.

(11) Powder actuated fastening system – a method comprising the use of a powder actuated tool, a power load, and a fastener.

(12) Powder actuated tool (also known as tool) – a tool that utilizes the expanding gases from a power load to drive a fastener.

(13) Power load – the energy source used in powder actuated tools.

(14) Qualified operator – a person who meets the requirements of WAC 296-155-36321 (1) and (2).

(15) Shield – a device, attached to the muzzle end of a tool, which is designed to confine flying particles.

(16) Spalled area – a damaged and nonuniform concrete or masonry surface.

(17) Test velocity – the measurement of fastener velocity performed in accordance with WAC 296-155-36307 (1)(m).

(18) Tools – tools can be divided into two types: Direct acting and indirect acting; and three classes: Low velocity, medium velocity, and high velocity.

(a) Direct acting tool – a tool in which the expanding gas of the power load acts directly on the fastener to be driven.

(b) Indirect acting tool – a tool in which the expanding gas of the power load acts on a captive piston, which in turn drives the fastener.

(c) Low-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for that specific tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from the ten tests not in excess of 100 meters per second (328 feet per second) with no single test having a velocity of over 108 m/s (354 ft/s).

(d) Medium-velocity tool – a tool whose test velocity has been measured ten times while utilizing the highest velocity combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load that will properly chamber in the tool;

(iii) The piston designed for that tool and appropriate for that fastener; that will produce an average test velocity from ten tests in excess of 100 m/s (328 ft/s) but not in excess of 150 m/s (492 ft/s) with no single test having a velocity of 160 m/s (525 ft/s).

(e) High-velocity tool – a tool whose test velocity has been measured ten times while utilizing the combination of:

(i) The lightest commercially available fastener designed for the tool;

(ii) The strongest commercially available power load which will properly chamber in the tool; that will produce an average velocity from the ten tests in excess of 150 m/s (492 ft/s).

#### NEW SECTION

WAC 296-155-36307 REQUIREMENTS. (1) General.

(a) The tool shall be designed to prevent inadvertent actuation.

(b) The tool shall be designed to prevent actuation when dropped in any attitude from a height of 3 meters (10 ft) onto a smooth, hard surface such as concrete or steel, if such actuation can propel a fastener or any part thereof in free flight.

(c) Actuation of the tool shall be dependent upon at least two separate and distinct operations by the operator, with at least one operation being separate from the operation of holding the tool against the work surface.

(d) The tool shall be designed not to be operable other than against a work surface with a force on the work surface equal to 22 newtons (5 lb) greater than the weight of the tool or a minimum impact energy of 4 joules (3 ft-lb).

(e) All tools shall be designed so that compatible protective shields or fixtures, designed, built, and supplied by the manufacturer of the tool, can be used (see WAC 296-155-36307 (2)(b), (3)(b), (4)(b) and 296-155-36313(8)).

(f) The tool shall be designed so that a determinable means of varying the power levels is available for selecting a power level adequate to perform the desired work (see WAC 296-155-36309(5)).

(g) The tool shall be designed so that all principal functional parts can be checked for foreign matter that may affect operation.

(h) The tool shall be designed so that all parts will be of adequate strength to resist maximum stresses imposed upon actuation when the tool is used in accordance with the manufacturer's instructions and is powered by any commercially available power load which will properly chamber in the tool.

(i) Each tool shall bear a legible permanent model designation, which shall serve as a means of identification. Each tool shall also bear a legible, permanent manufacturer's unique serial number.

(j) A lockable container shall be provided for each tool. The words "POWDER ACTUATED TOOL" shall appear in plain sight on the outside of the container. The following notice shall be attached on the inside cover of the container:

"WARNING – POWDER ACTUATED TOOL. TO BE USED ONLY BY A QUALIFIED OPERATOR AND KEPT UNDER LOCK AND KEY WHEN NOT IN USE."

(k) Each tool shall bear a durable warning label with the following statement, or the equivalent:

"WARNING – FOR USE ONLY BY QUALIFIED OPERATORS ACCORDING TO MANUFACTURER'S INSTRUCTION MANUAL."

(l) Each tool shall be supplied with the following:

(i) Operator's instruction and service manual.

(ii) Power load chart.

(iii) Tool inspection record.

(iv) Service tools and accessories.

(m) In determining tool test velocities, the velocity of the fastener shall be measured in free flight at a distance of 2 meters (6-1/2 ft) from the muzzle end of the tool, using accepted ballistic test methods.

(2) Design requirements – low-velocity class.

(a) Low-velocity tools, indirect-acting (piston) type, as defined in WAC 296-155-36305, shall meet the requirements of WAC 296-155-36307(1).

(b) A shield shall be supplied with each tool.

(3) Design requirements – medium-velocity class.

(a) Medium-velocity tools, indirect-acting (piston) type, as defined in WAC 296-155-36305, shall meet the requirements of WAC 296-155-36307(1).

(b) The tool shall have a shield at least 63 mm (2-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

(c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.

(d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position if the bearing surface of the shield is tilted more than 12 degrees from a flat surface.

(4) Design requirements – high-velocity class.

(a) High-velocity tools, direct-acting or indirect-acting type, as defined in WAC 296-155-36305, shall meet the requirements of WAC 296-155-36307(1).

(b) The tool shall have a shield at least 88 mm (3-1/2 in) in diameter mounted perpendicular to, and concentric with, the muzzle end, when it is indexed to the center position. A special shield or fixture may be used when it provides equivalent protection.

(c) The tool shall be designed so that it cannot be actuated unless it is equipped with a shield or fixture.

(d) The tool shall be designed with angle control so that it will not actuate when equipped with the standard shield indexed to the center position, if the bearing surface of the shield is tilted more than eight degrees from a flat surface.

#### NEW SECTION

WAC 296-155-36309 POWER LOADS. (1) Identification of cased power loads. Cased power loads shall be coded to identify power load levels by case color and power load color as specified in Table G-1.

(2) Identification of caseless power loads. Caseless power loads shall be coded to identify power load levels by power load color as specified in Table G-1 and by configuration.

(3) Power load use limitation. No power load (cased or caseless) shall be used if it will properly chamber in any existing commercially available tool and will cause a fastener to have a test velocity in excess of the maximum test velocities specified for the said tool.

(4) Identification of power load packages. Power load packages shall provide a visual number-color indication of the power level of the power load as specified in Table G-1.

(5) Optional power load variation. Where means other than power loads of varying power levels are to be used to control penetration, such means shall provide an equivalent power level variation.

#### NEW SECTION

WAC 296-155-36311 FASTENERS. Fasteners for use in powder actuated tools shall be designed and manufactured to function compatibly with these tools and, when used in masonry, concrete, or steel, to effect properly the application for which they are recommended.

TABLE G-1  
Power Load Identification

Power Level	Color Identification		Nominal velocity	
	Case Color	Load Color	Meters per Second (± 13.5)	Feet per Second (± 45)
1	Brass	Gray	91	300
2	Brass	Brown	119	390
3	Brass	Green	146	480
4	Brass	Yellow	174	570
5	Brass	Red	201	660
6	Brass	Purple	229	750
7	Nickel	Gray	256	840
8	Nickel	Brown	283	930
9	Nickel	Green	311	1020
10	Nickel	Yellow	338	1110
11	Nickel	Red	366	1200
12	Nickel	Purple	393	1290

NOTE: The nominal velocity applies to a 9.53 mm (3/8-in) diameter 22.7-gram (350-grain) ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific tool.

**NEW SECTION**

WAC 296-155-36313 OPERATION. (1) Only tools meeting the requirements of this standard shall be used.

- (2) Only qualified operators shall operate tools.
- (3) The lowest velocity class of tool that will properly set the fastener shall be used.
- (4) Tools shall be operated in strict accordance with the manufacturer's instructions.
- (5) Eye or face protection, or both, shall be worn by operators, assistants, and adjacent personnel when tool is in use. Hearing protection shall be used when making fastenings in confined areas.
- (6) Each day, prior to use, the operator shall inspect the tool to determine that it is in proper working condition in accordance with the testing methods recommended by the manufacturer of the tool.
- (7) Any tool found not to be in proper working condition shall be immediately removed from service and tagged "DEFECTIVE"; it shall not be used until it has been properly repaired in accordance with the manufacturer's instructions.
- (8) The proper shield, fixture, adapter, or accessory, suited for the application, as recommended and supplied by the manufacturer, shall be used.
- (9) Only those types of fasteners and power loads recommended by the tool manufacturer shall be used.
- (10) Before fastening into any questionable material, the operator shall determine its suitability by using a fastener as a center punch. If the fastener point does not easily penetrate, is not blunted, and does not fracture the material, initial test fastenings shall then be made in accordance with the tool manufacturer's recommendations. (See WAC 296-155-36315(3)).
- (11) No tool shall be loaded unless it is being prepared for immediate use. If the work is interrupted after loading, the tool shall be unloaded at once.
- (12) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any person; hands shall be kept clear of the open barrel end.
- (13) The tool shall always be held perpendicular to the work surface when fastening into any material, except for specific applications recommended by the tool manufacturer.
- (14) In the event of a misfire, the operator shall hold the tool firmly against the work surface for a period of thirty seconds and then follow the explicit instructions set forth in the manufacturer's instructions.
- (15) Power loads of different power levels and types shall be kept in separate compartments or containers.
- (16) A sign, at least 20 x 25 cm (8 x 10 in), using boldface type no less than 2.5 cm (1 in) in height, shall be posted in plain sight on all construction projects where tools are used. The sign shall bear wording similar to the following: "POWDER ACTUATED TOOL IN USE."

**NEW SECTION**

WAC 296-155-36315 LIMITATIONS OF USE. (1) The tool shall not be used in an explosive or flammable atmosphere.

(2) A tool shall never be left unattended in a place where it would be available to unauthorized persons.

(3) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, hardened steel, glass block, natural rock, hollow tile, or most brick. (See WAC 296-155-36313(10)).

(4) Fasteners shall not be driven into easily penetrated or thin materials, or materials of questionable resistance, unless backed by a material that will prevent the fastener from passing completely through the other side.

(5) Fasteners shall not be driven closer than 13 mm (1/2 in) from the edge of steel except for specific applications recommended by the tool manufacturer.

(6) Fasteners shall not be driven closer than 7.5 cm (3 in) from the unsupported edge of masonry materials except for specific applications recommended by the tool manufacturer.

(7) Fasteners shall not be driven into concrete unless material thickness is at least three times the fastener shank penetration.

(8) Fasteners shall not be driven into any spalled area.

(9) Fasteners shall not be driven through existing holes unless a specific guide means, as recommended and supplied by the tool manufacturer, is used to ensure positive alignment.

**NEW SECTION**

WAC 296-155-36317 MAINTENANCE AND STORAGE. (1) The tool shall be serviced and inspected for worn or damaged parts at regular intervals as recommended by the tool manufacturer. Prior to the tool being put back into use, all worn or damaged parts shall be replaced by a qualified person using only parts supplied by the tool manufacturer. A record of this inspection shall be noted and dated on the tool inspection record.

(2) Instruction manuals, maintenance tools, and accessories supplied with the tool shall be stored in the tool container when not in use.

(3) Powder actuated tools and power loads shall be locked in a container and stored in a safe place when not in use and shall be accessible only to authorized personnel.

**NEW SECTION**

WAC 296-155-36319 AUTHORIZED INSTRUCTOR. (1) Only persons trained and authorized by the tool manufacturer or by an authorized representative of the tool manufacturer shall be qualified to instruct and qualify operators for the manufacturer's powder actuated tools.

(2) All authorized instructors shall have read and be familiar with this standard, and shall be capable of:

- (a) Disassembling, servicing, and reassembling the tool.
- (b) Recognizing any worn or damaged parts or defective operation.
- (c) Recognizing and clearly identifying the colors used to identify power load levels.
- (d) Using the tool correctly within the limitations of its use.
- (e) Training and testing operators prior to issuing a qualified operator's card.

(3) All authorized instructors shall have in their possession a valid authorized instructor's card issued and signed by an authorized representative of the manufacturer. The card shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure G-1.

(4) A list of all instructors authorized by the manufacturer to instruct and qualify operators shall be maintained by the tool manufacturer and be made available to the department of labor and industries, division of industrial safety and health, upon request.

(5) An instructor's card may be revoked by the authorizing agent or the department of labor and industries, division of industrial safety and health, if he is known to have issued a qualified operator's card in violation of any regulation contained in this standard. When an instructor is no longer authorized to issue qualified operator's cards, he shall surrender his card to the authorizing agent or the department of labor and industries, division of industrial safety and health.

AUTHORIZED INSTRUCTOR

..... Powder Actuated Tools    Date .....

(MAKE)

Card No. .... Social Security No. ....

This certifies that .....  
(NAME OF INSTRUCTOR)

has received the prescribed training in the operation and maintenance of powder actuated tools manufactured by (NAME OF MANUFACTURER) and is qualified to train and certify operators of (MAKE)

powder actuated tools. Model(s) Authorized by I have received instruction by the manufacturer's authorized representative in the training of operators of the above tools and agree to conform to all rules and regulations governing the instruction of tool operators. Date of Birth (SIGNATURE)

Figure G-1 Sample of Authorized Instructor's Card

NEW SECTION

WAC 296-155-36321 QUALIFIED OPERATOR. (1) The operator shall be trained by an authorized instructor to be familiar with the provisions of this standard and the instructions provided by the manufacturer for operation and maintenance. The operator shall also be capable of:

- (a) Reading and understanding the manufacturer's instruction manual. (b) Cleaning the tool correctly. (c) Recognizing any worn or damaged parts or defective operation. (d) Recognizing the number-color code system used in this standard to identify power load levels. In the event the operator is unable to distinguish the colors used, he shall be given special instruction to enable him to avoid error. (e) Using the tool correctly within the limitations of its use and demonstrating his competence by operating the tool in the presence of the instructor.

(2) After training, the operator shall, to substantiate his competency, satisfactorily complete a written examination provided by the manufacturer of the tool.

(a) The operator's written examination shall consist of questions to establish the operator's competence with respect to:

- (i) The requirements of this standard; (ii) The powder actuated fastening system; and (iii) The specific details of operation and maintenance of the tool(s) involved.

(b) The examination shall provide a statement, attested to by the instructor, that the applicant can (or cannot) readily distinguish the colors used to identify power load levels (see WAC 296-155-36309).

(3) Each applicant who meets the requirements as set forth in subsections (1) and (2) of this section shall receive a qualified operator's card, issued and signed by both the instructor and applicant. While using the tool, the operator shall have this card in his possession.

(4) The qualified operator's card supplied by the manufacturer shall be wallet size of approximately 6 x 9 cm (2-1/2 x 3-1/2 in), and the face of the card shall bear text similar to that shown in Figure G-2.

(5) There shall be printed on the card a notation reading:

"Revocation of card - Failure to comply with any of the rules and regulations for safe operation of powder actuated fastening tools shall be cause for the immediate revocation of this card."

QUALIFIED OPERATOR

Powder Actuated Tools Date (MAKE) Card No. Social Security No. This certifies that (NAME OF OPERATOR) has received the prescribed training in the operation of powder actuated tools manufactured by (NAME OF MANUFACTURER) Model(s)

Trained and issued by (SIGNATURE OF AUTHORIZED INSTRUCTOR) I have received instruction in the safe operation and maintenance of powder actuated fastening tools of the makes and models specified and agree to conform to all rules and regulations governing that use Date of Birth (SIGNATURE)

Figure G-2 Sample of Qualified Operator's Card

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-365 ABRASIVE WHEELS AND TOOLS. (1) Power. All grinding machines shall be supplied with sufficient power to maintain the spindle speed at safe levels under all conditions of normal operation.

(2) Guarding. Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1-((1970))1978, Safety Code for the Use, Care and Protection of Abrasive Wheels.

(3) Use of abrasive wheels. (a) Floor stand and bench mounted abrasive wheels, used for external grinding, shall be provided with safety guards (protection hoods). The maximum angular exposure of the grinding wheel periphery and sides shall be not more than 90°, except that when work requires contact with the wheel below the horizontal plane of the spindle, the angular exposure shall not exceed 125°. In either case, the exposure shall begin not more than 65° above the horizontal plane of the spindle. Safety guards shall be strong enough to withstand the effect of a bursting wheel.

(b) Floor and bench-mounted grinders shall be provided with work rests which are rigidly supported and readily adjustable. Such work rests shall be ((kept at)) adjusted to a distance not to exceed one-eighth inch from the surface of the wheel. The work rest may be omitted when contacts of the work piece with the grinding surface below the horizontal plane of the spindle are necessary and unavoidable, or where the size or shape of the work piece precludes use of the work rest.

(c) Cup type wheels used for external grinding shall be protected by either a revolving cup guard or a band type guard in accordance with the provisions of the American National Standards Institute, B7.1-((1970))1978, Safety ((Code)) Requirements for the Use, Care, and Protection of Abrasive Wheels. ((All other portable)) Abrasive wheels ((used for external grinding,)) shall ((be provided with safety guards (protection hoods)) meeting the requirements of subdivision (c) of this subsection except as follows:

(i) When the work location makes it impossible, a wheel equipped with safety flanges, as described in subdivision (f) of this subsection, shall be used.

(ii) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used)) only be used on machines provided with safety guards, except the following:

(i) Wheels used for internal work while within the work being ground.

(ii) Mounted wheels, 2 inches and smaller in diameter used in portable operations.

(iii) Types 16, 17, 18, 18R and 19 cones and plugs, and threaded hole pot balls where the work offers protection or where the size does not exceed 3 inches in diameter by 5 inches in length.

(iv) Metal centered diamond lapidary wheels either notched, segmented or continuous rim used with a coolant deflector, when operated at speeds up to 3500 surface feet per minute (S.F.P.M.).

(v) Type 1 wheels not larger than 2 inches in diameter and not more than 1/2 inch thick, operating at peripheral speeds less than 1800 SFPM when mounted on mandrels driven by portable drills.

(vi) Type 1 reinforced wheels not more than 3 inches in diameter and 1/4 inch in thickness, operating at peripheral speeds not exceeding 9500 SFPM, provided that safety glasses and face shield are worn.

(vii) Valve Seat Grinding Wheels.

(d) Portable abrasive wheels used for internal grinding shall be provided with safety flanges (protection flanges) meeting the requirements of subdivision (f) of this subsection, except as follows:

(i) When wheels 2 inches or less in diameter which are securely mounted on the end of a steel mandrel are used;

(ii) If the wheel is entirely within the work being ground while in use.

(e) When safety guards are required, they shall be so mounted as to maintain proper alignment with the wheel, and the guard and its fastenings shall be of sufficient strength to retain fragments of the wheel in case of accidental breakage. The maximum angular exposure of the grinding wheel periphery and sides shall not exceed 180°.

(f) When safety flanges are required, they shall be used only with wheels designed to fit the flanges. Only safety flanges, of a type and design and properly assembled so as to ensure that the pieces of the wheel will be retained in case of accidental breakage, shall be used.

(g) All abrasive wheels shall be closely inspected and ring-tested before mounting to ensure that they are free from cracks or defects.

(h) Grinding wheels shall fit freely on the spindle and shall not be forced on. The spindle nut shall be tightened only enough to hold the wheel in place.

(i) All employees using abrasive wheels shall be protected by eye protection equipment in accordance with the requirements of part C of this chapter, except when adequate eye protection is afforded by eye shields which are permanently attached to the bench or floor stand.

(4) Other requirements. All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1-((1970))1978, Safety Code for the Use, Care and Protection of Abrasive Wheels.

#### NEW SECTION

WAC 296-155-367 MASONRY SAWS. (1) Masonry saws shall be constructed, guarded, and operated in accordance with ANSI A10.9-((1970))1983, Safety Requirements for Concrete Construction and Masonry Work.

(2) Masonry saws shall be guarded by semicircular enclosures over the blade and by a slotted horizontal hinged bar mounted underneath the enclosure to retain fragments of the blade in case it should shatter while in use.

(3) A safety latch shall be installed on notched saws to prevent the motor and cutting head assembly from lifting out of the notches.

(4) Blade speed shall be maintained in accordance with the manufacturer's specifications.

(5) All masonry saws, other than portable hand held ones shall be equipped with dust collectors and removal systems.

(6) The motor frames of all stationary saws shall be grounded through conduit, water pipe, or a driven ground. Portable saws shall be grounded through three-pole cords attached to grounded electrical systems.

(7) Saw operators shall wear approved-type safety goggles or face shields.

(8) Approved-type dust respirators shall be worn by personnel exposed to dust concentrations exceeding permissible exposure levels enumerated in WAC 296-62-07509 and 296-62-07510.

(9) Masonry saws shall be inspected at regular intervals and maintained in safe operating condition.

**Reviser's note:** The unnecessary underscoring and deletion marks 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 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-370 WOODWORKING TOOLS. (1) Speeds. ((The operating speed shall be etched or otherwise permanently marked on all circular saws over 20 inches in diameter or operating at over 10,000 peripheral feet per minute. Any saw so marked shall not be operated at a speed other than that marked on the blade. When a marked saw is retensioned for a different speed, the marking shall be corrected to show the new speed.)) No saw shall be operated in excess of the manufacturers recommended speed.

(2) Guarding. All portable, hand held power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(3) Hand-fed table saws.

(a) Each circular hand-fed table saw shall be provided with a hood-type guard that will cover the blade at all times when the blade is not in use. This may be accomplished by the use of a guard that will automatically adjust to the thickness of the material being cut, or by a fixed or manually adjusted guard. If a fixed or manually adjusted guard is used, the space between the bottom of the guard and the material being cut shall not exceed 3/8 inch if 1-1/2 inches or more from the blade, and 1/4 inch if closer than 1-1/2 inches.

(b) When the blade is in use, the hood-type guard shall enclose that portion of the blade above the material.

(c) Hood-type guards shall be so designed and constructed as to resist blows and strains incidental to reasonable operation, adjusting, and handling, in order to protect the operator from flying splinters and broken saw teeth.

(d) The hood shall be so mounted as to ensure that its operation will be positive, reliable, and in alignment with the saw. The mounting shall be adequate to resist any reasonable side thrust or other force that would disrupt alignment.

(e) Where a hood-type guard cannot be used because of unusual shapes or cuts, a jig or fixture that will provide equal safety for the operator shall be used. On the completion of such operations, the guard shall be immediately replaced.

(f) A push stick shall be used on short or narrow stock when there is a possibility of the hand contacting the cutting tool.

(g) Each hand-fed circular rip saw shall be equipped with a spreader to minimize the possibility of material squeezing the saw or of material kickbacks. The spreader shall be made of tempered steel, or its equivalent, and shall be slightly thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the blade, even when either the saw or table is tilted, and should be placed so that there is not more than 1/2-inch space between the spreader and the back of the blade when the recommended saw blade is in its maximum "up" position. If a blade smaller than the maximum permissible size is used, the spreader shall be moved to within 1/2 inch of the blade. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.

(h) Each hand-fed circular rip saw shall be provided with antikickback devices so located as to oppose the thrust or tendency of the saw blade to pick up the material or throw it back toward the operator. These devices shall be designed to provide holding power for all the thicknesses of material being cut.

(4) Radial saws.

(a) Hoods and guards. Each saw shall be provided with a device that will completely enclose the upper portion of the blade down to a point that includes the end of the saw arbor. The upper hood shall be so constructed as to protect the operator from flying splinters and broken saw teeth, and to deflect sawdust away from the operator. The sides of the lower exposed portion of the saw blade shall be guarded from the tips of the blade teeth inward radially with no greater than 3/8-inch gullet exposure. The device shall automatically adjust itself to the thickness of the stock and remain in contact with the stock being cut for the 90° blade positions (0° bevel) throughout the full working range of mitter position. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the guard visible from the normal operating position, reading as follows:

**WARNING: TO AVOID INJURY, SHUT OFF POWER BEFORE CLEARING A JAMMED LOWER GUARD**

Such a label shall be colored standard danger red or orange in accordance with American National Standard Safety Color Code for Marking Physical Hazards, Z53.1-1979.

(b) Spreaders. When radial saws are used for ripping, a spreader shall be provided and shall be aligned with the saw blade.

(c) Antikickback devices. Antikickback devices located on both sides of the saw blade on the outfeed side, so as to oppose the thrust or tendency of the blade to pick up the material or to throw it back toward the operator, shall be used on each radial saw used for ripping. These devices shall be designed to provide adequate holding power for all the thicknesses of material being cut.

(d) Adjustable stops and return devices. An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations. A limit chain or other equally effective device shall be provided to prevent the saw



blade from sliding beyond the edge of the table; or the table shall be extended to eliminate over-run.

(e) On any manually operated saw, installation shall be such that the front of the machine is slightly higher than the rear, or some other means shall be provided so that the cutting head will not roll or move out on the arm away from the column as a result of gravity or vibration. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the cutting head visible from the normal crosscut operating position, reading as follows:

**WARNING: TO AVOID INJURY, RETURN CARRIAGE TO THE FULL REAR POSITION AFTER EACH CROSSCUT TYPE OF OPERATION**

Such a label shall be colored standard caution yellow in accordance with American National Standard Z53.1-1979.

(f) Direction of feed. Ripping and ploughing shall be against the direction in which the saw blade turns. The direction of the saw blade rotation shall be conspicuously marked on the hoods. In addition, a permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the end of the guard at which the blade teeth exit the upper guard during operation. The label shall be at approximately the level of the arbor and shall read as follows:

**DANGER: TO AVOID INJURY, DO NOT FEED MATERIAL INTO CUTTING TOOL FROM THIS END**

Such a label shall be colored standard red or orange in accordance with American National Standard, Z53.1-1979.

(5) All woodworking tools and machinery shall meet any other applicable requirements of American National Standards Institute, 01.1-1971, Safety Code for Woodworking Machinery.

((+)) (6) The control switch on all stationary radial arm saws shall be placed at the front of the saw or table and shall be properly recessed or hooded to prevent accidental contact.

((+)) (a) A firm level working area shall be provided at the front of all stationary radial arm saws. The area shall be kept free of all stumbling hazards.

((+)) (b) A push stick or similar device shall be used for pushing short material through power saws.

((+)) (7) Circular power miter saws. The requirements of subsection (4)(a) of this section applies to guarding circular power miter saws.

(8) Personal protective equipment. All personal protective equipment required for use shall conform to the requirements of Part C of this chapter.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-400 GAS WELDING AND CUTTING. (1) Transporting, moving, and storing compressed gas cylinders. (a) Valve protection caps shall be in place and secured.

(b) When cylinders are hoisted, they shall be secured on a cradle, slingboard, or pallet. They shall not be hoisted or transported by means of magnets or choker slings.

(c) Cylinders shall be moved by tilting and rolling them on their bottom edges. They shall not be intentionally dropped, struck, or permitted to strike each other violently.

(d) When cylinders are transported by powered vehicles, they shall be secured in a vertical position.

(e) Valve protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve protection caps to pry cylinders loose when frozen. Warm, not boiling, water shall be used to thaw cylinders loose.

(f) Unless cylinders are firmly secured on a special carrier intended for this purpose, regulators shall be removed and valve protection caps put in place before cylinders are moved.

(g) A suitable cylinder truck, chain, or other steadying device shall be used to keep cylinders from being knocked over while in use. Such cylinders are not considered to be "in storage."

(h) When a job is finished, when cylinders are empty or when cylinders are moved at any time, the cylinder valve shall be closed.

(i) Compressed gas cylinders shall be secured in an upright position at all times except, if necessary, for short periods of time while cylinders are actually being hoisted or carried.

(j) Oxygen. Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(2) Placing cylinders. (a) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided.

(b) Cylinders shall be placed where they cannot become part of an electrical circuit. Electrodes shall not be struck against a cylinder to strike an arc.

(c) Fuel gas cylinders shall be placed with valve end up whenever they are in use. They shall not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

(d) Cylinders containing oxygen or acetylene or other fuel gas shall not be taken into confined spaces.

(3) Treatment of cylinders. (a) Cylinders, whether full or empty, shall not be used as rollers or supports.

(b) No person other than the gas supplier shall attempt to mix gases in a cylinder. No one except the owner of the cylinder or person authorized by him, shall refill a cylinder. No one shall use a cylinder's contents for purposes other than those intended by the supplier. All cylinders used shall meet the department of transportation requirements, Specification for Cylinders, (49 CFR Part 178, Subpart C).

(c) No damaged or defective cylinder shall be used.

(4) Use of fuel gas. The employer shall thoroughly instruct employees in the safe use of fuel gas, as follows:

(a) Before a regulator to a cylinder valve is connected, the valve shall be opened slightly and closed immediately. (This action is generally termed "cracking" and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve shall stand to one side of the outlet, not in front of it. The valve of a fuel gas cylinder shall not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

(b) The cylinder valve shall always be opened slowly to prevent damage to the regulator. For quick closing, valves on fuel gas cylinders shall not be opened more than 1 1/2 turns. When a special wrench is required, it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. In the case of manifolded or coupled cylinders, at least one such wrench shall always be available for immediate use. Nothing shall be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

(c) Fuel gas shall not be used from cylinders through torches or other devices which are equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(d) Before a regulator is removed from a cylinder valve, the cylinder valve shall always be closed and the gas released from the regulator.

(e) If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve shall be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder shall be discontinued, and it shall be properly tagged and removed from the work area. In the event that fuel gas should leak from the cylinder valve, rather than from the valve stem, and the gas cannot be shut off, the cylinder shall be properly tagged and removed from the work area. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the work area.

(f) If a leak should develop at a fuse plug or other safety device, the cylinder shall be removed from the work area.

(g) Cylinders not having fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while in service. In multiple cylinder installations one and only one key or handle is required for each manifold.

(5) Fuel gas and oxygen manifolds. (a) Fuel gas and oxygen manifolds shall bear the name of the substance they contain in letters at least 1-inch high which shall be either painted on the manifold or on a sign permanently attached to it.

(b) Fuel gas and oxygen manifolds shall be placed in safe, well ventilated, and accessible locations. They shall not be located within enclosed spaces.

(c) Manifold hose connections, including both ends of the supply hose that lead to the manifold, shall be such that the hose cannot be interchanged between fuel gas and oxygen manifolds and supply header connections. Adapters shall not be used to permit the interchange of hose. Hose connections shall be kept free of grease and oil.

(d) When not in use, manifold and header hose connections shall be capped.

(e) Nothing shall be placed on top of a manifold, when in use, which will damage the manifold or interfere with the quick closing of the valves.

(6) Hose. (a) Fuel gas hose and oxygen hose shall be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses shall not be interchangeable. A single hose having more than one gas passage shall not be used.

(b) When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 12 inches shall be covered by tape.

(c) All hose in use, carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance which may ignite or enter into combustion, or be in any way harmful to employees, shall be inspected at the beginning of each working shift. Defective hose shall be removed from service.

(d) Hose which has been subject to flashback, or which shows evidence of severe wear or damage, shall be tested to twice the normal pressure to which it is subject, but in no case less than 300 p.s.i. Defective hose, or hose in doubtful condition, shall not be used.

(e) Hose couplings shall be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

(f) Boxes used for the storage of gas hose shall be ventilated.

(g) Hoses, cables, and other equipment shall be kept clear of passageways, ladders and stairs.

(7) Torches. (a) Clogged torch tip openings shall be cleaned with suitable cleaning wires, drills, or other devices designed for such purpose.

(b) Torches in use shall be inspected at the beginning of each working shift for leaking shutoff valves, hose couplings, and tip connections. Defective torches shall not be used.

(c) Torches shall be lighted by friction lighters or other approved devices, and not by matches or from hot work.

(8) Regulators and gauges. Oxygen and fuel gas pressure regulators, including their related gauges, shall be in proper working order while in use.

(9) Oil and grease hazards. Oxygen cylinders and fittings shall be kept away from oil or grease. Cylinders, cylinder caps and valves, couplings, regulators, hose, and apparatus shall be kept free from oil or greasy substances and shall not be handled with oily hands or gloves. Oxygen shall not be directed at oily surfaces, greasy clothes, or within a fuel oil or other storage tank or vessel.

(10) Additional rules. For additional details not covered in this Part, applicable portions of American National Standards Institute, Z49.1-((1967))1973, Safety in Welding and Cutting, shall apply.

#### AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-405 ARC WELDING AND CUTTING. (1) Manual electrode holders. (a) Only manual electrode holders which are specifically designed for arc welding and cutting, and are of a capacity capable of safely handling the maximum rated current required by the electrodes, shall be used.

(b) Any current-carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(2) Welding cables and connectors. (a) All arc welding and cutting cables shall be of the completely insulated, flexible type, capable of handling the maximum current requirements of the work in progress, taking into account the duty cycle under which the arc welder or cutter is working.

(b) Only cable free from repair or splices for a minimum distance of 10 feet from the cable end to which the electrode holder is connected shall be used, except that cables with standard insulated connectors or with splices whose insulating quality is equal to that of the cable are permitted.

(c) When it becomes necessary to connect or splice lengths of cable one to another, substantial insulated connectors of a capacity at least equivalent to that of the cable shall be used. If connections are effected by means of cable lugs, they shall be securely fastened together to give good electrical contact, and the exposed metal parts of the lugs shall be completely insulated.

(d) Cables in need of repair shall not be used. When a cable, other than the cable lead referred to in subdivision (b) of this subsection, becomes worn to the extent of exposing bare conductors, the portion

thus exposed shall be protected by means of rubber and friction tape or other equivalent insulation.

(3) Ground returns and machine grounding. (a) A ground return cable shall have a safe current carrying capacity equal to or exceeding the specified maximum output capacity of the arc welding or cutting unit which it services. When a single ground return cable services more than one unit, its safe current-carrying capacity shall equal or exceed the total specified maximum output capacities of all the units which it services.

(b) Pipelines containing gases or flammable liquids, or conduits containing electrical circuits, shall not be used as a ground return. For welding on natural gas pipelines, the technical portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, Minimum Federal Safety Standards for Gas Pipelines shall apply. (49 CFR Part 192, Subpart C.)

(c) When a structure or pipeline is employed as a ground return circuit, it shall be determined that the required electrical contact exist at all joints. The generation of an arc, sparks, or heat at any point shall cause rejection of the structures as a ground circuit.

(d) When a structure or pipeline is continuously employed as a ground return circuit, all joints shall be bonded, and periodic inspections shall be conducted to ensure that no condition of electrolysis or fire hazard exists by virtue of such use.

(e) The frames of all arc welding and cutting machines shall be grounded either through a third wire in the cable containing the circuit conductor or through a separate wire which is grounded at the source of the current. Grounding circuits, other than by means of the structure, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(f) All ground connections shall be inspected to ensure that they are mechanically strong and electrically adequate for the required current.

(4) Operating instructions. Employers shall instruct employees in the safe means of arc welding and cutting as follows:

(a) When electrode holders are to be left unattended, the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contact with employees or conducting objects.

(b) Hot electrode holders shall not be dipped in water; to do so may expose the arc welder or cutter to electric shock.

(c) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(d) Any faulty or defective equipment shall be reported to the supervisor.

(e) Other requirements, as outlined in Article 630, National Electrical Code, NFPA 70-((1971))1984; ANSI ((C1-1971 (Rev. of 1968))) C2-1984, Electric Welders, shall be followed when applicable.

(5) Shielding. Whenever ((practicable)) practical, all arc welding and cutting operations shall be shielded by noncombustible or flameproof screens which will protect employees and other persons working in the vicinity from the direct rays of the arc.

(6) Employee protection. Where welding or cutting operations are being performed in areas where it is possible for molten slag to contact other employees, those employees shall be protected from being burned by providing overhead protection, barricading the impact area, or other effective means.

#### NEW SECTION

WAC 296-155-407 PROTECTIVE CLOTHING. (1) General requirements. Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of WAC 296-24-07501. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(2) Specified protective clothing. Protective means which may be employed are as follows:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, or other suitable material may also be desirable as protection against radiated heat and sparks.

(c) Woolen clothing preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its

combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

NOTE: For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(e) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(f) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(g) For overhead welding and cutting, or welding and cutting in extremely confined spaces, ear protection is sometimes desirable.

(h) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors shall be used.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-425 DEFINITIONS APPLICABLE TO THIS PART. (1) The definition of "approved" as set forth in WAC 296-155-012(1) shall apply.

(2) "Bonding jumper" means a conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(3) "Branch circuits" mean that portion of a wiring system extending beyond the final overcurrent device protecting the circuit. (A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.)

(4) "Circuit breaker" means a device designed to open and close a circuit by manual means, and to open the circuit automatically on a predetermined overload of current, without injury to itself when properly applied within its rating.

(5) "Exposed" (as applied to live parts) means that a live part can be inadvertently touched or approached nearer than a safe distance by a person. This term applies to parts not suitably guarded, isolated, or insulated.

(6) "Ground" means a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body which serves in place of the earth.

(7) "Grounded" means connected to earth or to some conducting body which serves in place of the earth.

(8) "Ground-fault circuit-interrupter" means a fast acting circuit breaker that is sensitive to very low levels of current leakage to ground. The device is designed to limit the electric shock to a current and time duration below that which can cause serious injury.

(9) "Hazard" means to include casualty, fire, and shock when applicable.

~~((F9))~~ (10) "Isolated" means not readily accessible to personnel unless special means of access are used.

~~((H0))~~ (11) "Raceway" means any channel for loosely holding wires or cables in interior work which is designed expressly and used solely for this purpose. Raceways may be of metal, wood, or insulating material, and the term includes wood and metal moldings consisting of a backing and capping, and also metal ducts into which wires are to be pulled.

~~((H1))~~ (12) "Shock hazard" means to exist at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500-ohm load is more than 5 milliamperes.

~~((H2))~~ (13) "Weatherproof" means so constructed or protected that exposure to the weather shall not interfere with successful operation.

**AMENDATORY SECTION** (Amending Order 77-20, filed 10/8/77 [10/18/77])

WAC 296-155-430 GENERAL REQUIREMENTS. (1) All electrical work, installations, and wire capacities shall be in accordance with ~~((pertinent))~~ the provisions of the National Electrical Code,

NFPA 70-~~((1971, ANSI C1-1971 (Rev. of 1968))~~1984, and the National Electrical Safety Code, National Bureau of Standards, Part 4 (ANSI C2.4) unless otherwise provided by ~~((standards of))~~ this chapter. All electrical material and utilization equipment shall be listed by a nationally recognized testing laboratory and shall be as marked or labeled.

(2) Applicability. The standards of this part apply only to electrical installations used on the jobsite, both temporary and permanent.

(3) Protection of employees. (a) No employer shall permit an employee to work in such proximity to any part of an electric power circuit that he may contact the same in the course of his work unless the employee is protected against electric shock by deenergizing the circuit and grounding it or by guarding it by effective insulation or other equally effective means.

~~((b))~~ (i) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact therewith. The employer shall post and maintain proper warning signs where such circuit exists. He shall advise his employees of the location of such lines, the hazards involved and the protective measures to be taken.

(ii) No person, firm, corporation, or agent of same, shall require or permit any employee to perform any function in proximity to electrical conductors or to engage in any excavation, construction, demolition, repair, or other operation, unless and until danger from accidental contact with said electrical conductors has been effectively guarded by deenergizing the circuit and grounding it or by guarding it by effective insulation or other effective means.

(b) 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; 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 energized conductors 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.

(c) If relocation of the electrical conductors is necessary, arrangements shall be made with the owners of the lines for such relocation.

(d) Barriers. Barriers shall be of such character and construction as to effectively provide the necessary protection without creating other hazards or jeopardizing the operation of the electrical circuits.

Barriers installed within the 10 ft. clearance from conductors shall be installed only under the supervision of authorized and qualified persons and this shall include a representative of the electrical utility or owner involved.

(e) Exceptions. These rules shall not be construed as applying to, shall not apply to, and are not intended to apply to the construction, reconstruction, operation, and maintenance, of overhead electrical lines, structures, and associated equipment by authorized and qualified electrical workers; nor to authorized and qualified employees of any person, firm, or corporation, engaged in the construction, reconstruction, operation, and maintenance, of overhead electrical circuits or conductors and their supporting structures and associated equipment of rail transportation systems or electrical generating, transmission, distribution and communication systems which are covered by chapter 296-45 and 296-32 WAC.

(f) Special precautions must be taken:

(i) When handling any winch lines, guy wires, or other free cable, wire or rope in the vicinity of any electrical conductors.

(ii) When pulling a winch line, or other cable or rope under energized electrical conductors from a boom, mast, pile driver, etc., in such a manner as to make possible an approach to within 10 ft. of a conductor.

(iii) When there is possibility of a winch line, cable, etc., either becoming disconnected or breaking under load because of excessive strain and flipping up into overhead conductors.

(iv) When placing steel, concrete reinforcement, wire mesh etc.

(v) When handling pipe or rod sections in connection with digging wells or test holes.

(vi) When moving construction equipment, apparatus, machinery, etc., all such movements must avoid striking supporting structures, guy wires, or other elements of the electrical utility system in such a manner as to endanger such supports and conductors or to cause the conductors to so swing or move as to decrease clearances to less than 10 ft. from construction equipment, or to cause them to come together, resulting in short circuit and the burning down of the conductors.

(g) Warning sign required. Each owner, agent, or employer responsible for the operations of equipment, shall post and maintain in plain view of the operator at the controls of each crane, derrick, shovel, drilling rig, pile driver, or similar apparatus which is capable of vertical, lateral or swinging motion an approved durable warning sign legible at 12 ft., reading "It is unlawful to operate this equipment within 10 ft. of electrical conductors." A similar sign shall be installed on the outside of the equipment and located as to be readily visible to mechanics or other persons engaged in the work operation.

Signs shall be not less than 6" x 8" dimensions with the word "WARNING" or "DANGER" in large letters and painted red across the top and the other letters in black painted on yellow background.

(h) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visible grounded.

(4) Passageways and open spaces. Suitable barriers or other means shall be provided to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of electrical equipment are exposed.

(5) Workspace around equipment. Sufficient space shall be provided and maintained in the area of electrical equipment to permit ready and safe operation and maintenance of such equipment. When parts are exposed, the minimum clearance for the workspace shall be not less than 6 1/4 feet high, nor less than a radius of 3 feet wide, and there shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels. All working clearances shall be maintained in accordance with Article 110-16, National Electrical Code, NFPA 70-((+97+))1984; ANSI C1-1971 (Rev. of 1968).

(6) Load ratings. In existing installations no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring, as specified in National Electric Code, NFPA 70-((+97+))1984; ANSI C1-1971 (Rev. of 1968), Article 310. Before work commences on construction sites, all electrical conductors to the job site shall be checked for proper voltage.

(7) Lockout and tagging of circuits. (a) Equipment or circuits that are deenergized shall be rendered inoperative and have tags and locked padlocks attached at all points where such equipment or circuits can be energized.

(b) Controls that are ((to be)) deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged and padlocked in the open position.

(c) Tags shall be placed to identify plainly the equipment or circuits being worked on.

(8) Ground-fault protection. (a) Notwithstanding the provisions of subsections (1) through (7) of this section, the requirement in section 210-7 of the 1971 National Electric Code (NFPA 70-1971; ANSI C1-1971) that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites have approved ground-fault circuit protection for personnel does not apply. In lieu thereof, the employer shall use either ground-fault circuit interrupters as specified in subsection (8)(b) of this section or an assured equipment grounding conductor program as specified in subsection (8)(c) of this section, to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(b) Ground-fault circuit interrupters. All 120-volt, single-phase((; 15- 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 5kW, 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. Ground fault circuit interrupters shall be tested in accordance with the manufacturers recommendations.

(c) 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:

(i) 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.

(ii) The employer shall designate one or more competent persons ((f))as defined in WAC 296-155-012(3)((g)) to implement the program and perform continuing tests and inspections as required.

(iii) 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.

(iv) 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- and plug-connected equipment required to be grounded:

(A) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(B) 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.

(C) Each outlet receptacle, or power source shall be tested to ensure proper polarity.

(v) All required tests shall be performed:

(A) Before first use;

(B) Before equipment is returned to service following any repairs;

(C) 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

(D) 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.

(vi) The employer may not make available or permit the use by employees of any equipment which has not met the requirements of subsection (8)(c) of this section.

(vii) Tests performed as required in this subsection shall be recorded. This test record shall identify each receptacle, cord set, and cord- 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.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-435 **GROUNDING AND BONDING.** (1) Portable and/or cord and plug-connected equipment. (a) The noncurrent-carrying metal parts of portable and/or plug-connected equipment shall be grounded.

(b) Portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. Where such an approved system is employed, the equipment shall be distinctively marked.

(2) Fixed equipment. Exposed noncurrent-carrying metal parts of fixed electrical equipment, including motors, generators, frames and tracks of electrically operated cranes, electrically driven machinery, etc., shall be grounded.

(3) Effective grounding. The path from circuits, equipment, structures, and conduit or enclosures to ground shall be permanent and continuous; have ample carrying capacity to conduct safely the currents liable to be imposed on it; and have the impedance sufficiently low to limit the potential above ground and to result in the operation of the overcurrent devices in the circuit.

(4) Ground resistance. Driven rod electrodes shall, where practicable, have a resistance to ground not to exceed 25 ohms. Where the resistance is not as low as 25 ohms, two or more electrodes connected in parallel shall be used.

(5) Testing of grounds. Grounding circuits shall be checked to ensure that the circuit between the ground and the grounded power conductor has a resistance which is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When grounding circuits have been installed by qualified electricians using standard approved electrodes and plates and have been approved by the electrical utility prior to final hook-up, the employer is relieved of responsibility for such testing.

(6) Extension cords. Extension cords used with portable electric tools and appliances shall be ~~((of))~~ stranded three-wire type designed for hard usage in accordance with article 400 of the National Electrical Code.

(7) Bonding. (a) Conductors used for bonding and grounding stationary and moveable equipment shall be of ample size to carry the anticipated current.

(b) When attaching bonding and grounding clamps or clips, a secure and positive metal-to-metal contact shall be made. Such attachments shall be made before closures are opened and material movements are started and shall not be broken until after material movements are stopped and closures are made.

(8) Temporary wiring. All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA No. 70-1971 or ANSI C1-1971.

(9) Construction site. Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(10) Temporary lighting. (a) Temporary lights shall be ~~((equipped with guards))~~ protected by guards of a nonconductive or insulated material to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with ~~((heavy-duty))~~ hard usage (S or SJ types) electric cords with connections and insulation maintained in safe condition. "Brewery" cord (type CBO or NB) may be substituted for hard usage cord provided it is protected from physical damages. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall ~~((have insulation equal to that of the cable))~~ retain the insulation, outer sheath properties, flexibility, and usage characteristics of the cord being spliced.

(i) When pin-type connectors or lampholders are utilized, the area of perforations caused by lampholder removal shall be restored to the insulation capabilities of the cord.

(ii) Temporary lighting circuits shall not be used to supply power to portable tools.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist ~~((and))~~ or other hazardous locations, as for example, drums, tanks, and vessels shall be ~~((operated at a maximum of 12 volts))~~ equipped with ground fault circuit interrupters.

#### AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-440 EQUIPMENT INSTALLATION AND MAINTENANCE. (1) Flexible cable and cords. (a) Receptacles for attachment plugs shall be approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact. All temporary outlet boxes shall be of a type suitable for use in wet or damp locations.

(b) Where different voltages, frequencies, or types of current (a.c. or d.c.) are to be supplied by portable cords, receptacles shall be of such design that attachment plugs used on such circuits are not interchangeable.

(c) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.

(d) Attachment plugs for use in work areas shall be so constructed that they will endure rough use and be equipped with a suitable cord grip to prevent strain on the terminal screws.

(e) Flexible cord shall be used only in continuous lengths without splice, except suitable molded or vulcanized splices may be used where

properly made, and the insulation shall be equal to the cable being spliced and wire connections soldered.

(f) Trailing cables shall be protected from damage.

(g) Splices in trailing cable shall be mechanically strong components and insulated to retain the mechanical and dielectric strength of the original cable.

(h) Cord and cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(i) Handlamps of the portable type shall be of ~~((the))~~ molded composition or other type approved for the purpose. ~~((Brass))~~ Metal-shell, paper-lined lampholders shall not be used. Handlamps shall be equipped with a handle and a substantial guard over the bulb and attached to the lampholder or the handle.

(j) Worn or frayed electric cords and cables shall not be used.

(k) Extension cords shall be protected against accidental damage as may be caused by traffic, sharp corners, or projections and pinching in doors or elsewhere.

(l) Extension cords shall not be fastened with staples, hung from nails, or suspended by wire. Working spaces, walkways, or similar locations shall be kept clear of cords so as not to create a tripping hazard to employees.

(2) Overcurrent protection. (a) Overcurrent protection shall be provided by fuses or circuit breakers for each feeder and branch circuit, and shall be based on the current-carrying capacity of the conductors supplied and the power load being used.

(b) No overcurrent device shall be placed in any permanently grounded conductor, except where the overcurrent device simultaneously opens all conductors of the circuit or for motor running protection.

(c) When fuses are installed or removed with one or both terminals energized, special tools insulated for the voltage shall be used.

(3) Switches, circuit breakers, and disconnecting means. (a) Each disconnecting means for motors and appliances, and each service feeder or branch circuit at the point where it originates, shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident.

(b) Disconnecting means shall be located or shielded so that employees will not be injured.

(c) Boxes for disconnecting means shall be securely and rigidly fastened to the surface upon which they are mounted and fitted with covers.

(d) Boxes and disconnecting means installed in damp or wet locations shall be waterproof to the extent that water does not enter or accumulate.

(4) Transformers. (a) Energized transformers and other related electrically energized equipment over 150 volts to ground shall be protected so as to prevent accidental contact with any person. Protection shall be provided by individual integrated housing or by an enclosure, such as an electrical substation fence, which accommodates a group of such equipment. Metallic enclosures shall be grounded.

(b) Access to energized equipment covered by subdivision (a) of this subsection shall be secured by lock or other fasteners requiring the use of tools to open them.

(c) Signs indicating danger and prohibiting unauthorized access shall be conspicuously displayed on the housing or other enclosure around the equipment.

(d) Transformers mounted on utility poles at a height of more than 12 feet from the ground are exempt from the requirements of this subsection.

(5) Welding and cutting equipment. Welding and cutting equipment shall meet the requirements specified in Parts D and H of this chapter.

#### SUBCHAPTER PART J WAC

##### Ladders ((and scaffolding)), scaffolds and elevating work platforms WAC

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#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-155-475 DEFINITIONS. (1) "Ladders" (a) "cleats" means ladder crosspieces of rectangular cross section placed on edge on which a person may step in ascending or descending.

(b) "Single cleat ladder" means one which consists of a pair of side rails, usually parallel, but with flared side rails permissible, connected together with cleats that are joined to the side rails at regular intervals.

(c) "Double cleat ladder" means one that is similar to a single cleat ladder, but is wider, with an additional center rail which will allow for two-way traffic for workers in ascending and descending.

(2) "Scaffolding" (a) "bearer" means a horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(b) "Boatswain's chair" means a seat supported by slings attached to a suspended rope, designed to accommodate one employee in a sitting position.

(c) "Brace" means a tie that holds one scaffold member in a fixed position with respect to another member.

(d) "Bricklayers' square scaffold" means a scaffold composed of framed wood squares which support a platform, limited to light and medium duty.

(e) "Built-up scaffold" means a rigidly constructed scaffold, built up where it is going to be used and dismantled when its purpose has been accomplished.

(f) "Carpenters' bracket scaffold" means a scaffold consisting of wood or metal brackets supporting a platform.

(g) "Coupler" means a device for locking together the component parts of a tubular metal scaffold. (The material used for the couplers shall be of a structural type, such as a dropforged steel, malleable iron, or structural grade aluminum.)

(h) "Crawling board or chicken ladder" means a plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(i) "Double pole or independent pole scaffold" means a scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(j) "Float or ship scaffold" means a scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(k) "Standard guardrail" means a ~~((rail that will be))~~ horizontal barrier at the perimeter of any surface edge presenting a potential fall hazard constructed to provide a smooth surfaced top rail a distance of not more than 42 inches or less than 36 inches above the walking surface. An intermediate rail shall be installed half way between the walking surface and the top of the top rail.

The anchoring of posts and framing of members for railings of all types shall be ~~((of))~~ such ~~((construction))~~ that the completed structure ~~((shall be))~~ is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail with a minimum of deflection.

NOTE: Where 2 x 4 inch lumber is used for rails and posts, upright posts spaced at intervals not exceeding 8 feet will achieve the 200 pounds loading criteria.

(l) "Heavy duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(m) "Horse scaffold" means a scaffold for light or medium duty, composed of horses supporting a work platform.

(n) "Interior hung scaffold" means a scaffold suspended from the ceiling or roof structure.

(o) "Ladder jack scaffold" means a light duty scaffold supported by brackets attached to ladders.

(p) "Leaning horse scaffold" means scaffold planks resting on two half horses supported by two legs on the ground with the point of the bearer resting against a solid portion of a structure.

(q) "Ledgers (stringer)" mean a horizontal scaffold member which extends from post to post and which supports the putlogs or bearers forming a tie between the posts.

(r) "Light duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(s) "Manually propelled mobile scaffold" means a portable rolling scaffold supported by casters.

(t) "Masons' adjustable multiple-point suspension scaffold" means a scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(u) "Maximum rated load" means the total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated for which the scaffold is designed.

(v) "Medium duty scaffold" means a scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(3) Additional definitions for "scaffolding":

(a) "Midrail" means a rail approximately midway between the guardrail and platform, secured to the uprights erected along the exposed sides and ends of platforms.

(b) "Needle beam scaffold" means a light duty scaffold consisting of needle beams supporting a platform.

(c) "Outrigger scaffold" means a scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside or on the roof of such building or structure.

(d) "Plasters-lathers scaffold" means a tubular welded scaffold erected for, and used primarily by, the plasterer and lather trades.

(e) "Putlog" means a scaffold member upon which the platform rests.

(f) "Roofing or bearer bracket" means a bracket used in slope roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(g) "Runner" means the lengthwise horizontal bracing or bearing members or both.

(h) "Scaffold" means any temporary elevated platform and its supporting structure used for supporting workers or materials, or both.

(i) "Single-point adjustable suspension scaffold" means a manually or power-operated unit designed for light duty use, supported by a single wire rope from an overhead support so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(j) "Single-pole scaffold" means platforms resting on putlogs or cross beams, the outside ends of which are supported on ledgers secured to a single row or posts or uprights, and the inner ends of which are supported on or in a wall.

(k) "Stone setters' adjustable multiple-point suspension scaffold" means a swinging type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(l) "Suspended scaffold" means a scaffold supported from above, the platform of which is supported at more than two points by steel wire cables suspended from overhead outriggers which are anchored to the steel or concrete frame of the building. It is equipped with a hoisting drum or machine so the platform can be raised or lowered.

(m) "Toeboard" means a standard toeboard and shall be 4 inches ~~((minimum))~~ nominal in vertical height from its top edge to the level of the ~~((floor, platform, runway, or ramp))~~ surface. It shall be securely fastened in place and have not more than 1/4-inch clearance above ~~((floor))~~ surface level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(n) "Tube and coupler scaffold" means an assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(o) "Tubular welded frame scaffold" means a sectional panel or frame metal scaffold substantially built up of prefabricated welded sections which consists of posts and horizontal bearer with intermediate members.

(p) "Two-point suspension scaffold (swinging scaffold)" means a scaffold, the platform of which is supported by hangers (stirrups) at



two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(q) "Window jack scaffold" means a scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(r) "Working load" means the load imposed by persons, materials, and equipment.

#### AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-155-480 LADDERS. (1) General requirements.

~~((a))~~ All ~~((applicable))~~ rules for design, construction, maintenance, operation, testing, and use of ladders contained in WAC 296-24-780 through 296-24-81013 of the general safety and health standards shall be complied with.

(a) Only type I stepladders shall be used on construction worksites, except that painters may use type II stepladders.

(b) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this Part shall be used to give safe access to all elevations.

(c) (i) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the moveable parts shall operate freely without binding or undue play.

(ii) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(d) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.1(~~-1968~~) current edition, Safety Code for Portable Wood Ladders.

(e) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.2(~~-1972~~) current edition, Safety Code for Portable Metal Ladders.

(f) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A14.3-1956, Safety Code for Fixed Ladders.

(g) The feet of portable ladders shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear. Safety feet shall be maintained to ensure proper working condition.

(h) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(i) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(j) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(k) Portable straight ladders in use shall be tied, blocked, equipped with safety shoes or otherwise secured to prevent their being displaced.

(l) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(m) Unless otherwise stated, all lumber sizes shall be nominal.

(n) When working from a ladder (~~over 25 feet from the ground or floor~~), the ladder shall be secured at both top and bottom.

(o) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(p) Any work (~~, such as sandblasting or spray painting,~~) that requires wearing eye protection, respirators, ~~((and))~~ or handling of pressure equipment, shall not be ~~((limited to not over 30 feet from the ground or floor while working on a ladder))~~ performed from a ladder more than twenty-five feet above the surrounding surface.

(q) Stepladders shall not be used as single ladders.

(r) Tops of ordinary types of stepladders shall not be used as steps.

(s) When working from a stepladder over five feet high a workman shall not stand on a step higher than the third step from the top of the stepladder.

(t) On two-section extension ladders the minimum overlap for the two sections shall be as follows:

Size of ladder expanded length (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(u) Extension ladders shall always be erected so that the upper section is resting on the bottom section.

(v) When ascending or descending, the user shall face the ladder.

(w) Workmen shall not ascend or descend ladders while carrying tools or materials which might interfere with the free use of both hands.

(2) Job-made ladders.

(a) Job-made ladders shall be constructed for intended use.

(b) If a ladder is to provide the only means of access or exit from a working area for twenty-five or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(c) Double cleat ladders shall not exceed 24 feet in length.

(d) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms.

(e) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(f) It is preferable that side rails be continuous. If splicing is necessary to attain the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(g) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; ~~((3))~~ 2-inch by 6-inch lumber, or ~~((the))~~ equivalent, shall be used for single cleat ladders from 16 to 30 feet in length.

(h) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(i) 1-inch by 4-inch lumber shall be used for cleats of single and double cleat ladders.

(j) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

(k) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of ladder.

(l) Wood side rails of ladders having cleats shall be not less than 1-1/2 inches thick and 3-1/2 inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table J-18). Wood side rails of Group 4 wood (see Table J-18) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

#### AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-155-485 SCAFFOLDING. (1) General requirements. Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to WAC 296-155-480 through 296-155-48090.

(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))~~ WAC 296-24-825 through 296-24-84013 apply within the construction industry. ~~((Sec 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) Standard 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. 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) Platforms shall be level. 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 (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.

(u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.

(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 only 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. Design drawings shall be available at the jobsite.

(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. Design drawings shall be available at the jobsite.

(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. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. ~~((When coupled directly to the runners, the coupler must be kept as close to the posts as possible.))~~ Where guardrails and midrails are required, no outboard runner is required.

(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)) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and medium-duty scaffolds shall not carry more than two ten-inch planks unless knee braced.

(j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.

(k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When 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. When the scaffold exceeds either of these dimensions, it shall be tied and securely braced against the building.

(4) Fabricated 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. The maximum rated load shall not be exceeded.

(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 align vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.

(d) ~~((Scaffold))~~ Panel or frame 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 panels or 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))~~ method.

(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))~~ Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.

(j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the toprail and toeboard when persons are working below. Cross braces shall be considered equivalent to guardrails when persons are required to work on intermediate levels.

(k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.

(l) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms only and shall not be used for storage of material or equipment.

(m) Scaffold frames and their components manufactured by different companies shall not be intermixed.

(n) Periodic inspections, by the user, owner, and employer, shall be made of all fabricated tubular frames and accessories, and any maintenance required shall be made before further use.

(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, general.

(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))~~ the inboard point of support, 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))~~ positively secured 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. A copy of the drawings and specifications shall be available at the jobsite.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

~~((#))~~ (6) 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))~~ remain on the drum when the platform is at ground level. 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.

~~((#))~~ (o) When channel iron outrigger beams are used instead of I-beams, they shall be securely fastened together with the flanges turned out.

(p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound and good working condition and shall be inspected before each installation and periodically thereafter.

(7) (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 wrought iron, mild steel, or other equivalent material(s), 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. The roof irons or hooks and any other devices shall have tiebacks of 3/4-inch manila rope, or the equivalent, ~~((stiff))~~ to 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 and shall be a minimum of six inches in diameter.

(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 used, it shall be 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. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.

(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 tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-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 two 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.

~~((#))~~ (l) 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.

(m) When acid solutions are used, natural or synthetic fiber rope shall not be used.

(n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.

(8) 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))~~ (7)(k), 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.

~~((++))~~ (i) 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.

(j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions, supervised by a competent, designated person.

(k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed professional engineer. These plans and specifications shall be available at the site.

(9) 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))~~ (7) 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.)) When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.

(h) Suspension methods, including employee safeguards, shall conform to ~~((applicable))~~ the provisions of subsections ~~((8))~~ (6) and ~~((9))~~ (7) 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.

~~((+2))~~ (10) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch ~~((thickness))~~ thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.

(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.

~~((+3))~~ (g) The scaffolding, including power units shall be of tested design.

(h) All power operated gears and brakes shall be enclosed.

(i) 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.

(11) 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. Fabricated planking may be used if design tested.

~~((+4))~~ (12) 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. Fabricated planking may be used if design tested.

(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.

~~((+5))~~ (13) 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.

~~((+6))~~ (14) 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.

~~((+7))~~ (15) 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.

~~((+8))~~ (16) 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.

~~((+9))~~ (e) All overhead supporting members shall be inspected and checked for strength before the scaffold is erected.

## (17) 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 type I heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1(~~= +968~~) current edition, Safety Code for Portable Wood Ladders, and A14.2(~~= +968~~) current edition, 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 and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

~~((Not))~~ No more than two ~~((employees))~~ persons shall ~~((occupy))~~ be within any ((given)) 8 feet section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(c) of this section is impractical, safety belts and lifelines shall be used in accordance with WAC 296-155-225.

~~((20))~~ (18) 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.

~~((21))~~ (e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.

## (19) 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.

~~((22))~~ All roofing brackets must be installed and used in accordance with the requirements of WAC 296-155-50503(1).

## (20) 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.

~~((23))~~ All crawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296-155-50503(2).

## (21) 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 lifeline and lifeline, in accordance with WAC 296-155-225.

~~((24))~~ (22) 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.

~~((25))~~ (23) 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(-); and

(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. Three-eighths inch or one-half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.

(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.

~~((26))~~ (24) 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.

~~((27))~~ (25) 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.

~~((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 parallel 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.~~

~~(29)) (26) 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)) 2 x 10 inch planks. For a minimum width of eighteen inches 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.~~

~~((30)) (27) 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.~~

## NEW SECTION

WAC 296-155-48523 MANUALLY PROPELLED MOBILE LADDER STANDS AND SCAFFOLDS (TOWERS). (1) All applicable rules for design, construction, maintenance, operation, testing, and use of manually propelled mobile ladder stands and scaffolds (towers) shall be in accordance with ANSI A92.1-1977.

(2) The design working load of ladder stands shall be calculated on the basis of one or more two hundred fifty-pound persons together with fifty pounds of equipment each.

(3) The design working load of all scaffolds shall be calculated on the basis of:

LIGHT – Designed and constructed to carry a working load of 25 lb/ft<sup>2</sup>

MEDIUM – Designed and constructed to carry a working load of 50 lb/ft<sup>2</sup>

HEAVY – Designed and constructed to carry a working load of 75 lb/ft<sup>2</sup>

All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(4) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the design working load.

(5) Nails, bolts, weldments, or other mechanical fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length and all exposed surfaces shall be free from sharp edges, burrs, or other safety hazards.

(6) The maximum work level height shall not exceed four times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(7) The minimum platform width for any work level shall not be less than eighteen inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of sixteen inches.

(8) The supporting structure for the work level shall be rigidly braced, using cross bracing, diagonal bracing, knee braces, or the equivalent, with rigid platforms or steps at each work level. The steps and platform of ladder stands and scaffolds shall be fabricated from slip-resistant materials.

(9) The work level platform of scaffolds (towers) shall be made of wood, aluminum, or plywood planking, steel, or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. The clearances between adjacent platform boards or scaffold members, or both, shall not exceed one inch. All planking shall be two inch (nominal) scaffold grade minimum 1500 lbf/in<sup>3</sup> (stress grade) construction grade lumber, or the equivalent.

(10) All scaffold and ladder stand platform work levels ten feet or higher above the ground or floor shall have a standard (1 x 4 lumber nominal or the equivalent) toeboard.

(11) All scaffold and ladder stand platform work levels with platform height of four feet or greater shall be provided with guardrails and midrails on exposed sides and end wherever the horizontal dimension of the platform in either direction is less than forty-five inches.

(12) All scaffold and ladder stand platform work levels ten feet or higher above the ground or floor shall be provided with standard guardrails.

(13) A climbing ladder or stairway shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. Where the horizontal members of the scaffold frame are spaced not more than sixteen inches apart, and a standard guardrail has been provided on the scaffold platform to serve as handholds during access to the platform, persons may use the scaffold frames for access and exit, provided that scaffold platform does not project beyond the bearer.

(14) Wheels or casters, when under load, shall be properly designed for strength and dimensions to support four times the design working load. All scaffold casters shall be provided with a positive wheel or swivel lock, or both, to prevent movement. Ladder stands shall have at least two locking casters or other means of locking the unit in position. Swivel casters, if used, shall be provided with a positive lock. Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

(15) Mobile tubular fabricated frame scaffolds shall be designed to comply with the requirements of subsections (1) through (14) of this section. Scaffolds shall be braced by cross braces or diagonal braces, or both, for securing vertical members together laterally. The cross braces shall be of a length that will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. Spacing of panels of frames shall be consistent with the loads imposed. The frames shall be placed one on top of the other with coupling or stacking pins to provide vertical alignment of the legs.



Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means. Only the manufacturer of the scaffold or the manufacturer's qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(16) Mobile tubular fabricated sectional folding scaffolds, including sectional stairway and sectional ladder scaffolds, shall be designed to comply with the requirements of subsections (1) through (14) of this section. An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold. An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold. The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels. Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(17) Mobile tube and coupler scaffolds shall be designed to comply with the requirements of subsections (1) through (14) of this section. The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited. Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding fifty feet in height above the base, unless such structure is approved in writing by a qualified engineer, or erected in accordance with instructions furnished by the manufacturer.

(18) Mobile work platforms shall be designed for the use intended and shall comply with the requirements of subsections (1) through (14) of this section. The minimum width of the base of mobile work platforms shall not be less than eighteen inches. Adequate rigid bracing to vertical members shall be provided.

(19) Mobile ladder stands shall comply with applicable requirements of subsections (1) through (14) of this section. The minimum base width shall conform to subsection (6) of this section. The minimum length of the base section shall be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise. Steps shall be uniformly spaced and sloped, with a rise of not less than nine inches or more than ten inches and a depth of not less than seven inches. The slope of the steps shall be a maximum of sixty degrees measured from the horizontal. Units having more than four steps shall be equipped with handrails. Handrails shall be a minimum of thirty inches plus or minus one inch in height. Measurements shall be taken vertically from the center of the step. The load shall be applied uniformly to a three and one-half inch wide area front to back at the center of the width span with a safety factor of four.

(20) Scaffolds and ladder stands shall be furnished, where ladders or other equipment are not deemed appropriate, and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, and where it is desired to facilitate relocation of the unoccupied units with disassembly. Persons shall be prohibited from riding on units while they are being moved, and materials, tools, or equipment shall not be stored on the units while they are being moved except under strict compliance with the provisions following, and only with extreme care and caution exercised by the user. Guardrails, midrails, and toeboards shall be installed as required by subsections (10), (11), and (12) of this section. The floor or surface shall be within three degrees of level, smooth (the equivalent of broom-finished concrete), and free from pits, holes, or obstructions. The minimum dimension of the scaffold base when ready for rolling shall be at least one-half of the height. Outriggers, if used, shall be installed on all four sides of the scaffold and then can be included as a part of the base dimension. All tools or materials, or both, shall be secured or removed from the platform before the mobile scaffold is moved. Employees on the mobile scaffold shall be advised and be aware of each movement in advance. Employees on the work platform of the mobile scaffold may move the scaffold when the mobile scaffold is equipped with a manual system in which the propelling force is applied to the wheels only and cannot exceed normal walking speed. The force necessary to move the mobile scaffold shall be applied as close to the base as practicable, and

provision shall be made to stabilize the tower during movement from one location to another. The vertical posts of frames shall be accurately spaced and rest upon suitable footing capable of carrying the maximum design load without settling or displacement. They shall be plumb, and securely and rigidly braced to prevent swaying and displacement. Where leveling of the mobile scaffold platform is required, screw jacks or other means for adjusting the height shall be provided in each leg section of each mobile unit. At least six inches of the screw jack shall be in the scaffold leg, with no more than twelve inches extended. Units shall be erected, used, and disassembled in accordance with instructions furnished by the manufacturer. Scaffolds shall be erected and used only by personnel who have been trained in their use. Units shall be inspected before and after use. Units shall not be loaded in excess of the design working load and shall be repaired immediately when damaged or weakened from any cause. They shall not be used until repairs are completed. Units shall not be altered while they are in use or occupied. They shall be securely locked to prevent movement while occupied. Overhead protection shall be provided for the work platform, consisting of two-inch (nominal) planking, or the equivalent, not more than nine feet above the platform when an overhead hazard exists to the user on the platform. Ladders or unstable objects shall not be placed on top of rolling scaffolds to gain greater height. Persons shall not work on scaffolds during high winds, storms, or when the scaffolds are covered with ice or snow until all the ice and snow has been removed and the platform is sanded. Persons climbing or descending scaffold ladders shall have both hands free for climbing and shall remove foreign substances, such as, but not limited to, mud or grease from their shoes. Where moving vehicles are present, the scaffold area shall be marked with warnings, such as, but not limited to, flags, roped off areas, and barricades. Unstable objects such as barrels, boxes, loose brick, tools, and debris shall not be allowed to accumulate on the work level. In operations involving production of small debris, chips, etc., and the use of small tools and materials, and where persons are required to work or pass under the equipment, screens shall be required and properly secured between toeboards and guardrails. The screen shall extend along the entire opening, and shall consist of No. 19 gage U.S. Standard Wire one-half inch mesh, or the equivalent.

(21) Each unit shall be marked with the manufacturer's or vendor's name or identification symbol and rated working load, and shall indicate conformance to ANSI A92.1-1977 or a revision thereof. These markings shall be either stamped into a metal component of the unit, or provided on a metal name plate, or equivalent durable label, permanently secured to the unit. Precautionary labels or signs shall be permitted to warn of common hazards anticipated with the use of specific products, such as electrical hazards and contact with corrosive substances. Additional items for labeling consideration are inspection, proper selection, setup, climbing instructions, storage and care, and other instructions as deemed necessary. The precautionary labels or signs shall conform to the requirements of ANSI Specifications for Accident Prevention Signs, ANSI Z35.1-1972, and ANSI Specifications for Informational Signs Complementary to Accident Prevention Signs, ANSI Z35.4-1973.

#### NEW SECTION

**WAC 296-155-48525 MANUALLY PROPELLED ELEVATING WORK PLATFORMS.** (1) All applicable rules for design, construction, maintenance, operation, testing and use of manually propelled elevating work platforms shall be in accordance with ANSI A92.3-1980.

(2) Any manually propelled elevating work platform, when raised to its maximum working height, on level ground, shall be capable of sustaining, without reaching instability, a minimum horizontal test force of fifty pounds or fifteen percent of the rated capacity, whichever is greater, applied to any point on the perimeter of the platform while the platform is carrying the rated work load.

(3) Any manually propelled elevating work platform, unless designed for such use by the manufacturer, shall not be used on an inclined surface. Any work platform designed by the manufacturer to be operated on an inclined surface shall also be capable of passing the stability tests outlined in subsection (2) of this section while on such a surface. Procedures for maintaining stability shall be clearly outlined in the special warnings section of the operating instructions and users shall follow these instructions.

(4) If outriggers or stabilizers must be employed to meet the tests for stability outlined in subsection (2) of this section, the operating

instructions shall require their use and such outriggers or stabilizers shall be provided and used.

(5) The platform width shall not be less than eighteen inches and shall be provided with a surface to minimize slipping.

(6) The platform shall be provided with a guardrail or other structure around its upper periphery and the guardrail shall be approximately forty-two inches high, plus or minus three inches, with a midrail approximately midway between the top rail and the platform surface. The guardrail system shall be designed and constructed to withstand a load of twenty-five pounds per linear foot applied in a horizontal direction to the top rail or midrail. The top rail or midrail shall withstand a concentrated load of three hundred pounds applied vertically to the top of either rail midway between the supporting posts. Guardrail terminal posts shall withstand two hundred pounds applied in any direction at the top of the post.

(7) The platform shall be provided with four-inch (nominal dimension) toeboards on all sides. Toeboards may be omitted at the access openings.

(8) The configuration of the work platform shall include access for personnel to use in reaching the platform deck when it is in the lowered position. Any access system used in this way shall have rungs or steps located on uniform centers not to exceed sixteen inches. Steps or rungs shall be provided with a face that minimizes slipping.

(9) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength. All critical components of a hydraulic or pneumatic system used in a work platform shall have a bursting strength that exceeds the pressure attained when the system is subjected to the equivalent of four times the rated work load. (Critical components are those in which failure would result in a free descent.) All noncritical hydraulic components shall have a bursting strength safety factor of at least two to one.

(10) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure. Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of failure of a hydraulic or pneumatic line. Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of failure of a hydraulic or pneumatic line, wire rope, or chain. Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device which will prevent free descent of the platform. Where the elevation of the platform is accomplished by a manual-mechanical or manual-hydraulic assembly, the considerations established above shall apply. The control system shall be designed so that a single malfunction in the control system will not result in unintended machine motion. Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so constructed as to prevent their retraction in the event of failure of a hydraulic or pneumatic line.

(11) Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground or floor level.

(12) Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(13) All directional controls shall be marked for the direction they control and shall be of the type which automatically returns to the "off" or the neutral position when released. Such controls shall be protected against inadvertent operation.

(14) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to minimize chafing and positioned to minimize exposure to engine exhaust heat. Liquid fuel lines shall be hard lines except where isolation from vibration requires a flexible connection. LP-gas engine fuel systems shall comply with the American National Standard for Storage and Handling of Liquefied Petroleum Gases, ANSI/NFPA 58-1979. The exhaust system shall be provided with a muffler that is positioned to minimize exposure to noise and exhaust gas of the operators and personnel located in proximity to the unit.

(15) Each work platform shall be provided with locking screws, floor locks, wheel-locking mechanisms, or other means of preventing unintended lateral motions while in use.

(16) The following information shall be displayed on all work platforms in as permanent and as visible a manner as practical:

(a) Warnings, cautions, or restrictions for safe operation in accordance with American National Standard Specifications for Accident Prevention Signs, ANSI Z35.1-1972 and ANSI Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage rating of batteries or rated voltage of AC line.

(f) Statement of the need for the operator's familiarity with the work platform before it is used.

(g) Alternative configuration statement. When a work platform is designed with alternative configurations, the manufacturer shall clearly describe these alternatives, including the rated capacity in each situation. If the rated work load of a platform is the same in any designed configuration, these additional descriptions are not necessary.

(h) A statement of whether or not the work platform is electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated in accordance with ANSI A92.2-1979.

(17) An operating/maintenance manual(s) shall be provided with each work platform and shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (16) of this section.

(b) The maximum hydraulic/pneumatic system pressure and the maximum voltage of the electrical systems which are part of the work platform.

(c) Instructions regarding operation and maintenance.

(d) Replacement part(s) information.

(18) The rated work load shall be clearly displayed at each entrance to the work platform.

(19) Responsibilities of manufacturers, dealers, and owners/users shall be in accordance with ANSI A92.3-1980. Only trained and authorized personnel shall be permitted to operate the work platform. Work platforms that are not in safe operating condition shall be removed from service until repaired. Repairs shall be made by a qualified person in conformance with the manufacturer's operating/maintenance manual. Operators shall be trained in care and use before operation, care and use during operation, horizontal relocation, and additional requirements as specified in ANSI A92.3-1980. Modifications or alterations of work platforms shall be made only with written permission of the manufacturer or any other equivalent entity. The work platform shall be at least as safe as it was before modification.

#### NEW SECTION

WAC 296-155-48527 SELF PROPELLED ELEVATING WORK PLATFORMS. (1) All applicable rules for design, construction, maintenance, operation, testing and use of self propelled elevating work platforms shall be in accordance with ANSI A92.6-1979.

(2) The minimum rated work load of work platforms shall not be less than two hundred fifty pounds. All structural load-supporting elements of the work platform shall have a structural safety factor of not less than two based on the minimum yield strength of the material. All structural load-supporting elements of the work platform that are made of nonductile material (such as cast iron and fiberglass) shall have a structural safety factor of not less than five based on the minimum ultimate strength of the material. Design and stability tests shall be in accordance with ANSI A92.6-1979. Each production unit on level ground shall sustain a load test which shall include the movement of the platform (with a platform load at least one hundred fifty percent of the rated capacity imposed) through its entire range of motion.

(3) The unit shall use interlock means that will prevent driving the unit unless the platform height, platform configuration, or any combination of the foregoing, are adjusted to meet the stability test requirements. A work platform limited in driveable height by the interlock means may be elevated and used while stationary up to the maximum platform heights at which it will maintain stability during the following static test:

At the maximum platform height, on level ground, with the platform carrying the rated work load, apply a horizontal test force of one hundred fifty pounds or fifteen percent of the rated platform load (whichever is greater) at the point on the perimeter of the platform most likely to cause overturning.



(4) Where outriggers, stabilizers, or extendable axles are required to meet the side load test, interlocks shall prevent the platform from being raised above the height at which these devices are required unless the required devices are extended. Interlocks shall also prevent the retraction of these devices while the platform is above that level.

(5) A guardrail or other structure shall be provided around its upper periphery, which shall be approximately forty-two inches plus or minus three inches in height, a midrail, and toeboards which shall be not less than four inches high (nominal dimension). Guardrail and midrail chains, or the equivalent, may be substituted across an access opening. Toeboards may be omitted at the access opening. The work platform shall have a minimum width of eighteen inches and proper access for personnel to use in reaching the platform deck when it is in the lowered position shall be provided. The surface for both the platform and access shall be provided that will minimize slipping.

(6) Where the platform is supporting its rated work load by a system of wire ropes or chains, or both, the safety factor of the wire rope or chains shall not be less than eight to one, based on ultimate strength. All critical hydraulic components, all pneumatic components, and all hoses of hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed. Noncritical hydraulic components shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed.

(7) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be designed to prevent free descent in the event of a generator or power failure. Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event of a hydraulic or pneumatic line failure. Where the platform is horizontally extendable beyond the base of the machine, the system shall be so equipped as to prevent descent in the event of a hydraulic or pneumatic line failure. Where the elevation of the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device that will prevent free descent of the platform. In addition to the primary operator controls, the work platform shall be equipped with an emergency stop device located at the primary control station that will deactivate all powered functions. Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be designed to prevent their retraction in the event of a hydraulic or pneumatic line failure. Any work platform equipped with a powered elevating assembly shall be supplied with clearly marked emergency lowering means readily accessible from ground level. Mechanical power transmission apparatus shall be guarded in accordance with WAC 296-24-205, General safety and health standards.

(8) All directional controls shall move in the direction of the function they control and be of the type that automatically return to the off or the neutral position when released. Such controls shall be protected against inadvertent operation and shall be clearly marked.

(9) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum. Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration. LP gas fuel systems shall use flexible LP gas hose or hard lines. Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and fumes of operators and personnel located in the proximity of such units.

(10) Each work platform shall be equipped with a mechanical parking brake, which will hold the unit on any slope it is capable of climbing.

(11) The following information shall be displayed on all work platforms in a clearly visible, accessible area and in as permanent a manner as possible:

(a) Warnings, cautions, or restrictions for safe operation in accordance with ANSI Z35.1-1972 and ANSI Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height.

(e) Nominal voltage of the batteries if battery powered.

(f) A notice to study the operating/maintenance manual before using the equipment.

(g) Alternative configuration statement. If a work platform is susceptible to several alternative configurations, then the manufacturer shall clearly describe these alternatives, including the rated capacity in

each situation. If the rated work load of a work platform is the same in any configuration, these additional descriptions are not necessary.

(h) A clear statement of whether or not the platform and its enclosure are electrically insulated. If insulated, the level of protection and the applicable test standard shall be stated, in accordance with ANSI 92.2-1979, or the latest revision.

(i) The rated work load shall be clearly displayed at each entrance to the platform.

(12) Each work platform shall be provided with an appropriate manual. The manual shall contain:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (11) (h) and (i) of this section.

(b) The maximum system pressure and the maximum voltage of the electrical systems that are part of the work platform.

(c) Instructions regarding operation, maintenance, and weld specifications.

(d) Replacement parts information.

(13) Each work platform shall be inspected and maintained in proper working order in accordance with the manufacturer's operating/maintenance manual. Any work platform not in safe operating condition shall be removed from service until it is repaired. All repairs shall be made by a qualified service person in conformance with the manufacturer's operating/maintenance manual.

(14) Only trained and authorized personnel shall be permitted to operate the work platform. Before using the work platform, the operator shall have:

(a) Read and understood the manufacturer's operating instructions and safety rules, or been trained by a qualified person on the contents of the manufacturer's instructions and safety rules.

(b) Read and understood all decals, warnings, and instructions on the work platform.

(c) On a daily basis, before the work platform is used, it shall be given a thorough inspection, which shall include:

(i) Inspection for defects such as cracked welds, hydraulic leaks, damaged control cable, loose wire connections, and tire damage.

(ii) Inspection of functional controls for proper operation.

(d) Any suspect items discovered through inspection shall be carefully examined and a determination made by a qualified service person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(e) Before the work platform is used, the operator shall survey the area for hazards such as:

(i) Untamped earth fills.

(ii) Ditches.

(iii) Dropoffs or holes.

(iv) Bumps and floor obstructions.

(v) Debris.

(vi) Overhead obstructions and high-voltage conductors.

(vii) Other possible hazardous conditions.

(15) The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI A92.6-1979, and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator or platform, whichever is closer.

(ii) Ensure that the work platform is on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's recommended load limits shall never be exceeded.

(iv) Ensure that outriggers and stabilizers are used if the manufacturer's instructions require their use.

(v) Ensure that guardrails are properly installed, and gates or openings are closed.

(c) Before and during driving while the platform is elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and assure that the path of travel is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, or other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(d) Under all travel conditions, the operator shall limit travel speed in accordance with conditions of ground surface, congestion, slope,

location of personnel, and other factors affecting hazard of collision or injury to personnel.

- (e) Stunt driving and horseplay shall not be permitted.
- (f) Personnel shall maintain a firm footing on the platform while working thereon unless they are secured by safety harness/lanyard devices fixed to manufacturer-approved hard points. Use of railings or planks, ladders or any other device on the work platform for achieving additional height shall be prohibited.
- (g) The operator shall immediately report defects or malfunctions which become evident during operation and shall discontinue use of the work platform until correction has been made.
- (h) Altering or disabling of safety devices or interlocks shall be prohibited.
- (i) Care shall be taken to prevent ropes, electric cords, hoses, etc., from becoming entangled in the work platform when the platform is being elevated, lowered, or moved.
- (j) Work platform rated capacities shall not be exceeded when loads are transferred to the platform at elevated heights.

(k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(16) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided. Batteries shall not be charged except in an open, well-ventilated area, free of flame, smoking, spark, or fire. All modifications and alterations to work platforms shall be certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, as being in conformance with all applicable provisions of ANSI A92.6-1979 or a later revision, and as not impairing the safety of the equipment.

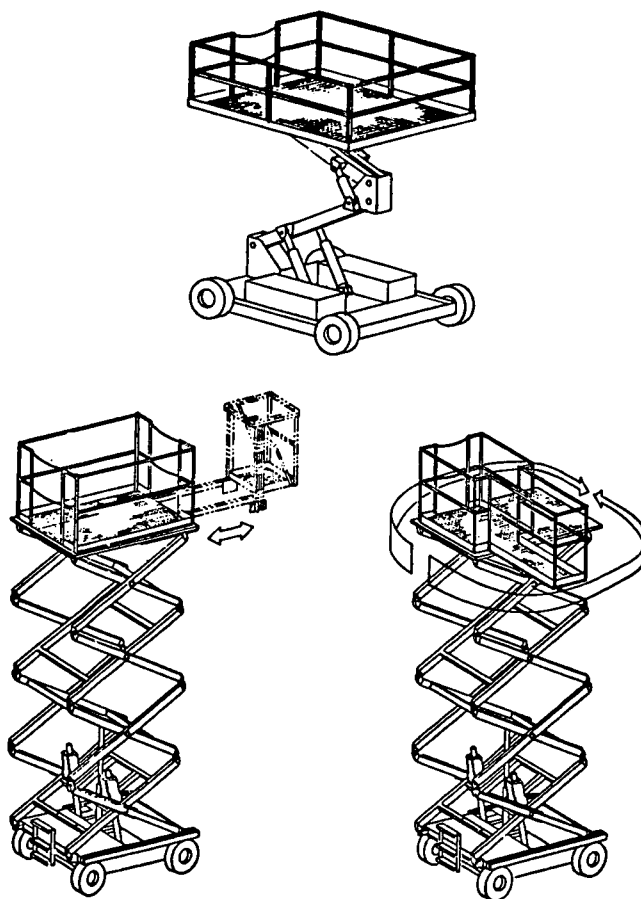


Fig. 1  
Examples of Work Platforms

**NEW SECTION**

WAC 296-155-48529 BOOM SUPPORTED ELEVATING WORK PLATFORMS. (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms shall be in accordance with ANSI A92.5-1980.

(2) The minimum rated work load of a work platform shall be three hundred pounds. Either single or multiple ratings may be used. Work platforms with single ratings shall include means which clearly present the rated work load to the operator at the platform control station. If multiple ratings are used, the following conditions shall be complied with:

When the rated work load varies according to multiple configurations of the work platform, the manufacturer shall clearly describe these configurations, including the rated work load of each in the manual and on the platform. Examples of alternate configurations are:

- (a) Outriggers extended to firm footing versus outriggers not extended.
  - (b) Large platform versus small platform.
  - (c) Extendable boom retracted versus extended.
  - (d) Boom elevated versus lowered.
  - (e) Extendable axes extended versus retracted.
- (3) When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer

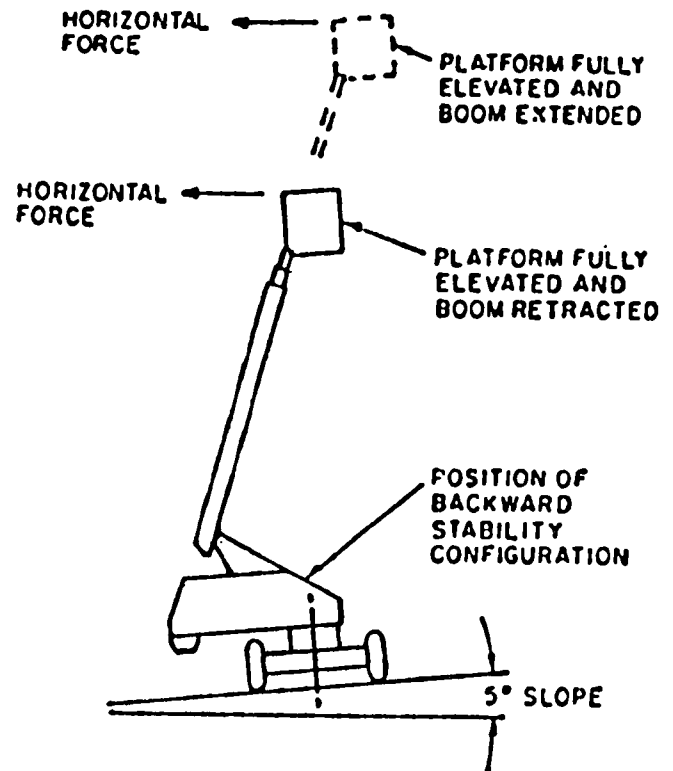
shall install means by which that angle can be determined. Such means shall be clearly displayed to the operator at the platform control station.

(4) All load-supporting structural elements of the work platform shall have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used. The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking shall have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used. The design stress used in determining the structural safety factor shall be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions. The design stress shall include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1980.

(5) Each work platform shall be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning. If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet the stability requirements, they shall be extended. A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(6) Each work platform shall sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed. The test load shall be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position. The work platform shall remain stable during this test. A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(7) Each work platform shall be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (See Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration. If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they shall be extended.



**Fig. 1**  
**Backward Stability – Typical Test Condition**

(8) The work platform shall be provided with a guardrail or other structure approximately forty-two inches plus or minus three inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening. All stepping, standing, and working surfaces shall be skid resistant. Attachment points shall be provided for a body belt and lanyard for each person occupying the platform.

(9) Work platforms shall have both primary and secondary controls. Primary controls shall be readily accessible to the operator on the platform. Secondary controls shall be designed to override the primary controls and shall be readily accessible from ground level. Both primary and secondary controls shall be clearly marked, using permanent legible identification which can be easily understood. All directional controls shall move in the direction of the function which they control when possible, and shall be of the type which automatically returns to the "off" or the neutral position when released. Such controls shall be protected against inadvertent operation.

(10) Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks shall be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits shall ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(11) All work platforms shall be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss. All work platforms shall be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(12) All work platforms shall be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(13) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength. All critical components and hoses of hydraulic and pneumatic systems shall have a minimum bursting strength of four times the operating pressure for which the system is designed. Noncritical components shall have a minimum bursting strength of two times the operating pressure for which the system is designed. Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(14) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be so designed as to prevent free descent in the event of a generator or power failure. Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts. Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(15) Fuel systems of work platforms powered by internal combustion engines shall be designed to be protected from engine and exhaust heat. Liquid fuel lines shall be hard lines except where isolation from vibration requires flexible connections. Exhaust lines shall be equipped with mufflers, and the exhaust discharge shall be located so fumes are directed away from the operator.

(16) Manufacturers shall display on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z35.1-1972 and Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the manufacturer shall clearly describe these alternatives.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard shall be stated.

(17) Manufacturers shall clearly display the rated work load at the entrance to the platform, or the operator control station, or both.

(18) The manufacturer shall provide with each work platform an appropriate manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (16) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(19) Each work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's/owner's operating/maintenance and repair manual(s). Any work platform found not to be in safe operating condition shall be removed from service until repaired. All repairs shall be made by authorized personnel in conformance with the manufacturer's/owner's operating/maintenance and repair manual(s).

(20) Only trained and authorized persons shall be permitted to operate the work platform. Before being authorized to use the work platform, the operator shall:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's/owner's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's/owner's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform shall be inspected for defects that would affect its safe operation and use. The inspection shall consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site shall be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(e) The work platform shall be used only in accordance with the manufacturer's/owner's operating instructions and safety rules. Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance from energized high-voltage conductors shall be maintained at all times in accordance with applicable regulations and standards.

(ii) Make sure the work platform is elevated only on a firm and level surface.

(iii) Make sure the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load shall never be exceeded.

(iv) Make sure outriggers or stabilizers, if required, are used in accordance with manufacturer's instructions.

(v) Make sure platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' safety belts are on and properly attached.

(f) Before and during driving while elevated, the operator shall:

(i) Look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

(iv) Under all travel conditions the operator shall limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors causing hazard of collision or injury to personnel.

(v) Stunt driving and horseplay shall not be permitted.

(vi) Personnel shall maintain a firm footing on the platform while working thereon. Safety harness/lanyard devices fixed to attachment points provided and approved by the manufacturer shall be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform, except as provided in (g)(iii) of this subsection, shall be prohibited.

(vii) The operator shall immediately report to his supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation shall be repaired prior to continued use of the work platform.

(viii) Altering, modifying, or disabling safety devices or interlocks is prohibited.

(ix) Care shall be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

(x) Work platform rated capacities shall not be exceeded when live loads are transferred to the platform at elevated heights.

(xi) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(g) Additional requirements:

(i) Fuel tanks shall not be filled while the engine is running. Caution shall be used while filling tanks to avoid spilling fuel.

(ii) Batteries shall not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(iii) There shall be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1980 and this standard, and to be at least as safe as the equipment was before modification.

#### NEW SECTION

WAC 296-155-48531 VEHICLE MOUNTED ELEVATING AND ROTATING AERIAL DEVICES. (1) All applicable rules for design, construction, maintenance, operation, testing, and use of

vehicle mounted elevating and rotating aerial devices shall be in accordance with ANSI A92.2-1979.

(2) The requirements of this subsection shall be complied with for such equipment as required by the provisions of WAC 296-155-580.

(3) The aerial device manufacturer shall clearly state the minimum values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

- (a) The front gross axle weight rating (GAWR front).
- (b) The rear gross axle weight rating (GAWR rear).
- (c) The gross vehicle weight rating (GVWR).
- (d) The frame section modulus.
- (e) The yield strength of the vehicle frame.
- (f) The frame resisting bending moment (RBM).
- (g) The wheelbase dimension (WB).
- (h) The rear of cab to rear axle centerline dimension (CA).

(4) The aerial device manufacturer shall clearly state in the manual and on the aerial device, the following information:

- (a) Make and model.
- (b) Rated load capacity.
- (c) Aerial device height and reach.
- (d) Maximum pressure of the hydraulic system and voltage of the electrical system.
- (e) Cautions and restrictions of operations.

(5) Rated load capacity is of two distinct types:

(a) The platform load consisting of the weight of personnel and all items carried on or in the platform.

(b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device. The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal. Capacities of the aerial device in other positions shall be specified separately. The manufacturer shall state all applicable capacity ratings in the manual and on placards affixed to the aerial device.

(6) If the aerial device is specified in multiple configurations, the manufacturer shall clearly describe these configurations, including the rated load capacity of each, in the manual and on the aerial device. Examples of alternate configurations are:

(a) With outriggers extended to firm footing versus outriggers not extended.

(b) With chassis suspension locking device engaged versus disengaged.

(c) With one platform versus more than one platform.

(d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.

(e) With extensible aerial device retracted or extended.

(f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.

(7) Height shall be determined at maximum elevation, from the floor of the platform to the ground, with the aerial device assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.

(8) Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.

(9) The aerial device manufacturer shall clearly state in the manual and on the instruction plate(s) whether the aerial device is insulated or noninsulated. In the case of insulated aerial devices, the manufacturer shall clearly state in the manual and on the instruction plate(s) the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard. The manufacturer shall state in the manual and on the instruction plate(s) the design voltage for which the aerial device can be tested. All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator. Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current. The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom. All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test

electrodes. The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable. The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.

(10) The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The manufacturer shall have a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The manufacturer shall specify in his drawings and in the manual those welds that are considered critical and that must conform to the following standards:

(a) Structural Welding Code, AWS D1.1-1979.

(b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.

(c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.

The manufacturer and the installer shall establish applicable welding quality control procedures for all weldments. Methods of nondestructive testing shall be described in the manufacturer's quality control procedures. The manufacturer shall designate the welds to be examined, the extent of examination, and the method of testing. Appropriate inspection methods of welds are recommended by the American Welding Society. The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure. The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure. The same structural safety factors stated above shall also apply to the platform.

(11) Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls. Upper controls shall be in or beside the platform, readily visible to the operator, and protected from damage and inadvertent actuation. Lower controls shall be easily accessible and shall provide for overriding the upper controls. These and all other controls shall be plainly identified as to their function. The controls shall return to their neutral position when released by the operator. Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station. Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection. Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position. Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements. Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction most likely to cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements. If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements. Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement. None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component. The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.

(12) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed. All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed. All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.

(13) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure. Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure. This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.

(14) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent. A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom. Steps of all platforms shall be provided with nonskid surfaces. The platform wall height of any unit made in conformance with ANSI A92.2-1969 shall be acceptable. After the effective date of this standard, units shall conform to the requirements of this subsection. Platforms with folding-type floors and steps or rungs may be used without rails and kick plates is a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom. Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform. Provision shall be made to allow personnel equipped in accordance with WAC 296-155-225 with a body belt and safety strap or lanyard to attach themselves to the ladder rail.

(15) The aerial device shall have identification, operation, and instruction placards, decals, plates, or the equivalent, which are legible, permanent, and readily visible. The manufacturer shall install on each aerial device all applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.

(a) An aerial device shall have the following markings:

- (i) Identification markings.
- (ii) Operation markings.
- (iii) Instruction markings.

(b) The manufacturer shall install or provide a marking to indicate the following:

- (i) Make.
- (ii) Model.
- (iii) Insulated or noninsulated.
- (iv) Qualification voltage and date of test.
- (v) Serial number.
- (vi) Rated load capacity.
- (vii) Height.
- (viii) Aerial device system pressure or aerial device system voltage, or both.

(c) The manufacturer shall install or provide markings describing the function of each control. Markings shall be determined by the manufacturer or the manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. Instruction markings shall be provided for:

- (i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when he is in contact with or in proximity to another conductor.
- (ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact

with the aerial device or vehicle under those conditions may cause serious injuries.

(iii) Hazards that result from failure to operate the equipment in a prescribed manner.

(iv) Information related to the use and load rating of the equipment for material handling.

(v) Information related to the use and load rating of the aerial device for alternate configurations.

(vi) Information related to operator cautions.

(d) The color, format, and substance shall conform to:

(i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.

(ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.

(iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.

(16) In addition to the manufacturer's prototype tests and quality control measures, each aerial device, including mechanisms, shall be tested by the manufacturer to the extent necessary to ensure compliance with the operational requirements of this subsection, such as the following:

- (a) Boom(s) elevating and lowering mechanism.
- (b) Boom extension mechanism.
- (c) Rotating mechanism.
- (d) Stability tests.
- (e) Safety devices.

When the complete mobile unit is not supplied by one manufacturer, such tests, which can be performed only after complete assembly and installation, shall be the responsibility of the final installer. A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection. All electrical tests shall be performed in accordance with ANSI A92.2-1979. Upon request, the manufacturer and the installer shall furnish the purchaser with a certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity.

(17) Each manufacturer shall comply with the requirements of this standard. The manufacturer shall provide manuals for each aerial device. The manuals shall contain:

- (a) Descriptions, specifications, and ratings of the aerial device.
- (b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.
- (c) Instructions regarding operation, maintenance, and specified welds.
- (d) Replacement part information.
- (e) Instructions for installing or mounting the aerial device.

(18) Each dealer or installer, or both, who sells an aerial device, shall inform the owner or user, or both, of the manufacturer's minimum vehicle specifications. The installer shall be responsible for the weight distribution of the completed mobile unit in accordance with the requirements of the aerial device and vehicle manufacturers, user, and applicable regulations. Allowance shall be made for the payload specified by the user. The dealer or installer, or both, shall provide the owner or user, or both, with copies of manuals required by this standard upon delivery of the equipment. The installer shall comply with this standard relating to proper installation and shall follow the recommendations of the manufacturer or an equivalent entity. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability, operational, visual, and electrical tests as appropriate, in accordance with this standard and ANSI A92.2-1979. Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979. Verification by the manufacturer, or an equivalent entity, meets this requirement. The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are

designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:

(a) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.

(b) Periodic inspection and test: One to twelve month intervals.

(19) Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (18)(a) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

(a) Operating controls and associated mechanisms for conditions interfering with proper operation.

(b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.

(c) Visual and audible safety devices for malfunction.

(d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.

(e) Fiberglass and other insulating components for visible damage or contamination.

(f) Electrical apparatus for malfunction, signs of excessive, dirt, and moisture accumulation.

(20) An inspection of the mobile unit shall be performed at the intervals defined in subsection (18)(a) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of subsection (18) of this section, and in addition, items such as the following. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.

(a) Deformed, cracked, or corroded members in the aerial device structure.

(b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.

(c) Hydraulic and pneumatic relief valve settings.

(d) Hydraulic system for proper oil level.

(e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.

(f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.

(g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.

(h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.

(i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.

(j) Performance test of all boom movements.

(k) Condition and tightness of bolts and other fasteners.

(l) Welds, as specified by the manufacturer.

(m) Legible and proper markings of controls, ratings, and instructions.

(n) If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:

(i) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.

(ii) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.

(iii) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom. The lower end of the boom section to be tested shall be grounded. The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and

controls, or any capacitive currents involved from the platform to ground, or both. The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device. During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microamperes)
69	1000
34.5	500
13.2	200

For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity. For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent. All electrical tests shall be performed only by qualified persons who are aware of the dangers.

(21) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person responsible for the corrective action and that report and a record of the correction shall be maintained. Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.

(22) No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity. If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly. In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater. Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.

(23) The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.

#### NEW SECTION

WAC 296-155-48533 CRANE AND FORKLIFT SUSPENDED OR ELEVATED PERSONNEL PLATFORMS. (1) The use of a platform suspended from a crane hook is permissible under the following controlled conditions, provided the hoisting mechanism of the crane or derrick is power-operated in both up and down directions, the crane is on firm footing, uniformly level within one percent, and outriggers on applicable crane carriers are used in a suitable manner:

(a) Boatswain's chairs. The lanyard of the safety belt or harness shall be secured to the lift line above the headache ball or to the crane hook itself. The crane hook shall be moused or provided with a safety latch.

(b) Barrel-type platform. A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform. The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor. The bar or rod shall extend a minimum of eight feet above the floor of the platform. The occupant of the platform shall wear a safety belt or harness in accordance with WAC 296-155-225 and the lanyard shall be secured to the lift line above the headache ball or to the hook itself. The hook shall be moused or provided with a safety latch. The platform shall be provided with a standard guardrail.

(c) Box-type platform. Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely attached to



each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook. The platform shall be provided with a standard guardrail and toe board on all open sides. The occupants shall wear a safety belt or harness in accordance with WAC 296-155-225 and the lanyard shall be substantially secured to the platform or guardrail of the platform. A substantial safety line shall pass through the eye of each leg of the bridle and securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself. The crane hook shall be moused or provided with a safety latch.

The platform shall be constructed with a minimum five to one safety factor with an allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person. The platform shall be marked for maximum occupancy.

(d) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket, and a safety lanyard attached to the stretcher or basket as well as to the platform itself. The safety lanyard shall meet the requirements of WAC 296-155-225.

(e) When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(f) The standard hand signals, to the operator, shall be in accordance with WAC 296-155-525(1)(c), unless voice communication equipment (telephone, radio, or equivalent) is utilized. Signals shall be discernible or audible at all times.

(g) All shackle pins shall be secured in place by an appropriate means.

(2) When a forklift truck is used for elevating workers a platform shall be specifically built for that purpose and shall comply with the following requirements:

(a) The platform shall be securely attached to the forks and shall have standard guardrails and toeboards on all open sides.

(b) The hydraulic system of the forklift shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating platforms shall be identified that they are so designed.

(c) A safety strap shall be installed or the control level shall be locked to prevent the boom from tilting.

(d) An operator shall attend the forklift equipment while persons are on the platform.

(e) The operator shall be in the normal operating position while raising or lowering the platform.

(f) The vehicle shall not travel from point to point while persons are on the platform except that inching or maneuvering at very slow speed is permissible.

(g) The area between persons on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(h) All platforms shall be visually inspected daily or before each use by the person in charge of the work being performed, and shall be tested as frequently as is necessary to maintain minimum safety factors.

SUBCHAPTER PART K WAC

Floor ((and)) openings, wall openings and stairways

WAC

296-155-500	Definitions applicable to this part.
296-155-505	Guardrails, handrails, and covers.
296-155-50501	Appendix—Roofs.
296-155-510	Stairways.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-155-500 DEFINITIONS APPLICABLE TO THIS PART. (1) "Built-up-roofing" means a weatherproofing cover, applied over roof decks, consisting of either a liquid-applied system, a single-ply system, or a multiple-ply system. Liquid-applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single-ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a layer of adhesive. Multiple-ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate.

(2) "Built-up-roofing work" means the hoisting, storage, application, and removal of built-up roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

(3) "Floor hole" means an opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.

(4) "Floor opening" means an opening measuring 12 inches or more in its least dimension in any floor, roof, or platform, through which persons may fall.

(5) "Handrail" means a single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(6) "Low-pitched roof" means a roof having a slope less than or equal to four in twelve.

(7) "Mechanical equipment" means all motor or human propelled wheeled equipment except for wheelbarrows and moparts.

(8) "MSS systems" (motion-stopping-safety systems) means fall protection using the following equipment singly or in combination: Standard railings (guardrails) as described in WAC 296-155-505(6); scaffolds or platforms with guardrails as described in WAC 296-155-485; safety nets as described in WAC 296-155-230; and safety belt systems as described in WAC 296-155-225.

(9) "Nose, nosing" means that portion of a tread projecting beyond the face of the riser immediately below.

(10) "Platform" means a working space for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

(11) "Rise" means the vertical distance from the top of a tread to the top of the next higher tread.

(12) "Roof" means the exterior surface on the top of a building. This does not include floors which, because a building has not been completely built, temporarily become the top surface of a building.

(13) "Runway" means a passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(14) "Safety-monitoring system" means a safety system in which a competent person monitors the safety of all employees in a roofing crew, and warns them when it appears to the monitor that they are unaware of the hazard or are acting in an unsafe manner. The competent person must be on the same roof ((as)) and within visual ((sighting)) distance of the employees, and must be close enough to verbally communicate with the employees. The monitor shall have no other duties.

(15) "Stair platform" means an extended step or landing breaking a continuous run of stairs.

(16) "Stair railing" means a vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(17) "Stairs, stairways" means a series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this part, a series of steps and landings having three or more rises constitutes stairs or stairway.

(18) "Standard railing" means a vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(19) "Standard strength and construction" means any construction of railings, covers, or other guards that meets the requirements of this part.

(20) "Toeboard" means a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(21) "Tread width" means the horizontal distance from front to back of tread, including nosing, when used.

(22) "Unprotected side or edge" means any side or edge of a roof perimeter where there is no wall three feet (.9 meters) or more in height.

(23) "Wall opening" means an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as an opening for a window, a yard-arm doorway or chute opening.

(24) "Work area" means that portion of a roof where built-up roofing work is being performed.



AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-155-505 GUARDRAILS, HANDRAILS, AND COVERS. (1) General provisions. This part (~~shall apply~~) applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways (~~or~~), runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces. When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a person to warn others of the hazard or shall be protected by a movable barrier.

(2) Guarding of floor openings and floor holes.

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections (2)(g) and (6) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service man is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, (it shall be guarded by a fixed standard railing on all exposed sides or a cover capable of sustaining the weight of a 200-pound person) and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed sides or the skylight shall be covered in accordance with (g) of this subsection.

(e) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(g) (~~Temporary floor openings shall have standard railings.~~) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening. The cover shall be secured by fastening devices to prevent unintentional removal. If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(i) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

(3) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (6)(g)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have (~~side rails~~) standard guardrails on all exposed sides or equivalent (~~guards of standard specifications~~). One side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of (~~subdivision~~) (a) of this subsection shall apply, except that a toe board is not required.

(4) Guarding of open-sided (~~floors, platforms, and runways~~) surfaces.

(a) Every open-sided floor (~~or~~), platform (~~(6)~~) or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection (6)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (6) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.

(5) Stairway railings and guards.

(a) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(b) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(6) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth-surfaced

throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2-inch fibre core rope, or the equivalent, with posts spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches;

(B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(b) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface to top rail to surface of tread in line with face of riser at forward edge of tread.

(c) (i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(d) (i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrail. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(e) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) ~~(The floor opening cover shall be capable of supporting the maximum intended load and so installed as to prevent accidental displacement.)~~ All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening. The cover shall be secured by fastening devices to prevent unintentional removal. If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(f) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (e)(ii) of this subsection.

(g) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

(7) Guarding of low-pitched roof perimeters during the performance of built-up roofing work.

(a) General provisions. During the performance of built-up roofing work on low-pitched roofs with a ground to eave height greater than 16 feet (4.9 meters), employees engaged in such work shall be protected from falling from all unprotected sides and edges of the roof as follows:

(i) By the use of a motion-stopping-safety system (MSS system); or  
(ii) By the use of a warning line system erected and maintained as provided in subdivision (7)(c) of this section and supplemented for employees working between the warning line and the roof edge by the use of either an MSS system or, where mechanical equipment is not being used or stored, by the use of a safety monitoring system; or

(iii) By the use of a safety monitoring system on roofs 50 feet (15.25 meters) or less in width (see WAC 296-155-50501 Appendix—Roofs), where mechanical equipment is not being used or stored.

(b) Exception. The provisions of (7)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subdivision (7)(c) of this section.

(c) Warning lines.

(i) Warning lines shall be erected around all sides of the work area.

(A) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge;

(B) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(ii) The warning line shall consist of a rope, wire, or chain, and supporting stanchions erected as follows:

(A) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meters) intervals with high-visibility material;

(B) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 34 inches (.86 meters) from the roof surface and its highest point is no more than 39 inches (1 meter) from the roof surface;

(C) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge;

(D) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in subitem (7)(c)(ii)(C) of this section; and

(E) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(iii) Access paths shall be erected as follows:

(A) Points of access, materials handling areas and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(B) When the path to a point of access is not in use, a rope, wire, or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

(d) Mechanical equipment. Mechanical equipment may be used or stored only in areas where employees are being protected by either a warning line or an MSS system. Mechanical equipment may not be used or stored between the warning line and the roof edge unless the employees are being protected by an MSS system. Mechanical equipment may not be used or stored where the only protection provided is by a safety monitoring system.

(e) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low-pitched roof with a ground to eave height greater than 16 feet (4.9 meters) shall be protected from falling by the use of an MSS system along all unprotected roof sides and edges of the area.

(i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(iv) When safety belt systems are used, they shall not be attached to the hoist.

(v) When safety belt systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(vi) Materials may not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

(vii) Materials which are piled, grouped, or stacked shall be stable and self-supporting.

(f) Training.

(i) The employer shall provide a training program for all employees engaged in built-up roofing work so that they are able to recognize and deal with the hazards of falling associated with working near a roof perimeter. The employees shall also be trained in the safety procedures to be followed in order to prevent such falls.

(ii) The employer shall assure that employees engaged in built-up roofing work have been trained and instructed in the following areas:

(A) The nature of fall hazards in the work area near a roof edge;

(B) The function, use, and operation of the MSS system, warning line, and safety monitoring systems to be used;

(C) The correct procedures for erecting, maintaining, and disassembling the systems to be used;

(D) The role of each employee in the safety monitoring system when this system is used;

(E) The limitations on the use of mechanical equipment; and

(F) The correct procedures for the handling and storage of equipment and materials.

(iii) Training shall be provided for each newly hired employee, and for all other employees as necessary, to assure that employees maintain proficiency in the areas listed in item (7)(f)(ii) of this section.

#### NEW SECTION

WAC 296-155-50503 ROOFING BRACKETS. (1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) 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.

(3) A catch platform shall be installed below the working area of roofs more than sixteen feet from the ground to eaves with a slope greater than four inches in twelve inches without a parapet. In width, the platform shall extend two 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.

(4) Crawling boards or chicken ladders.

(a) Crawling boards shall be not less than ten inches wide and one 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 twenty-four 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.

#### NEW SECTION

WAC 296-155-50505 ROOFING, INSULATING AND WATERPROOFING. (1) Roofers hoisting jack shall be constructed to withstand the contemplated load to be hoisted. The beam from counter balance point to heel of jack shall be at least 3/4 the length of the entire beam.

(2) Hoisting jack shall be counterweighted with a minimum of three times the contemplated maximum load to be lifted. Counterweight shall be securely fastened to heel of jack to prevent displacement, or the jack shall be fastened by means of lashing, bolting, or other means to prevent displacement.

(3) A steel collar or U-bolt and shackle on head of the hoisting jack shall be provided for attachment of pulley.

(4) Hoisting pulleys shall be of steel construction.

(5) Where materials are hoisted by hand the hoist line shall be not less than five-eighths (5/8) manila rope, or the equivalent. Where machine hoist is used the hoist line shall be wire rope.

(6) Hoisting hooks shall be of cast or forged steel heavy enough to prevent straightening under a load.

(7) Workers shall not stand under load when material or hot asphalt is being hoisted.

(8) Hot asphalt shall be kept at a safe level in buckets for carrying and hoisting.

(9) Service buckets of hot asphalt shall not be carried up ladders by workers.

(10) Service buckets shall be standard safety bucket or flatbottom bucket with bails fastened to an offset ear firmly riveted to side of bucket. There shall be a handle riveted near bottom of bucket for tipping purposes.

(11) Ladders shall extend at least three feet above the platform or roof served and shall be secured at top and bottom to prevent slipping.

(12) Safeguards shall be erected to prevent loads and lines contacting power lines where not possible to work in clear of power lines.

(13) Whole asphalt cakes shall be broken in chunks before being placed in hot tar pot. This could eliminate the potential hazard of moisture being trapped in the cake and also prevent the splashing of hot material.

(14) There shall be means to smother fires at fired tar pots.

(15) Mop or spud bar handles over three feet long shall be of wood or other nonconductive material.

(16) Persons working at kettles or handling hot tar shall wear gloves and have arms fully protected by material capable of preventing burns from temperatures encountered.

(17) Open tar heating pots shall be kept outside of buildings. Electric tar heating equipment may be used inside of the working enclosure provided that exhaust fans in connection with tubing, either rigid or flexible, capable of carrying fumes created by the heating process to the outside air are installed and in constant use during heating operations. The equipment should be provided with a hinged lid or baffle plate for the purpose of immediately smothering a pot fire.

(18) While hot tar is being applied inside an enclosure, exhaust fans to supplement natural ventilation shall be installed to expedite removal of gaseous fumes from the building.

(19) Flame heated tar pots shall be prohibited on roofs of structures.

(20) Tar pots shall be equipped with automatic controls or have an attendant at all times while in operation.

(21) Guarding roof perimeters. The perimeter of all roofs shall be guarded as defined by this section.

#### AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-510 STAIRWAYS. (1) (~~On all structures, two or more floors in height, stairways, ladders, or ramps shall be provided for employees during the construction period.:~~) General.

(a) In all buildings or structures two or more stories or twenty-four feet or more in height or depth, suitable permanent or temporary stairways shall be installed.

#### EXCEPTIONS:

At those locations where unusual site conditions prevail, an alternate effective means of access acceptable to the division may be afforded.

(b) For the purpose of this section, scaffolds shall not be considered to be structures. Stairways shall be at least twenty-four inches in width and shall be equipped with handrails, treads and landings. Temporary stairs shall have a landing not less than thirty inches wide in the direction of travel at each floor, or level, but never less than one landing for every twelve feet of vertical rise.

EXCEPTIONS:

Stairways forty-four inches or less in width may have one handrail, except that stairways open on one or both sides shall have handrails provided on the open side or sides.

Prefabricated metal scaffold stairway systems.

(c) Stairways, ramps or ladders shall be provided at all points where a break in elevation of eighteen inches or more occurs in a frequently traveled passageway, entry or exit.

(d) A minimum of one stairway shall be provided for access and exit for buildings and structures to three stories or thirty-six feet; if more than three stories or thirty-six feet, two or more stairways shall be provided. Where two stairways are provided and work is being performed in the stairways, one shall be maintained clear for access between levels at all times.

NOTE: For stairway access at demolition projects, refer to WAC 296-155-775 through 296-155-830.

EXCEPTIONS:

At those locations where unusual site conditions prevail, an alternate effective means of access acceptable to the division may be afforded.

For the purpose of this section, scaffolds shall not be considered to be structures.

(e) Stairways shall conform to the criteria shown in Figure K-1.

(f) Wood frame buildings.

(i) The stairway to a second or higher floor shall be completed before studs are raised to support the next higher floor.

(ii) Roof and attic work areas of all buildings shall be provided with a safe means of access and egress, such as stairways, ramps or ladders.

(iii) Cleats shall not be nailed to studs to provide access to and egress from roof or other work areas.

(g) Steel frame buildings. Stairways shall extend to the uppermost floor that has been planked or decked. Ladders may be used above that point.

(h) Reinforced concrete or composite steel—Concrete buildings. Stairways shall extend to the lowermost floor upon which a complete vertical shoring system is in place. A minimum of two ladders at different locations for each floor may be used above this floor but not to exceed three floors.

(2) Stairway railing and guardrails shall meet the requirements of WAC 296-155-505 (5) and (6).

(3) All parts of stairways shall be free of hazardous projections, such as protruding nails.

(4) Debris, and other loose materials, shall not be allowed on or under stairways.

(5) Slippery conditions on stairways shall be eliminated as soon as possible after they occur.

(6) Permanent steel or other metal stairways, and landings with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. The requirement shall not apply during the period of actual construction of the stairways themselves.

(7) Wooden treads for temporary service shall be full width.

(8) Metal landings shall be secured in place before filling.

(9) Temporary stairs shall have a landing not less than 30 inches in the direction of travel at every 12 feet of vertical rise.

(10) Stairs shall be installed at angles to the horizontal of between 30° and 50°.

(11) Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

(12) All stairs shall be lighted in accordance with Part B of this chapter.

(13) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

(14) Employers are permitted to use alternating tread type stairs as long as they install, use, and maintain the stairs in accordance with manufacturers' recommendations and the following:

(a) The stair must be installed at an angle of seventy degrees or less.

(b) The stair must be capable of withstanding a minimum uniform load of one hundred pounds per square foot with a design factor of 1.7, and the treads must be capable of carrying a minimum concentrated load of three hundred pounds at the center of any treadspan or exterior arc with a design factor of 1.7. If the stair is intended for greater loading, construction must allow for that loading.

(c) The stair must be equipped with a handrail on each side to assist the user in climbing or descending.

(15) Due to space limitations, when a permanent stairway must be installed at an angle above fifty degrees, such an installation (commonly called an inclined or ship's ladder) shall have treads, open risers and handrails on both sides.

(16) Where ladders are permitted for access under subsection (1) of this section, means shall be provided for employee hoisting of tools and material, such as a well wheel and hoisting line or the equivalent, so employees will have both hands free for ascending and descending ladders.

NEW SECTION

WAC 296-155-515 RAMPS, RUNWAYS, AND INCLINED WALKWAYS. (1) Ramps, runways and inclined walkways shall be eighteen inches or more wide.

(2) Ramps, runways and inclined walkways shall be provided with standard railings when located four feet or more above ground or floor level.

(3) Ramps, runways and walkways shall not be inclined more than twenty degrees from horizontal and when inclined shall be cleated or otherwise treated to prevent a slipping hazard on the walking surface.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-525 CRANES AND DERRICKS. (1) General Requirements. (a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(i) Operators shall upon request of the department furnish satisfactory evidence of qualifications and experience. Qualification shall be limited to the specific type of equipment which will be operated.

(ii) Operators and operator trainees shall meet the following physical qualifications:

(A) Have vision of at least 20/30 Snellen in one eye, and 20/50 in the other, with or without corrective lenses.

(B) Be able to distinguish colors, regardless of position, if color differentiation is required for operation.

(C) Hearing, with or without hearing aid, must be adequate for the specific operation.

(D) Have sufficient strength, endurance, agility, coordination, and speed of reaction to meet the demands of equipment operation.

(iii) Evidence of physical defects, or emotional instability which could pose a hazard to the operator or others, or which in the opinion of the examiner could interfere with the operator's performance, may be sufficient cause for disqualification. In such cases specialized clinical or medical judgments and tests may be required.

(iv) Evidence that an operator is subject to seizures or loss of physical control shall be sufficient reason for disqualification. Specialized medical tests may be required to determine these conditions.

(v) Operators and operator trainees should have good depth perception, field of vision, reaction time, manual dexterity, coordination, and no tendencies to dizziness or similar characteristics.

(vi) Operators that are under a physician's care for a disabling heart condition are required to have an annual medical release from the physician, stating they are capable of operating crane or derrick equipment.

(vii) No person shall be permitted to operate a crane who cannot speak and read the English language, or who is under eighteen years of age.

(b) Rated load capacities, and recommended operating speeds, special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while he is at his control station.

(c) All custom built lifting and hoisting equipment, such as cranes, derricks, booms, A-frames, and other special built lifting or hoisting equipment shall be designed and certified by a qualified engineer. It shall be proof tested prior to use to designed specifications and shall be legibly marked to indicate the safe working load.

(d) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

NOTE: When decals, illustrating hand signals, are available from the division or otherwise, they should be posted at the operator's station.

~~((d))~~ (e) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

~~((e) A thorough;)~~ (f) Annual certifications inspections of ((the)) all hoisting machinery shall be made ((by a competent person, or)) by a government or private agency ((recognized)) approved by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment. A copy of the certificate and record shall be maintained at the jobsite or on the equipment. The provisions of WAC 296-155-52505 through 296-155-52508 apply. The provisions of this subsection and WAC 296-155-52505 through 296-155-52508 shall become effective on May 5, 1986.

~~((f))~~ (g) Wire rope shall be taken out of service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;

(iii) Evidence of any heat damage from any cause;

(iv) Reductions from nominal diameter of more than one-sixty-fourth inch for diameters up to and including five-sixteenths inch, one-thirty-second inch for diameters three-eighths inch to and including one-half inch, three-sixty-fourths inch for diameters nine-sixteenths inch to and including three-fourths inch, one-sixteenth inch for diameter seven-eighths inch to 1 1/8 inches inclusive, three-thirty-seconds inch for diameters 1 1/4 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) Wire rope safety factors shall be in accordance with American National Standards Institute B 30.5-1968 or SAE J959-1966.

~~((g))~~ (h) The foot block of every derrick shall be securely supported and firmly secured against movement in any direction. Proper shores shall be placed against the foot blocks of the derrick to take the pull of the hoisting engine.

~~((h))~~ (i) Derricks shall be operated only by authorized personnel.

~~((i))~~ (j) The top of the mast on guy derricks shall be steadied by not less than six guy cables equally spaced.

~~((j))~~ (k) On guy derricks, eyes shall be formed in the guys at the masthead end by bending back the ends of the cables and clamping the ends ~~((with at least three clamps))~~ in accordance with WAC 296-155-34920, Table F20.

~~((k))~~ (l) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

~~((l))~~ (m) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

~~((m))~~ (n) When "dead men" are used as anchors, the cable shall be so attached that the concentrated load will not cause a shear stress on the "dead men."

~~((n))~~ (o) On stiff leg derricks where the boom is longer than the mast, care shall be taken to see that the goose-necks are fitted to the stiff legs in a manner so that there will be no undue friction on the gudgeon pin.

~~((o))~~ (p) A collar shall be placed on the gudgeon pin above the goose-neck, and a hole drilled through the collar and the gudgeon pin, through which a steel bolt shall be passed to hold the collar in position; the steel bolt shall be of sufficient size to prevent the goose-neck from shearing it off when the loaded boom is swung against the stiff leg.

~~((p))~~ (q) Double sets of bolts shall be used to fasten back legs of a stiff leg derrick.

~~((q))~~ (r) Particular attention shall be given to the weighting and anchoring of stiff leg derricks.

~~((r))~~ (s) The operator shall avoid carrying loads over people.

~~((s))~~ (t) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

~~((t))~~ (u) Only authorized personnel shall make sling hitches on loads.

~~((u))~~ (v) Workers shall not be allowed to ride on loads handled by cranes or derricks.

~~((v))~~ (w) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

~~((w))~~ (x) Bell, whistle, electric or visual signals shall be provided in connection with all hoists and cableways where an operator is stationed at the power device. Hoist signaling devices shall be so located as to minimize the possibility of signaling accidentally and located so that they cannot be operated by a person standing on hoist or bucket.

~~((x))~~ (y) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of the American National Standards Institute, B 15.1-1958 Rev., Safety Code for Mechanical Power Transmission Apparatus.

~~((y))~~ (z) A minimum distance of ~~((thirty))~~ thirty-six inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

(2) Additional general requirements.

~~((z))~~ (a) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

~~((2) Additional requirements.~~

~~((a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.))~~

(b) All windows in cabs shall be of safety glass, or equivalent, that introduces no visible distortion that will interfere with the safe operation of the machine.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab conforming to American National Standards Institute, B30.5-1968.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(c) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV.,

and 10 feet for voltages over 50 kV, up to and including 345 kV., and 16 feet for voltages up to and including 750 kV;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(j) All cranes and derricks shall be provided with a "boom angle indicator" which shall be clearly visible to the operator when at the operator's station.

(k) Radio communication systems without tone coded squelch, and citizens band radios shall not be used as a means of communications for cranes and derricks.

(3) Crawler, locomotive, and ~~((truck))~~ mobile cranes. (a) All movable jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, ~~((truck))~~ mobile, or locomotive cranes ~~((in-use))~~ shall meet the ~~((applicable))~~ requirements for design, inspection, construction, testing, maintenance and operation ~~((as))~~ prescribed in the ANSI B30.5-1968, Safety Code for Crawler, Locomotive and Truck Cranes.

(4) Tower cranes.

(a) Tower cranes shall be erected or dismantled under the immediate supervision of a competent, qualified person, designated by the employer.

(b) Tower cranes shall be erected, certified, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures to the extent not covered by these provisions. All modifications shall be approved and certified by the manufacturer ~~((and))~~ or engineered and certified by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made. The tower crane shall be plainly marked as to its exact weight.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalman so stationed where he can observe the boom and/or counterweight movement, and the object with which it may contact to warn the operator(s) of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

~~((NOTE: Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.))~~

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

~~((i))~~ Prior to initial use, all newly erected or altered cranes shall be tested with ~~((the design rated load))~~ two separate design rated loads, each to be hoisted separately to insure compliance with this standard((; including)). The following functions shall be tested:

~~((+))~~ (A) Hoisting and lowering;

~~((+))~~ (B) Trolley travel;

~~((+))~~ (C) Swing motion;

~~((+))~~ (D) Limit, locking and safety devices;

~~((+))~~ (E) Crane travel where applicable; and

~~((+))~~ (F) Foundation and erection.

NOTE: Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1975 Chapter 3-1.

~~((ii))~~ (A) The test shall consist of suspending a load of not less than 100% of the rated capacity for five minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and ~~((or))~~ specifications.

(B) Tower bolts shall be inspected and a record made of:

(I) Bolt serial number;

(II) Length of bolt when new;

(III) Length of bolt when remeasured at each erection; and

(IV) When measurement indicates stretch, the bolt shall be discarded.

(C) Loose tower bolts shall not be retightened until the requirements of (B), above, have been conducted.

(D) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand he may be using. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom. The chart shall be visible and readable to the operator while he is in his normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual shall be provided with each tower crane. The operating, maintenance or inspection log shall be maintained.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting ~~((the outer))~~ either end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.



(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions ~~((and))~~. Glass shall be approved safety glass or the equivalent.

(i) Cabs may be mounted out on beams only if approved in writing by the manufacturers.

(ii) If a cab is beam mounted, the crane shall be rerated.

(n) Operators shall not occupy cabs of remotely-controlled stations during repositioning operations.

(o) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(p) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(q) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(r) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(s) All electrical equipment shall be properly grounded ~~((and protection))~~. Positive grounding shall be provided against lightning.

(t) When the operator is actually operating the crane, he shall remain in a stationary position.

(u) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(v) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(w) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(x) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(y) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(z) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(5) Additional tower crane requirements.

(a) An approved method shall be instituted for transmitting signals to the operator. Standard hand signals for crane operations shall be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication shall be used. (See NOTE under WAC 296-155-525 (4)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(i) Wind-speed indicating devices. Ninety days after the effective date of this standard, tower cranes shall be fitted with an operable wind-speed indicating device.

(ii) The wind-speed indicating device shall provide a visible or audible warning to alert the operator of high wind conditions. That

warning shall be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) Instructions. The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by safety belts and lanyards attached to crane or to lifelines in conformance with Part C of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches ~~((limiting))~~ to activate fail safe brakes and limit the travel of the crane on the track ((and)). Stops or buffers shall be mounted at each end of the track((s)).

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

(j) Annual visual test inspection of welds shall be conducted as follows:

(i) Prior to erection.

(ii) If up for more than twelve months, visual inspection by trained, competent person.

(iii) Records of all visual test inspections and repairs made shall be signed by the person responsible for conducting inspection or performing the repair work. Records shall become a part of the firms permanent equipment records.

~~(6) Overhead and gantry cranes. ((a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor:~~

~~(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.~~

~~(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.~~

~~(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2-1967, Safety Code for Overhead and Gantry Cranes.) All overhead and gantry cranes shall comply with the requirements of WAC 296-24-235 through 296-24-238.~~

(7) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1969, Safety Code for Derricks.

(8) Floating cranes and derricks. (a) Mobile cranes mounted on barges. (i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.



(b) Permanently mounted floating cranes and derricks. (i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(9) Mobile cranes and excavation machines. (a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

He shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking of sufficient length and width shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on ~~((the shovel))~~ cranes and excavation machines during operations ~~((and))~~. The operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l)(i) On all cranes where wedge ~~((brackets))~~ beackets are used as terminal connections, the proper size wedge shall be used.

(ii) Wire rope clips used in conjunction with wedge sockets shall be attached to the unloaded dead end of the rope only (see Fig. L-1).

(m) On all mobile cranes, the ~~((hoist and))~~ boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the ~~((load and))~~ boom when ~~((they are))~~ suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers rated not less than 5.B.C. shall be readily accessible and within reach of the operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels with a three hundred sixty degree swing, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel

type, two persons shall constitute the minimum working crew. The crew shall consist of a qualified operator and a person whose primary duty is to signal the operator when the operator's vision is obscured and to be on hand to render assistance in case of emergency.

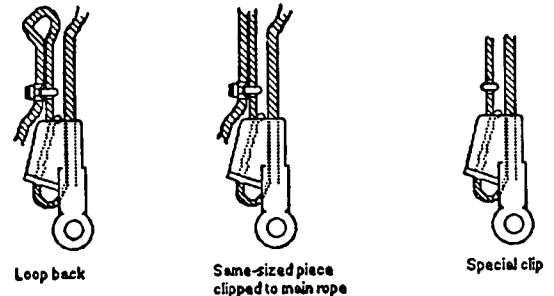


Figure L-1  
Wedge Becket Dead End Termination

#### (10) Mobile hydraulic cranes.

(a) All mobile hydraulic cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.15-1973, Safety Code for Mobile Hydraulic Cranes.

(b) A substantial and durable rating chart with clearly legible letters and figures shall be provided with each crane and securely fixed to the crane cab in a location visible to the operator while seated at the control station.

The data and information to be provided on these charts shall include, but not be limited to the following:

(i) A full and complete range of manufacturer's approved crane load ratings at all stated operating radii and boom angles, and for given permissible boom lengths, jib lengths and angles, also alternate ratings for use and nonuse of optional equipment on the crane, such as outriggers and extra counterweights which affect ratings.

(ii) Where ratings are limited by hydraulic and structural competence, such ratings shall be clearly shown and emphasized on the rating charts.

(iii) Recommended parts of hoist reeving, size, and type of rope for various crane loads shall be either shown on the rating chart or in the operating manual.

(iv) Essential precautionary or warning notes relative to limitations on equipment and operating procedures, including indication of the least stable direction.

(v) The load rating chart or manual shall state whether hoist holding mechanism is automatically controlled, manually controlled, if free fall available or any combination thereof.

(vi) Telescopic boom information on the load rating chart or operator's manual give the maximum telescopic travel length of each telescopic boom section, whether sections are telescoped with power or manually, sequence and procedure for extending and retracting telescopic boom section, and maximum loads permitted during actual boom extending operation, and any limiting conditions or cautions.

(vii) Hydraulic relief valve settings specified by the manufacturer. (Any change in relief valve setting shall be done only with the written consent of the manufacturer.)

(viii) Tire pressures where applicable.

(c) The crane shall be equipped with a boom angle indicator which shall be clearly visible to the operator when at the operator's station.

(d) The manufacturer shall attach a durable label with the following statement on new cranes which comply with the ANSI Standard as follows: "Manufacturer certifies this crane meets the applicable design, construction and testing prescribed in ANSI B30.15-1973." The serial number and manufacturer's name shall also appear on this statement.

(e) The crane shall be provided with a device to prevent "two-blocking." Such devices shall be provided and installed no later than ninety days after the effective date of this standard.

#### (11) Portal, tower, and pillar cranes.

(a) All portal, tower, and pillar cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.4-1973, Safety Standards for Portal, Tower, and Pillar Cranes.

(b) All cranes shall be erected in accordance with the crane manufacturer's recommendations. Erection shall be performed under the supervision of a designated person experienced in the erection of these types of cranes.

(c) Prior to initial use, and before the final setting of the load limit switch, a crane erected on new foundations shall be subjected to a static overload test in the direction of least stability. The crane shall hold suspended one hundred ten percent of the maximum rated load at maximum radius for that load for at least fifteen minutes and any subsequent settlement of the equipment or load-bearing foundation shall be within the limits specified by the crane manufacturer.

(d) A durable load rating chart with legible letters and figures shall be provided with each crane and securely fixed in the crane cab in a location easily visible to the operator while seated at the control station. Where remote control stations are used, a duplicate chart shall be affixed at the remote control stations. The data and information to be provided on these charts shall include, but not be limited to the following:

(i) A full and complete range of manufacturer's approved crane load ratings at all stated operating radii for each recommended counterweight loading and boom length.

(ii) Substance of the basis of ratings as found in Sec. 4-1.2.1 of ANSI B30.4-1973, including the identification of ratings based on structural limitations. Where ratings are limited by structural competence, such ratings shall be clearly shown and emphasized on the rating charts.

(iii) Essential precautionary or warning notes relative to limitations on equipment and operating procedures.

(e) The ends of all tracks shall be equipped with stops or buffers designed to minimize the possibility of derailment.

(f) Crane trucks shall be equipped with sweeps which extend to the top of the rail and project in front of the leading wheels in either direction. The truck wheels shall be fitted with wheel guards unless their position provides equivalent safety. Means shall be provided to limit the drop of truck frames in case of wheel breakage to an amount that will not cause the crane to overturn.

(g) Exposed moving parts such as gears, setscrews, projecting keys, chains, chain sprockets and other components which might constitute a hazard under normal operating conditions shall be guarded. Each guard shall be capable of supporting without permanent distortion the weight of a two hundred pound person unless the guard is located where it is impossible for a person to step on it.

(h) Limit switches shall be sealed against unauthorized tampering after testing is completed and final settings are made.

(i) Cabs shall be provided on tower and portal cranes and shall be constructed of fire retardant materials. The cab shall provide a cushion seat with backrest for the operator and shall offer overhead protection at least equivalent to that provided by standard two inch lumber.

(j) Cab windows shall be of safety glass or equivalent and shall provide clear visibility in the direction of the load and to each side. Means shall be provided for ventilating the cab and cleaning the windows without leaving the cab, unless alternative safe means are provided.

(k) Noise generated by the operation of the crane shall be controlled so that the noise level in the cab does not exceed ninety dBA as measured by a standard sound level meter set at slow response.

(l) Access ladders to the cab and machinery platforms shall be provided and shall conform to American National Standard for Fixed Ladders ANSI A14.3-1974.

(m) A minimum five BC dry chemical or equivalent fire extinguisher shall be provided in the cab.

(n) Sufficient light, daylight or artificial, shall be provided in the cab to enable the operator to see clearly to perform the work. Where access to the cab requires a climb of fifty feet, or more, sanitary means shall be provided in the cab for the operator's use.

(o) Where it is necessary to inspect the attachments located on the boom, such as limit switches, sheaves, rope and rope fittings, etc., suitable access to all items for which inspection is required, shall be provided.

(p) Footwalks, where provided for inspection purposes, shall be of anti-slip type and of rigid construction, provided with a standard handrail and designed to sustain a distributed load of at least fifty pounds per square foot.

(q) Each crane shall be provided with a "boom angle indicator" which shall be clearly visible to the operator when seated at the operator's station.

(r) All boom, hoist, swing, brakes, control, and other equipment shall be installed and shall operate in accordance with the requirements of ANSI B30.4-1973.

(s) Each crane shall be provided with an instruction booklet, kept easily accessible on the jobsite, and shall contain a description of operating characteristics, installation preparation requirements, erection and dismantling procedures, repair and maintenance recommendations, operating limitations and general and specific safety precautions.

(t) Counterweights shall be in accordance with crane manufacturer's recommendations and shall be securely fastened to prevent pieces accidentally dislodged.

(u) All welding procedures and welding operator qualifications to be used on critically stressed members shall be in accordance with the American Welding Society Specifications, Structural Welding Code AWS D1.1-1979. Where steel or other materials covered by the above standard are used, the manufacturer shall provide welding procedures and welding operator qualifications.

(v) All inspection, testing, maintenance, and operating procedures shall be in accordance with the requirements of ANSI B30.4-1973. Cranes shall not be operated when wind speeds exceed forty-five miles per hour or lower velocities if so recommended by the manufacturer.

#### NEW SECTION

WAC 296-155-52505 CERTIFICATION OF CRANE, DERRICK AND OTHER HOISTING EQUIPMENT. (1) The employer shall not use any material handling device listed in subsection (3) of this section until he has ascertained that the device has been certificated, as evidenced by current and valid documents attesting to compliance with the requirements of WAC 296-155-52508.

(2) Certification surveys are to be completed for the conditions of use found at the time such surveys are completed, with the understanding that equipment owners/users can change the configurations of the equipment according to the manufacturer's specifications without affecting the established certification status for the equipment.

(3) These rules apply to all work sites as defined in WAC 296-155-005.

(4) Inspection and test certificates shall be issued only for that equipment which meets or exceeds the requirements as specified in these rules. All inspection and test certificates shall be issued through the office of the assistant director of the division of industrial safety and health, department of labor and industries, and shall be valid for a period not to exceed one year from the date of issuance.

(5) Equipment requiring certification shall be inspected by representatives of the division of industrial safety and health; or individuals who have received a "certificate of competency" from the supervisor of industrial safety and health indicating that they are qualified and capable of performing such work.

(6) When deficiencies are found they shall be noted on forms provided for such purpose by the division of industrial safety and health. Copies shall be delivered to the owner of the equipment and the division of industrial safety and health at the Olympia office by the person conducting such tests and/or inspections.

(7) A certificate of unit test and/or examination of equipment shall not be issued for any equipment found not to be in compliance with the provisions of this chapter.

(8) Persons desiring a "certificate of competency" shall demonstrate and document their capabilities and qualifications to the assistant director of the division of industrial safety and health, who will issue such certificates to those persons whom he considers qualified. The assistant director reserves the right to revoke such certificates at any time for cause. A "certificate of competency" shall be issued for a period of not more than three years. Applications for renewal may be made not more than sixty days prior to the expiration date shown on the certificate.

(9) The assistant director of industrial safety and health or his representative, reserves the right to inspect such equipment or to witness or attend any test or inspection in order to ascertain the adequacy of any certification activity performed.

(10) Unless otherwise exempted, all cranes or derricks required to be certificated by these regulations shall have a current test certificate posted in the operator's cab or station. No person shall be required to

operate such crane or derrick unless a current valid certificate is posted.

**NEW SECTION**

**WAC 296-155-52506 ADVISORY CRANE CERTIFICATION PANEL.** (1) Any person desiring a certificate of competency for crane inspection or certification shall make application to the assistant director for industrial safety and health for the certificate of competency. The application shall include documentation of all qualifications. Including all past experience, education, training and any other factors deemed to be relevant to the application.

(2) The advisory crane certification panel shall assist the assistant director for industrial safety and health in his duties under this chapter. The panel shall consist of six members. Two members shall represent labor, two members shall represent management, and a crane expert. The sixth member shall be chairman of the panel, the assistant director of industrial safety and health or his designee. The panel shall be responsible for advising the assistant director as to the issuance of any certificate of competency. The panel shall review all applications for certificates of competency. Minutes of meetings shall be kept.

(3) In addition, the panel shall, upon request by the assistant director, render advice concerning any matter which is relevant to crane safety. The panel shall meet twice yearly or more often as deemed necessary by the chairman of the panel. Any panel member who is not an employee of the state of Washington shall serve voluntarily.

**NEW SECTION**

**WAC 296-155-52507 UNIT PROOF LOAD TEST AND INSPECTION.** Cranes and derricks shall be proof load tested, rated and certificated in tons (2,000 lbs. = 1 ton). Cranes and derricks shall be inspected and unit proof load tested prior to being put into use, after any significant modification or repairs of structural parts, or when deemed necessary by the supervisor of industrial safety and health; however, each crane or derrick shall be unit proof load tested at least once during each twelve-month period. Unit proof load tests shall be carried out by the use of weights as a dead load. When use of weights for unit proof load tests is not possible or reasonable a dynamometer or other recording test equipment may be used. Such equipment shall be tested for accuracy with certified calibrating equipment within twelve months prior to being used and a copy of the certified calibration test shall have been made available to authorized representatives of the division of industrial safety and health upon request.

The weight of the objects used for a dead load weight test shall be certified and a record of the weight shall be made available upon request. Any replacements or repairs deemed necessary by the person conducting a test shall be carried out before application of the required proof load unit test.

(1) The proof load tests for derricks shall be conducted as follows:

Safe Working Load	Proof Load
to 20 tons	25% in excess
20-50 tons	5 tons in excess
over 50 tons	10% in excess of manufacturer's recommended lifting capacity.

Proof load shall be applied at the designed maximum and minimum boom angles or radii, or if this is impracticable, as close to these as practicable. The angles or radii of test shall be stated in the certificate of test. Proof loads shall be swung as far as possible in all directions. The weight of auxiliary handling devices such as spreader bars, robots, clams, magnets, or other gear shall be considered a part of the load. Brakes shall be tested by holding the proof load suspended without other mechanical assistance. After satisfactory completion of a unit proof load test the derrick and all component parts thereof shall be carefully examined and, if necessary, nondestructive tests may be conducted to assure that the equipment is safe for use and has not been damaged in the unit proof load testing process.

(2) Unit proof load tests for cranes shall be carried out where applicable with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

Unit proof load tests for cranes shall be based on the manufacturer's load ratings for the conditions of use and shall, except in the case of

bridge type cranes utilizing a trolley, consist of application of a proof load of ten percent in excess of the load ratings at maximum and minimum radius, and at such intermediate radii as the certificating authority may deem necessary in the circumstances. (The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.) Tower cranes shall be subject to a proof load of twenty-five percent in excess of the manufacturer's load rating. In cases of foreign manufacture, the manufacturer's specifications shall be subject to approval by the certificating authority. The weight of all auxiliary handling devices such as, but not limited to, magnets, hooks, slings, and clamshell buckets shall be considered part of the load.

(3) In the event neither manufacturer's data nor design data on safe working loads (including any applicable limitations) are obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any such safe working load assignment.

(4) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of such equipment may, at his option, have the crane or derrick certificated for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors: PROVIDED, HOWEVER, That the equipment concerned is physically capable of operation at the original load rating and the load reduction is not for the purpose of avoiding correction of any deficiency.

(5) Safe working load ratings shall not be increased beyond the manufacturer's ratings or original design limitations without prior approval by the accredited certification agency. Such prior approval shall be based on the manufacturers' approval of such increase or documented engineering design analysis or both. All necessary structural changes shall be completed prior to approval by the accredited certification agency.

**NEW SECTION**

**WAC 296-155-52508 EXAMINATION AND INSPECTION OF CRANES AND DERRICKS.** An examination shall be carried out in conjunction with each annual unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall cover the following points as applicable: (Refer to WAC 296-56-60093 for definition of accredited person.)

(1) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examinations shall include operation with partial load, in which all functions and movements, including, where applicable, maximum possible rotation in both directions, are performed.

(2) All safety devices shall be examined for malfunction.

(3) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

(4) Rope reeving shall comply with the manufacturer's recommendations.

(5) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

(6) Loose bolts, rivets, or other connections shall be corrected.

(7) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

(8) All brakes, used to control the load, boom or travel of the crane, shall be tested. Air, hydraulic, or electrically operated brakes shall be of such design as to set and stop the load if the source of power fails.

(9) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

(10) Load, boom angle, or other indicators shall be checked over their full range. Defects in such indicators shall be immediately corrected.

(11) Where used, clamshell buckets or other similar equipment, such as magnets, etc., shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests as may be appropriate.

(12) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other

defects in securing bolts and in the vicinity of such bolts, shall be made.

(13) All platforms, steps and footwalks located on cranes where workers are exposed to the hazard of slipping shall be of a nonslip material. Wire rope used for railings on cranes shall be kept taut at all times.

(14) It shall be ascertained that no counterweights in excess weight of the manufacturer's specifications shall be fitted or used.

(15) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

(16) Wire rope.

(a) All wire rope shall be inspected once a month, dependent upon conditions to which the wire ropes are subjected, and at intervals not exceeding a twelve-month period. Records of inspection of wire rope shall be kept and shall be available to the department of labor and industries representative. Records shall be kept for one year. Refer to the general safety and health standards, WAC 296-24-240.

(b) Wire rope shall not be used if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

(c) Documentation, available for inspection, shall include wire rope test certificates relating to any replacements made since the last unit test or annual examination as required.

(d) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or wire rope manufacturer due to actual working condition requirements. In the absence of specific requirements as noted, wire rope shall be of a size and construction suitable for the purpose, and shall have the capacity to handle four times the heaviest expected load and verified by wire rope test certificate.

(e) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested but shall be subject to thorough examination at the time of initial certification of the equipment.

(17)(a) Accessory components, such as hooks. Container spreader bar twist locks shall be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks shall be discarded immediately and not reused on any equipment subject to the provisions of this chapter.

(b) Crane hooks and spreader bars shall be magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of chapter 296-62 WAC for protection against radiation, shall apply.

(18) In the event that heat treatment of any loose gear is recommended by the manufacturer, the latest heat treatment certificate, attesting to compliance with the manufacturer's specifications shall be part of the available documentation. Heat treatment shall be carried out in accordance with the specifications of the manufacturer by persons competent to perform such work.

(19) Replacement parts shall be of equal or better quality than the original equipment and suitable for the purpose. Repairs or modifications shall be such as to render the equipment equal to or better than the original construction or design.

(20) In cases of foreign manufactured cranes, there shall be an owner's warranty that the design is adequate for the intended use. The warranty shall be based on a thorough examination of the design specifications by a registered professional engineer familiar with the equipment.

(21) The certifications required by this section shall be performed:

(a) In accordance with WAC 296-155-52505 by persons then currently accredited by the occupational safety and health administration as provided in that section.

(b) Special gear.

(i) Special gear provided by the employer. The strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in accordance with the following table before initially being put into use.

Safe working load	Proof load
Up to 20 short tons.....	25 percent in excess
Over 20 to 50 short tons .....	5 short tons in excess
Over 50 short tons .....	10 percent in excess

(ii) Every spreader used for hoisting shall be tested to a proof load equal to twenty-five percent in excess of its rated capacity. Additionally, any spreader which suffers damage necessitating structural repair shall be retested after repair and before being returned to service.

(iii) Certificates attesting to the required tests shall be available for inspection.

(c) Wire rope and loose gear obtained after the effective date of this standard, and used for material handling shall have been tested and certificated before being placed into use in accordance with the provisions of Title 296 WAC as applicable. Certificates attesting to the required tests, inspections and examinations shall be available.

(22) Disassembly and reassembly of equipment does not require recertification of the equipment provided that the equipment is reassembled and used in a manner consistent with its certification.

Exception: Tower cranes and derricks.

(23) For equipment certificated in accordance with subsection (21)(b) of this section and transferred to a job site in another state, the current certification shall remain valid until the next inspection or examination becomes due.

(24) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year.

(25)(a) Every unit of equipment requiring annual certification shall have had such annual certification within the previous twelve months. Equipment requiring annual certification shall have had such annual certification within the previous twelve months, except that no annual certification is required within twelve months after any required certification. Annual examinations for certification may be accomplished up to one month early without effect on subsequent due dates.

(b) When certificated equipment is out of service for six months or more beyond the due date of a certification inspection, an examination equivalent to an initial certification, including unit proof load test, shall be performed before the equipment reenters service.

(26) Loose gear obtained after October 3, 1983, shall bear a legible mark indicating that it has been tested (see WAC 296-155-52507). Single sheave blocks shall be marked with safe working loads and proof test loads. Marks relating to testing shall be identifiable on the related certificates, which shall be available.

(27) The certification requirements of this section do not apply to industrial trucks.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-530 MATERIAL HOISTS, PERSONNEL HOISTS, AND ELEVATORS. (1) General requirements. (a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of all hoists and elevators. Where the manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a professional engineer competent in the field.

(b) Rated load capacities, recommended operating speeds, and special hazard warning or instructions shall be posted on cars and platforms.

(c) Wire rope shall be removed from service when any of the following conditions exists:

(i) In hoisting ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand in one rope lay;

(ii) Abrasion, scrubbing, flattening, or peening, causing loss of more than one-third of the original diameter of the outside wires;

(iii) Evidence of any heat damage resulting from a torch or any damage caused by contact with electrical wires;

(iv) Reduction from nominal diameter of more than three sixty-fourths inch for diameters up to and including three-fourths inch; one-sixteenth inch for diameters seven-eighths to 1 1/8 inches; and three thirty-seconds inch for diameters 1 1/4 to 1 1/2 inches.

(d) Hoisting ropes shall be installed in accordance with the wire rope manufacturer's recommendations.

(e) The installation of live booms on hoists is prohibited.  
 (f) The use of endless belt-type man lifts on construction shall be prohibited.

(g) Employees shall not be permitted to ride on top of material hoists, personnel hoists or permanent elevators except for purposes of inspection, maintenance, elevator installation or dismantling work.

(2) Material hoists, (a) (i) Operating rules shall be established and posted at the operator's station of the hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No riders allowed."

(ii) No person shall be allowed to ride on material hoists except for the purposes of inspection and maintenance.

(b) All entrances of the hoistways shall be protected by substantial gates or bars which shall guard the full width of the landing entrance. All hoistway entrance bars and gates shall be painted with diagonal contrasting colors, such as black and yellow stripes.

(i) Bars shall be not less than 2- by 4-inch wooden bars or the equivalent, located 2 feet from the hoistway line. Bars shall be located not less than 36 inches nor more than 42 inches above the floor.

(ii) Gates or bars protecting the entrances to hoistway shall be equipped with a latching device.

(c) Overhead protective covering of two-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every material hoist cage or platform to prevent objects falling on the workers loading or unloading the hoist.

(i) The protective covering on the top of the cage or platform may be made in hinged sections that may be raised when hoisting long material.

(ii) When using a cage or platform for long material, the several pieces of the material shall be securely fastened together and made fast to the cage or platform, so that no part of the load can fall or project beyond the sides of the cage or platform.

(d) The operator's station of a hoisting machine shall be provided with overhead protection equivalent to tight planking not less than 2 inches thick. The support for the overhead protection shall be of equal strength.

(e) Hoist towers may be used with or without an enclosure on all sides. However, whichever alternative is chosen, the following applicable conditions shall be met:

(i) When a hoist tower is enclosed, it shall be enclosed on all sides for its entire height with a screen enclosure of 1/2-inch mesh, No. 18 U.S. gauge wire or equivalent, except for landing access.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 1/2-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading. A 6-foot high enclosure shall be provided on the unused sides of the hoist tower at ground level.

(f) Car arresting devices shall be installed to function in case of rope failure.

(g) All material hoist towers shall be designed by a licensed professional engineer.

(h) All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists.

(3) Personnel hoists.

(a) Personnel hoists shall be provided for access and egress on all multi story buildings where vertical travel exceeds sixty feet from a ground level access point.

(b) Hoist towers outside the structure shall be enclosed for the full height on the side or sides used for entrance and exit to the structure. At the lowest landing, the enclosure on the sides not used for exit or entrance to the structure shall be enclosed to a height of at least 10 feet. Other sides of the tower adjacent to floors or scaffold platforms shall be enclosed to a height of 10 feet above the level of such floors or scaffolds.

((b)) (c) Towers inside of structures shall be enclosed on all four sides throughout the full height.

((c)) (d) Towers shall be anchored to the structure at intervals not exceeding 25 feet. In addition to tie-ins, a series of guys shall be installed. Where tie-ins are not practical the tower shall be anchored by means of guys made of wire rope at least one-half inch in diameter, securely fastened to anchorages to ensure stability.

((d)) (e) Hoistway doors or gates shall be not less than 6 feet 6 inches high and shall be provided with mechanical locks which cannot

be operated from the landing side, and shall be accessible only to persons on the car.

((e)) (f) Cars shall be permanently enclosed on all sides and the top, except sides used for entrance and exit, which have car gates or doors.

((f)) (g) A door or gate shall be provided at each entrance to the car which shall protect the full width and height of the car entrance opening.

((g)) (h) Overhead protective covering of 2-inch planking, 3/4-inch plywood or other solid material of equivalent strength shall be provided on the top of every personnel hoist.

((h)) (i) Doors or gates shall be provided with electric contacts which do not allow movement of the hoist when door or gate is open.

((i)) (j) A signal device shall be installed in the elevator car and only operated by an attendant who shall give the signals for operation, when transporting workers.

((j)) (k) An electrical push button signalling device or other approved signalling system shall be provided at each floor landing connected to an annunciator in the car. The signal code shall be posted adjacent to the signal device at each and every work level and at operator's work level. All wording shall be black on a white card, in large clear letters.

((k)) (l) The elevator machine and controls shall be housed in as a protection against accidents and the weather, and the door kept locked against unauthorized entrance when operator is not in attendance.

((l)) (m) Safeties shall be capable of stopping and holding the car and rated load when traveling at governor tripping speed.

((m)) (n) Cars shall be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead.

((n)) (o) Internal combustion engines shall not be permitted for direct drive.

((o)) (p) Normal and final terminal stopping devices shall be provided.

((p)) (q) An emergency stop switch shall be provided in the car and marked "stop."

((q)) (r) Ropes: (i) The minimum number of hoisting ropes used shall be three for traction hoists and two for drum-type hoists.

(ii) The minimum diameter of hoisting and counterweight wire ropes shall be 1/2-inch .

(iii) Safety factors:

MINIMUM FACTORS OF SAFETY  
 FOR SUSPENSION WIRE ROPES

Rope speed in feet per minute:	Minimum factor of safety
50 .....	7.60
75 .....	7.75
100 .....	7.95
125 .....	8.10
150 .....	8.25
175 .....	8.40
200 .....	8.60
225 .....	8.75
250 .....	8.90
300 .....	9.20
350 .....	9.50
400 .....	9.75
450 .....	10.00
500 .....	10.25
550 .....	10.45
600 .....	10.70

((r)) (s) Following assembly and erection of hoists, and before being put in service, an inspection and test of all functions and safety devices shall be made under the supervision of a competent person. A similar inspection and test is required following major alteration of an existing installation. All hoists shall be inspected and tested at not more than 3-month intervals. Records shall be maintained and kept on file for the duration of the job.

((s)) (t) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4-1963, Safety Requirements for Workmen's Hoists. The requirements of this subdivision do not apply to cantilever type personnel hoists.

~~((tt))~~ (u) Wire rope shall be taken out of service when any of the following conditions exist:

- (i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;
- (ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird caging, or any other damage resulting in distortion of the rope structure;
- (iii) Evidence of any heat damage from any cause;
- (iv) Reductions from nominal diameter of more than three-sixty-fourths inch for diameters to and including three-fourths inch, one sixteenth inch for diameter seven-eighths inch to 1 1/8 inches inclusive, three-thirty-seconds inch for diameters 1 1/4 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.

~~((tt))~~ (v)(i) Personnel hoists used in bridge tower construction shall be approved by a registered professional engineer and erected under the supervision of a qualified engineer competent in this field.

(ii) When a hoist tower is not enclosed, the hoist platform or car shall be totally enclosed (caged) on all sides for the full height between the floor and the overhead protective covering with 3/4-inch mesh of No. 14 U.S. gauge wire or equivalent. The hoist platform enclosure shall include the required gates for loading and unloading.

(iii) These hoists shall be inspected and maintained on a weekly basis. Whenever the hoisting equipment is exposed to winds exceeding 35 miles per hour it shall be inspected and put in operable condition before reuse.

(4) Permanent elevators under the care and custody of the employer and used by employees for work covered by this act shall comply with the requirements of American National Standards Institute, A17.1-1971, and inspected in accordance with A17.2-1960 with addenda A17.2a-1965, A17.2b-1967.

NOTE: For additional information refer to chapter 296-90 WAC, safety requirements for cantilever hoists and chapter 296-100 WAC, safety requirements for material hoists.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-545 CONVEYORS. (1) ~~((General requirements. (a) Means for stopping the motor or engine shall be provided at the operator's station. Conveyor systems shall be equipped with an audible warning signal to be sounded immediately before starting up the conveyor.~~

~~(b) If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.~~

~~(c) Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "on" position.~~

~~(d) Screw conveyors shall be guarded to prevent employee contact with turning flights.~~

~~(e) Where a conveyor passes over work areas, aisles, or thoroughfares, suitable guards shall be provided to protect employees required to work below the conveyors.~~

~~(f) All crossovers, aisles, and passageways shall be conspicuously marked by suitable signs, as required by Part E of this Chapter.~~

~~(g) Conveyors shall be locked out or otherwise rendered inoperable, and tagged out with a "do not operate" tag, during repairs and when operation is hazardous to employees performing maintenance work.~~

~~(h) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in the ANSI B20.1-1957, Safety Code for Conveyors, Cableways, and Related Equipment.) All conveyors in use shall meet the applicable requirements for design, construction, inspection, testing, maintenance, and operation, as prescribed in ANSI B20.1-1976, Safety Code for Conveyors, Cableways, and Related Equipment.~~

(2) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started. All reasonable precautions shall be taken by the operator prior to starting a conveyor, to assure that no person is in a hazardous location where he may be injured when the conveyor is started.

(3) Riding on conveyor chains, belt, or bucket elevators shall be prohibited. Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been de-energized and the person can do so safely. Riding of conveyors shall only be permitted on the manlift steps or platforms and handholds attached and other safety factors as specified in chapter 296-82 WAC, Safety standards for existing belt manlifts.

(4) Means for stopping the motor or engine of a conveyor shall be provided at the operator's station. If the operator's station is at a remote point, similar provisions for stopping the motor or engine shall be provided at the motor or engine location.

(5) Emergency stop switches shall be arranged so that the conveyor cannot be started again until the actuating stop switch has been reset to running or "on" position.

(6) Screw or auger type conveyors shall be guarded to prevent employee contact with turning flights.

(7) Where a conveyor passes over work areas, aisles, or thoroughfares, guards shall be provided to protect persons required to work below the conveyors. All crossovers, aisles, and passageways shall be conspicuously marked by suitable signs, as required by Part E of this chapter. When the return strand of a conveyor operates within seven feet of the floor there shall be a trough provided of sufficient strength to carry the weight resulting from a broken chain. If the strands are over a passageway, a means shall be provided to catch and support the ends of the chain in the event of a break.

(8) Conveyors shall be provided with an emergency stopping device (panic-type) which can be reached from the conveyor. Such device shall be located near the material entrance except where the conveyor leading into such equipment is under constant control of an operator who has full view of the material entrance and is located or restrained where they cannot possibly fall onto the conveyor. The device shall stop the conveyor a sufficient distance away from the hazard to prevent injury.

(9) Conveyors shall be locked out with a padlock at any time repair, maintenance, or clean-up work is being performed on the conveyor. Tags or push-button stops are not acceptable.

(10) Where conveyors are in excess of seven feet in height, means shall be provided to safely permit essential inspection and maintenance operations.

(11) Any part showing signs of significant wear shall be inspected carefully and replaced prior to reaching a condition where it may create a hazard. Replacement parts shall be equal to or exceed the manufacturer's specifications.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-570 RIGGING—WIRE ROPE. (1) Whenever used in connection with work, employment, occupations or uses to which these standards are applicable, wire rope shall not be subjected to loads in excess of one-fifth the breaking load as given in the schedule of the cable manufacturer.

(2) Any wire rope showing 10% of its wires broken in a three foot length shall not be used. When cables deteriorate through rusting, wear, undue strain or other conditions to the extent of 15% of their original strength, use of cable shall be discontinued.

(3) Wire rope shall be frequently inspected for wear and other defects which may reduce the strength below the point of safe operation.

(4) If wire rope is received in a coil it shall be rolled out, on a surface free from grit, like a hoop and straightened out before being put on the sheaves. If it is received on a reel, the reel shall be mounted on a spindle or turntable and the rope then unwound.

(5) Wire rope shall be lubricated. A lubricant recommended by a wire rope manufacturer shall be used.

(6) Wire rope shall be securely fastened to drums by zinc plugs or suitable clamps, and at least two full turns of the rope shall remain on the winding drum.

(7) Wire rope shall be wound evenly on the drum and not allowed to lap one layer on another in an irregular fashion.

(8) Care shall be taken to prevent friction of wire ropes with other objects which could cause chafing or breaking of wires.

(9) In attaching U-type cable clamps, the U shall always be placed over the short end of the cable.

(10) The clamp nuts shall be tightened up frequently during the operation to prevent slipping.

(11) Thimbles shall be used in cable eyes whenever practicable.



(12) Fair leads shall be used ahead of cable drums, whenever practicable, and the fleet angle kept as flat as possible to promote proper spooling.

(13) All running lines of hoisting equipment, located within seven (7) feet of the ground or working level shall be boxed, railed off or otherwise guarded, or the operating area restricted.

(14) Wire rope which has been welded or been subject to welding of any kind shall not be used.

(15) No open hook shall be used to hoist a bucket, cage, spreader, or skip, nor in any circumstances where the dislodgement of the hook could cause a risk of injury to workers. A safety-hook, mousing, or shackle shall be employed in such circumstances.

(16) When shackles are used, shackle pins shall be secured to prevent accidental withdrawal.

(17) Where a wedge socket connector is used as a wire rope terminal, a single ~~((cable))~~ wire rope clip shall be installed ~~((to secure the dead end of the rope to the main part of the rope. The clip shall be installed in accordance with WAC 296-155-330 (3)(g)))~~ in accordance with WAC 296-155-525 (9)(l) and Figure L-1.

(18) The wire rope shall not be burned off with heat which might weld the ends of the wires and strands together.

#### AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-155-575 HELICOPTERS AND HELICOPTER CRANES. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment. (a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) signal Systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure ~~((t-+))~~ L-2.

(15) Approach distance. No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalman during the period of loading and unloading. This signalman shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (turbine-kerosene) type fuel be permitted while the engines are running.

(21) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(22) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(23) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of available fire extinguishing equipment.

(24) There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights for spark producing agents within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(25) Due to the numerous causes of static electricity, it should be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. Conductive hose shall not be used to accomplish the bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(26) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Selfclosing nozzles shall not be dragged on the ground.

(27) In case of a spill, the fueling operation shall be immediately stopped until such time as the person in charge determines that it is safe to resume the refueling operation.

(28) When ambient temperatures have been in the one hundred degree F. range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(29) Hook on persons shall wear contrasting colored hard hats, with chinstraps, and high visibility vests or outer garments to enable the helicopter operator to readily identify their locations.

(30) Riding the load or hook of a helicopter is prohibited except in the case of emergency and then only with the proper safety gear.

#### AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-576 FIGURE L-1.



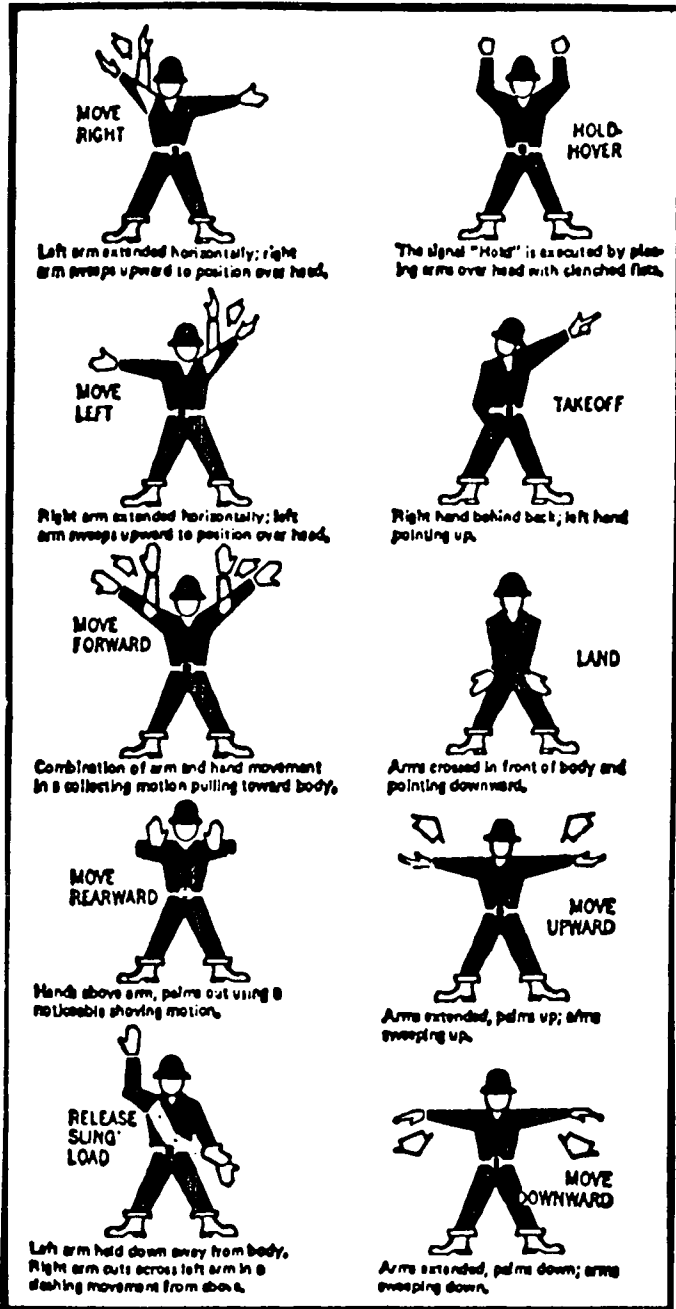


Figure L-1

HELICOPTER HAND SIGNALS

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-580 AERIAL LIFTS. (1) General requirements. (a) Unless otherwise provided in this section, aerial lifts acquired for use on or after the effective date of this section shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969, including appendix. Aerial lifts acquired before the effective date of this section, which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969. Aerial lifts include the following types of vehicle-mounted aerial devices used to elevate personnel to jobsites above ground: (i) Extensible boom platforms; (ii) aerial ladders, (iii) articulating boom platforms, (iv) vertical towers, and (v) a combination of

any of the above. Aerial equipment may be made of metal, wood, fiberglass reinforced plastic (FRP), or other material; may be powered or manually operated; and are deemed to be aerial lifts whether or not they are capable of rotating about a substantially vertical axis.

(b) Aerial lifts may be "field modified" for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

(c) An annual inspection, including nondestructive testing of the stress points such as base and cylinder attachment points, shall be conducted. The tests shall be conducted by a certified testing laboratory or agency recognized by the department. The employer shall maintain a permanent record of the results of such inspections for each aerial personnel boom and ladder vehicle. Such records shall be available at the work site.

(2) Specific requirements. (a) Ladder trucks and tower trucks. Aerial ladders shall be secured in the lower traveling position by a locking device on top of the truck cab or truck framework, and the manually operated device at the base of the ladder before the truck is moved for highway travel.

(b) Extensible and articulating boom platforms. (i) Lift controls shall be tested each day prior to use to determine the such controls are in safe working condition.

(ii) Only authorized persons shall operate an aerial lift.

(iii) Belting off to an adjacent pole, structure, or equipment while working from an aerial lift shall not be permitted.

(iv) Employees shall always stand firmly on the floor of the basket, and shall not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position.

(v) A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift.

(vi) Boom and basket load limits specified by the manufacturer shall not be exceeded.

(vii) The brakes shall be set and when outriggers are used, they shall be positioned on pads or a solid surface. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed.

(viii) An aerial lift truck shall not be moved when the boom is elevated in a working position with persons in the basket, except for equipment which is specifically designed for this type of operation in accordance with the provisions of subdivisions (a) and (b) of subsection (1) of this section.

(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for over-riding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(x) Climbers shall not be worn while performing work from an aerial lift.

(xi) The insulated portion of an aerial lift shall not be altered in any manner that might reduce its insulating value.

(xii) Before moving an aerial lift for travel, the boom(s) shall be inspected to see that it is properly cradled and outriggers are in stowed position except as provided in item (viii) of this subdivision.

(c) Electrical tests. All electrical tests shall conform to the requirements of ANSI A92.2-1969 section 5. However, equivalent d.c. voltage tests may be used in lieu of the a.c. voltage specified in A92.2-1969; d.c. voltage tests which are approved by the equipment manufacturer or equivalent entity shall be considered an equivalent test for the purpose of this subdivision.

(d) Bursting safety factor. The provisions of the American National Standards Institute standard ANSI A92.2-1969, section 4.9 Bursting Safety Factor shall apply to all critical hydraulic and pneumatic components. Critical components are those in which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have bursting safety factor of at least 2 to 1.

(e) Welding standards. All welding shall conform to the following standards as applicable:

(i) Standard Qualification Procedure, AWS B3.0-41.

(ii) Recommended Practices for Automotive Welding Design, AWS D8.4-61.

(iii) Standard Qualification of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-69.

(iv) Specifications for Welding Highway and Railway Bridges, AWS D2.0-69.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-605 EQUIPMENT. (1) General requirements. (a) All equipment left unattended at night, adjacent to a highway in normal use, or adjacent to construction areas where work is in progress, shall have appropriate lights or reflectors, or barricades equipped with appropriate lights or reflectors, to identify the location of the equipment.

(b) ~~((A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.))~~ All tire servicing of multi-piece and single-piece rim wheels are subject to the requirements of WAC 296-155-61701 through 296-155-61713.

(c) (i) Heavy machinery, equipment, or parts thereof, which are suspended or held aloft by use of slings, hoists, or jacks shall be substantially blocked or cribbed to prevent falling or shifting before employees are permitted to work under or between them. Bulldozer and scraper blades, end-loader buckets, dump bodies, and similar equipment, shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position, with the motors stopped and brakes set, unless work being performed required otherwise.

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

(d) The use, care and charging of all batteries shall conform to the requirements of part I of this chapter.

(e) All cab glass shall be safety glass, or equivalent, that introduces no visible distortion affecting the safe operation of any machine covered by this part.

(f) All equipment covered by this part shall comply with the requirements of WAC 296-155-525 (2)(~~(ff)~~)(e) when working or being moved in the vicinity of power lines or energized transmitters.

(g) Where traffic is diverted onto dusty surfaces, good visibility shall be maintained by the suppression of dust, through the periodic application of oil or water to the grade surface, as required.

(h) No equipment, vehicle, tool, or individual shall operate proximate to any power line or electrical distribution equipment except in conformity with the requirements of WAC 296-155-525 (2)(e).

(2) Specific requirements. (Reserved.)

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-610 MOTOR VEHICLES. (1) Coverage. Motor vehicles as covered by this part ~~((are those))~~ include any vehicles that operate ((within an off-highway jobsite, not open to public traffic)) on a construction site. The requirements of this section do not apply to equipment for which rules are prescribed in WAC 296-155-615.

(2) General requirements.

(a) (i) All vehicles shall have a service brake system, an emergency brake system, and a parking brake system. These systems may use common components, and shall be maintained in operable condition.

(ii) Before leaving a motor vehicle unattended, the motor shall be stopped, parking brake engaged and wheels turned into curb or berm when parked on an incline. When parking on an incline and there is no curb or berm, the wheels shall be chocked or otherwise secured.

(b)(i) Whenever visibility conditions warrant additional light, all vehicles, or combinations of vehicles, in use shall be equipped with at least two headlights and two taillights in operable condition.

(ii) All vehicles, or combination of vehicles, shall have brake lights in operable condition regardless of light conditions.

(c) All vehicles shall be equipped with an adequate audible warning device at the operator's station and in an operable condition.

(d) No employer shall allow the use of any motor vehicle equipment having an obstructed view to the rear unless:

(i) ~~((The))~~ Vehicles ~~((has a))~~ other than passenger cars and pickups shall have an automatic reverse signal alarm audible above the surrounding noise level no less than fifteen feet from the rear of the vehicle or:

(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

(e) All vehicles with cabs shall be equipped with windshields, powered wipers, and rear view mirrors. Cracked and broken glass shall be replaced. Vehicles operating in areas or under conditions that cause fogging or frosting of the windshields shall be equipped with operable defogging or defrosting devices.

(f) All haulage vehicles, whose pay load is loaded by means of cranes, power shovels, loaders, or similar equipment, shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

(g) Tools and material shall be secured to prevent movement when transported in the same compartment with employees.

(h) Vehicles used to transport employees shall have seats firmly secured and adequate for the number of employees to be carried.

(i) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.

(j) Trucks with dump bodies or raiseable platforms, beds, or boxes shall be equipped with positive means of support, permanently attached, and capable of being locked in position to prevent accidental lowering of the body while maintenance or inspection work is being done.

(k) Operating levers, controlling hoisting or dumping devices on haulage bodies, shall be equipped with a latch or other device which will prevent accidental starting or tripping of the mechanism.

(l) Trip handles for tailgates of dump trucks shall be so arranged that, in dumping, the operator will be in the clear.

(m) All rubber-tired motor vehicle equipment manufactured on or after May 1, 1972, shall be equipped with fenders. All rubber-tired motor vehicle equipment manufactured before May 1, 1972, shall be equipped with fenders not later than October 1, 1974. Mud flaps may be used in lieu of fenders whenever motor vehicle equipment is not designed for fenders.

(n) All vehicles in use shall be checked at the beginning of each shift to assure that the following parts, equipment, and accessories are in safe operating condition and free of apparent damage that could cause failure while in use: Service brakes, including trailer brake connections; parking system (hand brake); emergency stopping system (brakes); tires; horn; steering mechanism; coupling devices; seat belts; operating controls; and safety devices. All defects shall be corrected before the vehicle is placed in service. These requirements also apply to equipment such as lights, reflectors, windshield wipers, defrosters, fire extinguishers, steps and handholds for vehicle access, etc., where such equipment is necessary.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-615 MATERIAL HANDLING EQUIPMENT. (1) Earthmoving equipment; general. (a) These rules apply to the following types of earth-moving equipment: Scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed.

(b) Seat belts. (i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386-1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors shall meet the seat belt requirements of Society of Automotive Engineers J333a-1970, Operator Protection for Agricultural and Light Industrial Tractors.

(ii) Seat belts need not be provided for equipment which is designed only for standup operation.

(iii) Seat belts shall not be provided for equipment which does not have rollover protective structure (ROPS) or adequate canopy protection.

(c) Access roadways and grades. (i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(d) Brakes. All earthmoving equipment mentioned in WAC 296-155-615 (1)(a) shall have a service braking system capable of stopping

and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE-J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-propelled scrapers	SAE J319b-1971
Self-propelled graders	SAE J236-1971
Trucks and wagons	SAE J166-1971
Front end loaders and dozers	SAE J237-1971

(e) Fenders. Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and trailing units) whose maximum speed exceeds 15 miles per hour, shall be equipped with fenders on all wheels to meet the requirements of Society of Automotive Engineers SAE J321a-1970, Fenders for Pneumatic-Tired Earthmoving Haulage Equipment. An employer may, of course, at any time seek to show under WAC 296-155-010, that the uncovered wheels present no hazard to personnel from flying materials.

(f) Rollover protective structures (ROPS). See part V of this chapter for requirements for rollover protective structures and overhead protection.

(g) Rollover protective structures for off-highway trucks. The promulgation of standards for rollover protective structures for off-highway trucks is reserved pending further study and development.

(h) Specific effective dates—Brakes and fenders. (i) Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured after January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed therein concerning brakes. Equipment mentioned in WAC 296-155-615 (d) and (e) and manufactured before January 1, 1972, which is used by any employer after that date, shall meet the applicable rules prescribed herein not later than October 1, 1974. It should be noted that employers may request variations from the applicable brakes standards required by this part. Employers wishing to seek variations from the applicable brakes rules may submit any requests for variations in accordance with WAC 296-155-010. Any statements should specify how the variation would protect the safety of the employees by providing for any compensating restrictions on the operation of equipment.

(i) Audible alarms. (i) All bidirectional machines, such as rollers, compactors, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earthmoving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(iii) In circumstances where the surrounding noise level is of such amplitude that reverse signal alarms are not effective, amber strobe lights shall be used.

(iv) Operators of equipment which does not have an obstructed view to the rear shall look to the rear while operating the equipment in reverse.

(j) Scissor points. Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

(k) Tractor motors shall be cranked only by operators or other experienced persons.

(l) Waterproof and comfortable seat cushions shall be provided on tractors at all times when working.

(m) Riders, except mechanics and persons ((learning)) in training to operate ((tractors)) equipment, shall not be allowed on ((tractors during working hours)) equipment unless a seat with a seatbelt is provided and used.

(n) Winch lines shall be maintained in good condition and provided with spliced eye, knob or hook in working end, except under conditions where unspliced end is required.

(o) No repairs on blade or dozer equipment shall be initiated unless motor has been stopped and dozer blade is resting on the ground or securely blocked. The same shall apply to carry-all gates.

(p) Bulldozer blades and carryall gates shall rest on the ground or on blocking when machines are not in operation.

(q) Operator shall not leave controls of tractor with master clutch engaged.

(r) Personnel shall not get on or off machine while machine is in motion.

(s) Where excessive dust conditions are created, such areas shall be sprinkled with water to maintain dust at a minimum.

(t) Respirators shall be worn by operators when subject to harmful dust exposure.

(2) Excavating and other equipment. (a) Tractors covered in subsection (1) of this section shall have seat belts as required for the operators when seated in the normal seating arrangement for tractor operation, even though backhoes, breakers, or other similar attachments are used on these machines for excavating or other work.

(b) For the purposes of this part and of part L of this chapter, the nomenclatures and descriptions for measurement of dimensions of machinery and attachments shall be as described in Society of Automotive Engineers 1970 Handbook, pages 1088 through 1103.

(c) The safety requirements, ratios, or limitations applicable to machines or attachment usage covered in Power Crane and Shovel Association's Standards No. 1 and No. 2 of 1968, and No. 3 of 1969, shall be complied with, and shall apply to cranes, machines, and attachments under this part.

(3) Lifting and hauling equipment (other than equipment covered under part L of this chapter). (a) Industrial trucks shall meet the requirements of WAC 296-155-605 and the following:

(i) Lift trucks, stackers, etc., shall have the rated capacity clearly posted on the vehicle so as to be clearly visible to the operator. When auxiliary removable counter-weights are provided by the manufacturer, corresponding alternate rated capacities also shall be clearly shown on the vehicle. These ratings shall not be exceeded.

(ii) No modifications or additions which affect the capacity or safe operation of the equipment shall be made without the manufacturer's or professional engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(iii) If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

(iv) Steering or spinner knobs shall not be attached to the steering wheel unless the steering mechanism is of a type that prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(v) All high lift rider industrial trucks shall be equipped with overhead guards which meet the configuration and structural requirements as defined in paragraph ((42+)) 502 of American National Standards Institute B56.1-((+1969))1975, Safety Standards for Powered Industrial Trucks.

(vi) All industrial trucks in use shall meet the applicable requirements of design, construction, stability, inspection, testing, maintenance, and operation, as defined in American National Standards Institute B56.1-1969, Safety Standards for Powered Industrial Trucks.

#### NEW SECTION

WAC 296-155-617 SERVICING MULTIPIECE AND SINGLE-PIECE RIM WHEELS.

#### NEW SECTION

WAC 296-155-61701 SCOPE. (1) This section applies to the servicing of multipiece and single-piece rim wheels used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. It does not apply to the servicing of rim wheels used on automobiles, or on pickup trucks and vans utilizing automobile tires or truck tires designated "LT."

(2) All provisions of this section apply to the servicing of both single-piece rim wheels and multipiece rim wheels unless designated otherwise.

NEW SECTION

WAC 296-155-61703 DEFINITIONS. (1) "Barrier" means a fence, wall or other structure or object placed between a single-piece rim wheel and an employee during tire inflation, to contain the rim wheel components in the event of the sudden release of the contained air of the single-piece rim wheel.

(2) "Charts" means the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publications entitled Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires and Multipiece Rim Wheel Matching Chart, or any other publications such as rim manuals containing, at a minimum, the same instructions, safety precautions and other information contained on those charts that are applicable to the types of rim wheels being serviced.

(3) "Installing a rim wheel" means the transfer and attachment of an assembled rim wheel onto a vehicle axle hub. "Removing" means the opposite of installing.

(4) "Mounting a tire" means the assembly or putting together of the wheel and tire components to form a rim wheel, including inflation. "Demounting" means the opposite of mounting.

(5) "Multipiece rim wheel" means the assemblage of a multipiece wheel with the tire tube and other components.

(6) "Multipiece wheel" means a vehicle wheel consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the wheel by interlocking components when the tire is inflated.

(7) "Restraining device" means an apparatus such as a cage, rack, assemblage of bars and other components that will constrain all rim wheel components during an explosive separation of a multipiece rim wheel, or during the sudden release of the contained air of a single-piece rim wheel.

(8) "Rim manual" means a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions peculiar to the type of wheel being serviced.

(9) "Rim wheel" means an assemblage of tire, tube and liner (where appropriate), and wheel components.

(10) "Service" or "servicing" means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

(11) "Service area" means that part of an employer's premises used for the servicing of rim wheels, or any other place where an employee services rim wheels.

(12) "Single-piece rim wheel" means the assemblage of single-piece rim wheel with the tire and other components.

(13) "Single-piece wheel" means a vehicle wheel consisting of one part, designed to hold the tire on the wheel when the tire is inflated.

(14) "Trajectory" means any potential path or route that a rim wheel component may travel during an explosive separation, or the sudden release of the pressurized air, or an area at which an airblast from a single-piece rim wheel may be released. The trajectory may deviate from paths which are perpendicular to the assembled position of the rim wheel at the time of separation or explosion. (See Appendix A for examples of trajectories.)

(15) "Wheel" means that portion of a rim wheel which provides the method of attachment of the assembly to the axle of a vehicle and also provides the means to contain the inflated portion of the assembly (i.e., the tire and/or tube).

NEW SECTION

WAC 296-155-61705 EMPLOYEE TRAINING. (1) The employer shall provide a program to train all employees who service rim wheels in the hazards involved in servicing those multipiece rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any rim wheel unless the employee has been trained and instructed in correct procedures of servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any of his employees is unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) The employer shall assure that each employee demonstrates and maintains the ability to service rim wheels safely, including performance of the following tasks:

(a) Demounting of tires (including deflation);  
 (b) Inspection and identification of the rim wheel components;  
 (c) Mounting of tires (including inflation with a restraining device or other safeguard required by this section);

(d) Use of the restraining device or barrier, and other equipment required by this section;

(e) Handling of rim wheels;

(f) Inflation of the tire when a single-piece rim wheel is mounted on a vehicle;

(g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and

(h) Installation and removal of wheels.

(3) The employer shall evaluate each employee's ability to perform these tasks and to service rim wheels safely and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

NEW SECTION

WAC 296-155-61707 TIRE SERVICING EQUIPMENT. (1) The employer shall furnish a restraining device for inflating tires on multipiece wheels.

(2) The employer shall provide a restraining device or barrier for inflating tires on single-piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

(3) Restraining devices and barriers shall comply with the following requirements:

(a) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during a rim wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the type of rim wheel being serviced;

(b) Restraining devices and barriers shall be capable of preventing rim components from being thrown outside or beyond the device or barrier for any rim wheel position within or behind the device;

(c) Restraining devices and barriers shall be visually inspected prior to each day's use and after any separation of the rim wheel components or sudden release of contained air. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

(i) Cracks at welds;  
 (ii) Cracked or broken components;  
 (iii) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;  
 (iv) Pitting of components due to excessive corrosion; or  
 (v) Other structural damage which would decrease its effectiveness.

(d) Restraining devices removed from service shall not be returned to service until they are repaired and reinspected. Restraining devices or barriers requiring structural repair such as component replacement or rewelding shall not be returned to service until they are certified either by the manufacturer or by a registered professional engineer as meeting the strength requirements of subsection (3)(a) of this section.

(4) The employer shall furnish and assure that an air line assembly consisting of the following components be used for inflating tires:

(a) A clip-on chuck;  
 (b) An in-line valve with a pressure gauge or a presettable regulator; and

(c) A sufficient length of hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.

(5) Current charts (rim manuals) containing instructions for the types of wheels being serviced shall be available in the service area.

(6) A current rim manual containing instructions for the type of rims being serviced shall be available in the service area.

(7) The employer shall furnish and assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service rim wheels.

NEW SECTION

WAC 296-155-61709 WHEEL COMPONENT ACCEPTABILITY. (1) Multipiece wheel components shall not be interchanged except as provided in the charts, or in the applicable rim manual.

(2) Multipiece wheel components and single-piece wheels shall be inspected prior to assembly. Any wheel or wheel component which is bent out of shape, pitted from corrosion, broken or cracked shall not be used and shall be marked or tagged unserviceable and removed from the service area. Damaged or leaky valves shall be replaced.

(3) Rim flanges, rim gutters, rings, bead seating surfaces and the bead areas of tires shall be free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation.

(4) The size (bead diameter and tire/wheel widths) and type of both the tire and the wheel shall be checked for compatibility prior to assembly of the rim wheel.

**NEW SECTION**

**WAC 296-155-61711 SAFE OPERATING PROCEDURE—MULTIPIECE RIM WHEELS.** The employer shall establish a safe operating procedure for servicing multipiece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated before demounting by removal of the valve core.

(2) Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

(a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure; or

(b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Whenever a rim wheel is in a restraining device the employee shall not rest or lean any part of his body or equipment on or against the restraining device.

(7) After tire inflation, the tire and wheel components shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

(8) No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Cracked, broken, bent, or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Whenever multipiece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

(11) No heat shall be applied to a multi-piece wheel or wheel component.

**NEW SECTION**

**WAC 296-155-61713 SAFE OPERATING PROCEDURE—SINGLE-PIECE RIM WHEELS.** The employer shall establish a safe operating procedure for servicing single-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated by removal of the valve core before demounting.

(2) Mounting and demounting of the tire shall be done only from the narrow ledge side of the wheel. Care shall be taken to avoid damaging the tire beads while mounting tires on wheels. Tires shall be mounted only on compatible wheels of matching bead diameter and width.

(3) Nonflammable rubber lubricant shall be applied to bead and wheel mating surfaces before assembly of the rim wheel, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.

(4) If a tire changing machine is used, the tire shall be inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.

(5) If a bead expander is used, it shall be removed before the valve core is installed and as soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

(6) Tires may be inflated only when contained within a restraining device, positioned behind a barrier or bolted on the vehicle with the lug nuts fully tightened.

(7) Tires shall not be inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

(8) Employees shall stay out of the trajectory when inflating a tire.

(9) Tires shall not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.

(10) Tires shall not be inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

(11) No heat shall be applied to a single-piece wheel.

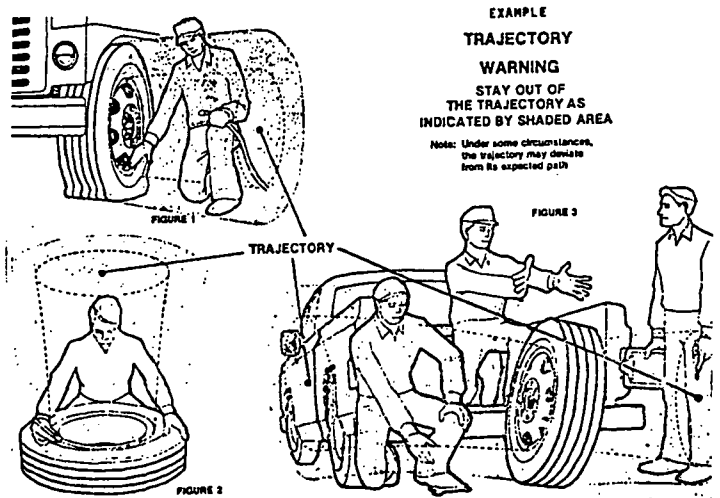
(12) Cracked, broken, bent, or otherwise damaged wheels shall not be reworked, welded, brazed, or otherwise heated.

**APPENDIX A  
TRAJECTORY**

**WARNING**

**STAY OUT OF  
THE TRAJECTORY AS  
INDICATED BY SHADED AREA**

**NOTE:** Under some circumstances, the trajectory may deviate from its expected path.



**Appendix B—Ordering Information for NHTSA charts**

The NHTSA charts as part of a continuing campaign to alert rim wheel serving personnel of the industry accepted procedures for servicing multipiece rim wheels.

Prints of the charts are available through the Division of Industrial Safety and Health Administration (WISHA) area offices. The address and telephone number of the nearest WISHA area office can be obtained by contacting the State of Washington, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington, 98504, (206) 754-1258, or in your telephone directory for a local number.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-625 SITE CLEARING. (1) General. (a) The word "clearing" (~~shaft~~) means the removal of trees, stumps, logs, brush, debris and rubbish from the surface of the ground in preparation of a site for construction work of any kind. The removal of trees and logs shall be in accordance with the requirements of chapter 296-54 WAC.

(b) All equipment and tools such as axes, sledges, wedges, saws, springboards, etc., shall be maintained in a safe condition and guarded with standard safeguards.

(c) Fallers shall give warning to brushing crews, buckers and other persons in the vicinity where a tree is being felled; taking notice that such persons are not only out of the reach of tree, but also out of danger of possible sidewinders, snags or other trees which may be knocked over by the tree being felled.

(d) No tree shall be felled toward and within range of traveled road or railroad in use, unless a flagman is placed on such road or railroad to warn all approaching persons or to stop vehicles.

(e) Clearing crews shall not be placed immediately below other crews working on hillsides where there is a possible danger of skidding or rolling trees, moving earth or rock.

(f) Pioneer roads on clearing operations shall be constructed to safely accommodate all equipment moved over road.

(g) Hazardous standing and down timber, rocks, etc., shall be moved from upper sides of cuts on side hill operations.

(h) Care shall be exercised in the use of oil for burning brush or timber.

(i) Employees engaged in site clearing shall be protected from hazards of irritant and toxic plants and suitably instructed in the first aid treatment available.

(j) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this chapter. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than 1/8-inch steel plate or 1/4-inch woven wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than 1/4-inch woven wire mesh with openings no greater than 1 inch.

(k) In addition to observance of the General Safety and Health Standards; (i) The employer shall assume the responsibility of work assignment so that no worker shall be required to work in a position or location so isolated that he is not within ordinary calling distance of another person who can render assistance in case of emergency. In any operation where cutting, felling trees, loading, or a combination of these duties is carried on, there shall be a minimum crew of two persons who shall work as a team and shall be in visual or voice contact with one another. If one worker at these operations is required to be left alone for a period of time, he shall be contacted by another person at reasonable intervals not to exceed fifteen minutes unless such practice can be established to be impractical.

(ii) This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular worker assignments. However, a definite procedure for checking the welfare of all workers during working hours shall be instituted and all workers so advised.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-155-650 DEFINITIONS APPLICABLE TO THIS PART. (1) "Accepted engineering requirements (or practices)" means those requirements or practices which are compatible with standards required by a registered architect, a registered professional engineer, or other duly licensed or recognized authority.

(2) "Angle of repose" means the greatest angle above the horizontal plane at which a material will lie without sliding or rolling.

(3) "Bank" means a mass of soil rising above a digging level.

(4) "Belled excavation" means a part of a shaft or footing excavation, usually near the bottom and bell-shaped; i.e., an enlargement of the cross section above.

(5) "Borrow pit" means a cavity or opening formed in the earth by breaking, loosening, cutting, digging or pushing aside material and removal of any unprocessed earthen material.

(6) "Braces (trench)" means the horizontal members of the shoring system whose ends bear against the uprights or stringers.

~~((66))~~ (7) "Cofferdam" means a watertight chamber used to exclude water or other fluid or semi-fluid material during excavation for foundations and the construction of subsurface structures.

~~((77))~~ (8) "Compact shale" means a type of hardened clay that has not yet split into thin layers.

~~((88))~~ (9) "Competent person" means one who is capable of identifying hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous.

~~((99))~~ (10) "Equipment" means ladders, scaffolds, ramps, runways, railings, barricades, sheet piling, shoring, bracing and any such safeguards, protective construction and devices used in affording protection to the workers engaged in excavating work.

~~((100))~~ (11) "Embankment" means an artificial or man-made bank of earthen material.

(12) "Excavation" means any manmade cavity or depression in the earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

~~((111))~~ (13) "Faces" see ~~((119))~~ subsection (21) of this section.

~~((122))~~ (14) "Hard compact soil" means all earth materials not classified as running or unstable.

~~((133))~~ (15) "Kickouts" means accidental release or failure of a shore or brace.

~~((144))~~ (16) "Moving ground" means any ground, which for any reason, will not remain in its original location.

~~((155))~~ (17) "Ramp" means an inclined runway.

~~((166))~~ (18) "Runway" means any planked-over walkway or drive constructed and maintained as a passageway for workers or rolling equipment.

~~((177))~~ (19) "Sheet pile" means a pile, or sheeting, that may form one of a continuous interlocking line, or a row of timber, concrete, or steel piles, driven in close contact to provide a tight wall to resist the lateral pressure of water, adjacent earth, or other materials.

~~((188))~~ (20) "Shoring system" means any assembly of equipment or material used to prevent the ground or earth from moving.

~~((199))~~ (21) "Sides," "walls," or "faces" means the vertical or inclined earth surfaces formed as a result of excavation work.

~~((200))~~ (22) "Slope" means the angle with the horizontal at which a particular earth material will stand indefinitely without movement.

~~((211))~~ (23) "Stringers" (wales) means the horizontal members of a shoring system whose sides bear against the uprights or earth.

~~((222))~~ (24) "Structural construction" means any activity or process required in the actual construction of any type of structure, pipeline or conduit exclusive of the excavation.

~~((233))~~ (25) "Trench" means a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

~~((244))~~ (26) "Trench jack" means screw or hydraulic type jacks used as cross bracing in a trench shoring system.

~~((255))~~ (27) "Trench shield" or "trench box" means a shoring system composed of steel plates and bracing, welded or bolted together, which support the walls of a trench from the ground level to the trench bottom and which can be moved along as work progresses.

~~((266))~~ (28) "Unstable soil" means earth material, other than running that because of its nature or the influence of related conditions, cannot be depended upon to remain in place without extra support, such as would be furnished by a system of shoring.

~~((277))~~ (29) "Uprights" means the vertical members of a shoring system.

~~((288))~~ (30) "Wales" see subsection ~~((211))~~ (23) of this section.

~~((299))~~ (31) "Walls" see subsection ~~((119))~~ (21) of this section.

AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-155-655 GENERAL PROTECTION REQUIREMENTS. (1) This part on "excavation work" and "trenching" is intended to provide ~~((for the))~~ protection of all employees during all excavation ~~((work))~~ or trenching in connection with all construction work ~~((relating thereto))~~, such as trenches, excavations, underpinning, shoring and bracing, and in connection with the construction of footings, foundations, retaining walls and other construction work below ground level.

(2) ~~((Any safety device or equipment needed in connection with excavation work or trenching shall be inspected, erected, and maintained in a safe condition, for the duration of the operation, by the owner, contractor, or person in direct charge and authority.~~

(3) Federal or state codes, rules, regulations and ordinances governing any and all phases of excavation work and trenching shall be observed at all times.

(4) Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred and twenty-five pounds per square foot.

(5) If planks are used for raised walkways, runways, or sidewalks, they shall be laid parallel to the length of the walk and fastened together against displacement.

(6) Planks shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.

(7) Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.

(8) All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Part C of this chapter.

(9) Employees exposed to vehicular traffic shall wear hard hats and warning vests marked with or made of reflectorized or high visibility material.

(10) Employees subjected to hazardous dusts, gases, vapors, fumes, mists, or atmospheres deficient in oxygen, shall be protected with approved respiratory protection as set forth in Part B of this chapter.

(11) No person shall be permitted under loads handled by power shovels, derricks, hoists, or front end loaders. To avoid any injury from spillage, employees, including the driver, unless he is protected adequately by the cab, shall be required to stand away from any vehicle being loaded.

(12) Inspections of excavations and trenches shall be made prior to each work shift by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation or trench shall cease until the necessary precautions have been taken to safeguard the employees.) (a) Prior to opening an excavation or trench, efforts shall be made to determine whether underground installations of utilities will be encountered. If so, the appropriate utility company shall be notified and requested to identify the exact location of the underground installation. Proper supports and precautions shall be provided for existing installations.

When electric lines are of the direct burial type, a qualified person shall make positive identification of the cable. Mechanical excavating equipment shall maintain a two foot clearance from the direct burial cable.

(b) No equipment, motor vehicle, tool, or individual shall operate proximate to any power line or electrical distribution equipment except in conformity with the requirements of WAC 296-155-525 (2)(e).

(3) Trees, boulders, utility poles, and other surface encumbrances, located so as to create a hazard to employees involved in excavation or trenching work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating or trenching is begun or continued.

(4) The walls and faces of all excavations or trenches in which employees are exposed to danger from moving ground, falling rocks, sloughing, or sliding earth shall be guarded by a shoring system, sloping of the ground, or some other equivalent means. Sloping of the ground or the shoring system shall extend to the bottom of the trench or excavation.

(5) Except in solid rock and compact shale, the sides of all trenches and excavations, including embankments, four feet or more in depth shall be shored, sheeted, braced, sloped, or otherwise supported by means of sufficient strength to protect employees. (See Tables N-1, N-2, N-3, N-4 and N-5.) Trenches less than four feet in depth shall also be effectively protected when there are indications that hazardous ground movement is possible.

(6) Excavations and trenches shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence. The protection against slides and cave-ins shall be increased if necessary.

(7) No person shall be allowed to work in a trench over four feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator when the person in the trench is not in constant view of the equipment operator.

(8) The surface of the slope of any trench or excavation shall be cleaned of boulders, stumps, or other hard masses of earth in the form of chunks, that could roll or slide into the trench or excavation endangering persons below.

(9) The determination of the angle of slope or design of the supporting system, or both, shall be based on careful evaluation of pertinent factors such as: Depth of cut; possible variation in water content of the material while the trench or excavation is open; anticipated changes in materials from exposure to air, sun, water, or freezing; loading imposed by structures, equipment, overlaying material, or stored material; and vibration from equipment, blasting, traffic or other sources.

(10) Supporting systems, i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements. When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of slope. When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means. Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports. Excavation and lagging done in conjunction with soldier piles shall be completed in not more than eight foot lifts.

(11) All slopes shall be excavated to at least the angle illustrated in Tables N-1, N-3, and N-4 for the type of soil encountered, except for solid rock or compact shale which require no sloping under normal conditions. The angle of slope shall be flattened to the next required category when an excavation or trench is exposed to excessive water conditions, silty materials, loose boulders, or areas where erosion, deep frost action, or slide planes appear.

(12) In excavations or trenches which employees are required to enter, excavated or other material shall be stored and retained at least two feet or more away from the edge of the excavation or trench. Barriers or other effective retaining devices may be used to prevent excavated or other material from falling or rolling into the excavation or trench.

(13) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free of large or loose knots, and of proper dimensions in accordance with Table N-5.

(14) Temporary sheet piling which has been installed to permit the construction of a retaining wall shall not be removed until such retaining wall has acquired its full strength.

(15) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation or trench and to provide adequate drainage of the area adjacent to the excavation or trench. If necessary, pumps shall be used to minimize water from accumulating in the excavation or trench.

(16) If it is necessary to place or operate power shovels, backhoes, derricks, cranes, trucks, materials, or other heavy objects on a level above and closer laterally than the depth of the trench or excavation, the sides of the excavation or trench shall be sheet-piled, shored, or braced as necessary to resist the additional pressure due to such superimposed loads.

(17) When mobile equipment is utilized or allowed adjacent to excavations or trenches, substantial stop logs or barricades shall be installed, except that such equipment shall not be required for the equipment doing the actual excavating or backfilling operation.

(18) Adequate physical barrier protection shall be provided at all remotely located excavations or trenches. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be completely backfilled.

(19) Dust conditions shall be minimized by the use of water, salt, calcium, oil, or other effective means.

(20) In locations where an oxygen deficient atmosphere or gaseous conditions are possible, air in the excavation or trench shall be tested before entering. Controls as set forth in Part B and C of this chapter, shall be established to assure acceptable atmospheric conditions. When flammable gases are present, adequate ventilation shall be provided and sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety harness with lifeline, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation or trench. During such conditions a competent top person shall be in constant attendance. It shall be the employer's responsibility to ensure that such top person has been thoroughly trained in emergency rescue procedures and that voice or visual contact shall be maintained with the person in the excavation or trench at all times until the hazardous condition no longer exists.



(21) Where employees or equipment cross over excavations or trenches, walkways or bridges with standard guardrails shall be provided. Such walkways or bridges shall be designed and constructed by qualified persons in accordance with accepted engineering requirements and practices.

(22) All ladders used in excavations and trenches shall be in accordance with the requirements of Part J of this chapter.

(23) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations or trenches.

(24) Excavations or trenches made in ledge rock or compact shale shall not require bracing or shoring but shall be inspected by a competent representative of the employer before each shift of work, at which time all loose, shattered, or disintegrated rock shall be removed from sides and face of excavation or trench.

(25) Workers shall be instructed to immediately report any signs or indications of weakness of shoring or bracing in excavations or trenches.

(26) Any safety device or equipment needed in connection with excavation work or trenching shall be inspected, erected, and maintained in a safe condition for the duration of the operation.

(27) Federal or state safety codes, rules, regulations and ordinances governing any and all phases of excavation work and trenching shall be observed at all times.

(28) Walkways, runways, and sidewalks shall be kept clear of excavated material or other obstructions and no sidewalks shall be undermined unless shored to carry a minimum live load of one hundred twenty-five pounds per square foot.

(29) If planks are used for raised walkways, runways, or sidewalks, they shall be laid parallel to the length of the walk and fastened together against displacement. The planks shall be uniform in thickness and all exposed ends shall be provided with beveled cleats to prevent tripping.

(30) Raised walkways, runways, and sidewalks shall be provided with plank steps on strong stringers. Ramps, used in lieu of steps, shall be provided with cleats to insure a safe walking surface.

(31) All employees shall be protected with personal protective equipment for the protection of head, eyes, respiratory organs, hands, feet, and other parts of the body as set forth in Part C of this chapter.

(32) Employees exposed to moving vehicles shall wear hard hats and warning vests of high visibility material, reflectorized at night. The requirements of WAC 296-155-300 through 296-155-315 apply.

(33) No person shall be permitted under loads handled by power shovels, backhoes, draglines, derricks, hoists, or front end loaders. To avoid injury from spillage, employees, including the driver unless protected adequately by the cab, shall be required to stand away from any vehicle being loaded.

(34) Inspections of excavations and trenches shall be made prior to each work shift by a competent person. If evidence of possible cave-ins or slides is apparent, all work in the excavation or trench shall cease until precautions have been taken to safeguard the employees.

(35) When employees are required to be in excavations or trenches four feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than twenty-five feet of lateral travel. An earth ramp is acceptable providing:

(a) The stability of the earth is adequate for good footing.

(b) The total travel distance does not exceed twenty-five feet.

(c) The trench depth does not exceed fifteen feet.

(d) Adequate shoring or equivalent protection is provided for the entire escape route.

(36) When existing loop water mains are running laterally within two feet of the excavation or trench wall the valve the greatest distance from the work site shall be closed. The exact location of the open valve and the valve key shall be given to the workers before they enter the excavation or trench.

#### NEW SECTION

WAC 296-155-65505 SEWAGE PIPING SYSTEM. (1) On sewage piping systems newly constructed (not yet in service) or those under construction, the following requirements meet the intent of chapter 296-62 WAC concerning confined space and ventilation.

(a) Internal combustion engines other than mobile diesel shall not be used. When mobile diesel powered equipment is used, the requirements of WAC 296-155-730(3) shall be complied with.

(b) A positive induced air flow that provides 200 C.F.M. at the work location.

(c) Prior to entry, a minimum of five air changes where oxygen deficiency may exist.

(d) Ten air changes where toxic or flammable material may be present.

(2) In confined spaces or limited egress situations there shall always be an observer or tie off person.

(3) For any person traveling through on a sled or working in small diameter pipe, the requirements listed below apply.

(a) Ventilation of the pipe run prior to entry.

(b) Radio communication link or use of lights for signaling.

(c) Positive means of retrieval.

NOTE: To make the air changes in subsection (1) of this section more practical to implement, it should be noted that inflatable blanks can be inserted on either side of the entered manhole just beyond the next manhole. In effect, where the activity is performed will be ventilated, but not necessarily the entire pipe length. When movement through the pipe is required, the required changes can be calculated based on the total run.

#### AMENDATORY SECTION (Amending Order 81-9, filed 6/17/81)

WAC 296-155-660 SPECIFIC EXCAVATION REQUIREMENTS. (1) ((Prior to opening an excavation, effort shall be made to determine whether underground installations, i.e., sewer, telephone, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined, and when it is uncovered, proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation.

(2) Trees, boulders, and other surface encumbrances, located so as to create a hazard to employees involved in excavation work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating is begun or continued.

(3) The walls and faces of all excavations in which employees are exposed to danger from moving ground, falling rocks, sluffing or sliding earth shall be guarded by a shoring system, sloping of the ground, or some other equivalent means. Sloping of the ground or the shoring system shall extend to the bottom of the excavation.

(4) Excavations shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence, and the protection against slides and cave-ins shall be increased if necessary.

(5) The determination of the angle of repose and design of the supporting system shall be based on careful evaluation of pertinent factors such as: Depth of cut; possible variation in water content of the material while the excavation is open; anticipated changes in materials from exposure to air, sun, water, or freezing; loading imposed by structures, equipment, overlying material, or stored material; and vibration from equipment, blasting, traffic or other sources.

(6) Supporting systems, i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements. When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of repose. When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means. Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports. Excavation and lagging done in conjunction with soldier piles shall be completed in not more than eight foot lifts.

(7) All slopes shall be excavated to at least the angle of repose except for areas where solid rock allows for line drilling or presplitting. (Refer to Tables N-1 and N-5.)

(8) The angle of repose shall be flattened when an excavation has water conditions, silty materials, loose boulders, and areas where erosion, deep frost action, and slide planes appear.

(9)(a) In excavations which employees may be required to enter, excavated or other material shall be effectively stored and retained at least 2-feet or more from the edge of the excavation.

(b) As an alternative to the clearance prescribed in (a) of this subsection, the employer may use effective barriers or other effective retaining devices in lieu thereof in order to prevent excavated or other materials from falling into the excavation.

(10) Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention

shall be given to slopes which may be adversely affected by weather or moisture content.

(11) Support systems shall be planned and designed by a qualified person when excavation is in excess of 20 feet in depth, adjacent to structures or improvements, or subject to vibration or ground water.

(12) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free from large or loose knots, and of proper dimensions.

(13) Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention also shall be paid to joints and seams of material comprising a face and the slope of such seams and joints.

(14) The sides of every excavation four feet or more in depth, shall be supported by substantial sheet piling and bracing, or other effective means, or the sides of the excavation sloped to the angle of repose of the material being excavated. (In accordance with Tables N-1, N-2, N-3, N-4 and N-5.)

(15) Temporary sheet piling which has been installed to permit the construction of a retaining wall shall not be removed until such wall has acquired its full strength.

(16) Where workers are employed adjacent to an excavation on work other than that directly connected with the excavation, protection such as standard guardrails or other equivalent protection to prevent their falling into the excavation shall be provided for such workers as well as for the workers in the excavation.

(17) Except in hard rock, excavations below the level of the base of footing of any foundation or retaining wall shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in excavation work or in the vicinity thereof.

(18) If the stability of adjoining buildings or walls is endangered by excavations or trenches, shoring, bracing, or underpinning shall be provided as necessary to insure their safety. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant, by a competent person and the protection effectively maintained.

(19) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation or trench and to provide adequate drainage of the area adjacent to the excavation or trench. If necessary, pumps shall be used to minimize water from accumulating in the excavation or trench.

(20) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation or trench, the side of the excavation or trench shall be sheet-piled, shored, or braced as necessary to resist the extra pressure due to such superimposed loads.

(21) Blasting and the use of explosives shall be performed in accordance with chapter 296-52 WAC.

(22) When mobile equipment is utilized or allowed adjacent to excavations or trenches, substantial stop logs or barricades shall be installed, except excavating and backfill equipment used during actual excavating or backfill operations.

(23) Adequate barrier physical protection shall be provided at all remotely located excavations or trenches. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

(24) Dust conditions shall be kept to a minimum by the use of water, salt, calcium chloride, oil, or other means.

(25)(a) In locations where oxygen deficiency or gaseous conditions are possible, air in the excavation or trench shall be tested. Controls, as set forth in Parts B and C of this chapter, shall be established to assure acceptable atmospheric conditions. When flammable gases are present, adequate ventilation shall be provided and sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety harness and line, basket stretcher, etc., shall be readily available where adverse atmospheric conditions may exist or develop in an excavation or trench. During these conditions a competent top person shall be in constant attendance.

(b) During the conditions stated in item (a) above, the top person shall maintain voice or visual contact with the person in the excavation or trench. It shall be the employer's responsibility to ensure that a top person remains in constant attention until such time as the aforementioned condition no longer exists.

(26) Where employees or equipment are required or permitted to cross over excavations or trenches, walkways or bridges with standard guardrails shall be provided.

(27) Where ramps are used for employees or equipment, they shall be designed and constructed by qualified persons in accordance with accepted engineering requirements.

(28) All ladders used on excavation or trenching operations shall be in accordance with the requirements of this chapter.

(29) Ramps or runways used for vehicles shall have a width of not less than four feet wider than the vehicle used and provided with timber guards not less than eight inches by eight inches, placed parallel to and secured to the sides of the runway as a protection to trucks or other equivalent protection shall be provided.

(30) All ramps and runways shall receive frequent inspection, and shall be maintained in a safe and serviceable condition.

(31) Workers shall be instructed to stay off ramps and runways when trucks are passing over them.

(32) When ramps and runways as referenced in subsection (29) of this section, are formed on hard ground without the use of planking, all ruts and holes shall be filled in, humps leveled off and the runway made as smooth as possible.

(33) Blocks used for pulling trucks up ramps shall be well anchored.) Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention shall be given to slopes which may be adversely affected by weather or moisture content.

(2) Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention shall also be given to joints and seams of material comprising a face, and the slope of such seams and joints.

(3) Where workers are employed adjacent to an excavation on work other than that directly involving the excavation, protection such as standard guardrails or other equivalent protection to prevent their falling into the excavation shall be provided for such workers.

(4) Except in solid rock, excavations below the level of the base of footing of any foundation or retaining wall, shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in the excavation work or in the vicinity.

(5) If the stability of adjoining buildings or walls is endangered by excavations, shoring, bracing, or underpinning shall be provided. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant, by a competent person and the protection effectively maintained.

(6) Ramps or runways used for vehicles shall be of a width of not less than four feet wider than the vehicle used and shall be provided with timber guards not less than eight inches by eight inches, placed parallel to and secured to the sides of the runway or ramp as a protection to trucks, or other equivalent protection shall be provided, such as berms on earthen ramps.

(7) All ramps and runways shall receive frequent inspection, and shall be maintained in a safe and serviceable condition.

(8) Workers shall stay off ramps and runways when trucks are passing over them.

(9) When ramps and runways are formed on hard ground without the use of planking, all ruts and holes shall be filled in, humps leveled off and the runway or ramp made smooth.

(10) Blasting and the use of explosives shall be performed in accordance with chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives.

#### NEW SECTION

WAC 296-155-66005 BORROW PITS. (1) When excavating equipment is used to remove earthen material from borrow pits, the pit walls shall be maintained in a condition to reduce the possibility of the walls sliding or caving in where employees could be exposed to the danger of moving ground. The pit walls shall be maintained at a height no greater than the maximum reach of the excavating machine.

(2) Employees on foot shall not be permitted to be in close proximity to the pit walls.

(3) Pit walls shall not be undermined.

(4) The safe control of borrow pit walls, including the overall slope of the walls, shall be consistent with recognized engineering standards, the nature of the ground and the kind of material being excavated. Excavation methods shall be selected which will ensure wall and bank

stability including benching as necessary to obtain a safe overall slope in accordance with Table N-1.

**AMENDATORY SECTION** (Amending Order 85-09, filed 4/19/85)

**WAC 296-155-665 SPECIFIC TRENCHING REQUIREMENTS.** (1) ~~(As trench construction is a hazardous operation, particular attention shall be given to the protection of the worker, the protection to be governed by the nature of the ground.~~

~~(2) No one person shall be allowed to work alone in a trench over four feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator when the person in the trench is not in constant view of the equipment operator.~~

~~(3) Except in solid rock and compact shale, the sides of all trenches, including embankments, 4 feet or more in depth and 6 feet or more in length, shall be shored, sheeted, braced, sloped or otherwise supported by means of sufficient strength to protect the employees working within them. (See Tables N-1, N-2, N-3, N-4 and N-5.) Trenches less than 4 feet in depth and 6 feet or more in length, shall also be effectively protected when the ground indicates that hazardous ground movement is possible. (See Tables N-1, N-2, N-3, N-4 and N-5.)~~

~~(4) When the sloping to the angle of repose does not extend to the bottom of the trench, shoring shall be required to support the vertical part of the trench. The shoring shall extend above the bottom of the slope a minimum of 12 inches to prevent material from sliding into the trench.~~

~~(5) The surface of the slope shall be cleaned of boulders, stumps, or other hard masses of earth on the angle of repose slope to eliminate the danger of any such materials sliding or rolling into the trench.~~

~~(6) In hard or compact soil, when the outside diameter of the pipe to be laid is 6 feet or larger, the sides of the trench can be vertical at the bottom 4 feet of the trench, providing a 4 foot bench is provided immediately above the vertical portion, and the remaining portion of the trench above the bench is sloped to the angle of repose. (See Table N-4.)~~

~~(7) Materials used for sheeting and sheet piling, bracing, shoring, and underpinning, shall be in good serviceable condition, and timbers used shall be sound and free from large or loose knots, and shall be designed and installed so as to provide adequate personnel protection to the bottom of the excavation.~~

~~(8) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations or trenches, or where excavations or trenches are subjected to vibrations from railroad or highway traffic, the operation of machinery, or any other source.~~

~~(9) Where a mechanical digger is used, the bracing shall be placed as close as possible to the lower end of the boom.~~

~~(10) When trenches are undercut, they shall be shored as necessary to safely support the overhanging material.~~

~~(11) If for any reason prior to, during or subsequent to the placement of the trench bracing system, voids should form in the sides or face of excavation or trench, such voids shall be promptly filled with compacted material or blocking, as required to distribute the load uniformly onto the bracing system.~~

~~(12) If a trench is cut alongside an existing structure and the footings of the structure are nearer to the trench than the plane of repose for the soil, they shall be underpinned or the side wall of the trench rigidly supported.~~

~~(13) Excavations or trenches made in ledge rock or compact shale shall not require bracing or shoring but shall be inspected by a competent representative of the employer before each shift of work, at which time all loose, shattered or disintegrated rock shall be removed from sides and face of excavation or trench.~~

~~(14) Excavated material and superimposed loads shall not be placed nearer than two feet to the sides of the trench, unless bracing has been designed and installed to withstand the load.~~

~~(15) Employees entering bell-bottom pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell.~~

~~(16) A means of emergency egress shall be decided prior to personnel entering bell-bottom pier holes. Employees expected to enter bell-bottom pier holes shall be instructed as to the hazards of their respective jobs, and in the means of emergency egress.~~

**NOTE:** Example of protection: A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, may be worn by

each employee entering the shafts. This lifeline could be indivi-  
dually manned and separate from any line used to remove  
materials excavated from the bell footing:

~~(17)(a) Minimum requirements for trench timbering shall be in accordance with Table N-5.~~

~~(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:~~

$$S = 1300 \frac{20L}{D}$$

$$\text{Maximum ratio} = \frac{L}{D} = 50$$

Where:

- L = Length, unsupported, in inches.
- D = Least side of the timber in inches.
- S = Allowable stress in pounds per square inch of cross-section.

~~(18) When employees are required to be in trenches 4 feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than 25 feet of lateral travel. An earth ramp is acceptable providing: (a) The stability of the earth is adequate for good footing. (b) The total travel distance does not exceed 25 feet. (c) The trench depth does not exceed 15 feet. (d) Adequate shoring or equivalent protection is provided for the entire escape route.~~

~~(19) Bracing or shoring of trenches shall be carried along with the excavation.~~

~~(20) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kickouts.~~

~~(21) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.~~

~~(22) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.~~

~~(23) Signalpersons shall be employed to direct equipment when backfilling.~~

~~(24) The construction of temporary shoring work shall be done, or supervised, by a competent person, who shall make frequent inspections and issue instructions for its removal.~~

~~(25) Workers shall be instructed to immediately report any signs or indications of weakness of shoring or bracing.~~

~~(26) Trenching machines (ladder and rotary type): (a) Trenching machine operators shall not get on or off machine while in operation.~~

~~(b) Workers shall not work at sloping top of ditch near bucket line. (c) Excavated material shall be conveyed to pile not closer than within 2 feet of edge of trench.~~

~~(d) Trucks hauling excavated material away from trenching machine shall not approach closer to the edge of trench than the trench depth from the surface of ground.~~

~~(e) Where side cutters are installed it will be mandatory that persons stay clear of bucket line.) Support systems shall be planned and designed by a qualified person when trenches are to be in excess of twenty feet in depth, adjacent to structures or improvements, or subject to excessive vibration or ground water.~~

~~(2) When sloping to the angle of repose does not extend to the bottom of the trench, shoring shall be required to support the vertical part of the trench. The shoring shall extend above the bottom of the slope a minimum of twelve inches to prevent material from sliding or rolling into the trench. (See Table N-3.)~~

~~(3) In compacted angular gravels or glacial till type soil, when the outside diameter of the pipe to be laid is six feet or larger, the sides of the trench can be vertical at the bottom four feet of the trench, providing a four foot bench is provided immediately above the vertical portion, and the remaining portion of the trench above the bench is sloped to the angle of repose. (See Table N-4.)~~

~~(4) When a mechanical digger is used, the bracing or shoring shall be placed as close as possible to the lower end of the boom. (See subsection (12) of this section.)~~

(5) When trenches are undercut, they shall be shored and braced to safely support the overhanging material.

(6) If for any reason prior to, during, or subsequent to the placement of the trench shoring or bracing system, voids should form in the sides or face of the trench, such voids shall be promptly filled with compacted material or blocking, as required, to distribute the load uniformly onto the shoring or bracing system.

(7) If a trench is cut alongside an existing structure and the footings of the structure are nearer to the trench than the plane of repose for the soil, they shall be underpinned or the side wall of the trench rigidly supported.

(8) Employees entering bell-bottomed pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell.

(9) A means of emergency egress shall be decided prior to personnel entering bell-bottom pier holes. Employees expected to enter bell-bottom pier holes shall be instructed as to the hazards of their respective duties, and in the means of emergency egress.

**NOTE:** Example of protection: A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, shall be worn by each employee entering the shaft or pier hole. This lifeline shall be individually manned and separate from any line used to remove materials excavated from the bell footing.

(10)(a) Minimum requirements for trench shoring or bracing shall be in accordance with Tables N-2 and N-5.

(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:

- L = Length, unsupported, in inches.
- D = Least side of the timber in inches.
- S = Allowable stress in pounds per square inch of cross-section.

(11) Bracing or shoring of trenches shall be carried along with the excavating procedure.

(12) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling or kickouts.

(13) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than sheeting or shoring.

(14) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly. Ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

(15) Signalpersons shall be employed to direct equipment when backfilling.

(16) The construction of temporary shoring work shall be done, or supervised, by a competent person, who shall make frequent inspections and issue instructions for its removal.

(17) Trenching machines (ladder and rotary type).

(a) Trenching machine operators shall not get on or off the machine while in operation.

(b) Workers shall not work at sloping the top of ditch near the bucket line.

(c) Excavated material shall be conveyed to a pile not closer than two feet of the edge of the trench.

(d) Trucks hauling excavated material away from a trenching machine shall not approach closer to the edge of trench laterally than the trench depth.

(e) Where side cutters are installed, it is mandatory that persons stay clear of the bucket line.

(18) Blasting and the use of explosives shall be performed in accordance with chapter 296-52 WAC, Safety Standards for the Possession, Handling and Use of Explosives.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-155-66501 TABLE N-1.

NOTE: Clays, silts, loams or non-homogenous soils require shoring and bracing. The presence of ground water requires special treatment.	Solid Rock & Compact Shale (90°)	Compact Angular Gravel & Gravel 1/2 - 1 (63°26')	Recommended Slope for Average Soils 1 - 1 (45°)	Compacted Shores Sand 1 1/2 - 1 (33°41')	Heil! Rounded Loose Sand 2 - 1 (26°34')
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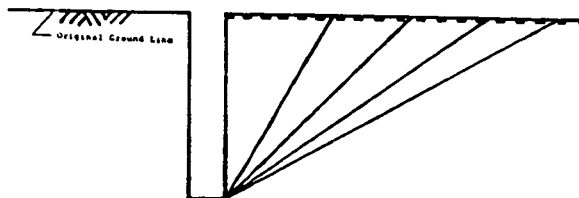


TABLE N-1

((MINIMUM ANGLE OF REPOSE For Sloping of Sides of Excavation and/or Trenches

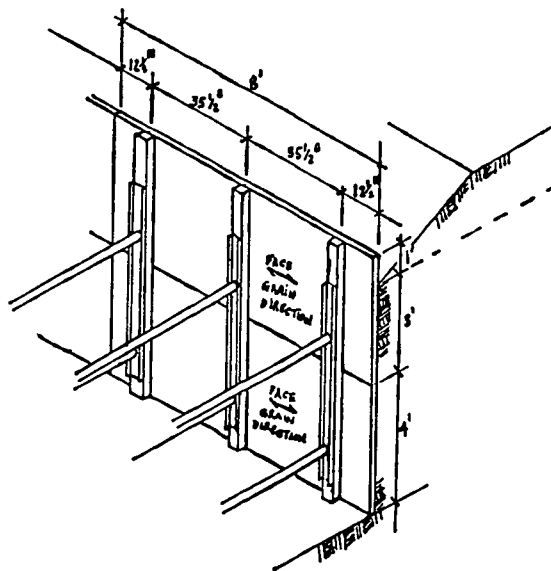
**NOTE:** ~~Clays, silts, loams or non-homogenous soils require shoring and bracing.~~

~~The presence of ground water requires special treatment:))~~  
Minimum Required Degrees of Slope for Different Types of Soil Encountered for Excavations and Trenches.

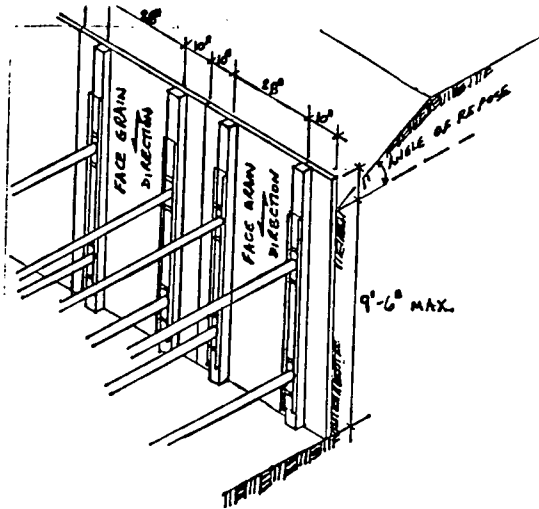
WAC 296-155-66502 TABLE N-2.

TABLE N-2

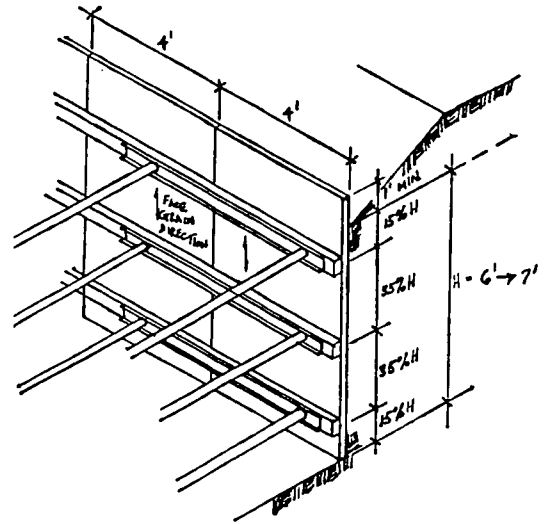
TYPICAL SHORING EXAMPLES



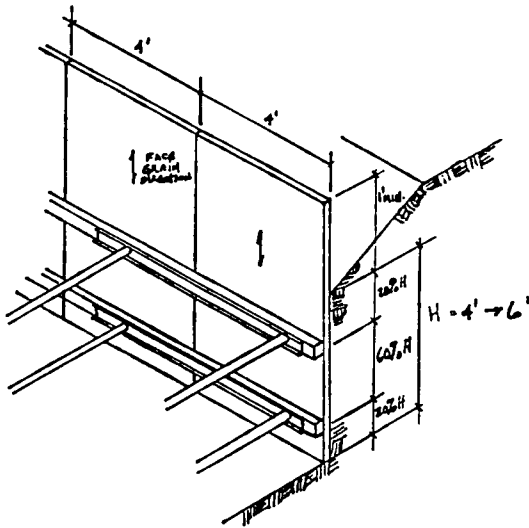
Plywood Supports Vertical  
Plywood Face Grain Horizontal



Plywood Supports Vertical  
Plywood Face Grain Vertical



Plywood Supports Horizontal  
Plywood Face Grain Vertical



Plywood Supports Horizontal  
Plywood Face Grain Vertical

Plywood shall have a minimum thickness of 1-1/8 inches and be APA rated Sturd-I-Floor, 48 o.c. 2-4-1 grade, or equivalent.

Example: For a 5 foot trench, the horizontal cross bracing shall be placed 20% or 1 foot from the top and bottom of the trench leaving 60% or 3 feet between the cross braces.

**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 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-680 GENERAL PROVISIONS. (1) General. All equipment (~~and~~), material(~~s~~) and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970 and ANSI A12.3.1-1970, Safety Requirements for Concrete Construction and Masonry Work.

(2) Reinforcing steel. (a) Employees working more than 6 feet above any adjacent working surfaces, placing and tying reinforcing steel in walls, piers, columns, etc., shall use a safety belt, or equivalent device, in accordance with part C of this chapter.

(b) Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent collapse.

(d) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(3) Bulk concrete handling. Bulk storage bins, containers, or silos shall have conical or tapered bottoms with mechanical or pneumatic means of starting the flow of material.

(4) Concrete placement. (a) Concrete mixers. Concrete mixers equipped with 1-yard or larger loading skips shall be equipped with a mechanical device to clear the skip of material.

(b) Guardrails. Mixers of 1-yard capacity or greater shall be equipped with protective guardrails installed on each side of the skip.

(c) Bull floats. Handles on bull floats, used where they may contact energized electrical conductors, shall be constructed of nonconductive material, or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(d) Powered concrete trowels. Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the operator removes his hands from the equipment handles.

(e) Concrete buggies. Handles of buggies shall not extend beyond the wheels on either side of the buggy.

NOTE: Installation of knuckle guards on buggy handles is recommended.

(f) ~~((Pumpcrete))~~ Concrete finishing. (i) Scaffolding for use of cement finishers shall comply with all applicable sections of WAC 296-155-485.

(ii) Where grinders, chippers and other equipment is used which creates a thrust force while working on scaffolding, such scaffold shall be securely tied to structure or held in with weighted drop lines.

(iii) Grinding and dressing operations carried on within closed rooms, stairwells, elevator shafts, etc., shall be provided with forced air ventilation.

(iv) Grinding machine operators shall wear respirators whenever machines are in operation or where dust hazard exists.

(v) Eye protection shall be worn by workers engaged in grinding, chipping or sacking concrete as required by WAC 296-155-215.

(g) Concrete pumping systems. (i) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumpcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.

(ii) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while he is at his control station.

(iii) Discharge pipes shall be provided with pipe supports designed for 100 percent overload.

(iv) The hose used to carry concrete in such systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(v) Hoses and/or pipes used to carry concrete under pressure shall be secured one to the other with an adequate length of at least 1/4 inch diameter chain or cable to prevent whipping in the event of an accidental separation of joints. All system safety pins shall be in place during pumping operations.

(vi) The employer shall designate a competent person who shall inspect all machinery, equipment, and accessories prior to each use, and periodically during use, to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(vii) A thorough, annual inspection of the equipment, including x-ray of booms, shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of annual inspections for each pumpcrete system.

(viii) All welding shall conform to ASW B3.0-41 Standard Qualification Procedure; AWS D8.4-61 Recommended Practices for Automotive Welding Design; or AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing.

(ix) Booms shall not be used for operations other than that for which they are designed.

~~((g))~~ (h) Concrete buckets. (i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent aggregate and loose material from accumulating on the top and sides of the bucket.

(ii) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

~~((h))~~ (i) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

~~((i))~~ (j) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface and be of sufficient width for two buggies to pass. Single runs to have a minimum width of 42 inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum 4" x 4" wheel guard shall be securely fastened to outside edge of runways.

~~((j))~~ (k) Nozzlemen applying a cement, sand, and water mixture through a pneumatic hose shall be required to wear protective head and face equipment, as prescribed in Part C of this chapter.

(5) Vertical shoring. (a) General requirements. (i) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be strengthened to meet the intended loads.

(ii) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(iii) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout. Any equipment found to be damaged shall not be used for shoring.

(iv) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete. Any shoring equipment that is found to be damaged or weakened shall be immediately reinforced or reshored.

(v) Reshoring shall be provided when necessary to safely support slabs and beams after stripping, or where such members are subjected to superimposed loads due to construction work done.

(b) Tubular welded frame shoring. (i) Metal tubular frames used for shoring shall not be loaded beyond the safe working load recommended by the manufacturer.

(ii) All locking devices on frames and braces shall be in good working order; coupling pins shall align the frame or panel legs; pivoted cross braces shall have their center pivot in place; and all components shall be in a condition similar to that of original manufacture.

(iii) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(iv) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(v) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form.

#### AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-690 FORMS AND SHORING. (1) General provisions.

(a) Formwork and shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during placement of concrete.

(b) Drawings or plans showing the jack layout, formwork, shoring, working decks, and scaffolding, shall be available at the jobsite.

(c) Stripped forms and shoring shall be removed and stockpiled promptly after stripping, in all areas in which persons are required to work or pass. Protruding nails, wire ties, and other form accessories not necessary to subsequent work shall be pulled, cut, or other means taken to eliminate the hazard.

(d) Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

~~((2) Vertical slip forms. (a) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be specifically designed for the purpose. Such rods shall be adequately braced where not encased in concrete.~~

~~(b) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.~~

~~(c) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to provide protection in case of failure of the power supply or the lifting mechanism.~~

~~(d) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift.~~

~~(e) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the jacking operation.~~

~~(f) During jacking operations, the form structure shall be maintained in line and plumb.~~

~~(g) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.~~

~~(3) Tube and coupler shoring. (a) Couplers (clamps) shall not be used if they are deformed, broken, or have defective or missing threads on bolts, or other defects.~~

~~(b) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.~~

~~(c) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couplers shall be checked.~~

~~(d) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material and shall be snug against the posts.~~

(4) Single post shores. (a) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions; and diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(b) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form materials.

(c) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(d) When formwork is at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(e) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.

(f) Fabricated single post shores shall not be used if heavily rusted, bent, dented, reworked, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.

(g) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.

(h) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(i) Adjusting devices shall not be used if heavily rusted, bent, dented, reworked, or having broken weldments or other defects.

(j) All nails used to secure bracing or adjustable timber single post shores shall be driven home and the point of the nail bent over if possible.

(e) When employees are present, watchmen or fireguards shall be provided where salamanders or similar heaters are used to provide winter protection.

(f) Where tarpaulins or other flammable materials are used to form protective enclosures for winter protection, the material shall be fire-resistant and installed so as to prevent contact with the heating unit.

(g) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

#### (2) Form design.

(a) Any form, regardless of size, shall be planned in every particular and designed and constructed with an adequate factor of safety. In addition to computable loading, additional form pressures may result from impact during concrete placement, sudden lowering of temperatures retarding the set and increasing the liquid head or static pressure, vibrations of the form or concrete, uneven stressing resulting from failure or weakening of form members, or impact from concrete buckets or placing equipment. As a result, an adequate factor of safety is required to offset these unpredictable conditions.

(b) The thoroughness of planning and design shall be governed by the size, complexity, and intended use of the form. Formwork which is complex in nature or which will be subjected to unusually high concrete pressures shall be designed or approved for use by an engineer or experienced form designer.

#### (3) Loads.

(a) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workmen, equipment, runways, and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(b) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of 10 psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(c) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(d) Construction loads. Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

#### (4) Placing and removal of forms.

(a) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to wire rope slings having a minimum safety factor of 5. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(b) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(c) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(d) Forms intended for use where there is a free fall of over ten feet shall be equipped with adequate scaffolding and guardrails, or employees working on the forms shall be required to wear safety belts during forming and stripping operations.

(e) Vertical forms being raised or removed in sections shall not be released until adequately braced or secured. Overhead forms shall not be released until adequately braced or secured.

(f) Workmen or others at lower levels shall be protected from falling materials. Appropriate warning signs shall be erected along walkways.

(g) Forms shall not be removed until the concrete is cured. The concrete shall be adequately set in order to permit safe removal of the forms, shoring, and bracing. Engineer's specifications and local building codes shall be adhered to in determining the length of time forms should remain in place following concrete placement. In addition, tests shall be made on field-cured concrete specimens in order to insure that concrete has obtained sufficient strength to safely support the load prior to removal of forms.

#### (5) Vertical slip forms.

(a) Slip forms shall be designed and constructed, and the form movement carried out, under the immediate supervision of a person or persons experienced in slip form design and operation. Drawings prepared by a qualified engineer, showing the jack layout, formwork, working decks, and scaffolding, shall be available at the jobsite, and followed.

(b) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be designed for the purpose. Such rods must be adequately braced where not encased in concrete.

(c) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(d) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to protect against failure of the power supply or the lifting mechanism.

(e) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift. A jacking system, which provides precise, simultaneous movement of the entire form in small preselected increments, is recommended for large structures.

(f) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the sliding operation.

(g) While the slide is in operation, the form structure shall be maintained in line and plumb.

(h) A field supervisor experienced in slipform construction shall be present on the deck at all times.

(i) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(j) Workmen placing reinforcing steel shall wear safety belts tied off to lanyards or otherwise securely fastened when working above the scaffold level.

(k) The total allowable load on slip form platforms shall be determined by the design engineer and enforced by the field supervisor.

#### (6) Vertical shoring.

(a) Shoring installations constructed in accordance with this standard shall be designed in accordance with American National Standard Recommended Practice for Concrete Formwork, ANSI-(ACI 347-68) or with the following publications of the Scaffolding & Shoring Institute: Recommended Standard Safety Code for Vertical Shoring, 1970; Single Post Shore Safety Rules, 1969; and Steel Frame Shoring Safety Rules, 1969.

(b) The shoring layout shall include all details of the specification, including unusual conditions such as heavy beams, sloping areas, ramps, and cantilevered slabs, as well as plan and elevation views.

(c) A copy of the shoring layout shall be available at the jobsite.

(d) A shoring layout shall be prepared or approved by a person qualified to analyze the loadings and stresses which are induced during the construction process.



(e) The minimum total design load for any shoring used in slab and beam structures shall be not less than one hundred pounds per square foot for the combined live and dead load regardless of slab thickness; however, the minimum allowance for live load and formwork shall be not less than twenty pounds per square foot in addition to the weight of the concrete. Additional allowance for live load shall be added for special conditions other than when placing concrete for standard-type slabs and beams. Shoring shall also be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. (See subsection (3)(b) of this section).

(f) When motorized carts are used, the design load shall be increased twenty-five pounds per square foot.

(g) The design stresses for form lumber and timbers shall be within the tolerance of the grade, condition, and species of lumber used.

(h) The design stresses used for form lumber and timber shall be shown on all drawings, specifications, and shoring layouts.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1500 f (Stress Grade) construction grade lumber. All dimensions are nominal sizes except that where rough sizes are noted, only rough or undressed lumber of the size specified shall satisfy minimum requirements.

(j) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(k) When shoring from soil, an engineer or other qualified person shall determine that the soil is adequate to support the loads which are to be placed on it.

(l) Precautions shall be taken so that weather conditions do not change the load-carrying conditions of the soil below the design minimum.

(m) When shoring from fill or when excessive earth disturbance has occurred, an engineer or other qualified person shall supervise the compaction and reworking of the disturbed area and determine that it is capable of carrying the loads which are to be imposed upon it.

(n) Suitable sills shall be used on a pan or grid dome floor or any other floor system involving voids where vertical shoring equipment could concentrate an excessive load on a thin concrete section.

(o) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be sufficient to meet the loads.

(p) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout.

(q) Any equipment found to be damaged shall not be used for shoring.

(r) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete.

(s) If any deviation in the shoring plan is necessary because of field conditions, the person who prepared the shoring layout shall be consulted for his approval of the actual field setup before concrete is placed.

(t) The shoring setup shall be checked to insure that all details of the layout have been met.

(u) The completed shoring setup shall be a homogenous unit or units and shall have the specified bracing to give it lateral stability.

(v) The shoring setup shall be checked to make certain that bracing specified in the shoring layout for lateral stability is in place.

(w) All vertical shoring equipment shall be plumb. Maximum allowable deviation from the vertical is one-eighth inch in three feet. If this tolerance is exceeded, the shoring equipment shall not be used until readjusted within this limit.

(x) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(y) Shoring equipment shall not be released or removed until the approval of a qualified engineer has been received.

(z) Removal of shoring equipment shall be planned so that the equipment which is still in place is not overloaded.

(7) Additional vertical shoring requirements.

(a) Slabs or beams which are to be reshored should be allowed to take their actual permanent deflection before final adjustment of reshoring equipment is made.

(b) While the reshoring is underway, no construction loads shall be permitted on the partially-cured concrete.

(c) The allowable load on the supporting slab shall not be exceeded when reshoring.

(d) The reshoring shall be thoroughly checked to determine that it is properly placed and that it has the load capacity to support the areas that are being reshored.

(8) Tubular welded frame shoring.

(a) Metal tubular frames used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(b) Design of shoring layouts shall be based on allowable loads which were obtained using the test procedures of (a) of this subsection and on at least a 2.5 to 1 safety factor.

(c) All metal frame shoring equipment shall be inspected before erection.

(d) Metal frame shoring equipment and accessories shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(e) All locking devices on frames and braces shall be in good working order, coupling pins shall align the frame or panel legs, pivoted cross braces shall have their center pivot in place, and all components shall be in a condition similar to that of original manufacture.

(f) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(g) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(h) All baseplates, shoreheads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the legs of the frames.

(i) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(j) When formwork is installed at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(k) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

(9) Tube and coupler shoring.

(a) Tube and coupler towers used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(b) Design of shoring layouts shall be based on working loads which were obtained using the test procedures of (a) of this subsection and on at least a 2.5 to 1 safety factor.

(c) All tube and coupler components shall be inspected before being used.

(d) Tubes of shoring structures shall not be used if heavily rusted, bent, dented, or having other defects.

(e) Couplers (clamps) shall not be used if deformed, broken, or having defective or missing threads on bolts, or other defects.

(f) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(g) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couplers should be checked.

(h) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the posts.

(i) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(j) Special precautions shall be taken when formwork is at angles, or sloping, or when the surface shored from is sloping.

(k) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

(10) Single post shores.

(a) When checking erected single post shores with the shoring layout, the spacing between shores in either direction shall not exceed that shown on the layout, and all clamps, screws, pins, and all other components shall be in the closed or engaged position.

(b) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions. Diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(c) Devices which attach to the external lateral stability bracing shall be securely fastened to the single post shores.

(d) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form material.

(e) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(f) Eccentric loads on shore heads shall be prohibited unless the shore heads have been designed for such loading.

(g) When formwork is at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(h) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.

(i) Respecting fabricated single post shores, the following shall apply:

(i) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a 3 to 1 safety factor.

(ii) Shoring layouts shall be made using working loads which were obtained using the test procedures of (i)(i) of this subsection, and on at least a 3 to 1 safety factor.

(iii) All fabricated single post shores shall be inspected before being used.

(iv) Fabricated single post shores shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.

(v) All clamps, screws, pins, threads, and all other components shall be in a condition similar to that of original manufacture.

(j) Respecting adjustable timber single post shores, the following shall apply:

(i) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a 3 to 1 safety factor.

(ii) Timber used shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.

(iii) The shoring layout shall be made using the allowable load obtained by using the test procedure for the clamp or Tables for timber referred to in (j)(i) and (ii) of this subsection.

(iv) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.

(v) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(vi) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(vii) All nails used to secure bracing on adjustable timber single post shores shall be driven home and the point of the nail bent over.

(k) Respecting timber single post shores, the following shall apply:

(i) Timber used as single post shores shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.

(ii) The shoring layout shall be prepared by using working loads obtained by using the Tables referred to in (k)(i) of this subsection.

(iii) All timber to be used for single post shoring shall be inspected before erection.

(iv) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(v) All nails used to secure bracing on timber single post shores shall be driven home and the point of the nail bent over.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-695 ((TILT-UP TYPE)) **MISCELLANEOUS CONCRETE CONSTRUCTION.** (1) ((It shall be the responsibility of the contractor to use accessories which are designed to be compatible and to use lifting eyes, inserts, bolts and other accessories for which yield strength, breaking strength, safe lifting capacities, shear strength, resistance against pull-out and safe working loads are known.

**NOTE:** The services of a design engineer or accessory vendor may prove to be very valuable and beneficial to any contractor

when performing tilt-up type construction. The amount, size and placement of reinforcement steel in the panels should follow the suggested practice outlined in the latest edition of the American Concrete Institute Code.

(2) Prior to commencing the pouring of the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up. These plans shall be at the job site and made available to any representative of the department upon request. Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans. The plans or specifications shall contain the following information:

(a) The type, size and location of all lifting inserts.

(b) The type, size and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(c) The size of braces or guys to be used.

(d) The compression strength which concrete panels must attain prior to being lifted.

(3) The following criteria shall be incorporated in the design plan:

(a) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of (1 1/2) to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.

(b) Floor braces used to secure panel sections shall be placed at an angle of not less than 45° or more than 60° from horizontal when physically possible to install in this manner.

(c) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.

(d) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load.

**NOTE:** Guy wires, when properly installed, may be used in lieu of stiff leg braces.

(e) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.

(f) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of 3.

(g) The compression strength of the concrete shall be such that when the proper type, size and amount of inserts are properly installed a minimum safety factor of 2 will be maintained.

(4) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than 5 and shall not be used whenever the safety factor is reduced below 4.

(5) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.

(6) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pin(s) or bolt(s) which provide adequate shear strength and which will positively secure against accidental removal.

(7) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(8) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(9) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(10) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.

(11) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.

(12) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.

(13) During the lifting process, workers shall keep clear of the under side of the panel.

~~(14) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.~~

~~(15) If braces must be removed temporarily during construction, other effective and suitable means shall be provided to safely support the panel during the interim period.~~

~~(16) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.~~

~~(17) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.)) General provisions.~~

~~(a) Deadheads used in post tensioning of tendons shall be the type that will increase the grip on the cable as the tension is increased.~~

~~(b) Proper means and equipment shall be used to prevent the over-tensioning of the tendons.~~

~~(c) Only qualified workers shall perform this type work.~~

~~(2) Prestressed and poststressed concrete operations.~~

~~(a) Anchor fitting. In utilizing anchor fittings for tensioned strands, the recommendations and instructions of the supplier concerning installation, maintenance, and replacement shall be followed. Tools and strand vices shall be kept clean and in good repair.~~

~~(b) Safety factor. Expendable strand deflection devices used to pre-tension concrete members shall have a minimum safety factor of two. Reusable strand deflection devices shall have a minimum safety factor of three.~~

~~(c) Jacking operations. During jacking operations of any tensioning element or group of tensioning elements, the anchors shall be kept turned up close to the anchorplate. No one shall be permitted to stand in line or directly over the jacking equipment during tensioning operations. Employees shall not stand behind the jack during tensioning operations.~~

~~(d) Jacking and pulling equipment. Pulling headers, bolts, and hydraulic rams shall be frequently inspected for indication of fatigue, and the threads on bolts and nuts inspected for diminishing cross section.~~

~~(e) Storage. Stressed members shall be stored on a level base and adequately supported during storage and transportation to prevent tipping.~~

~~(f) Rigging. Stressed members shall be handled at pick points specifically designated on the manufacturer's drawings and with lifting devices recommended by the manufacturer or the engineer in charge. No one shall be allowed under stressed members during lifting and erection.~~

~~(3) Lift-slab operations.~~

~~(a) Design and planning. Lift-slab operations shall be designed and planned by a qualified professional engineer or architect. Such plans and designs shall include detailed instructions and sketches indicating the prescribed method of erection.~~

~~(b) Jacking equipment. Jacking equipment shall not be loaded beyond its safe working capacity, and the threaded rods and other members that transmit loads to the jacks shall have a minimum safety factor of 2.5.~~

~~(c) Jacks shall be designed and installed so they will not continue to lift when overloaded.~~

~~(d) Jacks shall be installed with a safety device which will enable them to continue to support the load in any position should jack malfunction and lose its lifting ability.~~

~~(4) Precast concrete and tilt-up operations.~~

~~(a) It shall be the responsibility of the contractor to use accessories which are designed to be compatible and to use lifting eyes, inserts, bolts and other accessories for which yield strength, breaking strength, safe lifting capacities, shear strength, resistance against pull-out and safe working loads are known.~~

~~(b) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up. These plans shall be at the job site and made available upon request. Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans. The plans or specifications shall contain the following information:~~

~~(i) The type, size and location of all lifting inserts.~~

~~(ii) The type, size and location of all brace inserts or fittings for guy wires in each panel and floor or support.~~

~~(iii) The size of braces or guys to be used.~~

~~(iv) The compression strength which concrete panels must attain prior to being lifted.~~

~~(c) The following conditions shall be included in the erection process and shall be incorporated in the design plan:~~

~~(i) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.~~

~~(ii) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.~~

~~(iii) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.~~

~~(iv) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.~~

~~(v) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.~~

~~(vi) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of three.~~

~~(vii) The compression strength of the concrete shall be such that when the proper type, size and amount of inserts are installed a minimum safety factor of two will be maintained.~~

~~(d) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than five and shall not be used whenever the safety factor is reduced below four.~~

~~(e) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.~~

~~(f) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.~~

~~(g) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.~~

~~(h) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.~~

~~(i) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.~~

~~(j) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.~~

~~(k) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.~~

~~(l) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.~~

~~(m) During the lifting process, workers shall keep clear of the under side of the panel.~~

~~(n) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.~~

~~(o) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.~~

~~(p) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.~~

~~(q) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.~~

#### AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-700 GENERAL REQUIREMENTS. (1) Erection gangs on structural steel erection shall work under the direction of experienced foreman.

(2) Workers shall not ride on steel being hoisted, nor slide down ropes ((or cables)), columns or ladders.

(3) ((Cable)) Wire rope slings shall be used when lifting loads. Care shall be taken to avoid sharp bends by using wood or similar type padding between ((cable)) wire rope and load. Reinforcing steel shall not be lifted by bundling ties.

(4) If float scaffolds are used during steel erection, they shall be used in accordance with WAC 296-155-485(24).

(5) Employees shall be provided with safety belts in accordance with WAC 296-155-225 when they are working on float scaffolds.

(6) On ~~((extremely hazardous))~~ jobs where ordinary precautions would prove ~~((impracticable))~~ impracticably, nets shall be provided ~~((when necessary in the opinion of the supervisor))~~. Contracting authorities shall specify in contract when it has been determined that nets are required.

(7) The use of safety belts, lanyards and lifelines in steel erection shall be in accordance with WAC 296-155-225.

(a) When connecting beams at the periphery of a building or structure where the fall distance is greater than twenty-five feet, employees shall be tied-off by approved safety belts and lifelines to either peripheral columns, pendant lines secured at the tops of peripheral columns, catenary lines, or other secure anchorage points. When practical, employees shall coon or walk the bottom inside flange of peripheral beams when it is necessary to release chokers, land intermediate members, or perform other work on the peripheral beams.

(b) Pendant lines, catenary lines and other lines used to secure workers shall be capable of supporting a minimum dead weight of five thousand four hundred pounds.

(c) If the procedure specified in (a) of this subsection is impractical, perimeter safety nets shall be installed at a distance of no more than twenty-five feet below the work surface and extend at least eight feet beyond the perimeter of the building or structure. Nets shall meet the requirements set forth in the applicable portions of WAC 296-155-230.

#### AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-705 FLOORING REQUIREMENTS. (1) Permanent flooring—Skeleton steel construction in tiered buildings. (a) The permanent floors shall be installed as the erection of structural members progresses, and there shall be not more than eight stories between the erection floor and the uppermost permanent floor, except where the structural integrity is maintained as a result of the design.

(b) At no time shall there be more than four floors or 48 feet of unfinished bolting or welding above the foundation or uppermost permanently secured floor.

(2) Temporary flooring—Skeleton steel construction in tiered buildings. (a) (i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking or decking of equivalent strength, shall be of proper thickness to carry the working load. Planking shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

(ii) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, safety nets shall be installed and maintained whenever the potential fall distance exceeds two stories or 25 feet. The nets shall be hung with sufficient clearance to prevent contacts with the surface of structures below.

(iii) Floor periphery - safety railing. A ~~((safety))~~ standard railing including midrail of 1/2-inch wire rope or equivalent shall be installed ~~((between 36 and 42 inches high, around))~~ at the periphery (including all floor openings) of all temporary-planked or temporary metal-decked floors of tier buildings and other multi-floored structures during structural steel assembly.

(b)(i) Where skeleton steel erection is being done, a tightly planked and substantial floor shall be maintained within two stories or ~~((30))~~ twenty-five feet, whichever is less, below and directly under that portion of each tier of beams on which any work is being performed, except when gathering and stacking temporary floor planks on a lower floor, in preparation for transferring such planks for use on an upper floor. Where such a floor is not practicable, subsection (2)(a)(ii) of this section applies.

(ii) When gathering and stacking temporary floor planks, the planks shall be removed successively, working toward the last panel of the temporary floor so that the work is always done from the planked floor.

(iii) When gathering and stacking temporary floor planks, from the last panel, the employees assigned to such work shall be protected by safety belts with safety lines attached to a catenary line or other substantial anchorage.

(3) Flooring - other construction. (a) In the erection of a building having double wood floor construction, the rough flooring shall be completed as the building progresses, including the tier below the one on which floor joists are being installed.

(b) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

#### AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-720 SAFE WALKING SURFACES ON STRUCTURAL MEMBERS. (1) Structural members with studs, dowels or shear connectors installed on the top side shall not be used as a walkway and/or means of access unless such studs, dowels or shear connectors are covered with suitable material and in such a manner as to provide a walking surface at least as stable and free of hazards as the top surface of the member would provide without attachments installed. ~~((Note:))~~ For the purpose of this section, "stud," shall mean all protruding metal attachments to structural members.

(2) If such structural member is ten feet or more above ground or floor level, employees walking or working on such member shall be protected by a safety belt in accordance with WAC 296-155-225.

#### AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-725 DEFINITIONS APPLICABLE TO THIS PART. (1) "Bulkhead" means an airtight structure separating the working chamber from free air or from another chamber under a lesser pressure than the working pressure.

(2) "Caisson" means a wood, steel, concrete or reinforced concrete, air- and water-tight chamber in which it is possible for persons to work under air pressure greater than atmospheric pressure to excavate material below water level.

(3) "Cofferdam" means a watertight barricade or enclosure erected, sunk, driven or otherwise fabricated to permit the performance of work where hydrostatic pressure exists.

(4) "Decanting" means a method used for decompressing under emergency circumstances. In this procedure, the employees are brought to atmospheric pressure with a very high gas tension in the tissues and then immediately recompressed in a second and separate chamber or lock.

(5) "Emergency locks" means a lock designed to hold and permit the quick passage of an entire shift of employees.

(6) "High air" means air pressure used to supply power to pneumatic tools and devices.

(7) "Low air" means air supplied to pressurize working chambers and locks.

(8) "Man lock" means a chamber through which persons pass from one air pressure environment into another.

(9) "Materials lock" means a chamber through which materials and equipment pass from one air pressure environment into another.

(10) "Medical lock" means a special chamber in which employees are treated for decompression illness. It may also be used in pre-employment physical examinations to determine the adaptability of the prospective employee to changes in pressure.

(11) "Normal condition" means one during which exposure to compressed air is limited to a single continuous working period followed by a single decompression in any given 24-hour period; the total time of exposure to compressed air during the single continuous working period is not interrupted by exposure to normal atmospheric pressure, and a second exposure to compressed air does not occur until at least 12 consecutive hours of exposure to normal atmospheric pressure has elapsed since the employee has been under pressure.

(12) "Pressure" means a force acting on a unit area. Usually shown as pounds per square inch. (p.s.i.)

(13) "Absolute pressure" (p.s.i.a.) means the sum of the atmospheric pressure and gauge pressure (p.s.i.g.)

(14) "Atmospheric pressure" means the pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or 0 p.s.i.g.

(15) "Gauge pressure" (p.s.i.g.) means pressure measured by a gauge and indicating the pressure exceeding atmospheric.

(16) "Safety screen" means an air- and water-tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead, thus providing a safe means of refuge and exit from a flooding or flooded tunnel.

(17) "Special decompression chamber" means a chamber to provide greater comfort for employees when the total decompression time exceeds 75 minutes.

(18) "Working chamber" means the space or compartment under air pressure in which the work is being done.

(19) "C.F.R." means Code of Federal Regulations.

(20) "MSHA" means Mine Safety and Health Administration.

(21) "NIOSH" means National Institute for Occupational Safety and Health.

**AMENDATORY SECTION** (Amending Order 76-29, filed 9/30/76)

WAC 296-155-730 TUNNELS AND SHAFTS. (1) General. (a) The specific requirements of this part Q, tunnels, shafts, caissons, cofferdams, and compressed air, shall be ~~((complied with))~~ met as well as the applicable provisions of all other parts of this chapter and chapter 296-36 WAC "Safety standards for compressed air work."

(b) Safe means of access shall be provided and maintained to all working places.

(c) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of parts J and K of this chapter.

(d) Access to unattended underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and posted. Conduits, trenches, and manholes shall meet the requirements of parts K and N of this chapter.

(e) Subsidence areas that present hazards shall be fenced and posted.

(f) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. An accurate record and location of the employees shall be kept on the surface.

(g) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(2) Emergency provisions. (a) Evacuation plans and procedures shall be developed and made known to the employees.

(b) Emergency hoisting facilities shall be readily available at shafts more than 50 feet in depth, unless hoisting facilities are provided that are independent of electrical power failures. A boatswain's chair shall meet the requirements of part J of this chapter.

(c) ~~((Bureau of mines))~~ MSHA-NIOSH approved self-rescuers shall be available near the advancing face to equip each face employee. Such equipment shall be on the haulage equipment and in other areas where employees might be trapped by smoke or gas, and shall be maintained in good condition.

(d) Telephone or other signal communication shall be provided between the work face and the tunnel portal, and such systems shall be independent of the tunnel power supply.

(3) Air quality and ventilation. (a) Air quality and quantity shall be as established by chapter 296-62 WAC. (i) Instruments shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable or toxic gases, dusts, mists, and fumes that occur in the tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained and be kept available.

(ii) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(iii) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible excursions referred to in items (iv) and (v) of this subdivision, if such employee wears a respiratory protective device approved by ~~((the Bureau of Mines))~~ MSHA-NIOSH as protection against the particular hazards involved.

(iv) ~~((The))~~ Exposure to airborne contaminants ((of an employee working in a tunnel or shaft shall not exceed the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists, as set forth and explained in the 1970 edition of "Threshold Limit Values of Airborne Contaminants." (See chapter 296-62 WAC; the general occupational health standards.)) shall not exceed the levels established by chapter 296-62 WAC.

(v) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the threshold limit value listed for that contaminant.

(vi) Atmospheres in all active areas shall contain at least 20 percent oxygen.

(b) Ventilation. (i) Tunnels shall be provided with mechanically induced primary ventilation in all work areas. The direction of airflow shall be reversible.

(ii) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(iii) When there has been a failure of ventilation, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(iv) When the main fan or fans have been shut down with all employees out of the adit, tunnel or shaft, no employee, other than those qualified to examine the adit, tunnel or shaft, or other authorized employee, shall go underground until the fans have been started, the work areas examined for gas and other hazards, and declared safe.

(v) The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(vi) If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground working place or places, the employees shall be withdrawn and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

(vii) Internal combustion engines other than mobile diesel shall not be used underground. Mobile diesel-powered equipment used underground shall be certified by the Bureau of Mines, U.S. Department of the Interior ~~((according to the Bureau of Mines publication))~~ or the Mine Safety and Health Administration, United States Department of Labor according to their publications "Mechanical Equipment for mines—tests for permissibility and suitability, 30 C.F.R. Part 32, Mobile Diesel Power Equipment for Non-Coal Mines, ((Schedule 24" of March 23, 1965)) July 1, 1983".

(viii) Application shall be made to the mining section, division of industrial safety and health, Department of Labor and Industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the division of industrial safety and health or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 75 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once ~~((weekly))~~ daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm <sup>a</sup>
Next to equipment	Carbon Monoxide	.005%	50 ppm
General atmosphere	Carbon Monoxide	.005%	50 ppm
General atmosphere	Nitrogen Dioxide	<del>((.005%))</del>	<del>((5 ppm))</del>
		.0003%	3 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

<sup>a</sup> Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(4) Illumination. (a) Sufficient lighting shall be provided, in accordance with the requirements of Table B-3 of part B of this chapter, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(5) Fire prevention and control. (a) General. (i) The requirements for fire prevention and protection specified in part D of this chapter shall be complied with in all tunnel and shaft operations.

(ii) Signs warning against smoking and open flames shall be posted so that they can be readily seen in areas or places where fire or explosion hazards exist.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(iv) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(v) Gasoline (~~or liquefied petroleum gases~~) shall not be taken, stored, or used underground. Where oxygen and petroleum gases are used underground in tunnels and shafts for welding, cutting and heat-treating operations, all applicable ventilation standards shall be enforced to prevent the accumulation of flammable or hazardous gases. These ventilation standards are found in WAC 296-155-730(3) "Air Quality and Ventilation" and ANSI Z49.1-1967 "Safety in Welding and Cutting."

(vi) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(vii) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(viii) Approved fire-resistant hydraulic fluids shall be used in powered hydraulically actuated underground machinery and equipment unless such equipment is protected by multipurpose fire extinguisher(s) at least 4A:40B:C, or by a fire suppression system, either of which shall be suitable for the type and size of hydraulic equipment involved.

(ix) Fires shall not be built underground.

(x) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(xi) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys or underground belt conveyors and at 300-foot intervals along the belt line.

(xii) At tunnel operations, employing 25 or more employees at one time underground at least two rescue crews (10 employees divided between shifts) shall be trained annually in rescue procedures, in the use, care, and limitations of oxygen breathing apparatus, and the use and maintenance of firefighting equipment. Not less than one rescue crew (5 employees) shall be trained in smaller operations.

(6) Personal protective equipment. Protective clothing or equipment shall be worn as specified in parts B and C of this chapter.

(7) Noise. (a) Permissible noise exposures shall conform to those specified in part B of this chapter.

(8) Ground support. (a) Tunnel portal area. Portals shall be protected and supported where loose soil or rock or fractured material is encountered.

(b) Tunnel area. (i) The employer shall examine and test the roof, face, and walls of the work area at the start of each shift and frequently thereafter.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and scaled or supported as necessary.

(iii) Torque meters and torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired and replaced. New supports shall be installed whenever possible before removing the damaged supports.

(v) All sets, including horseshoe-shaped or arched rib steel sets, shall be designed and installed so that the bottoms will have required anchorage to prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(c) Shafts. (i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(ii) The casing and bracing shall be provided the full depth of the shaft, or at least 5 feet into solid rock if possible, and shall extend at least 1 foot above ground level.

(iii) All wells or shafts over (5) four feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, the employer shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(v) Safety belts shall be worn on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within 1 foot of the sides of the shaft, unless guardrails or cages are provided.

(9) Drilling. (a) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(b) The drilling area shall be inspected for hazards before starting the drilling operations.

(c) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(d) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(e) Receptacles or racks shall be provided for drill steel stored on jumbos.

(f) Before drilling cycle is started, warning shall be given to persons working below jumbo decks.

(g) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(h) The employer shall provide mechanical means for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top decks of jumbos over 10 feet in height.

(i) The employer shall provide stair access to jumbo decks wide enough to accommodate two persons if the deck is over 10 feet in height.

(j) On jumbo decks over 10 feet in height, guardrails which are removable (pipe in sockets with chain handrail), or equal, shall be provided on all sides and back platforms.

(k) Scaling bars shall be in good condition at all times, and blunted and severely worn bars shall not be used.

(l) When jumbos are being moved, riders will not be allowed on the jumbo unless they are assisting the driver.

(m) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Lifters shall not be drilled through blasted rock (muck) or water.

(n) Air lines that are buried in the invert shall be identified by signs, posted nearby, warning all personnel.

(10) Blasting. All blasting and explosives-handling operations shall be conducted in compliance with (~~part T of this~~) chapter 296-52 WAC.

(11) Haulage. (a) Equipment that is to be used during a shift shall be inspected by a competent person each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(b) Powered mobile equipment shall be provided with adequate brakes.

(c) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided at both ends.

(d) Cab windows shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(e) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

(f) No employee shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for transportation of employees.

(g) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, or on haulage equipment not specifically designed or adapted for the transportation of employees.

(h) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(i) When dumping cars by hand, the car dumps shall be provided with tie-down or bumper blocks to prevent cars from over-turning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(k) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(l) Parked railcars shall be blocked securely.

(m) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(n) Where necessary, bumper blocks, or the equivalent, shall be provided at all track dead ends.

(o) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars.

(12) Electrical equipment. (a) Electrical equipment shall conform to the requirements of part I of this chapter.



(b) Powerlines shall be well separated or insulated from waterlines, telephone lines, and airlines.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure and surrounded by a dike to contain the contents of the transformers in event of a rupture.

(13) Hoisting. (a) Hoisting machines, either powered or hand operated, shall be worm-gear or powered both ways. The design must be such that when the power is stopped, the load cannot move.

(b) Controls for powered hoists shall be of the deadman type with a nonlocking switch or control.

(c) A device to shut off the power shall be installed ahead of the operating control.

(d) Hand-operated release mechanisms, which can permit the load to descend faster than the speed rating, shall not be used.

(e) Hoist machines with cast metal parts shall not be used.

(f) Every hoist shall be tested with twice the maximum load before being put into operation, and annually thereafter.

(g) All anchorages of hoists shall be inspected at the beginning of each shift.

(h) An enclosed covered metal cage shall be used to raise and lower persons in the shaft. The cage shall be designed with a safety factor of 4 and shall be load-tested prior to use. The exterior of the cage shall be free of projections or sharp corners. Only closed shackles shall be used in the cage rigging.

(i) If the cage is equipped with a door, a positive locking device shall be installed to prevent the door from opening accidentally while the cage is being lowered or raised while hoisting or lowering employees.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-750 MASONRY CONSTRUCTION. (1) Employees engaged in cutting or chipping shall wear suitable eye protection in accordance with WAC 296-155-215.

(2) ~~((All brick saws shall be equipped with mechanical means of exhausting dust into a cyclone type receptacle or be exhausted away from operator to a safe distance to provide a dust free place of work for operator and other workers, or provided with water on saw for dust control. Operator shall wear goggles.))~~ (a) All table mounted masonry saws shall be equipped with a mechanical means of exhausting dust into a covered receptacle or be provided with water on the saw blade for dust control. The operator and any nearby workers shall wear eye protection.

(b) All portable, hand-held masonry saw operators shall wear eye protection and appropriate respiratory protection.

(3) The top half of all brick saws shall be guarded with a hood extending over both sides of saw down to the arbor.

(4) Persons charged with operation of derricks used for stone setting shall be qualified in that type of work.

(5) Stone shall be set directly on the wall by the derrick.

(6) Breast derricks when used in setting stone shall be secured against a slip or kick back and guyed with wire cables. Provide hold down line to prevent derrick from falling back.

(7) Stone cutters shall wear goggles while trimming stone or cutting holes.

(8) Pins shall be tested for security before stone is hoisted.

(9) Hoisting cables shall be protected from chafing and wearing over corners.

(10) ~~((Where construction work is in progress above workers, a catch platform shall be erected to protect the persons working below. One completed floor shall be maintained between workers and steel or concrete work above.))~~ Mason's mortar mixers shall have a bar-type grill installed over the mixer opening. The guard shall be installed with an automatic disconnect switch to stop the mixer tub rotation and prevent the mixer from starting whenever the guard is not in place.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-765 ROCK CRUSHING, GRAVEL WASHING, AND HOT MIX PLANTS. (1) Stationary dragline machines shall have all moving parts which are exposed to contact guarded with standard safeguards.

(a) All running lines, straps, etc., shall be regularly inspected and shall be changed when 10% of the wires in a 3 foot length are broken.

(b) Spars shall be properly guyed with a minimum of 5 top guys and where spar is over 50 feet in height, 3 buckle guys shall be used.

(c) A pass line shall be rigged on the spar to provide safe means of reaching top of spar.

(d) The head block shall be equipped with a safety strap attached to shell of the block and onto a guy wire leading away from the working area.

(2) Truck dump bunkers shall have wheel bumper block installed when dumping material from trucks.

(3) Substantial walkways and working platforms, equipped with toe boards and handrails shall be installed at all plants. Standard stairways and ladders shall be placed to reach all parts requiring oiling and maintenance.

(4) Plant structures shall be constructed to carry the required load, without material or structural failure, for the prescribed life of the material used.

(5) Bunker unloading devices shall be arranged to be operative from outside the walls of bunkers.

(6) Crusher operators and other employees working where hazardous dust or nuisance dust exists shall use approved respirators and goggles.

(7) All dusty rock crushing houses or other dusty places of employment, shall be equipped with means for controlling the dust.

(8) Cone type crushers shall be equipped with approved guards over or around the feed end to prevent rock from flying from crusher while in operation.

(9) All aggregate elevators, bucket or other type, shall have guards or barricades installed under or around return strand and of sufficient strength to sustain weight of piled up broken elevator equipment.

(10) All plant controls shall be placed so as to be readily accessible.

(11) Overhead conveyors shall be constructed so as to restrain the spillage of material. Wherever the hazard of falling materials exists, overhead protection shall be provided over walkways and roadways.

(12) Electrical equipment shall be installed and maintained to comply with the National Electrical Code.

(13) Exhaust fumes from internal combustion engines shall be discharged away from or above the working station.

(14) Hot mix plants, steam boilers and pressure vessels shall conform to A.S.M.E. Boiler and Pressure Vessel Codes and applicable rules and regulations of the department.

(15) All ~~((steam))~~ hot pipes exposed to contact shall be covered or otherwise guarded against contact.

(16) All oil tanks above ground shall be properly bedded and grounded.

(17) Oil leakage on the ground shall be cleaned up ~~((and))~~ or covered with ~~((sand))~~ absorbent material.

(18) Mixer operators shall use approved respirator and goggles except when operating from a remote location.

(19) Dust and fume collection systems shall be provided on all installations. Dust and fumes shall be discharged back into plant or carried to a suitable distance from the work area and precipitated.

**AMENDATORY SECTION** (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-775 PREPARATORY OPERATIONS. (1) Prior to permitting employees to start demolition operations, an engineering survey shall be made, by a competent person, of the structure to determine ~~((the condition of the framing, floors, and walls.))~~ structural integrity and the possibility of unplanned collapse of any portion of the structure. Any adjacent structure where employees may be exposed shall also be similarly checked. The employer shall have in writing, evidence that such a survey has been performed.

(2) A copy of the survey report and of the plans and/or methods of operations shall be maintained at the job site for the duration of the demolition operation.

(3) Any device or equipment such as scaffolds, ladders, derricks, hoists, etc., used in connection with demolition work shall be constructed, installed, inspected, maintained and operated in accordance with the regulations governing the construction, installation, inspection, maintenance and operation of such device or equipment as specified in other parts of this chapter.

(4) Federal and state codes, safety standards, rules, regulations, and ordinances governing any and all phases of demolition work shall be observed at all times.

(5) Demolition of all buildings and structures shall be conducted under competent supervision, and safe working conditions shall be afforded the employees.



(6) When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, the walls or floor shall be shored or braced.

(7) All electric, gas, water, steam, sewer, and other service lines shall be shut off, capped, or otherwise controlled, outside the building line before demolition work is started. In each case, any utility company which is involved shall be notified in advance.

(8) If it is necessary to maintain any power, water or other utilities during demolition, such lines shall be temporarily relocated, as necessary, and protected.

(9) It shall ~~(also)~~ be determined ~~((if any type of))~~ whether asbestos, hazardous materials, hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances ~~((have been used in any pipes, tanks, or other equipment on the property))~~ are present at the work site. When the presence of any such substance~~((s))~~ is apparent or suspected, testing and removal or purging shall be performed and the hazard eliminated before demolition is started. Removal of such substances shall be in accordance with the requirements of chapters 296-62 and 296-65 WAC.

(10) Where a hazard exists from fragmentation of glass, such hazards shall be removed.

(11) Where a hazard exists to employees falling through wall openings, the opening shall be protected to a height of between 36 and 42 inches.

(12) When debris is dropped ~~((through holes in the floor))~~ without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than 42 inches high and not less than 20 feet back from the projected edge of the opening above. Signs, warning of the hazard of falling materials, shall be posted at each level. Removal shall not be permitted in this lower area until debris handling ceases above.

(13) All floor openings, not used as material drops, shall be covered over with material substantial enough to support the weight of any load which may be imposed. Such material shall be properly secured to prevent its accidental movement.

(14) Except for the cutting of holes in floors for chutes, holes through which to drop materials, preparation of storage space, and similar necessary preparatory work, the demolition of exterior walls and floor construction shall begin at the top of the structure and proceed downward. Each story of exterior wall and floor construction shall be removed and dropped into the storage space before commencing the removal of exterior walls and floors in the story next below.

(15) Workmen shall not be permitted to carry on a demolition operation which will expose men working on a lower level to danger.

(16) Employee entrances to multistory structures being demolished shall be completely protected by sidewalk sheds or canopies, or both, providing protection from the face of the building for a minimum of 8 feet. All such canopies shall be at least 2 feet wider than the building entrances or openings (1 foot wider on each side thereof), and shall be capable of sustaining a load of 150 pounds per square foot.

(17) Protruding nails in boards, planks and timber shall be withdrawn, driven in or bent over as soon as the same is removed from the structure being demolished.

(18) Any material to be removed which will cause dust to be formed, shall be sprinkled with water to lay the dust incidental to its removal.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-830 SELECTIVE DEMOLITION BY EXPLOSIVES. Selective demolition by explosives shall ~~((be conducted in accordance with applicable sections of Part T of this chapter))~~ comply with chapter 296-52 WAC.

SUBCHAPTER PART T WAC

~~((Blasting and the use of explosives))~~ Refer to chapter 296-52 WAC.

Safety Standards for the Possession, Handling and Use of Explosives WAC

296-155-850	Definitions applicable to this part.
296-155-855	General provisions.
296-155-860	Blaster qualifications.
296-155-865	Surface transportation of explosives.
296-155-870	Underground transportation of explosives.

296-155-875	Storage of explosives and blasting agents.
296-155-880	Loading of explosives or blasting agents.
296-155-885	Initiation of explosive charges—Electric blasting.
296-155-890	Use of safety fuse.
296-155-895	Use of detonating cord.
296-155-900	Firing the blast.
296-155-905	Inspection after blasting.
296-155-910	Misfires.
296-155-915	Underwater blasting.
296-155-920	Blasting in excavation work under compressed air.

AMENDATORY SECTION (Amending Order 76-29, filed 9/30/76)

WAC 296-155-950 ROLLOVER PROTECTIVE STRUCTURES (ROPS) FOR MATERIAL HANDLING EQUIPMENT. (1) Coverage. (a) This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in construction work. This requirement does not apply to sideboom pipelaying tractors.

(b) The promulgation of specific standards for rollover protective structures for compactors and rubber-tired skidsteer equipment is reserved pending consideration of standards currently being developed.

(2) Equipment manufactured on or after September 1, 1972, Material handling machinery described in subsection (1) of this section and manufactured on or after September 1, 1972, shall be equipped with rollover protective structures which meet the minimum performance standards prescribed in WAC 296-155-955 and 296-155-960, as applicable.

(3) Equipment manufactured before September 1, 1972.

(a) All material handling equipment described in subsection (1) of this section and manufactured or placed in service (owned or operated by the employer) prior to September 1, 1972, shall be fitted with rollover protective structures ~~((no later than the dates listed below:~~

~~(i) Machines manufactured on or after January 1, 1972, shall be fitted no later than April 1, 1973;~~

~~(ii) Machines manufactured between July 1, 1971, and December 31, 1971, shall be fitted no later than July 1, 1973;~~

~~(iii) Machines manufactured between July 1, 1970, and June 30, 1971, shall be fitted no later than January 1, 1974;~~

~~(iv) Machines manufactured between July 1, 1969, and June 30, 1970, shall be fitted no later than July 1, 1974).~~

~~((+))~~ Machines manufactured before July 1, 1969; Reserved pending further study, development, and review.

(b) Rollover protective structures and supporting attachment shall meet the minimum performance criteria detailed in WAC 296-155-955 and 296-155-960, as applicable or shall be designed, fabricated, and installed in a manner which will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(i) The design objective shall be to minimize the likelihood of a complete overturn and thereby minimize the possibility of the operator being crushed as a result of a rollover or upset.

(ii) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(4) Remounting. ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(5) Labeling. Each ROPS shall have the following information permanently affixed to the structure:

(a) Manufacturer or fabricator's name and address;

(b) ROPS model number, if any;

(c) Machine make, model, or series number that the structure is designed to fit.

(6) Machines meeting certain existing governmental requirements. Any machine in use, equipped with rollover protective structures, shall be deemed in compliance with this section if it meets the rollover protective structures requirements of the U.S. Army Corps of Engineers, or the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972. The requirements in effect are:

(a) U.S. Army Corps of Engineers: General Safety Requirements, EM-385-1-1 (March 1967).

(b) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971).

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-760	CONCRETE FINISHING.
WAC 296-155-850	DEFINITIONS APPLICABLE TO THIS PART.
WAC 296-155-855	GENERAL PROVISIONS.
WAC 296-155-860	BLASTER QUALIFICATIONS.
WAC 296-155-865	SURFACE TRANSPORTATION OF EXPLOSIVES.
WAC 296-155-870	UNDERGROUND TRANSPORTATION OF EXPLOSIVES.
WAC 296-155-875	STORAGE OF EXPLOSIVES AND BLASTING AGENTS.
WAC 296-155-880	LOADING OF EXPLOSIVES OR BLASTING AGENTS.
WAC 296-155-885	INITIATION OF EXPLOSIVE CHARGES—ELECTRIC BLASTING.
WAC 296-155-890	USE OF SAFETY FUSE.
WAC 296-155-895	USE OF DETONATING CORD.
WAC 296-155-900	FIRING THE BLAST.
WAC 296-155-905	INSPECTION AFTER BLASTING.
WAC 296-155-910	MISFIRES.
WAC 296-155-915	UNDERWATER BLASTING.
WAC 296-155-920	BLASTING IN EXCAVATION WORK UNDER COMPRESSED AIR.

**WSR 85-21-100  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed October 23, 1985]

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 296-24-217 servicing multi-piece and single piece rim wheels, housekeeping amendments; WAC 296-27-090(2), amended to require equipment which has been involved in a fatality or in the hospitalization of two or more employees to remain unmoved until a representative of the Division of Industrial Safety and Health investigates the accident and authorizes removal of the equipment. WAC 296-27-16009 follow-up inspection, amended to allow employers to respond to a serious or general violation through written verification that the violation has been abated. The employer shall post a copy of the written verification in a prominent place at or near each place where the violation occurred for at least 3 working days. Chapter 296-56 WAC, longshore, stevedore and related waterfront activities, amended to clarify certification between states; to revise the scope and application and to make housekeeping changes. WAC 296-155-100 management's responsibility, amended to eliminate the requirement for a system for reporting and recording accidents that fulfills the requirements of chapter 296-27 WAC. WAC 296-350-400 (8)(b), amended to require that a copy of the written verification of abatement be posted with the citation and notice for at least three working days. WAC 296-27-15501 Division of Industrial Safety and Health, public records, new section which states that requests for

inspection or copies of records and documents in the custody of the Division of Industrial Safety and Health should be made to the division's designated records officer. WAC 296-27-15503 confidential reports within the department's files, new section which states that whenever a divisional file contains any report or information from an independent source that has requested that information contained in the department's file be protected as confidential, such information will not be released without a court order. WAC 296-27-15505 accident investigation reports, new section that states that results of accident investigations and related reports are confidential and will not be freely released by the department according to RCW 49.17.260. WAC 296-350-300 repeat violations, new section which defines "repeat violation" and "nonabatement violation" and identifies a period of three years following the issuance of a final order that the department may issue a citation for a repeat violation;

that the agency will at 9:30 a.m., Tuesday, November 26, 1985, in Hearing Room A, House Office Building, Capitol Campus, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 20, 1985.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

The specific statute these rules are intended to implement is RCW 49.17.060(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1985.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for adoption or in response to written comments received before the deadline.

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:

G. David Hutchins, Assistant Director  
Industrial Safety and Health Division  
Post Office Box 207  
Olympia, Washington 98504  
(206) 753-6500

Dated: October 23, 1985

By: R. A. Davis  
Director

**STATEMENT OF PURPOSE**

Title and Number of Rule(s) or Chapter: Chapter 296-24 WAC, General safety and health standards; chapter 296-27 WAC, Administrative rules; chapter

296-56 WAC, Longshore, stevedore and related waterfront activities; chapter 296-155 WAC, Safety standards for construction workers; and chapter 296-350 WAC, Administrative rules.

Statutory Authority: RCW 49.17.040 and 49.17.050.

Specific Statute that Rules are Intended to Implement: RCW 49.17.050 (4) and (5) and 49.17.060(1).

Summary of the Rule(s): See above.

Reasons Supporting the Proposed Rule(s): To ensure safe and healthful working conditions for every person working in the state of Washington; and to be in compliance with federal regulations.

Agency Personnel Responsible for Drafting: Ray V. Wax, Technical Services Chief, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504; Implementation and Enforcement: G. David Hutchins, Assistant Director, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504, 753-6500.

Name of 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. subsection 667(c)(2).

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: No negative impact.

#### AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

WAC 296-24-21705 EMPLOYEE TRAINING. (1) The employer shall provide a program to train all employees who service rim wheels in the hazards involved in servicing those ((multi-piece)) rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any rim wheel unless the employee has been trained and instructed in correct procedures of servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711 and 296-24-21713.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any of his employees is unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) The employer shall assure that each employee demonstrates and maintains the ability to service rim wheels safely, including performance of the following tasks:

- (a) Demounting of tires (including deflation);
- (b) Inspection and identification of the rim wheel components;
- (c) Mounting of tires (including inflation with a restraining device or other safeguard required by this section);
- (d) Use of the restraining device or barrier, and other equipment required by this section;
- (e) Handling of rim wheels;
- (f) Inflation of the tire when a single-piece rim wheel is mounted on a vehicle;

(g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and

(h) Installation and removal of rim wheels.

(3) The employer shall evaluate each employee's ability to perform these tasks and to service rim wheels safely, and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

#### AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

WAC 296-24-21707 TIRE SERVICING EQUIPMENT. (1) The employer shall furnish a restraining device for inflating tires on multi-piece wheels.

(2) The employer shall provide a restraining device or barrier for inflating tires on single-piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

(3) Restraining devices and barriers shall comply with the following requirements:

(a) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during a rim wheel separation occurring at one hundred fifty percent of the maximum tire specification pressure for the type of rim wheel being serviced.

(b) Restraining devices and barriers shall be capable of preventing the rim wheel components from being thrown outside or beyond the device or barrier for any rim wheel ((position)) positioned within or behind the device;

(c) Restraining devices and barriers shall be visually inspected prior to each day's use and after any separation of the rim wheel components or sudden release of contained air. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

- (i) Cracks at welds;
- (ii) Cracked or broken components;
- (iii) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;
- (iv) Pitting of components due to ((excessive)) corrosion; or
- (v) Other structural damage which would decrease its effectiveness.

(d) Restraining devices or barriers removed from service shall not be returned to service until they are repaired and reinspected. Restraining devices or barriers requiring structural repair such as component replacement or rewelding shall not be returned to service until they are certified ((either-by)) by either the manufacturer or ((by)) a registered professional engineer as meeting the strength requirements of subsection (3)(a) of this section.

(4) The employer shall furnish and assure that an air line assembly consisting of the following components be used for inflating tires:

- (i) A clip-on chuck;
- (ii) An in-line valve with a pressure gauge or a presettable regulator; and
- (iii) A sufficient length of hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.

(5) Current charts (rim manuals) containing instructions for the types of wheels being serviced shall be available in the service area.

~~(6) ((A current rim manual containing instructions for the type of rims being serviced shall be available in the service area.~~

~~(7))~~ The employer shall furnish and assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service rim wheels.

#### AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

WAC 296-24-21711 SAFE OPERATING PROCEDURE—MULTI-PIECE RIM WHEELS. The employer shall establish a safe operating procedure for servicing multi-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated before demounting by removal of the valve core.

(2) Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

- (a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure((:)), or
- (b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Whenever a rim wheel is in a restraining device the employee shall not rest or lean any part of his body or equipment on or against the restraining device.

(7) After tire inflation, the tire and wheel components shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

(8) No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Cracked, broken, bent or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Whenever multi-piece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

(11) No heat shall be applied to a multi-piece wheel or wheel component.

#### AMENDATORY SECTION (Amending Order 74-22, filed 5/6/74)

WAC 296-27-090 REPORTING OF FATALITY OR MULTIPLE HOSPITALIZATION ACCIDENTS. (1) Within twenty-four hours after the occurrence of an employment accident which results in an immediate or probable fatality to one or more employees, or which results in hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.

(2) Equipment involved in an accident resulting in an immediate fatality or in the hospitalization of two or more employees shall not be moved until a representative of the division of industrial safety and health investigates the accident and authorizes removal of such equipment, when removal of such equipment is necessary in order to prevent further accident or to remove the victim, such equipment may be moved as required.

#### NEW SECTION

WAC 296-27-15501 DIVISION OF INDUSTRIAL SAFETY AND HEALTH, PUBLIC RECORDS. Requests for inspection or copies of records and documents in the custody of the division of industrial safety and health should be made to the division's designated records officer. The division's records are maintained at 814 East Fourth Ave., P.O. Box 207, Olympia, WA 98504. General information can be obtained at service locations and field offices throughout the state.

#### NEW SECTION

WAC 296-27-15503 CONFIDENTIAL REPORTS WITHIN THE DEPARTMENT'S FILES. Whenever a divisional file contains any report or information from an independent source that has requested that the information contained in the department's file be protected as confidential, such information will not be released without court order. When such information is withheld the records officer shall clearly identify which information has been withheld and the information's source.

#### NEW SECTION

WAC 296-27-15505 ACCIDENT INVESTIGATION REPORTS. Results of accident investigations and related reports are

confidential and will not be freely released by the department, see RCW 49.17.260.

Accident investigation reports will be made available without the need of a court order only to the following:

(1) Employees of governmental agencies in the performance of their official duties;

(2) The injured worker, his legal representative, or his labor organization representative;

(3) The legal representative or labor organization representative of a deceased worker, including any beneficiary of a deceased worker actually receiving benefits under the terms of Title 51 RCW, the Industrial Insurance Act. The records officer may provide accident investigation reports to the closest surviving member of the deceased worker's immediate family;

(4) The employer of any injured or deceased workman;

(5) Any other employer or person whose actions or business operations are the subject of the report or investigation; or

(6) Any attorney representing a party in any pending legal action in which an investigative report constitutes material and relevant evidence.

#### AMENDATORY SECTION (Amending Order 81-13, filed 6/22/81)

WAC 296-27-16009 FOLLOW-UP INSPECTIONS. (~~When an employer has been cited for a violation, the department conducts follow-up inspections to ensure that the violation has been corrected.~~

~~(1) If the department cited a serious violation, or a general violation for which a penalty was proposed, the department shall conduct a follow-up inspection. If there is more than one abatement date, more than one follow-up inspection may be necessary.~~

~~(2) The department may, but is not required, to conduct follow-up inspections after issuing a citation other than those set out in subsection (1) of this section. (1) If an employer has been cited for a serious violation, or a general violation for which a penalty was proposed, the department shall conduct a follow-up inspection or obtain written verification from the employer that the violation has been abated. If there is more than one abatement date, more than one written verification or more than one follow-up inspection may be necessary.~~

~~(2) If an employer verifies abatement of a violation in writing, the employer shall post a copy of the written verification in a prominent place at or near each place where the violation occurred for at least three working days. See WAC 296-350-400(8)(b).~~

~~(3) The department may, but is not required to, conduct follow-up inspections after issuing a citation other than those set out in subsection (1) of this section.~~

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60001 SCOPE AND APPLICABILITY. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries, division of industrial safety and health.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 and 296-62 WAC are applicable to all longshore, stevedore and related waterfront operations: PROVIDED, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 and 296-62 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—WAC 296-24-956 through 296-24-960.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC ((applies where specifically referenced in this standard, except that the requirements of chapter 296-62 WAC do)) does not apply when a substance or cargo is contained within a sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) ~~((Noise))~~ Hearing conservation—WAC 296-62-09015 through 296-62-09055.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—WAC 296-24-825 through 296-24-82545.

(f) Safe practices of abrasive blasting operations, ventilation—WAC 296-24-675 through 296-24-67519.

(g) Access to employee exposure and medical records—WAC 296-62-052 through 296-62-05221.

(h) Respiratory protection—WAC 296-62-071 through 296-62-07121.

(i) Safety rules for grain elevator(s) operations—Chapter 296-88 WAC.

(j) Hazard communication—WAC 296-62-054 through 296-62-05425.

(k) Asbestos—WAC 296-62-07517.

(l) Confined space—WAC 296-62-145 through 296-62-14529.

(4) ~~The provisions of ((WAC 296-56-600 through 296-56-60255))~~ this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60003 VARIANCE AND PROCEDURE. ~~((Any employer may apply to the director for an order for a variance from any rule or regulation establishing a safety and health standard promulgated under this chapter. Affected employees shall be given notice of each such application and in the manner prescribed by this chapter shall be informed of their right to request a hearing on any such application. The director shall issue such order granting a variance, after opportunity for an inspection, if he determines or decides after a hearing has been held, if request for hearing has been made, that the applicant for the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by such applicant employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the safety and health standard or standards from which the variance is sought. The order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. At any time after six months has elapsed from the date of the issuance of the order granting a variance upon application of an employer, employee or the director on his own motion, after notice has been given in the manner prescribed for the issuance of such order may modify or revoke the order granting the variance from any standard promulgated under the authority of this chapter.))~~ Realizing that conditions may exist under which certain state standards will not have practical application, the director of the department of labor and industries has made provisions for the issuance of variances. The director or his authorized representative may, pursuant to this section, RCW 49.17.080 and 49.17.090, and WAC 296-350-200 through 296-350-270, upon receipt of application and after investigation by the department, permit a variation from the requirements of this chapter. Any variance is limited to the particular case and application. It shall remain posted during the time which it is in effect. Variance application forms may be obtained from the department.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60005 DEFINITIONS. (1) "Apron" means that open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

(2) "Assistant director for the division of industrial safety and health" means the assistant director of industrial safety and health, department of labor and industries or his authorized representative.

(3) "Authorized," in reference to an employee's assignment, means selected by the employer for that purpose.

~~((3))~~ (4) "Cargo door" (transit shed door) means a door designed to permit transfer of cargo to and from a marine terminal structure.

~~((4))~~ (5) "Cargo packaging" means any method of containment for shipment, including cases, cartons, crates and sacks, but excluding large units such as intermodal containers, vans or similar devices.

~~((5))~~ (6) "Confined space" means ~~((a space having all of the following characteristics:~~

(a) Small size;

(b) Severely limited natural ventilation;

(c) Capability to accumulate or contain a hazardous atmosphere;

(d) Exits that are not readily accessible; and

(e) A design not meant for continuous human occupancy.

~~Examples of))~~ any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or an oxygen deficient atmosphere. Confined spaces include, but are not limited to, intermodal tank containers, brailwater tanks, bins, storage tanks, boilers, ventilation or exhaust ducts, tunnels, and portable tanks.

~~((6))~~ (7) "Conveyor" means a device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

~~((7))~~ (8) "Danger zone" means any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

~~((8))~~ (9) "Designated person" means a person who possesses specialized abilities in a specific ~~((area))~~ capacity and is assigned by the employer to perform a specific task in that area.

~~((9))~~ (10) "Dock" means ~~((any wharf, pier, terminal, warehouse, or any other place where cargo is stored, assembled, received, or prepared for transfer to or from a vessel, railway car or truck))~~ a wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities.

~~((10))~~ (11) "Dock facilities" ~~((means))~~ includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved~~(;)~~ or handled to or from a vessel.

~~((11))~~ (12) "Dockboard" (bridge plate or car plate) means a device utilized to span the gap between railroad cars, or between railroad cars or highway vehicles and the loading dock or platform. A car plate may be fixed, adjustable, portable, powered, or unpowered.

~~((12))~~ (13) "Enclosed space" means an indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces ~~((are))~~ include trailers, railcars, and storage rooms.

~~((13))~~ (14) "Examination," as applied to material handling devices required to be certified by this ~~((section to be certificated))~~ chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 ~~((as applicable to the type of gear or device))~~ through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

~~((14))~~ (15) "Flammable atmosphere" means an atmosphere containing more than ten percent of the lower ~~((flammable))~~ explosive limit (LEL) of a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

~~((15))~~ (16) "Front-end attachments."

(a) As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and sideshifting carriages, magnets, rams, crane arms or booms, load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

(b) As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell or magnet services.

~~((16))~~ (17) "Fumigant" is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state~~(;)~~ even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

~~((17))~~ (18) "Hazardous cargo, material, substance or atmosphere" means:

(a) Any substance listed in chapter 296-62 WAC;

(b) Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172;

(c) Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 CFR Part 173; ~~((or))~~

~~((d))~~ ~~((Any atmosphere with an oxygen content of less than nineteen and one-half percent))~~ Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or

~~((e))~~ Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

~~((18))~~ (19) "House falls" means spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

~~((19))~~ (20) "Inspection," as applied to material handling devices required to be certified by this ~~((part to be certificated))~~ chapter, ~~((means))~~ includes a complete visual examination of all visible parts of the device.

~~((20))~~ (21) "Intermodal container" means a reusable cargo container of rigid construction and rectangular configuration~~(;)~~ intended to contain one or more articles of cargo or bulk commodities for transportation by water and one or more other transport modes without intermediate cargo handling. The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, ~~((dismountable))~~ ~~dismounted~~ or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

~~((21))~~ (22) "Loose gear" means removable ~~((and))~~ or replaceable components of equipment or devices which may be used with or as a part of assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples ~~((are))~~ include shackles and snatch blocks.

~~((22))~~ (23) "Marina" means a small harbor or boat basin providing dockage, supplies, and services for small craft.

~~((23))~~ (24) "Marine terminal" means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement~~((s))~~ of cargo or materials from vessel to shore or shore to vessel ~~((including))~~. It includes structures which are devoted to receiving, handling, holding, consolidation, ~~((and))~~ loading or delivery of waterborne shipments and passengers, ~~((including))~~ and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor ~~((does the term include))~~ storage facilities directly associated with those production or manufacturing areas.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60007 HOUSEKEEPING. (1) ~~((Active))~~ Work areas shall be kept free of equipment and materials not in use, and clear of debris, projecting nails, strapping and other sharp objects not necessary for the work in progress.

(2) Hatch beams, covers, and pontoons placed in terminal working areas shall be stowed in stable piles with beams secured against tipping or falling. Alternatively, beams may be laid on their sides. When beams and pontoons are stowed in tiers more than one high, dunnage or other suitable material shall be used under and between tiers.

(3) Cargo and material shall not obstruct access to vessels, cranes, vehicles, or buildings. Means of access and egress within buildings shall be ~~((similarly))~~ unobstructed.

(4) The employer shall eliminate, to the extent possible, conditions causing slippery working ~~((and))~~ or walking surfaces in immediate work areas used by employees.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60009 ACCIDENT PREVENTION PROGRAM. (1) An accident prevention program, ~~((wherein there is))~~ which provides equitable management-employee participation, shall be established in all establishments, industrial plants, or operations.

(2) It shall be the responsibility of the employer to initiate and maintain ~~((such))~~ the accident prevention program~~((s as may be))~~

necessary to comply with this section. The division of industrial safety and health may be contacted for assistance in initiating and maintaining an effective accident prevention program.

(3) All accident prevention programs shall be tailored to the needs of the particular operation.

(4) Employer and employee representatives, as elected, delegated or appointed, shall attend and actively take part in frequent and regular safety committee meetings.

(5) Accident prevention programs shall provide for employer-employee safety meetings and frequent and regular safety inspections of job sites, materials, equipment, and operating procedures.

(6) A record of safety activities, such as inspections and meetings, shall be maintained by the employer for a period covering the previous twelve months and shall be made available, upon request, to non-compliance personnel of the department of labor and industries.

(7) ~~((The))~~ Employees shall individually comply with all safety rules and cooperate with management in carrying out the accident prevention program.

(8) To make effective the preceding statement and promote on-the-job accident prevention, committees shall be established in each port. These committees shall consist of an equal number of port or stevedore company and longshoremen representatives at the job level with the industry or company safety supervisor serving as secretary and coordinator. ~~((A function of this committee is to obtain))~~ Some functions of the committee are to maintain the interest of the workers in accident prevention by providing for their actual participation in the program, to direct their attention to the real causes of accidents, and to provide a means for making practical use of their intimate knowledge of working conditions and practices.

(9) It is ~~((further))~~ intended that this program will produce mutually practical and effective recommendations regarding correction of accident-producing circumstances and conditions.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60011 SLINGING. (1) Drafts shall be safely slung before being hoisted. Loose dunnage or debris hanging or protruding from loads shall be removed.

(2) Bales of cotton, wool, cork, wood pulp, gunny bags, or similar articles shall be hoisted only by straps strong enough to support the weight of the bale. At least two hooks, each in a separate strap, shall be used.

(3) Unitized loads bound by bands or straps ~~((may))~~ shall only be hoisted by the banding or strapping ~~((only))~~ if the banding or strapping is suitable for hoisting and is strong enough to support the weight of the load.

(4) Additional means of hoisting shall be employed to ensure safe lifting of unitized loads having damaged banding or strapping.

(5) Case hooks shall be used only with cases designed to be hoisted by these hooks.

(6) Loads requiring continuous manual guidance during handling shall be guided by guide ropes (tag lines) that are long enough to control the load.

(7) Intermodal containers shall be handled in accordance with WAC 296-56-60103~~((5))~~.

(8) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(9) Drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, shall be slung in such a manner as to prevent sliders. Double slings shall be used on unstrapped dunnage, except, when~~(;)~~ due to the size of hatch or deep tank openings, it is impractical to use them.

(10) Hand loaded buckets, tubs, bins and baskets used in handling bulk cargo shall not be loaded above their rim.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60017 LINE HANDLING. (1) In order to provide safe access for handling lines while mooring and unmooring vessels, cargo or material shall not be stowed or vehicles placed where they obstruct the work surface ~~((to be used))~~.

(2) When stringpiece or apron width is insufficient for safe footing, grab lines on rails shall be installed on the sides of permanent structures. ("Stringpiece" means a narrow walkway between the water edge of a berth and a shed or other structure.)

(3) Areas around bits or cleats where workers perform their duties as line handlers shall be lighted as required ~~(in this section and have)~~ by this chapter. There shall be a nonslip surface around each bit or cleat.

(4) Walkways on which mooring hausers must be moved may have the handrail omitted on the line handling side provided a six(=)inch by six inch toeboard is installed.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60019 STANDARD GAUGE RAILROAD OPERATIONS. ~~((All sections of this chapter which include))~~ WAC 296-56-60019 through 296-56-60041 apply to standard gauge railroad operations.

(1) Work shall be performed in railcars only if floors of the railcars are in visibly safe condition for the work activity being conducted and the equipment being used.

(2) A route shall be established to allow employees to pass to and from places of employment without passing under, over or through railcars, or between cars less than ten feet (3 m) apart on the same track.

(3) The employer shall direct that no employees remain in railcars after work is concluded. No employee shall remain in a railcar after work is concluded.

(4) Railcars shall be chocked or otherwise prevented from moving:

(a) While dockboards or carplates are in position; or

(b) While employees are working within, on or under the railcars or near the tracks at the ends of the cars.

(5) When employees are working in, on, or under a railcar, positive means shall be taken to protect them from exposure to impact from moving railcars.

(6) Work being carried on, in, or under cars which subjects employees to the hazard of moving railroad equipment shall be protected by flags and derails set a minimum of fifty feet from one or both ends of the worksite. Where the spur track switch is less than fifty feet from the work location, the switch padlocked in the open position ~~((with))~~ may take the place of the derail ((and)). The blue flag shall be placed at that point.

(7) Before cars are moved, unsecured and over-hanging stakes, wire straps, banding, and similar objects shall be removed or placed so as not to create hazards.

(8) The employer shall institute all necessary controls during railcar movement to safeguard personnel. If winches or capstans are employed for movement, employees shall stand clear of the hauling rope and shall not stand between the rope and the cars.

(9) Before being opened fully, doors shall be opened slightly to ensure that the load has not shifted during transit. Special precautions shall be taken if the doors being opened are visibly damaged.

(10) If power industrial trucks are used to open freight car doors, the trucks or the railcar doors shall be equipped with door opening attachments. Employees shall stand clear of the railcar doors while they are being opened and closed.

(11) Only railcar door openers or power trucks equipped with door opening attachments shall be used to open jammed doors.

(12) Employees shall not remain in or on gondolas or flat cars when drafts that create overhead, caught-in, caught-between or struck-by hazards are being landed in or on the railcar(=). End gates, if raised, shall be secured.

(13) Operators of railcar dumps shall have an unrestricted view of dumping operations and shall have emergency means of stopping movement.

(14) Recessed railroad switches shall be enclosed to provide a level surface.

(15) Warning signs shall be posted where doorways open onto tracks, at blind corners and at similar places where vision may be restricted.

(16) Warning signs shall be posted if insufficient clearance for personnel exists between railcars and structures.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60023 WARNING FLAGS OR LIGHTS. A blue flag, bright colored flag or blue light shall be displayed at one or both

ends of an engine, car ~~((or))~~ or train(=) to indicate that workers are under or about the railway equipment. When such warning devices are displayed, the equipment shall not be coupled to(=) or moved. On a dead end spur, a blue light or flag may be displayed adjacent to the switch opening while cars are being loaded or unloaded.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60025 SIGNALS UNOBSURED. Equipment which ~~((would))~~ could obscure signals shall not be placed on the track.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60027 AUDIBLE WARNING SYSTEM. A clearly audible warning system shall be employed when cars are being moved in areas where workers ~~((are))~~ may be in the vicinity of the tracks. When the audible warning signal ~~((may))~~ might not be heard above the surrounding noises, a person shall be delegated and stationed close enough to the track crew to warn them, by contact, of the on-coming equipment.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60029 SAFETY OBSERVER ON RAILROAD SWITCHING. When persons are required to work between railway cars, underneath railway cars or in areas where switching is done, there shall be a person ~~((who shall be))~~ charged with the responsibility to warn of an approaching switch of the railway car or cars, unless other reasonable and practical safeguards are provided.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60031 WARNING AT ROAD CROSSING. An audible whistle, horn or bell shall be sounded by the locomotive engineer to give adequate warning prior to switching across any road crossing. ~~((In the case of pushing))~~ Whenever cars are pushed with a locomotive, a signalman shall be located at the crossing to give signals in conjunction with other warnings by the engineer.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60037 CAR PLATES. Whenever workers are required to move cargo into or out of a railway car, a railway car plate shall be used which shall meet the following specifications:

(1) All car plates shall be strong enough to carry maximum loads with a safety factor of three.

(2) All car plates shall be provided with positive stops to prevent shifting of plates. One set of these stops shall be adjustable to ~~((take care of))~~ allow for different spaces between car door and platform.

(3) Car plates shall be so shaped that edges will always bear on the floor of car and platform to prevent "teetering" or rocking.

(4) All car plates shall have skid resistant surfaces.

(5) All car plates ~~((are to))~~ shall be provided with toe or guard plates at the sides with a minimum height of four inches.

(6) All car plates must bear no less than six inches back from edge of platform.

(7) Maximum capacity of car plates shall be marked in a conspicuous place.

(8) Car plates shall be provided with an appropriate fixture to enable the plates to be lifted and moved by fork trucks.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60039 DOCKBOARDS (BRIDGE PLATES). (1) Portable and powered dockboards shall be strong enough to carry the load imposed ~~((on them))~~.

(2) Portable dockboards shall be secured in position, either by being anchored or equipped with devices which will prevent ~~((their))~~ slipping.

(3) Powered dockboards shall be designed and constructed in accordance with commercial standards CS202-56 (1956) Industrial Lifts and Hinged Loading Ramps published by the United States Department of Commerce.



(4) Handholds or other effective means, shall be provided on portable dockboards to permit safe handling.

(5) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60041 LOG HANDLING. (1) The employer shall ensure that structures (bunks) used to contain logs have rounded corners and rounded structural parts to avoid sling damage.

(2) Two or more binders or equivalently safe means of containment shall remain on logging trucks and railcars to secure logs during movement of the truck or car within the terminal. During unloading, logs shall be prevented from moving while binders are being removed.

(3) Logs shall be hoisted by two slings or by other gear designed for safe hoisting.

(4) Logs placed adjacent to vehicle curbs on the dock shall not be over one tier high unless placed in bunks or ~~((so stacked as not to roll))~~ retained to prevent rolling or otherwise ~~((create))~~ creating a hazard to employees.

(5) Before logs are slung up from the dock, they shall be stably supported to prevent spreading and to allow passage of slings beneath the load. When bunks or similar retaining devices are used, no log shall be higher than the stanchions or retaining members of the device.

(6) A draft of logs for hoisting aboard ship shall not vary in length more than twenty percent.

(7) Audible alarms.

(a) All bidirectional machines, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in ~~((an operative))~~ operable condition.

(b) Automatic back-up alarms shall be installed on bidirectional equipment used to handle logs or containers and shall be maintained in ~~((an operative))~~ operable condition.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60043 MOVEMENT OF BARGES AND RAILCARS. Barges and railcars shall not be moved by cargo runners (running rigging) from vessel cargo booms, cranes or other equipment not ~~((suitable))~~ designed for the purpose.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60049 HAZARDOUS CARGO. (1) Before cargo handling operations begin, the employer shall ascertain whether any hazardous cargo is to be handled and shall determine the nature of the hazard. The employer shall inform employees of the nature of any hazard and any special precautions to be taken to prevent employee exposure, and shall instruct employees to notify ~~((him))~~ the employer of any leaks or spills.

(2) All hazardous cargo shall be slung and secured so that neither the draft nor individual packages can fall as a result of tipping the draft or ~~((slacking))~~ slackening of the supporting gear.

(3) If hazardous cargo is spilled or if its packaging leaks, employees shall be removed from the affected area until the employer has ascertained the specific hazards, provided any equipment, clothing ~~((and))~~, ventilation and fire protection equipment necessary to eliminate or protect against the hazard ~~((and has instructed))~~. Cleanup employees ~~((in a))~~ shall be instructed as to the safe method of cleaning up and disposing of ~~((the))~~ the spill, and handling and disposing of leaking containers. Actual cleanup or disposal work shall be conducted under the supervision of a designated person.

(4) The Department of Transportation and the United States Coast Guard ~~((apply))~~ impose requirements related to handling, storing and transportation of hazardous cargo (see 33 CFR Part 126, 46 CFR, 49 CFR).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60051 HANDLING EXPLOSIVES OR HAZARDOUS MATERIALS. (1) ~~((Dangerous or explosive nature to be made known))~~ All workers handling explosive or other hazardous material which is properly labeled pursuant to the Washington state labeling code, chapters 296-62 and 296-64 WAC, promulgated by the

department of labor and industries~~((;))~~; or the Explosive Act, chapters 70.74 RCW and 296-52 WAC; or the Federal and Washington State Food, Drug and Cosmetic Acts~~((;))~~; the Federal Insecticide, Fungicide and Rodenticide Act, the Washington Pesticide Act, chapter 17.21 RCW; the Federal Hazardous Substances Labeling Act~~((;))~~; or the Interstate Commerce Commission and Foreign Commerce regulations~~((;))~~; or explosives or other dangerous cargo which is reasonably known by the employers to be mislabeled or to be lacking a required label, shall be thoroughly informed by the employer of the explosive or ~~((dangerous))~~ hazardous nature of the cargo.

(2) ~~((Preparation and handling of explosive or hazardous materials:))~~ In all shipping operations including, but not limited to, handling, ~~((storing))~~ storage, and preparation, compliance with the standards of the Interstate Commerce Commission, the United States Coast Guard, or the safety rules developed by the Institute of Makers of Explosives shall be deemed proper and safe methods of operation.

(3) Handling of breakage. If breakage should occur while handling explosives or other hazardous materials, the foreman shall order the work in the immediate area to cease until the hazard has been removed. It shall be the responsibility of the employer to use a safe method of handling such breakage and placing ~~((the same))~~ it in a remote, safe location ~~((safety remote from the work area))~~.

(4) No smoking. All workers supervising or engaged in the handling, hoisting, stowing of explosives, combustible oxidizing materials or flammable materials shall smoke only in designated areas. No person shall smoke within one hundred feet of any location where such materials are handled or stored.

(5) Loading chute. In chuting packaged explosives, care must be exercised to ~~((make sure))~~ ensure that one package ~~((shall have been))~~ is taken from the mat before starting another. Each package shall ~~((have been))~~ be completely removed from the mat before another is placed on the chute.

(6) Specifications for chutes. In the loading of explosive merchandise in package form where chutes are used, the chutes shall be constructed only of wood. All fastenings ~~((thereon))~~ shall be of wooden pins, dowelings, or pegs. Metal fastenings may be used, provided they are countersunk.

(7) Mattress landing buffer. The bottoms of the chutes shall be provided with a stuffed mattress not less than four inches thick and of sufficient width and length to allow for safe landing of packages.

(8) Drafts of hazardous or explosive cargo ~~((ascertained by the employer to be hazardous))~~ shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or ~~((slacking))~~ slackening the supporting gear.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60053 HAZARDOUS ATMOSPHERES AND SUBSTANCES. (1) Purpose and scope. This section covers areas ~~((in which the employer is aware that))~~ where a hazardous atmosphere or substance may exist, except where one or more of the following sections apply: WAC 296-56-60049 Hazardous cargo; WAC 296-56-60051 Handling explosives or hazardous materials; WAC 296-56-60055 Carbon monoxide; WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives; WAC 296-56-60107 ~~((Menhaden terminats))~~ Terminal facilities handling menhaden and similar species of fish; WAC 296-56-60235 Welding, cutting~~((;))~~ and heating (hot work); and WAC 296-56-60237 Spray painting.

(2) Determination of hazard.

(a) ~~((When the employer is aware that))~~ Whenever a room, building, vehicle, railcar or other space contains or has contained a hazardous atmosphere, a designated and appropriately equipped person shall test the atmosphere before ~~((employee))~~ entry to determine whether a hazardous atmosphere exists.

(b) Records of results of any tests required by this section shall be maintained for at least thirty days.

(3) Testing during ventilation. When mechanical ventilation is used to maintain a safe atmosphere, tests shall be made by a designated person to ensure that the atmosphere is not hazardous.

(4) Entry into hazardous atmospheres. Only designated persons shall enter hazardous atmospheres~~((, in which case))~~. The following provisions shall apply:

(a) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory ~~((and emergency protective))~~ equipment meeting the requirements of WAC 296-62-071 through 296-62-07121;

(b) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such space; and

(c) Except for emergency or rescue operations, employees shall not enter into any atmosphere which has been identified as flammable or oxygen deficient (less than nineteen and one-half percent oxygen). Persons who may be required to enter flammable or oxygen deficient atmospheres in emergency operations shall be instructed in the dangers attendant to those atmospheres and instructed in the use of self-contained breathing apparatus, which shall be utilized.

(d) To prevent inadvertent employee entry into spaces that have been identified as having hazardous, flammable or oxygen deficient atmospheres, appropriate warning signs or equivalent means shall be posted at all means of access to those spaces.

(5) When the packaging of asbestos cargo leaks, spillage shall be cleaned up by designated employees protected from the harmful effects of asbestos as required by WAC 296-62-07517 and chapter 296-65 WAC.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60055 CARBON MONOXIDE. (1) Exposure limits. The carbon monoxide content of the atmosphere in a room, building, vehicle, railcar or any enclosed space shall be maintained (~~(at not more than)~~ below fifty parts per million (0.005%) as an eight-hour time-weighted average (~~(and)~~). Employees shall be removed from the enclosed space if the carbon monoxide concentration exceeds one hundred parts per million (0.01%).

(2) Testing. Tests to determine carbon monoxide concentration shall be made (~~(when)~~ whenever necessary to ensure that employee exposure does not exceed the limits specified in subsection (1) of this section.

(3) Instrumentation. Tests for carbon monoxide concentration shall be made by designated persons using gas detector tube units certified by NIOSH under 30 CFR Part 11 or other measuring instruments whose accuracy is as great or greater.

(4) Records. A record of the date, time, location and result(~~(s)~~) of carbon monoxide tests shall be available for at least thirty days.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60057 FUMIGANTS, PESTICIDES, INSECTICIDES AND HAZARDOUS PRESERVATIVES. (1) (~~(When the employer is aware that)~~ Whenever cargo in a space is or has been stowed, handled, or treated with a fumigant, pesticide, insecticide, or hazardous preservative, a determination shall be made as to whether a hazardous atmosphere is present in the space(~~(, and)~~). Only employees protected as required in subsection (5) of this section shall enter the space if it is hazardous.

(2) Tests to determine the atmospheric concentration of chemicals used to treat cargo shall be:

- (a) Appropriate for the hazard involved;
- (b) Conducted by designated persons; and
- (c) Performed at the intervals necessary to ensure that employee exposure does not exceed the permissible exposure limit for the chemical involved, see chapter 296-62 WAC.

(3) Results of any tests shall be available for at least thirty days.

(4) Chemicals shall only be applied to cargoes by designated persons.

(5) Only designated persons shall enter hazardous atmospheres(~~(, in which case)~~). Whenever a hazardous atmosphere is entered the following provisions apply.

(a) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory (~~(and emergency protective)~~) equipment meeting the requirements of WAC 296-62-071 through 296-62-07121; and

(b) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such a space.

(6) Signs shall be clearly posted where fumigants, pesticides or hazardous preservatives have created a hazardous atmosphere. These signs

shall note the danger, identify specific chemical hazards, and give appropriate information and precautions, including instructions for the emergency treatment of employees affected by any chemical (~~(in use)~~).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60059 FIRST-AID AND LIFESAVING FACILITIES. (1) Employers shall instruct employees to report every injury, regardless of severity, to the employer.

(2) A first-aid kit shall be available at the (~~(terminal)~~) worksite, and at least one person holding a valid first-aid certificate shall be at the (~~(terminal)~~) worksite when work is in progress.

(3) First-aid kits shall be weatherproof and contain individual sealed packages for each item that must be kept sterile. Each kit shall include at least the following items: Gauze roller bandages, 1 inch and 2 inch (25.4 mm and 50.8 mm); gauze compress bandages, 4 inch (101.6 mm); adhesive bandages, 1 inch (25.4 mm); triangular bandage, 40 inch (101.6 cm); ammonia inhalants and ampules; antiseptic applicators or swabs; eye dressing; wire or thin board splints; forceps and tourniquet; and first-aid dressing.

(4) Stretchers permanently equipped with bridles for hoisting shall be readily accessible. A blanket or other suitable covering shall be available.

(5) Telephone or equivalent means of communication shall be readily available.

(6) (~~(It shall be the duty of every employer to comply with such standards and systems of education for safety as shall be, from time to time, prescribed for such employer by the director of labor and industries through the division of industrial safety and health or by statute.~~

(~~(7)~~) Employees working on any bridge or structure leading to a detached vessel berthing installation shall wear United States Coast Guard approved personal flotation devices except where protected by railings, nets, or safety belts and lifelines.

(~~(8)~~) (7) Life ladders. On all docks (~~(spaced at intervals not to exceed four hundred feet)~~) there shall be (~~(provided)~~) substantial built-in-place ladders, spaced at intervals not to exceed four hundred feet, to reach the lowest water use. When portable ladders are to be used, ladders may be bolted to the bullrail or dock structure, or ladders can be secured to an embedded eye bolt in a concrete dock surface. The immediate area where such ladders or fastenings are located shall be painted with a bright color or of a color which contrasts with the surrounding area. There shall be a ladder at each end of the dock.

(~~(9)~~) (8) Life rings. On all docks (~~(spaced at intervals not to exceed two hundred feet, and so located to be readily available in case of emergency)~~) there shall be (~~(at least one)~~) life rings of an approved standard type, spaced at intervals not to exceed two hundred feet and so located as to be readily available in case of emergency, with ninety feet of line attached.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60060 FIRST-AID TRAINING AND CERTIFICATION. (~~(The purpose of this section is to assure that all employees of this state can be afforded quick and effective first-aid attention in the event that an injury occurs on the job. The means of achieving this purpose is to assure the presence of personnel trained in first-aid procedures at or near those places where employees are working. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.~~

(1) In addition to RCW 51.36.030, every employer shall comply with the department's requirements for first-aid training and certification:

(2) There shall be present or available at all times, a person or persons holding a valid certificate of first-aid training. (A valid first-aid certificate is one which is less than three years old.)

(3) Compliance with the requirements of subsection (2) of this section may be achieved as follows:

(a) All foremen, supervisors, or persons in direct charge of crews working in physically dispersed operations, shall have a valid first-aid certificate. PROVIDED, That if the duties or work of the foreman, supervisor or person in direct charge of the crew requires an absence from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed work place such as occurs in construction, logging, etc. If there is no foreman, supervisor or person in direct

charge assigned to the crew, at least one employee shall have a valid first-aid certificate. In emergencies, foremen, supervisors and persons in direct charge of a crew will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(b) In fixed establishments, all foremen, supervisors, or persons in direct charge of a group or groups of employees shall have a valid first-aid certificate. PROVIDED, That in fixed establishments where the foreman, supervisor, or person in charge has duties which require his absence from the work site of the group, another person holding a valid first-aid certificate shall be present or available to the group.

**NOTE:** Foremen, supervisors or persons in direct charge of a group or groups of employees will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(c) In fixed establishments organized into distinct departments or equivalent organizational units such as department stores, large company offices, etc., a person or persons holding a valid first-aid certificate shall be present or available at all times employees are working within that department or organizational unit.

(d) In small businesses, offices or similar types of fixed workplaces, compliance may be achieved by having a number of such small businesses, offices, etc., combined into a single unit for the purpose of assuring the continued presence or availability of a person or persons holding a valid first-aid training certificate.

A plan for combining a number of small businesses etc., into such a group shall be submitted to the division of industrial safety and health, safety education section, for approval. That section is also available to assist employers who wish to develop such a plan. Criteria for approval by the division shall include:

- (i) The businesses within the group must not be widely dispersed;
- (ii) The name(s) of the person or persons holding the first-aid certificates, their usual places of work, their phone numbers, and other appropriate information shall be posted in each establishment which is a member of the group, in a place which can reasonably be expected to give notice to employees of that establishment;
- (iii) First-aid kits must be available as required by WAC 296-56-60062.

(e) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

Bleeding control and bandaging.  
 Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.  
 Closed chest heart massage.  
 Poisons.  
 Shock, unconsciousness, stroke.  
 Burns, scalds.  
 Sunstroke, heat exhaustion.  
 Frostbite, freezing, hypothermia.  
 Strains, sprains, hernias.  
 Fractures, dislocations.  
 Proper transportation of the injured.  
 Bites, stings.  
 Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

(4) In physically dispersed operations, at least one member of each crew shall have a valid first-aid certificate. A crew shall mean a group of two or more employees working at a work site separate and remote from the main office or fixed workplace such as occurs in construction, logging, etc.

(5) Industrial first-aid course instructors will, upon request, be furnished by the division of industrial safety and health, department of labor and industries, either directly or through a program with the community colleges or vocational education.

(6) Employers of employees working in fixed establishments, meeting the following criteria, are exempt from the requirements of this section: PROVIDED

(a) They can submit written evidence to the department, upon request, that the worksite of their employees is within a two-minute time frame of response by an aid car, medic unit or established ambulance service with first-aid trained attendants:

(b) There is a back-up aid car, medic unit or established ambulance service within the two-minute response time, or that a first-aid trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event the primary unit is not available.

(c) There are no traffic impediments, such as draw bridges, railroad track, etc., along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the required two minute time frame.

(d) Emergency telephone numbers are posted on all first-aid kits and at all telephones on the worksite.

(e) The above services are available or exist at all times when more than one employee is on the worksite.

**NOTE:** A construction site that will be of more than six months duration, such as a large building, shall be considered a fixed establishment for the purposes of this section. Doctor's offices and clinics are not to be considered as alternates due to the fact that very often doctor's schedules require them to be away from their offices.))

This section is designed to assure that all employees of this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) There shall be available at all worksites, at all times, a person or persons holding a valid certificate of first-aid training from the department of labor and industries, United States Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence. A valid first-aid certificate is one which is less than three years old. All foremen, supervisors, or persons in direct charge of crews shall have a valid first-aid certificate. If the duties or work of the foreman, supervisor or person in direct charge of the crew require an absence from the crew, another person holding a valid first-aid certificate shall be present. For the purposes of this section, a crew shall mean a group of two or more employees working at any worksite. If there is no foreman, supervisor or person in direct charge assigned to the crew, at least one employee shall have a valid first-aid certificate.

**NOTE:** In emergencies, foremen will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another foreman in the immediate work area has the necessary certificate.

(2) Employers may be exempted from the requirements of this section, provided:

(a) They have previously submitted written evidence to the department that the worksite of their employees is within a two minute response time of an aid car, medic unit or established ambulance service with first-aid trained attendants.

(b) There is a back-up aid car, medic unit or established ambulance service within the two minute response time, or a first-aid trained person with readily available transportation is on the site of the posted emergency phone number for immediate dispatch in the event that the primary unit is not available.

(c) There are no traffic impediments, such as drawbridges, railroad tracks or similar traffic obstructions along the normal route of travel of the aid car, medic unit or established ambulance service that would delay arrival beyond the two minute response time.

(d) Emergency telephone numbers are posted on all first-aid kits and at all telephones at the worksite.

(e) The above services are available or exist at all times when more than one employee is at the worksite.

**NOTE:** Doctors' offices and clinics are not considered alternates to the exceptions enumerated in this subsection.

(3) Valid certification shall be achieved by passing a course of first-aid instruction and participation in practical application of the following subject matter:

Bleeding control and bandaging.  
 Practical methods of artificial respiration, including mouth to mouth and mouth to nose resuscitation.  
 Closed chest heart massage.  
 Poisons.  
 Shock, unconsciousness, stroke.  
 Burns, scalds.

Sunstroke, heat exhaustion.  
Frostbite, freezing, hypothermia.  
Strains, sprains, hernias.  
Fractures, dislocation.  
Proper transportation of the injured.  
Bites, stings.  
Subjects covering specific health hazards likely to be encountered by co-workers of first-aid students enrolled in the course.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60062 FIRST-AID KIT. (1) All employers who employ men and women covered by the Washington Industrial Safety and Health Act, chapter 49.17 RCW, shall furnish first-aid kits as required by the division of industrial safety and health, department of labor and industries, (RCW 51.36.030).

(2) First-aid supplies shall be readily accessible when required.

(3) In the absence of readily accessible first-aid supplies such as first-aid kits, first-aid stations, first-aid rooms or their equivalent, all crew trucks, power shovels, cranes, locomotives, loaders, dozers, logging trucks, speeders, freight trucks, and similar equipment shall be equipped with not less than a ten package first-aid kit.

(4) All crew vehicles used for transporting workmen shall be equipped with not less than a ten package first-aid kit. When more than five employees are being transported on any one trip, the kit shall be increased in size to ((comply with)) a 16, 24, or 36-package kit depending upon the number of personnel normally being transported.

(5) At least one first-aid kit shall be available on construction jobs, line crews, and other transient or short duration jobs. The size and quantity of first-aid kits(;) required to be located at any site(;) shall be determined by the number of personnel normally dependent upon each kit as outlined in the following table:

NUMBER OF PERSONNEL NORMALLY ASSIGNED TO WORKSITE	MINIMUM FIRST-AID SUPPLIES REQUIRED AT WORKSITE
1 - 50 PERSONS	FIRST-AID KIT
1 - 5	10 package kit
6 - 15	16 package kit
16 - 30	24 package kit
31 - 50	36 package kit
51 - 200 PERSONS	FIRST-AID STATION
51 - 75	One 36 and one 10 package kit
76 - 100	One 36 and one 16 package kit
101 - 150	One 36 and one 24 package kit
151 - 200	Two 36 package kits
OVER 200 PERSONS	FIRST-AID ROOM
	Refer to WAC ((296-24-070)) 296-56-60067

(6) Employers shall establish a procedure to assure that first-aid kits and required contents are maintained in a serviceable condition.

(7) First-aid kits shall contain at least the following items:

**10 Package Kit**

- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 1 Pkg. Bandage compress, 4" (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 1 Pkg. Triangular bandage, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 5 Pkgs. of consulting physician's choice\*\*

**16 Package Kit**

- 1 Pkg. Absorbent gauze, 24" x 72" (1 per pkg.)
- 1 Pkg. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 2 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 7 Pkgs. of consulting physician's choice\*\*

**24 Package Kit**

- 2 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 2 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 1 Pkg. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 6 Pkgs. Triangular bandages (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 9 Pkgs. of consulting physician's choice\*\*

**36 Package Kit**

- 4 Pkgs. Absorbent gauze, 24" x 72" (1 per pkg.)
- 2 Pkgs. Adhesive bandages, 1" (16 per pkg.)
- 5 Pkgs. Bandage compresses, 4" (1 per pkg.)
- 2 Pkgs. Eye dressing (1 per pkg.)
- 1 Pkg. Scissors\* and tweezers (1 each per pkg.)
- 8 Pkgs. Triangular bandages, 40" (1 per pkg.)
- 1 Pkg. Antiseptic soap or pads (3 per pkg.)
- 13 Pkgs. of consulting physician's choice\*\*

\*Scissors shall be capable of cutting two layers of fifteen ounce cotton cloth or its equivalent.

\*\*First-aid kits shall be maintained at the ten, sixteen, twenty-four or thirty-six package level. In the event the consulting physician chooses not to recommend items, the department of labor and industries shall be contacted for recommended items to complete the kit.

(8) Where the eyes or body of any person may be exposed to injurious chemicals ((and/or)) or materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided(;) within the work area(;) for immediate emergency use.

(9) When practical, a poster shall be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating(;) the phone numbers of available doctors, hospitals, and ambulance services within the district of the worksite.

~~((10)) When required by the department, in addition to the first-aid kit which must be kept on the equipment or at the place of work, there shall be available within the closest practicable distance from the operations (not to exceed one-half mile) the following items:~~

- ~~1 set of arm and leg splints;~~
- ~~2 all-wool blankets or blankets equal in strength and fire resistant (properly protected and marked);~~
- ~~1 stretcher(;) )~~

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60065 FIRST-AID STATION. (1) First-aid stations shall be located as close as ((practicable)) practical to the highest concentration of personnel.

(2) First-aid stations shall be well marked and available to personnel during all working hours.

(3) ((One)) A person holding a valid first-aid certificate shall be responsible for the proper use and maintenance of the first-aid station.

(4) First-aid stations shall be equipped with a minimum of two first-aid kits, the size of which shall be dependent upon the number of personnel normally employed at the worksite. One first-aid kit may be a permanent wall-mounted kit, but in all cases the station shall be equipped with at least one portable first-aid kit.

~~(5) ((When required by the department, the station shall be equipped with two wool blankets and a stretcher in addition to first-aid kits.~~

~~((6)) A roster, denoting the telephone numbers and addresses of doctors, hospitals and ambulance services available to the worksite, shall be posted at each first-aid station.~~

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60067 FIRST-AID ROOM. (1) There shall be a first-aid room meeting the requirements of this section ~~((shall be required))~~ when:

(a) A fixed establishment employs more than two hundred employees at one time at one ((central)) location(;);

~~((Exception: The department may permit the employer to follow the requirements of WAC 296-56-60060, 296-56-60062 and 296-56-~~

60065, as appropriate when employees would be better served for first-aid purposes and the following conditions are present:

(i) In low hazard occupations such as retail clothing stores, banks, or general office work where exposure to manufacturing processes or heavy materials handling does not exist, and

(ii) Where the two hundred or more employees have physically dispersed normal work stations which would result in excessive travel to the first-aid room. (Excessive travel shall mean travel of one quarter mile or more or three or more floors of vertical travel:))

(b) ((~~At~~)) A construction site((s which are expected to)) is a fixed establishment if it remains a construction site(s) for six months or more.

(2) First-aid rooms shall be located as close as possible to the heaviest concentrated work area. They shall be identified in such a manner as to be easily recognizable as first-aid rooms.

(3) The first-aid room shall be well lighted and ventilated, kept clean and orderly, provided with hot and cold running water, and maintained in a fully-equipped condition.

(4) The first-aid room shall be manned and maintained by:

- (a) A licensed physician, ((~~or~~))
- (b) A licensed or registered nurse, or
- (c) An employee who:

(i) Holds a valid advanced first-aid certificate ((~~as~~)) recognized by the department,

(ii) Works in the vicinity of the first-aid room, and

(iii) Does not perform other work of ((~~the~~)) a nature that is likely to adversely affect ((~~adversely her/his~~)) the ability to administer first-aid.

(5) First-aid rooms shall be equipped with items recommended by the consulting physician or plant medical officer and, ((~~as~~)) at a minimum, ((~~should~~)) shall contain ((~~an adequate~~)) a supply of the following:

- Antiseptic soap
- 3/4" or 1" adhesive compresses
- Adhesive knuckle bands
- 2" Bandage compresses
- 4" Bandage compresses
- 3" x 3" gauze pads
- Assorted sizes of large gauze pads
- 2" roller bandages
- 3" roller bandages
- 4" roller bandages
- Assorted adhesive tape rolls
- Eye dressings
- Ammonia inhalants
- Burn ointment
- Triangular bandages
- Scissors, forceps, razor and blades, medicine droppers
- Safety pins
- Drinking cups
- Rubbing alcohol
- Absorbent cotton
- Arm and leg splints
- Antidotes for specific industrial poisons
- Pressure points chart
- Stretcher
- Wool blankets and clean linen
- Hot water bottles
- Quick colds or ice bag
- Emergency first-aid kit
- A method of sterilizing instruments

(6) A poster shall be maintained on, or in the cover of, each first-aid cabinet and near each first-aid room phone. ((~~Such~~)) The poster ((~~will~~)) shall state phone numbers of available doctors, hospitals, and ambulance services within the employer's district.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60069 PERSONNEL. (1) Qualifications of machinery operators.

(a) Only those employees determined by the employer to be competent by reason of training or experience, ((~~and~~)) who understand the signs, notices and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. ((~~Exception:~~)) Employees being trained and supervised by a designated

((~~person~~)) individual may operate such machinery and give signals to operators during training.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate the employee shall be permitted to operate a crane, winch, other power-operated cargo handling apparatus or a power-operated vehicle.

(2) Supervisory accident prevention proficiency.

(a) ((~~After October 3, 1985:~~)) Immediate supervisors of cargo-handling operations of more than five persons shall satisfactorily complete a course in accident prevention. Employees newly assigned to supervisory duties ((~~after that date~~)) shall be required to meet the provisions of this paragraph within ninety days of such assignment.

(b) The course shall consist of instruction suited to the particular operations involved.

(c) No minor under eighteen years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60073 MISCELLANEOUS AUXILIARY GEAR. (1) Routine inspection.

(a) At the completion of each use, loose gear such as slings, chains, bridles, blocks, and hooks shall be so placed as to avoid damage to the gear. Loose gear shall be inspected and any defects corrected before re-use.

(b) All loose gear shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon ((~~such~~)) inspection to be ((~~visibly~~)) unsafe shall not be used until it is made safe.

(c) Defective gear shall not be used. Distorted hooks, shackles, or similar gear shall be discarded.

(d) Chains or other gear which have been lengthened, altered, or repaired by welding shall be properly heat treated ((~~where necessary~~)), and(;) before again being put into use, shall be tested and reexamined in the manner set forth in WAC 296-56-60097 and 296-56-60098.

(2) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly ((~~identifiable~~)) identified. The records shall be available for examination by ((~~representatives of the~~)) division of industrial safety and health personnel and the employee safety committee.

(3) Wire rope and wire rope slings.

(a) The employer shall ascertain and adhere to the manufacturer's recommended ratings for wire rope and wire rope slings and shall have such ratings available ((~~for inspection~~)) at the terminal. When the manufacturer is unable to supply such ratings, the employer shall use the tables for wire rope and wire rope slings found in American National Safety Standard for Slings, ((~~current~~)) ANSI B30.9. A design safety factor of at least five shall be maintained for the common sizes of running wire used as falls, in purchases or in such uses as light load slings. Wire rope with a safety factor of less than five may be used only:

(i) In specialized equipment, such as ((~~but not limited to~~)) cranes(;) designed to be used with lesser wire rope safety factors;

(ii) In accordance with design factors in standing rigging applications; or

(iii) For heavy lifts or other purposes for which a safety factor of five is ((~~impracticable~~)) impractical and for which the employer can demonstrate that equivalent safety is ensured.

(b) Wire rope or wire rope slings ((~~having~~)) exhibiting any of the following conditions shall not be used:

(i) Ten randomly distributed broken wires in one rope lay or three or more broken wires in one strand in one rope lay;

(ii) Kinking, crushing, bird caging, or other damage resulting in distortion of the wire rope structure;

(iii) Evidence of heat damage;

(iv) Excessive wear ((~~or~~)), corrosion, deformation or other defect in the wire or attachments, including cracks in attachments;

(v) Any indication of strand or wire slippage in end attachments; or

(vi) More than one broken wire in the close vicinity of a socket or swaged fitting.

(c) Protruding ends of strands in splices on slings and bridles shall be covered or blunted. Coverings shall be removable so that splices can

be examined. Means used to cover ((σ)) blunt ends shall not damage the wire.

(d) Where wire rope clips are used to form eyes, the employer shall adhere to the manufacturer's recommendations, which shall be available at the terminal. If "U" bolt clips are used and the manufacturer's recommendations are not available, Table C-1 shall be used to determine the number and spacing of clips. "U" bolts shall be applied with the "U" section in contact with the dead end of the rope.

TABLE C-1—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel, rope diameter inches/(cm)	Minimum number of clips		Minimum spacing inches/(cm)
	Drop forged	Other material	
½ or less(1.3)	3	4	3(7.6)
¾(1.6)	3	4	3¾(9.5)
¾(1.9)	4	5	4½(11.4)
¾(2.2)	4	5	5¼(13.3)
1(2.5)	5	7	6(15.2)
1¼(2.7)	6	7	6¾(17.1)
1¼(3.2)	6	8	7½(18.1)
1¾(3.5)	7	6	8¼(21.0)
1¾(3.8)	7	9	9(22.9)

(e) Wire rope shall not be secured by knots.

(f) Eyes in wire rope bridles, slings, bull wires, or in single parts used for hoisting shall not be formed by wire rope clips or knots.

(g) Eye splices in wire ropes shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wire cut from each strand. Other forms of splices or connections which are ((shown)) demonstrated to be ((equivalently)) equally safe may be used.

(h) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, shall consist of one continuous piece without knot or splice.

(4) Natural fiber rope.

(a) The employer shall ascertain the manufacturer's ratings for the specific natural fiber rope used and have such ratings available at the terminal. The manufacturer's ratings shall be adhered to and a minimum design safety factor of five maintained.

(b) Eye splices shall consist of at least three full tucks. Short splices shall consist of at least six full tucks, three on each side of the center line.

(5) Synthetic rope.

(a) The employer shall adhere to the manufacturer's ratings and use recommendations for the specific synthetic fiber rope used and shall have such ratings available at the terminal.

(b) Unless otherwise recommended by the manufacturer, when synthetic fiber ropes are substituted for manila ropes of less than three inches (7.62 cm) ((m)) circumference, the substitute shall be of equal size. Where substituted for manila rope of three inches or more in circumference, the size of the synthetic rope shall be determined from the formula:

$$C = \sqrt{0.6C_s^2 + 0.4C_m^2}$$

$$C = \sqrt{.6(C_s)^2 + .4(C_m)^2}$$

Where C = the required circumference of the synthetic rope in inches, C<sub>s</sub> = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than that of the size manila rope that would be required by subsection (4) of this section, and C<sub>m</sub> = the circumference of manila rope in inches which would be required by subsection (4) of this section. In making such substitution, it shall be ascertained that the inherent characteristics of the synthetic fiber are suitable for hoisting.

(6) Removal of natural and synthetic rope from service. Natural ((and)) or synthetic rope having any of the following defects shall be removed from service:

- (a) Abnormal wear;
- (b) Powdered fiber between strands;
- (c) Sufficient cut or broken fibers to affect the ((capability)) capacity of the rope;
- (d) Variations in the size or roundness of strands;
- (e) Discolorations other than stains not associated with rope damage;
- (f) Rotting; or
- (g) Distortion or other damage to attached hardware.

(7) Thimbles. Properly fitting thimbles shall be used where any rope is secured permanently to a ring, shackle or attachment, where ((practicable)) practical.

(8) Synthetic web slings.

(a) Slings and nets or other combinations of more than one piece of synthetic webbing assembled and used as a single unit (synthetic web slings) shall not be used to hoist loads in excess of the sling's rated capacity.

(b) Synthetic web slings shall be removed from service if they exhibit any of the following defects:

- (i) Acid or caustic burns;
- (ii) Melting or charring of any part of the sling surface;
- (iii) Snags, punctures, tears or cuts;
- (iv) Broken or worn stitches; or
- (v) Distortion or damage to fittings.

(c) Defective synthetic web slings removed from service shall not be returned to service unless repaired by a sling manufacturer or similar entity. Each repaired sling shall be proof tested by the repairer to twice the slings' rated capacity prior to its return to service. The employer shall retain a certificate of the proof test and make it available for examination.

(d) Synthetic web slings provided by the employer shall only be used in accordance with the manufacturer's ((use)) recommendations, which shall be made available upon request.

(e) Fittings shall have a breaking strength at least equal to that of the sling to which they are attached and shall be free of sharp edges.

(9) Chains and chain slings used for hoisting.

(a) The employer shall adhere to the manufacturer's recommended ratings for safe working loads for the sizes of alloy steel chains and chain slings ((used)) and shall have such ratings available. When the manufacturer is unable to provide such ratings, the employer shall use the tables for chains and chain slings found in American National Safety Standard for Slings, ANSI B30.9-((current revision)) 1971.

(b) Proof coil steel chain, also known as common or hardware chain, and other chain not recommended by the manufacturer for slinging or hoisting shall not be used for slinging or hoisting.

(c)(i) Sling chains, including end fastenings, shall be inspected for visible defects before each day's use and as often as necessary during use to ensure integrity of the sling.

(ii) Thorough inspections of chains in use shall be made quarterly to detect wear, defective welds, deformation ((σ)), increase in length or stretch. The month of inspection shall be indicated on each chain by color of paint on a link or by other ((equality)) effective means.

(iii) Chains shall be removed from service when maximum allowable wear, as indicated in Table C-2, is reached at any point of link.

(iv) Chain slings shall be removed from service when stretch has increased the length of a measured section by more than five percent; when a link is bent, twisted or otherwise damaged; or when a link has a raised scarf or defective weld.

(v) Only designated persons shall inspect chains used for slinging and hoisting.

TABLE C-2.—MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size		Maximum allowable wear	
Inches	(cm)	Inches	(cm)
¼(½)	(0.6)	¼	(0.1)
¾	(1.0)	¼	(0.2)
½	(1.3)	¼	(0.3)
¾	(1.6)	¼	(0.4)
¾	(1.9)	¼	(0.4)
¾	(2.2)	¼	(0.4)
1	(2.5)	¼	(0.5)
1½	(2.9)	¼	(0.6)
1¼	(3.2)	¼	(0.6)
1¾	(3.5)	¼	(0.7)
1½	(3.8)	¼	(0.8)
1¾	(4.4)	¼	(0.9)

(d) Chains shall only be repaired under qualified supervision. Links or portions of chain defective under any of the criteria of WAC 296-56-60073 (9)(c)((σ)) shall be replaced with properly dimensioned links or connections of material similar to that of the original chain. Before repaired chains are returned to service, they shall be tested to the proof test load recommended by the manufacturer for the original

chain. Tests shall be performed by the manufacturer or shall be certified by an agency accredited for the purpose under WAC 296-56-60093. Test certificates shall be available at the terminal.

(e) Alloy chains shall not be annealed.

(f) Kinked or knotted chains shall not be used for lifting. Chains shall not be shortened by bolting, wiring or knotting. Makeshift links or fasteners such as wire, bolts or rods shall not be used.

(g) Hooks, rings, links and attachments affixed to sling chains shall have rated capacities at least equal to that of the chains to which they are attached.

(h) Chain slings shall bear identification of size, grade and rated capacity.

(10) Shackles.

(a) If available, the manufacturer's recommended safe working loads for shackles shall not be exceeded. In the absence of manufacturer's recommendations, Table C-3 shall apply.

(b) Screw pin shackles used aloft in house fall or other gear, except in cargo hook assemblies, shall have their pins moused or otherwise effectively secured.

TABLE C-3.—SAFE WORKING LOADS FOR SHACKLES

Material size		Pin diameter		Safe working load in 2,000 lb tons
Inches	(cm)	Inches	(cm)	
1/2	(1.3)	3/8	(1.6)	1.4
5/8	(1.6)	1/2	(1.9)	2.2
3/4	(1.9)	5/8	(2.2)	3.2
7/8	(2.2)	1	(2.5)	4.3
1	(2.5)	1 1/8	(2.9)	5.6
1 1/8	(2.9)	1 1/4	(3.2)	6.7
1 1/4	(3.2)	1 3/8	(3.5)	8.2
1 3/8	(3.5)	1 1/2	(3.8)	10.0
1 1/2	(3.8)	1 5/8	(4.1)	11.9
1 5/8	(4.4)	2	(5.0)	16.2
2	(5.0)	2 1/4	(5.7)	21.2

(c) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed (~~(-PROVIDED, That)~~), however, a safety factor of not less than five ((is)) shall be maintained.

TABLE G-1  
MANILA ROPE  
(In pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg			
		Vertical	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	630	1190	973	630
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

TABLE G-2  
RATED CAPACITIES FOR IMPROVED PLOW STEEL,  
INDEPENDENT WIRE ROPE CORE,  
WIRE ROPE AND WIRE ROPE SLINGS  
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.  
(B) - Mechanical Sleeve attachment.  
(C) - Hand Tucked Splice attachment.

TABLE G-3  
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT  
WIRE ROPE CORE, WIRE ROPE SLINGS  
(In tons of 2000 pounds)

Rope Dia. Inches	TWO-LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4"	1.1	1.1	1.0	1.0	.97	.92	.83	.79	.75	.58	.56	.53
3/8"	2.4	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.6	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	8.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10.	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14.	13.	11.	12.	11.	9.6	9.6	9.3	7.9	6.9	6.6	5.5
1"	18.	17.	14.	15.	14.	12.	12.	12.	10.	9.0	8.5	7.2
1-1/8"	23.	21.	18.	19.	18.	16.	16.	15.	13.	11.	10.	9.0
6x37 CLASSIFICATION												
1-1/4"	26.	24.	21.	23.	21.	18.	19.	17.	15.	13.	12.	10.
1-3/8"	32.	29.	25.	28.	26.	22.	22.	21.	19.	16.	15.	13.
1-1/2"	38.	35.	30.	33.	30.	26.	27.	25.	21.	19.	17.	15.
1-3/4"	51.	47.	41.	44.	41.	35.	36.	32.	29.	26.	24.	20.
2"	66.	61.	52.	57.	53.	46.	47.	43.	39.	33.	30.	26.
2-1/4"	83.	76.	66.	72.	66.	57.	58.	54.	47.	41.	38.	31.

(A) - Socket or Swaged Terminal Attachment.  
(B) - Mechanical Sleeve Attachment.  
(C) - Hand Tucked Splice Attachment.

TABLE G-4  
RATED CAPACITIES FOR IMPROVED PLOW STEEL,  
FIBER CORE, WIRE ROPE AND  
WIRE ROPE SLINGS  
(In tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.55	.51	.49	.41	.38	.37
3/8"	1.2	1.1	1.1	.92	.85	.80
1/2"	2.1	2.0	1.8	1.6	1.5	1.4
5/8"	3.3	3.1	2.8	2.5	2.3	2.1
3/4"	4.8	4.4	3.9	3.6	3.3	2.9
7/8"	6.4	5.9	5.1	4.8	4.5	3.9
1"	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8"	10.	9.5	8.4	7.9	7.1	6.3
6x37 CLASSIFICATION						
1-1/4"	17.	11.	9.8	9.2	8.3	7.4
1-3/8"	15.	13.	12.	11.	10.	8.9
1-1/2"	17.	16.	14.	13.	12.	10.
1-3/4"	24.	21.	19.	18.	16.	14.
2"	31.	28.	25.	23.	21.	18.

(A) - Socket or Swaged Terminal attachment.  
(B) - Mechanical Sleeve attachment.  
(C) - Hand Tucked Splice attachment.



TABLE G-5  
RATED CAPACITIES FOR IMPROVED FLOW STEEL,  
FIBER CORE, WIRE ROPE SLINGS  
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BASKET HITCH											
	Vertical			60°			45°			30°		
	A	B	C	A	B	C	A	B	C	A	B	C
6x19 CLASSIFICATION												
1/4	1.1	1.8	.99	.95	.88	.85	.79	.72	.70	.55	.51	.49
3/8	2.4	2.7	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	6.7	6.2	5.6	5.6	5.3	4.8	4.7	4.4	4.0	3.3	3.2	2.8
3/4	9.5	8.8	7.8	8.2	7.4	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8	13.	12.	10.	11.	10.	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1	17	15.	13.	14.	13.	11.	12.	11.	9.4	8.4	7.7	6.7
1-1/8	21.	19.	17.	18.	16.	15.	13.	12.	10.	9.5	8.4	7.4
6x37 CLASSIFICATION												
1-1/4	25.	22.	20.	21.	19.	17.	17.	16.	14.	12.	11.	9.8
1-3/8	30.	27.	24.	26.	23.	20.	21.	19.	17.	15.	13.	12.
1-1/2	35.	32.	28.	30.	27.	24.	25.	22.	20.	17.	16.	14.
1-3/4	40.	43.	38.	41.	37.	33.	34.	30.	27.	24.	21.	19.
2	42.	55.	49.	53.	48.	43.	43.	39.	35.	31.	28.	25.

(A) - Socket or Swaged Terminal attachment.  
(B) - Mechanical Sleeve attachment.  
(C) - Hand Trucked Splice attachment.

TABLE G-6  
ALLOY STEEL CHAIN  
(In tons of 2000 pounds)

Nominal Size Chain Stock Inch.	Single Leg	60°	45°	30°
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

(11) Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer(s) shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point may overstress((es and))<sub>1</sub> bend((s))<sub>2</sub> or spring((s)) the hook.

(c) Hooks shall be inspected once a month to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Crane hooks. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.

(e) Any activity which involves the use of radioactive materials or x-rays, whether or not under license from the Nuclear Regulatory Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

(f) Teeth of case hooks shall not be split, cracked, or deformed.

(g) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

(12) Pallets.

(a) Pallets shall be made and maintained to safely support and carry loads being handled. Fastenings of reusable pallets used for hoisting shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings, or equivalent holding strength.

(b) Damaged pallets shall be stored in designated areas and identified.

(c) Reusable wing or lip-type pallets shall be hoisted by bar bridles or other suitable gear and shall have an overhanging wing or lip of at least three inches (76.2 mm). They shall not be hoisted by wire slings alone.

(d) Loaded pallets that do not meet the requirements of this paragraph shall be hoisted only after being placed on pallets meeting such requirements or shall be handled by other means providing equivalent ((safety)) protection.

(e) Bridles for handling flush end or box-type pallets shall be designed to prevent disengagement from the pallet under load.

(f) Pallets shall be stacked or placed to prevent falling, collapsing or otherwise causing a hazard under standard operating conditions.

(g) Disposable pallets intended for one use shall not be re-used for hoisting.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60075 CARGO BOARDS AND OTHER TYPE PALLET BOARDS. (1) ((The term)) "Cargo board" ((shaft)) means the typical wing or lip-type stevedore board hoisted to or from vessels by means of a bar bridle. "Other pallet boards" includes all other platforms used to hold cargo for the purpose of transporting it from place to place.

(2) All pallets and cargo boards shall be of such material and construction as to safely support and carry loads being handled ((on them)).

(3) All cargo boards shall be sheathed (decked) top and bottom with the top sheathing being of two-inch lumber and ((with the top sheathing)) extending at least six inches beyond the end stringers.

(4) The outer sheathing boards or boards adjacent thereto on cargo boards shall be fastened to the stringers by bolts and nuts. Other sheathing shall be fastened by bolts and nuts, drive screws (helically threaded nails), annular threaded nails, or fastenings of equivalent strength.

(5) Pallet boards, other than cargo boards, may be hoisted if safe means are provided for the type of board used.

(6) Loaded cargo or pallet boards which do not meet the requirements of this section shall be reboarded or placed on cargo boards meeting the requirements of this section before being hoisted, ((provided)) only if the weight of the load can be safely distributed on the cargo board.

(7) Cargo boards which are not loaded and secured so that the load will not tip or fall shall not be hoisted.

(8) Bridles used to handle flush-end or box-type pallets shall be of such a design as to prevent them from becoming disengaged from the pallet under load.

NOTE: In areas where ((the)) a two lip cargo board is being used, that practice shall ((remain)) continue. The department of labor and industries recommends the use of the two lip cargo board.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60077 POWERED INDUSTRIAL TRUCKS. (1) Applicability. This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. It does not apply to over-the-road vehicles.

(2) General.

(a) ((After October 3, 1983)) Modifications, such as adding counterweights, that might affect the vehicle's capacity or safety shall not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals shall be changed to conform to the equipment as modified.

(b) Unauthorized personnel shall not ride on powered industrial trucks. A safe place to ride shall be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means shall be fully lowered, controls neutralized and brakes set. Unless the truck is in view and within twenty-five feet (7.6 m) of the operator, power shall be shut off. Wheels shall be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks shall not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks shall be marked with their rated capacities, which shall be visible to the operator.

(f) Only stable and ((safety)) safely arranged loads within the rated capacity of the truck shall be handled.

(g) ~~((The employer shall direct))~~ Drivers ~~((to))~~ shall ascend and descend grades slowly.

(h) ~~((The employer shall direct))~~ Drivers ~~((to))~~ shall slow down and sound the horn at crossaisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view ~~((the employer shall direct))~~ drivers ~~((to))~~ shall travel with the load trailing.

(j) Steering knobs shall not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means shall be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means shall be provided to protect the driver from sliding loads.

(3) Maintenance.

(a) Only designated persons shall perform maintenance and repair.

(b) Batteries on all powered trucks shall be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy shall be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety shall be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking shall be operable and in safe condition.

(e) Powered industrial trucks shall be maintained in safe working order. Safety devices shall not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect shall not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated as safe for such repairs.

(4) Approved trucks.

(a) "Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.

(b) Approved trucks acquired and used after February 15, 1972, shall bear a label or other identification indicating testing laboratory approval.

(c) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 CFR 126.15(e) do not apply, only power-operated industrial trucks approved for such locations shall be used.

(5) Duties of operator.

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

(b) Unobstructed view. When traveling, power-propelled vehicles shall at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel ~~((or))~~. Where this is impractical, the operator shall be directed in travel, by a person designated to do so.

(c) Employee riding safety. Operators and authorized passengers shall not be permitted to ride with legs or arms extending outside any vehicle nor shall they be permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

(d) Moving vehicles. Vehicles shall be controlled manually while being pushed or towed except when a tow bar is used. Special precautions shall be taken when pushing vehicles where view is obstructed. Vehicles shall not be pushed with blades of a forklift.

(e) Moving highway trailers. In all cargo operations involving the use of highway trailers, ~~((such))~~ trailers shall be moved in such a manner that ~~((at all times))~~ the moving trailer is completely under control at all times. Special caution shall be exercised when such trailers are moving on inclines. Trailers shall be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer shall be evenly distributed so as not to cause the trailer to tip to one side.

(f) Prohibited forms of riding. Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

(g) Regular seats for riders. No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

(h) Jumping on or off moving vehicles. Employees shall not jump on or off moving vehicles.

(i) Reporting defects. If a power-driven vehicle is at any time found to be in any way unsafe, the operator shall report same immediately to the person in charge and such vehicle shall not be used for production work until it has been made safe.

(6) Vehicle equipment and maintenance.

(a) Horns and lights. All power-propelled vehicles shall be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area shall be equipped with a light or lights directed in the direction of travel ~~((as required))~~ in order to safely travel about the area.

(c) Guards on operator's platform. Every power truck operated from an end platform or standing position shall be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

(d) Seat cushions. All vehicles having a driver's seat shall be provided with resilient seat cushions fixed in place.

(e) Securing of counterbalances. Counterbalances of all power-driven vehicles shall be positively secured to prevent ~~((accidentally))~~ accidental dislodging, but may be a removable type which may be removed, if desired, prior to hoisting the vehicle.

(f) Exhaust pipes and mufflers. Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes shall be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

(g) Ventilation where internal ~~((combustion-type))~~ combustion vehicles are used. Internal ~~((combustion-type))~~ combustion engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC ~~((296-62-075 (General occupational health standards)))~~ 296-56-60055.

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) Cargo truck couplings. Couplings installed on cargo trucks (four-wheelers) shall be of a type which will prevent accidental disengaging.

(k) Operating levers. Operating levers on power-driven vehicles shall be so placed as not to project toward the operator's body.

(l) Front axle assembly ~~((secure))~~. The front axle assembly on all trailers shall be securely fastened to the truck bed.

(m) Air line hook-up. Tractors hauling heavy duty highway trailers shall have an air line brake hook-up.

(n) Floor mats. On power-driven vehicles where the operator stands on a platform, resilient foot mats shall be securely attached.

(o) Cleaning vehicles. All power-propelled vehicles shall be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) Forklift trucks.

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, ~~((the employer shall ensure that))~~ forklift trucks ~~((are))~~ shall be equipped with securely attached overhead guards. Guards shall be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards shall not obstruct the operator's view, and openings in the top of the guard shall not exceed six inches (15.2 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards shall be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards shall be large enough to extend over the operator during all truck operations, including forward tilt.

(b) Supplies to ship's rail. Cargo or supplies shall not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

(c) Position of forks. When standing, lift forklift forks shall be lowered to floor. When moving, lift forklift forks shall be kept as low as possible.

(d) Forklift use in gangplank moving. Not less than two forklifts shall be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

(e) Forklift seat covers. Seats on forklifts shall be provided with a removable waterproof cover when they are exposed to the weather.

(f) Raised equipment to be blocked. Workers shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall ~~((also))~~ be used in conjunction with the jack.

(g) Maximum speed. The maximum speed for forklifts on all docks shall not exceed eight miles per hour. ~~((This))~~ The speed limit shall be prominently posted on such docks.

(h) Load backrest extensions. Where necessary to protect the operator, forklift trucks shall be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

(i) Forks. Forks, fork extensions and other attachments shall be secured so that they cannot be accidentally dislodged, and shall be used only in accordance with the manufacturer's recommendations.

(j) Counterweights. Counterweights shall be so affixed that they cannot be accidentally dislodged.

(k) Capacities and weights.

(i) Forklift truck rated capacities, with and without removable counterweights, shall not be exceeded. Rated capacities shall be marked on the vehicle and shall be visible to the operator. The vehicle weight, with and without counterweight, shall be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

(l) Lifting of employees. Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform shall meet the following requirements:

(i) The platform shall have a railing complying with WAC 296-56-60123(3).

(ii) The platform shall have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means shall be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform shall be protected from exposure to moving truck parts.

(v) The platform floor shall be skid resistant.

(vi) A truck operator shall be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) Bulk cargo-moving vehicles.

(a) Where a seated operator may come into contact with projecting overhead ~~((s))~~ members, crawler-type bulk-cargo-moving vehicles that are rider operated shall be equipped with operator ~~((s))~~ guards.

(b) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(9) Straddle trucks.

(a) Accessibility. Straddle trucks shall have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding.

(i) Main sprockets and chains to the wheels shall be guarded as follows:

(A) The upper sprocket shall be fully enclosed;

(B) The upper half of the lower sprocket shall be enclosed; and

(C) The drive chain shall be enclosed to a height of eight feet (2.6 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears shall be fully enclosed and revolving parts which may be contacted by the operator shall be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards shall be provided around leading edges of front and rear wheels.

(c) Visibility. Operator visibility shall be provided in all directions of movement.

(10) Trailer-spotting tractors.

(a) Trailer-spotting tractors (fifth wheels) shall be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows shall be of safety glass or ~~((of))~~ equivalent material.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60079 GENERAL RULES APPLICABLE TO VEHICLES. (1) The requirements of this section apply to general vehicle use within marine terminals except in cases where the provisions of subsections (3) and (13) of this section are preempted by ~~((applicable))~~ regulations of the department of transportation.

(2) Private vehicle parking in marine terminals shall be allowed only in designated areas.

(3) Trailers shall not be disconnected from tractors at loading docks until the road wheels have been immobilized. The road wheels shall be immobilized from the time the brake system is disconnected until braking is again provided. Supplementary front end support shall be employed as necessary to prevent tipping when a trailer is entered by a material handling vehicle. Rear end support shall be employed if rear wheels are so far forward as to allow tipping when the trailer is entered.

(4) The employer shall direct motor vehicle operators to comply with any posted speed limits ~~((and))~~, other traffic control signs or signals, and written traffic instructions.

(5) Stop signs shall be posted at main entrances and exits of structures where visibility is impaired, and at blind intersections, unless direct traffic control ~~((or))~~, warning mirror systems or other systems of equivalent safety are provided.

(6) Vehicular routes, traffic rules ~~((:))~~ and parking areas shall be established, identified ~~((:))~~ and used.

(7) ~~((The employer shall direct))~~ Vehicle drivers ~~((to))~~ shall warn ~~((employees))~~ anyone in traffic lanes of the vehicle's approach.

(8) Signs indicating pedestrian traffic shall be clearly posted at vehicular check-in and check-out lines and similar locations ~~((where employees may be working))~~.

(9) A distance of not less than twenty feet (4.5 m) shall be maintained between the first two vehicles in a check-in ~~((:))~~ or check-out ~~((roadability))~~ line, or vessel loading ~~((:))~~ or discharging line. This distance shall be maintained between any ~~((subsequent))~~ vehicles behind which employees ~~((are required to))~~ work.

(10) No unattended vehicle shall be left with its engine running unless secured against movement (see WAC 296-56-60077 for powered industrial trucks).

(11) When the rear of a vehicle is elevated to facilitate loading or discharging, a ramp shall be provided and secured. The vehicle shall be secured against accidental movement during loading or discharging.

(12) Only ~~((highway))~~ vehicle floors in safe condition shall be used.

(13) When flatbed trucks, platform containers or similar conveyances are loaded or discharged and the cargo consists of pipe or other products which could spread or roll to endanger employees, the cargo shall be contained to prevent movement.

(14) Vehicles used to transport employees within a terminal shall be maintained in safe working order and safety devices shall not be removed or made ~~((inoperative))~~ inoperable.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60081 MULTIPIECE RIM WHEELS. (1) Scope. This section applies to the servicing of vehicle wheels containing tube-type tires mounted on multipiece rims.

(2) Definition. "Multipiece rim" means a vehicle wheel rim consisting of two or more parts, one of which is a (side) locking ring designed to hold the tire on the rim by tension on interlocking components when the tire is inflated, regardless of the relative sizes of the component parts.

(3) Employee training.

(a) The employer shall ensure that only employees trained in the procedures required in subsection (4) of this section who have demonstrated their ability to service multipiece rim wheels shall be assigned such duties.

(b) The employer shall ensure that each employee demonstrates his ability to service multipiece rim wheels, including performance of the following tasks:

- (i) Tire demounting (including deflation);
- (ii) Inspection of wheel components;
- (iii) Mounting of tires;
- (iv) Inflation of tires, including use of a restraining device;
- (v) Handling of wheels;
- (vi) Inflation of tires when a wheel is mounted on the vehicle; and
- (vii) Installation and removal of wheels.

(4) Servicing procedures. The employer shall ensure that the following procedures are followed:

(a) Tires shall be completely deflated by removal of the valve core before demounting (~~by removal of the valve core~~);

(b) The valve core shall be removed before the wheel is removed from the axle when:

(i) The tire has been operated underinflated at eighty percent or less of its recommended pressure; or

(ii) There is discernible or suspected damage to the tire or wheel components;

(c) Mating surfaces shall be free of dirt, surface rust, scale and rubber build up before mounting;

(d) Rubber lubricant shall be applied to bead and rim mating surfaces upon wheel assembly and inflation of the tire;

(e) Air pressure shall not exceed 3 psig (0.21 kg/cm<sup>2</sup>) when seating the locking ring or rounding out the tube when a tire is being partially inflated without a restraining device;

(f) While the tire is pressurized, components shall not be struck or forced to correct the seating of side or lock rings;

(g) There shall not be any contact between an employee or unit of equipment and a restraining device during tire inflation;

(h) After inflation, tires, rims, and rings shall be inspected while within the restraining device to ensure seating and locking. If adjustment is necessary the tire shall first be deflated by valve core removal; and

(i) Before assembly, wheel components shall be inspected, and damaged rim components shall not be re-used.

(5) Charts and manuals.

(a) The employer shall provide a chart containing ~~((as))~~, at a minimum, the instructions and information provided in the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publication "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multipiece Rim Wheel Matching Chart," and pertinent to the type~~((s))~~ of multipiece rim wheels being serviced. The chart shall be available in the terminal's service area.

(b) A current rim manual containing the manufacturer's instructions for mounting, demounting, maintenance and safety precautions relating to the multipiece rim wheels being serviced shall be available in the terminal's service area.

(6) Restraining devices.

(a) Except as otherwise noted, inflation shall be done within a restraining device such as a cage, rack or other device capable of withstanding the maximum force that would be transferred to it during an explosive wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the wheels being serviced. The restraining device shall be capable of preventing rim components from being thrown outside the frame of the device for any wheel position within the device. When the wheel assembly is mounted on a vehicle, tires may be inflated without a restraining device only if they have more than eighty percent of the recommended pressure and if remote control inflation equipment is used and employees are clear of the danger area.

(b) Restraining devices shall be kept in good repair and be capable of preventing rim components from being thrown outside the device.

(7) Inflation hoses. Inflation hoses shall have a manual clip-on chuck with sufficient hose to permit an employee to be clear of the danger zone. An in-line, manually operated valve with gauge or a pre-set pressure regulator shall be used to inflate tires.

(8) Other equipment.

(a) Only tools recommended in the rim manual for the type of wheel being serviced shall be used to service multipiece rim wheels.

(b) Wheel components shall not be interchanged except as provided in the applicable chart or manual.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60083 CRANES AND DERRICKS. (1) (~~Coverage~~) Scope.

(a) This section applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) Ratings.

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables shall have a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart shall include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer shall be included (~~along with the chart~~).

(b) The manufacturer's (or design) rated loads for the conditions of use shall not be exceeded.

(c) Designated working loads shall not be increased beyond the manufacturer's ratings or original design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis shall be performed or approved by a person accredited for (~~certificating~~) certifying the equipment under WAC 296-56-60093. Cranes shall conform with the manufacturer's specifications (~~and~~) or any current ANSI standards that apply. Engineering design analysis shall be performed by a registered professional engineer competent in the field of cranes and derricks. Any structural changes necessitated by the change in rating shall be carried out.

(3) Radius indicator. When the rated load varies with the boom radius, the crane or derrick shall be fitted with a boom angle or radius indicator visible to the operator.

(4) Prohibited usage.

(a) Equipment shall not be used in a manner that exerts sideloading stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation shall be used.

(5) Protective devices.

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts shall be securely guarded.

(b) Crane hooks shall be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook shall have a positive safety latch to prevent rollouts.

(6) General.

(a) Operating controls.

(i) Crane and derrick operating controls shall be clearly marked, or a chart indicating their function shall be posted at the operator's position.

(ii) All crane controls shall operate in a uniform manner within a given port.

(iii) (~~After October 3, 1984~~) Overhead bridge and container gantry crane operating control levers shall be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) Booms. Cranes with elevatable booms and without operable automatic limiting devices shall be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) Foot pedals. Foot pedals shall have a nonskid surface.

(d) Access. Ladders, stairways, stanchions, grab irons, foot steps or equivalent means shall be provided as necessary to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks shall be of rigid construction, and shall be capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders shall comply with WAC 296-56-60209 (4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes shall be equipped with rigid handrails meeting the requirements of WAC 296-56-60123 (5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign shall be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) shall be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) Operator's station. The cab, controls, and mechanism of the equipment shall be so arranged that the operator has a clear view of the load or signalman, when one is used. Cab glass, when used, shall be safety plate glass or equivalent and good visibility shall be maintained through the glass. Clothing, tools and equipment shall be stored so as not to interfere with access, operation, or the operator's view.

(f) Counterweights or ballast. Cranes shall be operated only with the specified type and amount of ballast or counterweights. Ballast or counterweight shall be located and secured only as provided in the manufacturer's or design specifications, which shall be made available upon request.

(g) Outriggers. Outriggers shall be used according to the manufacturer's specifications or design data, which shall be made available upon request. Floats, when used, shall be securely attached to the outriggers. Wood blocks or other support shall be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.

(h) Exhaust gases. Engine exhaust gases shall be discharged away from the normal position of crane operating personnel.

(i) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(j) Fire extinguisher.

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent shall be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents shall be used.

(k) Rope on drums. At least three full turns of rope shall remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope shall be secured to drums by clamps, U-bolts, shackles, or equivalent means. Fiber rope fastenings are prohibited.

(l) Assembly or disassembly of boom sections. Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness shall be blocked to prevent dropping of the boom or boom sections.

(m) Brakes.

(i) Each independent hoisting unit of a crane shall be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, shall, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units shall have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically-controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means shall be capable of maintaining safe lowering speeds of rated loads.

(n) Each crane or derrick shall be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses shall be illuminated at a minimum of two candle power.

(o) Light fixtures connected to the boom, gantry legs, or machinery house shall be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(p) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(q) On all rail gantry cranes, truck guards shall extend on the ends of the trucks, close to the top of the rail to prevent worker's feet from being caught between the rail and wheel. This subsection (~~will~~) does not apply if rail sweeps are present.

(r) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) shall be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(s) Gantry cranes shall be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) Rail-mounted cranes (excluding locomotive types).

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) Rated load marking. The rated loads of bridge cranes shall be plainly marked on each side of the crane and in the cab. If there is more than one hoisting unit, each hoist shall have its rated load marked on it or on its load block. Marking shall be legible from the ground level.

(c) Wind-indicating devices.

(i) (~~After October 3, 1983~~) Each rail-mounted bridge and portal crane located outside of an enclosed structure shall be fitted with an operable wind-indicating device.

(ii) The wind indicating device shall provide a visible or audible warning to alert the operator of high wind conditions. That warning shall be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) Instructions. The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel shall be stopped; and

(B) The crane shall be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel shall be moved clear of the vessel if safe to do so; and

(B) The crane shall be secured against travel, using all available means of securing.

(e) The employer shall monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) Stops and bumpers.

(i) The ends of all tracks shall be equipped with stops or bumpers. If a stop engages the tread of the wheel, it shall be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane or trolley shall be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks shall be equipped with personnel-deflecting guards.

(h) Pedestrian clearance. If the track area is used for employee passage or for work, a minimum clearance of three feet (0.9 m) shall be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area shall not be used and shall be marked and identified.

(i) Warning devices. Rail-mounted cranes shall be equipped with an effective travel, audible and visible, warning device which shall be used to warn employees who may be in the path of the moving crane.

(j) (~~with~~) Communications.

(i) Means of communication shall be provided between the operator's cab and the base of the gantry of all rail-mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity (~~with~~) shall be equipped with a voice hailing device (PA system(~~s~~)) from the operator to the ground, audible within one hundred feet.

(k) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes and crane operations.

(l) Signalmen. A signalman shall be required when a crane operator's visibility is obstructed. When a signalman is required to transmit hand signals, he shall be in such a position that the operator can plainly see the signals.

(m) Signals. All operators and signalmen shall use standard signals as illustrated for longshore crane operations. (See ~~((Appendix))~~ Appendices C and D, at the end of this chapter.)

(n) Signalman for power units. Where power units, such as cranes and winches are utilized and signaling is required, the operator shall ~~((have definite instructions))~~ be instructed as to who is authorized to give signals. The operator shall take signals only from such authorized person. In case of emergency, any worker shall be authorized to give a stop signal.

(i) No draft shall be hoisted unless the winch or crane operator ~~((†))~~ can clearly see the draft itself or see the signals of any signalman associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(o) Landing loads. Persons assisting in landing a load shall face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) Stabilizing of locomotive cranes. Loads may be hoisted by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) Operations.

(a) Use of cranes together. When two or more cranes hoist a load in unison, a designated person shall direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) Guarding of swing radius. Accessible areas within the swing radius of the body of a revolving crane shall be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) Securing mobile crane components in transit. The crane's superstructure and boom shall be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment shall be secured.

(d) Unattended cranes. The following steps shall be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, shall be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches shall be disengaged;

(iii) The power supply shall be shut off;

(iv) The crane shall be secured against accidental travel; and

(v) The boom shall be lowered or secured against movement.

(e) Operating near electric power lines.

(i) Clearance. Unless electrical distribution and ~~((transmitting))~~ transmission lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load shall be ten feet (3 m);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load shall be either 10 feet (3 m) plus 0.4 inch (10 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance shall be a minimum of four feet (1.2 m).

(ii) Boom guards. Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they shall not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) Determination of energized lines. Any overhead line shall be presumed to be energized until the owner of the line indicates that it is not energized.

(10) Protection for employees being hoisted.

(a) No employee shall be hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with this subsection ~~((†0 of this section))~~; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123(3). If equipped with open railings, the platform shall be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which shall not be exceeded, and the weight of the platform itself;

(D) ~~((Equipment))~~ Equipped with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel shall operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel shall be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees shall be inspected for defects before each day's use and shall be removed from service if defective.

(e) Employees being hoisted shall remain in continuous sight of and communication with the operator or signalman.

(f) Operators shall remain at the controls when employees are hoisted.

(g) Cranes shall not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the spreaders shall be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings shall be fitted with a means of closure, such as chains with hooks. Existing railings shall be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 shall be forty-two inches (1.07 m), plus or minus three inches (7.6 cm), in height. The provisions of (a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when ~~((such))~~ container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks shall be used.

(11) Routine inspection.

(a) Designated persons shall visually inspect each crane and derrick on each day of use for defects in functional operating components and shall report any defect found to the employer. The employer shall inform the operator of the findings.

(b) A designated person shall thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard shall be corrected before further ~~((equipment))~~ use. Repairs shall be performed only by designated persons.

(d) A record of monthly inspections shall be maintained for six months in or on the crane or derrick or at the terminal.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60085 CRANE LOAD AND LIMIT DEVICES.

(1) ~~((†))~~ Except as provided in ~~((†(viii) of this))~~ subsection (8) of this section, every crane ~~((after October 3, 1984))~~ shall be fitted with a load indicating device or alternative device in proper working condition ~~((which shall meet the following criteria:))~~.

~~((†))~~ The type or model or any load indicating or alternate device which is used shall provide:

~~((†))~~ (a) A direct indication in the cab of actual weight hoisted or a means of determining this by referencing a weight indication to crane ratings posted and visible to the operator ~~((, except that))~~. The use of a dynamometer or simple scale alone ~~((with))~~ shall not meet this requirement; or

~~((†))~~ (b) Indications in the cab according to the radius and load at the moment; or

~~((†))~~ (c) A direct means to prevent an overload from occurring.

~~((†))~~ (2) Accuracy of the devices required by this section shall be such that any indicated load (or limit), including the sum of actual

weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than ninety-five percent of the actual true total load (five percent overload) to one hundred ten percent of the actual true total load (ten percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

((iii)) (3) The device shall permit the operator to determine, before making any lift, that the indicating or substitute system is operative. In the alternative, if a device is so mounted or attached to preclude such a determination, it may not be used unless it has been certified by the manufacturer to remain operable within the limits stated in ((a)(ii) of this) subsection (2) of this section for a specific period of use. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see WAC 296-56-60093) and at such additional times as may be recommended by the manufacturer.

((iv)) (4) When a load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

((v)) (5) Marking shall be conspicuously placed giving: Units of measure in pounds or both pounds and kilograms, capacity of the indicating system, accuracy of the indicating system, and operating instructions and precautions. In the case of systems utilizing indications other than actual weights, the marking shall include data on: The means of measurement, capacity of the system, accuracy of the system, ((and)) operating instructions and precautions. If the system used provides no read-out, but it is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of the device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

((vi)) (6) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load.

Explanatory note. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus((+)) or minus ten percent, it would accept a reading between ninety thousand and one hundred ten thousand pounds, at full capacity of a machine with one hundred thousand pounds, maximum rating, but would also allow a reading between zero and twenty thousand pounds, at that outreach (radius) at which the rating would be ten thousand pounds((-)) capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the one hundred thousand pound load but becomes a figure between nine thousand and eleven thousand pounds, a much different and acceptable condition, at the ten thousand pound load.

((vii)) (7) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and((/or)) meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than one hundred ten percent of the actual radius to a figure which is no less than ninety-seven percent of the actual (true) radius. A conversion chart shall be provided whenever it is necessary to convert between degrees of radius and feet or meters.

((viii)) (8) The load indicating device requirements of this ((item)) section do not apply to a crane:

((A)) (a) Of trolley equipped bridge type while handling container known to be and identified as empty, or loaded, and in either case in compliance with the provisions of WAC 296-56-60103, or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose, and in all cases within the crane rating;

((B)) (b) While handling bulk commodities or cargoes by means of clamshell bucket or magnet;

((C)) (c) While used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or

((D)) (d) While the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds eleven thousand two hundred pounds, and when eleven thousand two hundred pounds, is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

((ix)) (9) Limit switches shall be installed on the main line and whip line assemblies which will deactivate the hoisting power when a load reaches the upper limits of travel and at such other places as required by this chapter. Line limit switches shall be tested prior to or at the beginning of each shift to determine if they are functioning properly. Any malfunction shall be reported to the person in charge immediately and shall be repaired at the first reasonable opportunity.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60087 WINCHES. (1) Moving winch parts which present ((caught-in)) hazards to employees shall be guarded.

(2) Winches shall have clearly identifiable and readily accessible stop controls.

(3) Portable winches shall be secured against accidental shifting while in use.

(4) Portable winches shall be fitted with limit switches if employees have access to areas from which it is possible to be drawn into the winch.

(5) The provisions of WAC 296-56-60083 (6)(k) ((shaft)) apply to winches.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60089 CONVEYORS. (1) Guards.

(a) Danger zones at or adjacent to conveyors shall be guarded to protect employees.

(b) An elevated walkway with guardrail or equivalent means of protection shall be provided where employees cross over moving conveyors((and)). Suitable guarding shall be provided when employees pass under moving conveyors.

(2) Moving parts. Conveyor rollers and wheels shall be secured in position.

(3) Positioning. Gravity conveyor sections shall be firmly placed and secured to prevent them from falling.

(4) Braking.

(a) When necessary for safe operation, provisions shall be made for braking objects at the delivery end of the conveyor.

(b) Conveyors using electrically released brakes shall be constructed so that the brakes cannot be released until power is applied, and ((that)) the brakes are automatically engaged if the power fails or the operating control is returned to the "stop" position.

(5) Stability. Portable conveyors shall be stable within their operating ranges. When used at variable fixed levels, the unit shall be secured at the operating level.

(6) Emergency stop devices. Readily accessible stop controls shall be provided for use in an emergency whenever employees are required to walk or work in the vicinity of the conveyor. The emergency stop device shall be available within easy reach from any position on or adjacent to the conveyor.

(7) Starting powered conveyors. Powered conveyors shall not be started until all employees are clear of the conveyor or have been warned that the conveyor is about to start.

(8) Loading and unloading. The area around conveyor loading and unloading points shall be kept clear of obstructions during conveyor operations.

(9) Lockout/tagout.

(a) Conveyors shall be stopped and their power sources locked out and tagged out during maintenance, repair, and servicing, unless power is necessary for testing.

(b) The starting device shall be locked out and tagged out in the stop position before an attempt is made to remove the cause of a jam or overload of the conveying medium, unless it is necessary to have the power on to remove the jam.

(10) Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be adequate for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.



(f) When necessary, provision shall be made for braking objects at the delivery end of the roller or chute.

(11) Safe practices.

(a) Only designated persons shall operate, repair or service powered conveyors.

(b) The employer shall direct employees to stay off operating conveyors.

(c) Conveyors shall be operated only with all overload devices, guards and safety devices in place and ~~((operable))~~ functional.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60091 SPOUTS, CHUTES, HOPPERS, BINS, AND ASSOCIATED EQUIPMENT. (1) Standing and running rigging and associated gear used as a permanent part of spouts, chutes or similar devices shall be inspected before each use and shall not be used if it has any functional defects. (See ~~((also))~~ WAC 296-56-60093 ~~((3)(b))~~ for certification requirements.)

(2) Direct communication shall be provided between the discharge or shipboard control end of loading spouts ~~((and))~~ or chutes, and the point in the terminal from which the flow of cargo is controlled.

(3) Chute and hopper openings which present a hazard shall be guarded to prevent employees from falling through ~~((them))~~.

(4) When employees are working on hoppers, the hopper shall be equipped with a safe walkway and safe means of access.

(5) ~~((When necessary for the safety of))~~ Whenever employees are exposed to the hazard of falling objects, chutes shall be equipped with sideboards ~~((to afford protection from falling objects))~~.

(6) Chutes shall be firmly placed and secured to prevent them from falling.

(7) When necessary for the safety of employees, provisions shall be made for braking objects other than bulk commodities at the delivery end of the chute.

(8) Before an employee enters an empty bin:

(a) Personnel controlling the flow of cargo into the bin shall ~~((have been))~~ be notified of the entry; and

(b) The power supply to the equipment carrying the cargo to the bin shall be turned off, locked out and tagged.

(9) Before an employee enters a bin containing a bulk commodity such as coal or sugar ~~((the employer shall ensure that))~~:

(a) Personnel controlling the flow of cargo into the bin ~~((have been))~~ shall be notified of the entry;

(b) The power supply to the equipment carrying the cargo to the bin ~~((is))~~ shall be turned off, locked out and tagged;

(c) The employee entering the bin shall wear ~~((s))~~ a life-line and safety harness; and

(d) A standby attendant equipped to perform a rescue ~~((is))~~ shall be continuously stationed outside the bin until the employee has left the bin.

(10) Bin top openings that present a hazard to employees shall be covered to prevent employees from falling into bins.

(11) Chutes and hoppers shall be repaired only by designated persons.

(12)(a) Before power shoveling operations begin, a designated person shall inspect the equipment to be used. The inspection shall include ~~((at least))~~ the eye bolts, wires, and sheaves.

(b) Power shovels and associated equipment with defects ~~((affecting safe operation))~~ shall not be used.

(c) Before adjustments are made to a power shovel, wire, or associated equipment, the power supply to the shovel shall be turned off, locked out, ~~((and))~~ tagged, the belt stopped, and the hopper closed.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60093 CERTIFICATION OF MARINE TERMINAL MATERIAL HANDLING DEVICES. (1) The employer shall not use any material handling device listed in WAC 296-56-60098 ~~((2))~~ (8) until he has ascertained that the device has been ~~((certificated))~~ certified, as evidenced by current and valid documents attesting to compliance with the requirements of WAC 296-56-60097 and 296-56-60098 ~~((2))~~.

(2) Certification surveys are to be completed for the conditions of use found at the time such surveys are ~~((completed, with the understanding that))~~ performed. Equipment owners ~~((r))~~ or users ~~((can))~~ may change the configurations of the equipment according to the manufacturer's specifications without affecting the established certification status for the equipment.

(3) These rules apply to employment within a marine terminal including the loading, unloading, movement, or other handling of cargo, ship's stores, or gear within the terminal or into or out of any land carrier, holding or consolidation area, or any other activity within and associated with the overall operation and functions of the terminal, such as the use and routine maintenance of facilities and equipment.

(4) Inspection and test certificates shall be issued only for that equipment which meets or exceeds the requirements ~~((as))~~ specified in these rules. All inspection and test certificates shall be issued through the office of the assistant director of the division of industrial safety and health, department of labor and industries, and shall be valid for a period not to exceed one year from the date of issuance.

(5) Equipment requiring certification shall be inspected by representatives of the division of industrial safety and health; or individuals who have received a "certificate of competency" from the supervisor of industrial safety and health indicating that they are qualified and capable of performing such work.

(6) When deficiencies are found they shall be noted on forms provided for such purpose by the division of industrial safety and health. Copies shall be delivered to the owner of the equipment and the division of industrial safety and health at the Olympia office by the person conducting such tests ~~((and))~~ or inspections.

(7) A certificate of unit test ~~((and))~~ or examination of equipment shall not be issued for any equipment found not to be in compliance with the provisions of this chapter.

(8) Persons desiring a "certificate of competency" shall demonstrate and document their capabilities and qualifications to the assistant director of the division of industrial safety and health, who will issue ~~((such))~~ certificates to those persons ~~((whom he considers qualified))~~ who have demonstrated competency. The assistant director reserves the right to revoke such certificates at any time for cause. A "certificate of competency" shall be issued for a period of not more than three years. Applications for renewal may be made not more than sixty days prior to the expiration date shown on the certificate.

(9) The assistant director of industrial safety and health or his representative, reserves the right to inspect such equipment or to witness or attend any test or inspection in order to ascertain the adequacy of any certification activity performed.

(10) Unless otherwise exempted, all cranes or derricks required to be certificated by these regulations shall have a current test certificate posted in the operator's cab or station. No person shall ~~((be required to))~~ operate such crane or derrick unless a current valid certificate is posted.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60095 ADVISORY CRANE CERTIFICATION PANEL. (1) Any person desiring a certificate of competency for crane inspection or certification shall make application to the assistant director for industrial safety and health for the certificate of competency. The application shall include documentation of all qualifications ~~((:))~~, including all past experience, education, training and any other factors deemed to be relevant to the application.

(2) The advisory crane certification panel shall assist the assistant director for industrial safety and health in his duties under this chapter. The panel shall consist of six members. Two members shall represent labor, two members shall represent management, and one member shall be a crane expert. The sixth member shall be chairman of the panel ~~((:))~~. He shall be the assistant director of industrial safety and health or his designee. The panel shall be responsible for advising the assistant director as to the issuance of any certificate of competency. The panel shall review all applications for certificates of competency. Minutes of meetings shall be kept.

(3) In addition, the panel shall, upon request by the assistant director, render advice concerning any matter which is relevant to crane safety. The panel shall meet twice yearly or more often as deemed necessary by the chairman of the panel. Any panel member who is not an employee of the state of Washington shall serve voluntarily.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60097 UNIT PROOF LOAD TEST AND INSPECTION. Cranes and derricks shall be proof load tested, rated and ~~((certificated))~~ certified in tons (2,000 lbs. = 1 ton). Cranes and derricks shall be inspected and unit proof load tested prior to being put into use, after any significant modification or repairs of structural

parts, or when deemed necessary by the ~~((supervisor))~~ assistant director of industrial safety and health ~~(;))~~ or his designee. However, each crane or derrick shall be unit proof load tested at least once during each twelve-month period. Unit proof load tests shall be carried out by the use of weights as a dead load. When use of weights for unit proof load tests is not possible or reasonable a dynamometer or other recording test equipment may be used. Such equipment shall be tested for accuracy with certified calibrating equipment within twelve months prior to being used and a copy of the certified calibration test shall ~~((have been))~~ be made available to authorized representatives of the division of industrial safety and health upon request.

The weight of the objects used for a dead load weight test shall be certified and a record of the weight shall be made available upon request. Any replacements or repairs deemed necessary by the person conducting a test shall be carried out before application of the required proof load unit test.

(1) The proof load tests for derricks shall be conducted as follows:

Safe Working Load	Proof Load
to 20 tons	25% in excess
20-50 tons	5 tons in excess
over 50 tons	10% in excess of manufacturer's recommended lifting capacity.

Proof load shall be applied at the designed maximum and minimum boom angles or radii, or if this is ~~((impracticable))~~ impractical, as close to these as ~~((practicable))~~ practical. The angles or radii of test shall be stated in the certificate of test. Proof loads shall be swung as far as possible in all directions. The weight of auxiliary handling devices such as spreader bars, robots, clams, magnets, or other gear shall be considered a part of the load. Brakes shall be tested by holding the proof load suspended without other mechanical assistance. After satisfactory completion of a unit proof load test the derrick and all component parts thereof shall be carefully examined ~~(; if necessary;))~~ nondestructive tests may be conducted to assure that the equipment is safe for use and has not been damaged in the unit proof load testing process.

(2) Unit proof load tests for cranes shall be carried out ~~((where applicable))~~ with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

Unit proof load tests for cranes shall be based on the manufacturer's load ratings for the conditions of use and shall, except in the case of bridge type cranes utilizing a trolley, consist of application of a proof load of ten percent in excess of the load ratings at maximum and minimum radius, and at such intermediate radii as the ~~((certificating))~~ certifying authority may deem necessary in the circumstances. (The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.) Trolley equipped cranes shall be subject to a proof load of twenty-five percent in excess of the manufacturer's load rating. In cases of foreign manufacture, the manufacturer's specifications shall be subject to approval by the ~~((certificating))~~ certifying authority. The weight of all auxiliary handling devices such as ~~(; but not limited to;))~~ magnets, hooks, slings, and clamshell buckets shall be considered part of the load.

(3) In the event neither manufacturer's data nor design data on safe working loads (including any applicable limitations) are obtainable, the safe working load ratings assigned shall be based on the owner's information and warranty that those so assigned are correct. Unit test certificates shall state the basis for any ~~((such))~~ safe working load assignment.

(4) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of ~~((such))~~ the equipment may, at his option, have the crane or derrick ~~((certificated))~~ certified for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors ~~(; PROVIDED, HOWEVER, That))~~, however, the equipment concerned ~~((is))~~ shall be physically capable of operation at the original load rating and the load reduction ~~((is))~~ shall not be for the purpose of avoiding correction of any deficiency.

(5) Safe working load ratings shall not be increased beyond the manufacturer's ratings or original design limitations without prior approval by the accredited certification agency. Such prior approval shall be based on the manufacturer's ~~((t))~~ approval of such increase or documented engineering design analysis or both. All necessary structural changes shall be completed prior to approval by the accredited certification agency.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60098 EXAMINATION AND INSPECTION OF CRANES AND DERRICKS. (1) An examination shall be carried out in conjunction with each annual unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall ~~((cover))~~ include the following ~~((points as applicable))~~: (Refer to WAC 296-56-60093(8) for definition of accredited person.)

~~((+))~~ (a) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examinations shall include operation with partial load, in which all functions and movements, including ~~((where applicable;))~~ maximum possible rotation in both directions, are ~~((performed))~~ checked.

~~((+))~~ (b) All safety devices shall be examined for malfunction.

~~((+))~~ (c) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

~~((+))~~ (d) Rope reeving shall comply with the manufacturer's recommendations.

~~((+))~~ (e) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

~~((+))~~ (f) Loose bolts, rivets, or other connections shall be corrected.

~~((+))~~ (g) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

~~((+))~~ (h) All brakes, used to control the load, boom or travel of the crane, shall be tested. Air, hydraulic, or electrically operated brakes shall be of such design as to set and stop the load if the source of power fails.

~~((+))~~ (i) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

~~((+))~~ (j) Load, boom angle, or other indicators shall be checked over their full range. Defects in such indicators shall be immediately corrected.

~~((+))~~ (k) Where used, clamshell buckets or other similar equipment, such as magnets, ~~((etc;))~~ shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests ~~((as may be))~~ deemed appropriate.

~~((+))~~ (l) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts, shall be made.

~~((+))~~ (m) All platforms, steps and footwalks located on cranes where workers are exposed to the hazard of slipping shall be of a non-slip material. Wire rope used for railings on cranes shall be kept taut at all times.

NOTE: In critical areas such as footwalks along booms, a grating material should be used.

~~((+))~~ It shall be ascertained that (n) No counterweights in excess weight of the manufacturer's specifications shall be fitted or used.

~~((+))~~ (o) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

~~((+))~~ (2) Wire rope.

(a) All wire rope shall be inspected at least once a month, dependent upon conditions to which the wire ropes are subjected, and at intervals not exceeding a twelve-month period. Records of inspection of wire rope shall be kept and shall be available to the department of labor and industries representative. Records shall be kept for one year. Refer to the general safety and health standards, WAC ~~((296-24-240))~~ 296-24-24013.

(b) Wire rope shall not be used if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

(c) Documentation(;-) available for inspection(-;) shall include wire rope test certificates relating to any replacements made since the last unit test or annual examination as required.

(d) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or wire rope manufacturer due to actual working conditions ((requirements)). In the absence of specific requirements ((as noted)), wire rope shall be of a size and construction suitable for the purpose, and shall have the capacity to handle four times the heaviest expected load ((and)), verified by wire rope test certificate.

(e) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested but shall be subject to thorough examination at the time of initial certification of the equipment.

~~((17))~~ (3)(a) Accessory components(;-such as hooks). Container spreader bar twist locks shall be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks shall be discarded immediately and not re-used ~~((on any equipment subject to the provisions of this chapter))~~.

(b) Crane hooks and container spreader bar twist lock. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.

~~((18))~~ (4) In the event that heat treatment of any loose gear is recommended by the manufacturer, the latest heat treatment certificate(-;) attesting to compliance with the manufacturer's specifications shall be part of the available documentation. Heat treatment shall be carried out in accordance with the specifications of the manufacturer by persons competent to perform such work.

~~((19))~~ (5) Replacement parts shall be of equal or better quality than the original equipment and suitable for the purpose. Repairs or modifications shall be such as to render the equipment equal to or better than the original construction or design.

~~((20))~~ (6) In cases of foreign manufactured cranes, there shall be an owner's warranty that the design is adequate for the intended use. The warranty shall be based on a thorough examination of the design specifications by a registered professional engineer familiar with the equipment.

~~((21))~~ (7) The certifications required by this section shall be performed in accordance with WAC 296-56-60093 by persons accredited by the assistant director of industrial safety and health.

~~((22))~~ (8) The marine terminal material handling devices listed below shall be ~~((certificated))~~ certified in the following manner:

(a) Each crane and derrick shall be tested and examined as a unit annually. A copy of the certificate of tests and examinations shall be posted in the crane operator's cab.

(b) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers supporting them vertically, shall be examined annually. Certificates attesting to the required examination shall be made readily available for inspection.

(c) Vertical pocket or bucket conveyors such as banana, sugar, and grain marine legs (other than those within a grain elevator structure) used within a marine terminal facility shall be examined annually. The annual examination shall include all supporting structures, rigging ~~((and))~~, mechanical components and observation of all steps of operations. Certificates attesting to the required examinations shall be readily available for inspection.

(d)(i) House fall cargo-handling gear ~~((in use))~~ shall be proof load tested as a unit upon initial certification and every fourth year thereafter. An examination shall be carried out in conjunction with each unit proof load test and annually thereafter. The unit test shall consist of a proof load of twenty-five percent in excess of the rated safe working load. Examinations shall include all supporting structures and components. Certificates attesting to the required tests and examinations shall be readily available for inspection.

(ii) House fall span beams or other house fall block supports shall be marked with the safe working load, which shall not be exceeded.

(e) Special gear.

(i) Special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in accordance with the following table before initially being put into use.

Safe working load	Proof load
Up to 20 short tons.....	25 percent in excess
Over 20 to 50 short tons .....	5 short tons in excess
Over 50 short tons.....	10 percent in excess

(ii) Every spreader not a part of ship's gear and used for hoisting intermodal containers shall be tested to a proof load equal to twenty-five percent in excess of its rated capacity. Additionally, any spreader which suffers damage necessitating structural repair shall be retested after repair and before being returned to service.

(iii) Certificates attesting to the required tests shall be available for inspection.

(f) Wire rope and loose gear ~~((obtained after October 3, 1983, and))~~ used for material handling shall ~~((have been))~~ be tested and ~~((certificated))~~ certified before use in accordance with the provisions of WAC 296-56-60097 ~~((as applicable))~~. Certificates attesting to the required tests, inspections and examinations shall be available.

~~((23))~~ (9) Disassembly and reassembly of equipment does not require recertification of the equipment provided that the equipment is reassembled and used in a manner consistent with its certification.

~~((24))~~ For equipment certified in accordance with subsection ~~(21)(b) of this section and transferred to a job site in another state, the current certification shall remain valid until the next inspection or examination becomes due.~~ (10) Equipment certified in Washington and transferred to a site in another state does not require recertification in this state upon its return, until the next inspection or examination becomes due as if it had not been moved. Equipment certified in accordance with similar provisions of another jurisdiction and moved to a site in this state does not require certification upon initial transfer to this state.

~~((25))~~ (11) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year.

~~((26))~~ (12)(a) Every unit of equipment requiring annual certification shall have had such annual certification within the previous twelve months. Equipment requiring annual certification shall have had such annual certification within the previous twelve months, except that no annual certification is required within twelve months after any required certification. Annual examinations for certification may be accomplished up to one month early without effect on subsequent due dates.

(b) When ~~((certificated))~~ certified equipment is out of service for six months or more beyond the due date of a certification inspection, an examination equivalent to an initial certification, including unit proof load test, shall be performed before the equipment re-enters service.

~~((27))~~ (13) Loose gear ~~((obtained after October 3, 1983;))~~ shall bear a legible mark indicating that it has been tested (see WAC 296-56-60097 ~~((22)(f))~~). Single sheave blocks shall be marked with safe working loads and proof test loads. Marks relating to testing shall be identifiable on the related certificates, which shall be available.

~~((28))~~ (14) The certification requirements of this section do not apply to the following equipment:

(a) Industrial trucks and small industrial crane trucks; and

(b) Any straddle truck not capable of straddling two or more intermodal containers sixteen feet (4.88 m) in width.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60101 GENERAL. The provisions of this ~~((section shall))~~ part apply to specialized terminals ~~((in addition to any other applicable requirements of this part))~~.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60103 TERMINALS HANDLING INTERMODAL CONTAINERS OR ROLL-ON ROLL-OFF OPERATIONS. (1) Every intermodal container shall be legibly and permanently marked with:

(a) The weight of the container when empty, in pounds;

(b) The maximum cargo weight the container is designed to carry, in pounds; and

(c) The sum of the maximum weight of the container ~~((and the))~~ with cargo, in pounds (Gross Container Capacity).

(2) No container shall be hoisted by any crane or derrick unless the following conditions have been met:

(a) The employer shall ascertain from the carrier whether a container to be hoisted is loaded or empty. Empty containers shall be identified before loading or discharge in such a manner as will inform every supervisor and foreman on the site and in charge of loading or discharging, ~~((or))~~ and every crane or other hoisting equipment operator and signalman, if any, that ~~((such))~~ the container is empty. Methods of identification may include cargo plans, manifests or markings on the container.

(b) In the case of a loaded container:

(i) The actual gross weight shall be plainly marked so as to be visible to the crane ~~((or))~~ operator, other hoisting equipment operator ~~((or))~~, signalman, ~~((or))~~ and to every supervisor and foreman on the site and in charge of the operation; or

(ii) The cargo stowage plan or equivalent permanently recorded display serving the same purpose, containing the actual gross weight and the serial number or other positive identification of that specific container, shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation.

(c) Every outbound loaded container which is received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight ~~((either at the terminal or elsewhere.))~~ before being hoisted.

(d)(i) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual weight before being hoisted.

(ii) If the terminal has no scales, the actual gross weight may be calculated on the basis of the container's contents and the container's empty weight. The weights used in the calculation shall be posted conspicuously on the container, with the name of the person making the calculation and the date.

(iii) Container weights shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights, the weight of containers so calculated at the source from which the inaccurate weights originated shall no longer be recognized as true gross weights. Such containers shall not be hoisted unless actual gross weights have been obtained by weighing.

(e) Open type vehicle carrying containers and those built specifically and used solely for the carriage of compressed gases are ~~((excepted from))~~ exempted from the requirements of subsection (2)(c) and (d) of this section.

(f) The weight of loaded inbound containers from foreign ports shall be determined by weighing or by the method of calculation described in (d)(ii) of this subsection or by shipping documents.

(g) Any scale used within ~~((the United States))~~ Washington state to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(3) No container ~~((or containers))~~ shall be hoisted if its actual gross weight exceeds the weight marked as required in subsection (1)(c) of this section, or if it exceeds the capacity of the crane or other hoisting device intended to be used.

(4)(a) Marked or designated areas shall be set aside within a container or roll-on roll-off terminal for passage of employees to and from active cargo transfer points, except where transportation to and from those points is provided by the employer.

(b) The employer shall direct employees to stay clear of the area beneath a suspended container. Employees shall stay clear of the area beneath a suspended container.

(5) Employees working in the immediate area of container handling equipment or in the terminal's traffic lanes shall wear high visibility vests, decals, reflectors or equivalent protection.

(6) Containers shall be handled using lifting fittings or other arrangements suitable and intended for the purposes ~~((as))~~ set forth in (a) ~~((i through (iii)))~~ and (c) of this subsection, except when damage to an intermodal container makes special means of handling necessary.

(a) Loaded intermodal containers of twenty feet (6.1 m) or more in length shall be hoisted as follows:

(i) When hoisting by the top fittings, the lifting forces shall be applied vertically from at least four ~~((such))~~ fittings or by means which will safely ~~((do so))~~ lift the container without damage ~~((to the container, and using))~~. The lifting fittings provided shall be used.

(ii) If hoisted from bottom fittings, the hoisting connections shall bear on the fittings only, making no other contact with the container.

The angles of the four bridle legs shall not be less than thirty degrees to the horizontal in the case of forty foot (12.2 m) containers, thirty-seven degrees in the case of thirty foot (9.1 m) containers, ~~((and))~~ or forty-five degrees in the case of twenty foot (6.1 m) containers.

(iii) Lifting containers by fork lift trucks or by grappling arms from above or from one side may be done only if the container is designed for this type of handling.

~~((iv) Other))~~ (b) Means of hoisting other than those required by subsection (2) of this section may be used only if the containers and hoisting means are designed for such use.

~~((b))~~ (c)(i) When using intermodal container spreaders that employ lanyards for activation of load-disengagement, all possible precautions shall be taken to prevent accidental release of the load.

(ii) Intermodal container spreader twistlock systems shall be designed and used so that a suspended load cannot accidentally be released.

~~((c))~~ (7) Flat bed trucks or container chassis used to move intermodal containers shall be equipped with pins, flanges, or other means to prevent the container from shifting.

~~((7))~~ (8)(a) Intermodal containers shall be inspected for defects in structural members or fittings before handling.

(b) Any intermodal container found to be unsafe shall be identified as such, promptly removed from service and repaired before being returned to service.

~~((8))~~ (9) Containers shall not be hoisted unless all engaged chassis twist locks are released.

~~((9) Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless actual gross weights have been obtained by weighing. This procedure shall be continued until the Washington state department of labor and industries, division of industrial safety and health is satisfied by reasonable experience thereunder that correct weights will be furnished.~~

~~((10) All loaded inbound containers from foreign ports shall be subject to random sample weight checks at a time satisfactory to the Washington state department of labor and industries, division of industrial safety and health, which may be at any time up to unloading the contents of the container at the terminal or until the container is delivered unopened to the land carrier. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of this section are not met, such suitable means as are acceptable to the division of industrial safety and health to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the division of industrial safety and health is satisfied by experience thereunder that correct weights will be furnished.))~~

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60107 TERMINAL FACILITIES HANDLING MENHADEN AND SIMILAR SPECIES OF FISH. (1)(a) Tanks in terminal areas used for receiving or storing brailwater for recirculating into vessel holds in discharging operations shall be opened or ventilated to minimize contamination of water circulated to the vessel. Brailwater tanks shall be thoroughly drained upon completion of each day's operations and shall be left open to the air. Drainage is unnecessary when brailwater has been treated to remove hydrogen sulfide-producing contaminants and the efficiency of such treatment has been established ~~((by the employer))~~.

(b) Before employees enter a dock tank, it shall first be drained, rinsed and tested for hydrogen sulfide and oxygen deficiency. Employees shall not enter the tank when the hydrogen sulfide level exceeds twenty ppm or oxygen content is less than nineteen and one-half percent, except in emergencies (see subsection (3) of this section).

(c) Tests shall be conducted by designated personnel with suitable test equipment and respiratory protective equipment complying with the provisions of this chapter and chapter 296-62 WAC.

(2) Pipelines and hoses on the dock or terminal used for receiving and circulating used brailwater shall be completely drained upon completion of each day's operation and left open to the air.

(3) At least four units of respiratory protective equipment consisting of supplied-air respirators or self-contained breathing apparatus complying with the requirements of chapter 296-62 WAC shall be available in a suitably labeled cabinet for immediate use in case of an emergency caused by oxygen deficiency or hydrogen sulfide. Any employee entering a tank in an emergency shall, in addition to respiratory protective equipment, wear a lifeline and safety harness to facilitate rescue. At least two other employees, similarly equipped, shall be continuously stationed outside the tank to observe and to provide rescue services.

(4) The plant superintendent and foremen shall be trained and knowledgeable about the hazards of hydrogen sulfide and oxygen deficiency. They shall be trained in the use of appropriate respiratory and other protective equipment, and in rescue procedures. Other supervisory plant personnel shall be informed of these hazards and instructed in the necessary safety measures, including use of respiratory and rescue equipment.

(5) Supervisory personnel shall be on hand at dockside to supervise discharging of brailwater from vessels.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60109 EYE PROTECTION. (1)(a) When employees perform work hazardous to the eyes, the employer shall provide eye protection equipment marked or labeled as meeting the manufacturing specifications of American National Standards Practice for Occupational and Educational Eye and Face Protection, (~~(current)~~) ANSI Z87.1(~~(-and shall direct that it be used)~~)-1968. The employer shall direct that eye protection is used.

(b) For employees wearing corrective spectacles, eye protection equipment required by (a) of this subsection (~~(must)~~) shall be of a type which can be worn over spectacles. Prescription ground safety lenses may be substituted if they provide equivalent protection.

(c) For additional requirements covering eye protection against radiant energy, see WAC 296-56-60235(8).

(2) Eye protection equipment shall be maintained in good condition.

(3) Used eye protection equipment shall be cleaned and disinfected before reissuance to another employee.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60110 RESPIRATORY PROTECTION. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, (~~(shall)~~) apply.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60111 HEAD PROTECTION. (1) (~~The employer shall direct that~~) Employees exposed to impact, falling or flying objects, or electric shocks or burns shall wear protective hats.

(2) Protective hats shall bear identifying marks or labels indicating compliance with the manufacturing provisions of American National Standard Safety Requirements for Industrial Head Protection, (~~(current)~~) ANSI Z89.1-1969.

(3) Protective hats previously worn shall be cleaned and disinfected before issuance by the employer to another employee.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60113 FOOT PROTECTION. (1) The employer shall direct that employees exposed to impact, falling objects, or puncture hazards wear safety shoes, or equivalent protection.

(2) Protective shoes shall bear identifying marks or labels indicating compliance with the manufacturing provisions of American National Standard for Men's Safety Toe Footwear, (~~(current)~~) ANSI Z41.1-1983.

(3) The employer shall (~~(arrange)~~), through means(~~(:)~~) such as vendors or local stores, (~~(or otherwise, to)~~) make safety shoes readily available to all employees.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60115 OTHER PROTECTIVE MEASURES. (1) Protective clothing.

(a) Employees performing work that requires special protective clothing shall be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn shall be cleaned and disinfected before reissuance.

(2) Personal floatation devices.

(a) The employer shall provide, and shall direct the wearing of personal floatation devices for those employees, such as line handlers, who are engaged in work in which they may (~~(be pulled)~~) fall into the water:

(i) When such employees are working in isolation: or

(ii) Where physical limitations of available working space creates a hazard of falling into the water; or

(iii) Where the work area is obstructed by cargo or other obstacles so as to (~~(prevent)~~) hinder employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal floatation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) The water depth is known to be less than chest deep on the exposed individual;

(B) Working behind standard height and strength guardrails;

(C) Working inside operating cabs or stations which eliminate the possibility of (~~(accidentally)~~) accidental falling into the water;

(D) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal floatation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal floatation devices shall not be used.

(iii) To meet the (~~(approved criteria required by)~~) requirement of

(b) of this subsection, a personal floatation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or (~~(their)~~) equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal floatation devices). Ski belt or inflatable type personal floatation devices are specifically prohibited.

(c) Life rings.

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with line attached shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached shall be provided in the immediate vicinity of the work (~~(assigned)~~).

(iii) Work assigned over water where the vertical drop from an accidental fall (~~(would)~~) exceeds fifty feet, (~~(shall be)~~) is subject to specific procedures (~~(as)~~) approved by the department.

(iv) Lines attached to life rings shall be at least ninety feet in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States Coast Guard approved thirty inch size.

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed (~~(buoyance)~~) buoyancy and strength.

(3) Emergency facilities. When employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities, the employer shall provide such facilities and maintain them in good working order.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60117 MAINTENANCE AND LOAD LIMITS. (1) The structural integrity of docks, piers, wharves, terminals and working surfaces shall be maintained.

(2) Maximum safe load limits, in pounds per square foot (kilograms per square meter), of floors elevated above ground level, and pier structures over the water shall be conspicuously posted in all cargo areas.

EXCEPTION: Pier structures used primarily for vehicle traffic may be posted in maximum pounds per axle weight.

(3) Maximum safe load limits shall not be exceeded.

(4) All walking and working surfaces in the terminal area shall be maintained in good repair.

(5) All steel plates, boards, etc., used to temporarily cover small holes or weakened surfaces shall be secured in such a manner as to prevent ~~((accidental))~~ movement.

(6) All large openings or weakened surfaces shall be barricaded on all exposed sides with barricades equipped with blinkers, flashing lights, or reflectors.

(7) Areas around bitts or cleats where workers perform their duties shall be lighted as required in this section and have a nonslip surface around each bitt or cleat.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60119 PROTECTION FROM FALLING. Employees doing maintenance work on cranes, spouts or similar types of equipment, eight feet ~~((from))~~ or more above the ground or surface and not in an area that is protected by any standard safeguards such as walkways with standard railings, or ladders with protective cages, shall wear a safety belt and lanyard which can be attached to the structure ~~((for their protection from falling))~~.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60121 MINIMUM SAFETY REQUIREMENTS FOR DOCKS AND DOCK FACILITIES. ~~((Nothing contained in))~~ No provision of this section shall be construed to ~~((mean))~~ imply that ~~((the direct))~~ an employer or employees are responsible for ~~((the))~~ repair, construction ~~((of))~~ or otherwise bringing into compliance~~((;))~~ facilities over which they have no control.

(1) Working prohibited on unsafe docks or dock facilities. Employers shall not ~~((require))~~ allow employees to perform work on docks or dock facilities which ~~((said direct))~~ the employer ~~((knows or))~~ should ~~((have known))~~ know do not meet the minimum safety requirements ~~((outlined in))~~ of this section~~((, except for maintenance workers))~~.

(2) Known unsafe conditions by employees. Employees shall not work on docks or dock facilities which they ~~((know or))~~ should ~~((have known))~~ know do not meet the minimum safety requirements ~~((outlined in))~~ of this section.

(3) Bulletin boards. At each dock, pier, warehouse or designated area at the job site, there shall be installed a safety bulletin board.

(4) Posting of notices. It shall be the responsibility of the employer to post at prominent places in or adjacent to the work area, legible notices stating:

(a) The location of stretchers, blankets ~~((and))~~, first-aid equipment and telephones. (Where possible, directional arrows should point to locations.)

(b) The phone numbers of doctors, ambulance services and hospitals within the area and the phone numbers of the police department or other law enforcement ~~((agencies))~~ agency. (Where possible~~((, the emergency phone numbers shall be posted adjacent to telephones which would be used for emergency calls and))~~ these numbers shall also be posted on or inside the cover of first-aid cabinets and kits.)

(5) Ventilation. All areas where employees are required to work shall be ventilated as required by the "general occupational health standards," chapter 296-62 WAC.

(6) Power outlets. Power outlets installed to supply power to vessels shall be located in such a manner that the workers will not ~~((be in))~~ come into contact with supply lines. Unprotected power lines shall not be driven over by equipment. If located on the underside or waterside of the bull rail, a well lighted walkway with hand rails shall be provided to the power outlets.

**NEW SECTION**

WAC 296-56-60122 ACCESS TO VESSELS. (1) Access to vessels. The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until the following requirements have been met:

(a) Whenever practical a gangway of not less than twenty inches wide walking surface of adequate strength, maintained and secured shall be used. If a gangway is not practical a substantial straight ladder, extending at least thirty-six inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a gangway nor a

straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(b) Each side of such gangway, and the turn table if used, shall have a railing with a minimum height of thirty-three inches measured perpendicularly from rail to walking surface at the stanchion, and a mid rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times.

(c) Gangways on vessels inspected and certified by the United States Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(d) The gangway shall be kept properly trimmed at all times.

(e) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards shall be laid over and secured to the ladder.

(f) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection shall be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway into the water or into the surface.

(g) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them shall be bridged by a firm walkway equipped with railings, with a minimum height of thirty-three inches with midrails on both sides.

(h) Supporting bridges shall be kept clear so as to permit unobstructed passage for employees using the gangway.

(i) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately thirty-three inches in height shall be provided between the top of the bulwark and the deck.

(j) Obstructions shall not be laid on or across the gangway.

(k) The means of access shall be illuminated for its full length.

(1) Unless construction of the vessel makes it impossible, the means of access shall be so located that drafts of cargo do not pass over it. Loads shall not be passed over the means of access while employees are on it.

(2) Access to vessels in drydock or between vessels. Gangways meeting the requirements of subsection (1) (a), (b), (i), (j) and (k) of this section shall be provided for access from wingwall to vessel or, when two or more vessels other than barges or river towboats are lying abreast, from one vessel to another.

(3) Access to barges and river towboats.

(a) Ramps for access of vehicles to or between barges shall be of adequate strength, provided with side boards, well maintained and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, a ramp meeting the requirements of subsection (1)(a) of this section shall be provided. When a walkway is impractical, a substantial straight ladder, extending at least thirty-six inches above the upper landing surface and adequately secured against shifting or slipping, shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(c) The means of access shall meet the requirements of subsection (1) (i), (j), and (k) of this section.

(4) Jacob's ladders.

(a) Jacob's ladders shall be of the double rung or flat tread type. They shall be well maintained and properly secured.

(b) A Jacob's ladder shall either hang without slack from its lashings or be pulled up entirely.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60123 GUARDING OF EDGES. (1) Vehicle protection.

(a) Vehicle curbs, bull rails, or other effective barriers at least six inches (13.74 cm) in height and six inches in width, shall be provided at the waterside edges of aprons and bulkheads, except where vehicles are prohibited. Curbs or bull rails installed after ~~((effective date of standard))~~ January 1, 1985, shall be at least ten inches (22.9 cm) in height.

(b) The provisions of (a) of this subsection also apply at the edge of any fixed level above the common floor area from which vehicles may fall, except at loading docks, platforms and skids where cargo is moved by vehicles.

(2) Employee protection.



(a) Guardrails shall be provided at locations where employees are exposed to falls of more than four feet from floor or wall openings or waterside edges, including bridges or gangway-like structures leading to pilings ~~((or)), vessel mooring or berthing installations~~~~((, which present a hazard of falling more than four feet (1.22 m) or into the water, except as specified in (b) of this subsection)).~~

(b) Guardrails are not required:

(i) At loading platforms and docks;

(ii) At waterside edges used for cargo mooring line handling;

(iii) On the working sides of work platforms, skids, or similar workplaces which about the work area; or

(iv) On railroad rolling stock, highway vehicles, intermodal containers, or similar equipment.

(c) Where guardrails are ~~((impracticable)) impractical~~ due to machinery requirements or work processes, an alternate means of ~~((protecting employees from falling)) fall protection~~, such as nets, shall be used.

(3) Criteria for guardrails. Guardrails shall meet the following criteria:

(a) They shall be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction at mid-span of the top rail ~~((when used), or at the uppermost point if there is no top rail)).~~

(b) If not of solid baluster, grillwork, slatted, or similar construction, guardrails shall consist of top rails and midrails. Midrails, when used, shall be positioned at approximately half the height of the top rail.

(c) The top surface of guardrails installed before October 3, 1983, shall be at least thirty-six inches (.091 m) high. Those installed after October 3, 1983, shall be forty-two inches (1.07 m) high, plus or minus two inches (5.1 cm), high.

(d) Any nonrigid railing such as chain or wire rope shall have a maximum sag ~~((limit)), at the mid-point between posts, of not more than six inches (15.2 cm).~~

(e) Top rails shall be free of ~~((puncture and laceration hazards)) sharp edges and maintained in good repair.~~

(f) Rail ends shall not overhang ~~((to constitute a hazard, but)). This does not prohibit scrollwork, boxed ends or similar nonhazardous projections.~~

(4) Toeboards. Toeboards shall be provided when employees below could be exposed to falling objects such as tools. Toeboards shall be at least three and one-half inches (8.9 cm) in height from top edge to floor level, and be capable of withstanding a force of fifty pounds (220 N) applied in any direction. Drainage clearance not in excess of one-eighth inch under toeboards is permitted.

(5) Stair railings. Stair railings shall be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction, and shall not be more than thirty-six inches (0.9 m) nor less than thirty-two inches (0.8 m) in height from the upper top rail surface to the tread surface in line with the leading edge of the tread. Railings and midrails shall be provided at any stairway having four or more risers, as follows:

(a) For stairways less than forty-four inches (1.12 m) wide, at least one railing; and

(b) For stairways more than forty-four inches (1.12 m) but less than eighty-eight inches (2.24 m) wide, a stair rail or handrail on each side, and if eighty-eight or more inches wide, an additional intermediate handrail.

(6) Condition. Railings shall be maintained free of sharp edges and in good repair.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60125 CLEARANCE HEIGHTS. Clearance heights shall be prominently posted where the height is insufficient for vehicles ~~((and))~~ or equipment.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60127 CARGO DOORS. (1) Mechanically operated cargo doors.

(a) Cargo door counterweights shall be guarded.

(b) Lift trucks and cranes shall not be used to move mechanically operated doors except when necessary during repair ~~((or))~~ to the doors ~~((, in which case)),~~ Ropes or other guarding shall be provided to prevent entry into ~~((the))~~ any area ~~((where))~~ if the door may fall or slide.

(c) Vertically operated doors partially opened for work or ventilation shall be secured to prevent accidental closing.

(2) Tackle operated cargo doors.

(a) ~~((The))~~ Doors shall be connected to ~~((its))~~ their lifting tackle with shackles or ~~((equally))~~ other secure means.

(b) Lifting bridles and tackles shall have a safety factor of five, based upon maximum anticipated static loading conditions.

(c) Devices shall be provided to hold overhead doors in the open position and to secure them when closed.

(d) Lifting gear and hardware shall be maintained in safe condition.

(e) Lifting ropes ~~((, when used,))~~ shall be placed out of the work area and off the floor.

(3) Horizontal sliding.

(a) Horizontal sliding door rollers shall be constructed to prevent the door from ~~((jumping))~~ disengaging from overhead tracks.

(b) Sliding doors shall be secured to prevent them from swinging.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60129 PLATFORMS AND SKIDS. (1) Platforms and skids extending from piers, transit sheds ~~((;))~~ or lofts and used for landing or hooking ~~((or))~~ drafts shall be provided ~~((at the open sides))~~ with guardrails meeting the requirements of WAC 296-56-60123(3) ~~((or))~~ on all open sides. Alternate means, such as nets ~~((, to protect employees against falls))~~ or safety belts and lifelines, may be used if guardrails are impractical.

(2) Any employee working below a second-story platform or skid shall be protected from falling objects ~~((by a net stretched from the platform or skid to the vessel)).~~

(3) Platforms and skids shall be strong enough to bear the loads handled and shall be maintained in safe condition. Safe working loads, which shall be posted or marked on or adjacent to platforms and skids, shall have a minimum safety factor of five for ~~((any))~~ all parts, based upon maximum anticipated static loading conditions and the ultimate strength of the construction material.

(4) The employer shall provide and maintain platform and skid attachments that will prevent accidental movement of the skid or platform.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60131 ELEVATORS AND ESCALATORS. (1) "Elevator" means a permanent hoisting and lowering mechanism with a car or platform moving vertically in guides and serving two or more floors of a structure. The term excludes such devices as conveyors, tiering or piling machines, material hoists, skip or furnace hoists, wharf ramps, lift bridges, car lifts, and dumpers.

(2) "Escalator" means a power-driven continuous moving stairway principally intended for the use of persons.

(3) No elevator or escalator with a defect which adversely affects safety shall be used.

(4) Elevator safety devices shall not be overridden or made inoperable.

(5) Elevators and escalators shall be thoroughly inspected at intervals not exceeding one year. Additional monthly inspections for satisfactory operation shall be conducted by designated persons. Records of the results of the latest annual elevator inspections shall be posted in elevators. Records of annual escalator inspections shall be posted in the vicinity of the escalator or be available at the terminal.

(6) Elevator landing openings shall be provided with doors, gates, or equivalent protection, which shall be in place when the elevator is not at that landing, to prevent employees from falling into the shaft.

(7) The elevator ~~((s))~~ or escalator ~~((s))~~ maximum load limits shall be posted and shall not be exceeded. Elevator load limits shall be posted conspicuously both inside and outside of the car.

(8) Elevators shall be operated only by designated persons except for automatic or door interlocking elevators which provide full shaft door closing and automatic car leveling.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60133 MANLIFTS. (1) Inspection. Manlifts shall be inspected monthly by a designated person. Safety switches shall be checked weekly. Manlifts found to be unsafe shall not be operated until repaired. Inspections shall include at least the following:



- (a) Step fastenings;
  - (b) Rails;
  - (c) Rail supports and fastenings;
  - (d) Roller and slides;
  - (e) Belt and belt tension;
  - (f) Handholds and fastenings;
  - (g) Floor landings;
  - (h) Guardrails;
  - (i) Lubrication;
  - (j) Safety switches;
  - (k) Warning signs and lights;
  - (l) Illumination;
  - (m) Drive pulley;
  - (n) Bottom (boot) pulley and clearance;
  - (o) Pulley supports;
  - (p) Motor;
  - (q) Drive mechanism;
  - (r) Brake;
  - (s) Electrical switches;
  - (t) Vibration and misalignment;
  - (u) "Skip" on up or down run when mounting the step (indicating worn gears); and
  - (v) Emergency exit ladders.
- (2) Inspection records. Inspection records shall be kept for at least one year. The record of the most recent inspection shall be posted in the vicinity of the manlift or in the terminal.
- (3) Emergency stop. An emergency stop device shall be available within easy reach from any position on the belt.
- (4) Instructions. Manlift use instructions shall be conspicuously posted.
- (5) Top floor warning sign and light. An illuminated sign and red light that are visible to the user shall be provided under the top floor opening of the manlift to warn the user to get off at that floor.
- (6) Bottom floor warning sign. A sign visible to descending passengers shall be provided to warn them to get off at the bottom floor.
- (7) Upper limit stop. An automatic stop device shall be provided to stop the manlift when a loaded step passes the top landing, except that manlifts installed after October 3, 1983, shall have two such devices.
- (8) Handholds and steps. Each step shall be provided with a corresponding handhold.
- (9) Emergency ladder. A fixed emergency ladder accessible from any position on the lift and ~~((in accordance with))~~ meeting the requirements of WAC 296-56-60209 shall be provided for the entire run of the manlift.
- (10) Landings.
- (a) Clear and unobstructed landing spaces shall be provided at each level. Manlifts constructed after October 3, 1983, ~~((and))~~ that have a distance of fifty feet (15.24 m) or more between floor landings shall have an emergency landing every twenty-five feet (7.62 m) or less of manlift travel.
  - (b) Open sides of emergency landings shall be protected by guardrails.
  - (c) Floor landing entrances and exits shall be guarded by mazes, self-closing gates, or equivalent ~~((devices))~~ protection.
  - (d) Landings shall be of sufficient size and strength to support two hundred fifty pounds (1120 N).
- (11) Floor opening guards. The ascending sides of manlift floor openings shall be provided with cones or bevel guards to direct the user through the openings.
- (12) Maintenance. Manlifts shall be equipped, maintained, and used in accordance with the manufacturer's specifications, which shall be available at the terminal.
- (13) Bottom pulley.
- (a) The lower pulley shall be supported by the lowest landing.
  - (b) Sides of the bottom pulley support shall be guarded to prevent contact with the pulley or the steps.
- (14) Top clearance. A clearance of at least eleven feet (3.3 m) shall be provided between the top landing and the ceiling.
- (15) Brakes. Manlifts shall be equipped with brakes that are:
- (a) Self-engaging;
  - (b) Electrically released; and
  - (c) Capable of stopping and holding the manlift when the descending side is loaded with the maximum rated load.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)WAC 296-56-60135 MANLIFTS—ELECTRIC. ~~((Reserved))~~AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60139 HOISTWAY ENCLOSURES AND LANDINGS. Hoistways shall be fully enclosed, or enclosed on all landings to a height of six feet above the landing floor or six feet above highest working level or stair level adjacent to the hoistway. Perforated hoistway enclosures can be used where fire ~~((resistivity))~~ resistance is not required, provided ~~((it conforms to the following))~~:

- (1) Steel wire grill or expanded metal grill shall be at least thirteen U.S. gauge steel wire.
- (2) Openings in the enclosure shall reject a one inch steel ball.
- (3) All hoistway landings shall be properly and adequately lighted.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60141 SCOPE AND APPLICATION. ~~((The following requirements shall))~~ WAC 296-56-60141 through 296-56-60171 apply to the installation, design, and use of all one man capacity, electric elevators~~(s;)~~ subject to inspection~~((s as required by))~~ under RCW ((49-16-120)) 49.17.120.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60143 HOISTWAY GATES. (1) Hoistway gates may be constructed of wood slat, steel wire grill, expanded metal or solid material, providing all openings reject a two inch ball and ~~((with))~~ resist a two hundred fifty pound horizontal thrust.

- (a) Steel wire and expanded metal gates shall be of at least thirteen gauge steel.
- (b) Wood slats must be not less than two inches wide and one-half inch thick, nominal size.
- (c) Solid material shall be not less than one-eighth inch reinforced sheet steel or one-half inch plywood.
- (2) Hoistway gates ~~((can))~~ may be horizontal swinging, vertical or horizontal sliding or biparting gates.

(a) Hoistway gates shall extend the full width of the elevator car and from one inch above the landing floor to six feet or more above the floor.

(b) Horizontal swinging gates shall be ~~((full-stopped))~~ prevented from swinging into hoistway.

(3) Gates shall be equipped with interlocks or mechanical locks and electric contacts designed so that hoistway gates cannot be opened when the car is away from the landing.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60145 ELEVATOR CAR. (1) Elevator cars ~~((with))~~ shall be fully enclosed to car height ~~((of car))~~ or to a height of not less than six feet six inches whichever is greater. Elevator cars ~~((can))~~ may be of perforated or solid material provided the material will withstand a horizontal thrust of seventy-five pounds without deflecting one-quarter inch and all openings will reject a one inch ball.

(a) Car frames shall be of substantial metal or wood construction with a safety factor of four ~~((on))~~ for metal frames and six ~~((on))~~ for wood frames.

(b) Wood frames shall be gusseted and bolted or otherwise secured with large washers and lock washers.

(c) The car platform ~~((cannot))~~ shall not exceed thirty inches inside dimension on each side (6.25 square foot area).

(2) Every car shall have a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge ~~((expanded))~~ expanded metal, fourteen gauge sheet steel, or three-quarter inch or heavier plywood. If made of wire screen or metal, the openings shall reject a one-half inch diameter ball.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60147 ELEVATOR DOORS. Elevator car doors shall be provided on all elevators, except on fully enclosed hoistways

equipped with hoistway gates and (~~hoistways~~) enclosed from the top of the hoistway opening to the ceiling on the landing side.

(1) Car doors (~~can~~) may be of solid or perforated construction and shall be capable of resisting a seventy-five pound thrust without deflecting one-quarter inch.

(2) Car doors may be biparting or otherwise (~~horizontal~~) horizontally swung provided the door swings within the elevator car.

(3) A positive locking latch device (~~shall be provided to~~) which resists a two hundred fifty pound thrust shall be provided.

(4) Interlocks or mechanical locks and electric contacts must be provided on cars operating in open hoistways.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60151 GUIDE RAILS. A minimum of two car guide rails shall be provided (~~and~~). They shall:

(1) Extend at least six inches beyond the maximum travel of the car with buffers compressed.

(2) Be securely fastened to a vertical supporting member for the full length of elevator travel.

(3) Be not less than one and one-half inch by one and one-half inch vertical grain fir or equivalent (~~or~~) one-quarter inch by two inch by two inch angle iron or equivalent.

(4) Not vary more than three-sixteenths inch thickness on brake surfaces for wood guide rails.

(5) Be secured to resist more than one-half inch total deflection on car safety application and resist a two hundred fifty pound horizontal thrust.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60153 HOISTING ROPES. Hoisting ropes shall be of good grade elevator traction wire rope and shall:

(1) Be (~~not less than~~) at least two ropes of not less than three-eighths inch diameter (~~and provide~~) providing a safety factor of five.

(2) Be fastened by at least three U-type cable clamps with the U on the dead return end of the rope or by approved elevator sockets of the rabbitted type.

(3) (~~Hoisting rope shall~~) Be of such length that the car platform will not be more than six inches above the top landing when the counterweight buffer is fully compressed (~~and~~). The counterweight shall be six inches or more away from the counterbalance sheave when the car buffer is fully compressed.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60155 SPACE UNDER HOISTWAY. There shall be no habitable space below the elevator hoistway and counterweight shaft unless the floor is designed to withstand (~~and~~) an impact one hundred twenty-five percent greater than the impact generated by a free fall of either the car or counterweight from the full height of the hoistway.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60157 CAR SAFETIES. All cars suspended or operated from overhead machinery shall be equipped with an approved car safety capable of stopping and holding the car with rated load.

(1) Car safeties shall operate mechanically and be independent of interruption of any electrical circuit.

(2) Car safeties (~~with~~) and governor controlled safeties shall automatically operate and the control circuit (~~with~~) shall be broken in the event of cable breakage (~~and on governor controlled safeties~~).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60159 BRAKES. All elevators shall be equipped with brakes designed to engage mechanically and release electrically.

(1) Brakes shall be located on the final drive of all elevator machines.

(2) The brake actuating circuit (~~with~~) shall be so designed that interruption of power by slack cable switch, control switch, and limit switches (~~with~~) actuate the brake.

(3) The brakes shall actuate under short circuit, phase failure, or reverse phase conditions.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60161 CAR CONTROLS AND SAFETY DEVICES. (1) Car controls may be automatic pushbutton, constant pressure pushbutton or momentary pushbutton types. Hand rope and car switch controls shall not be used.

(2) Manually operated emergency stop switches shall be installed in all cars not equipped with constant pressure pushbutton controls. The switch shall be clearly marked "emergency stop."

(3) Terminal limiting devices shall operate independently of the car controls and automatically stop the car at the top and bottom terminal landings.

(4) All winding drum machine type elevators shall be equipped with top and bottom final limit switches.

(5) A slack rope device of (~~the~~) manual reset design shall be required on all winding drum type machines. The device shall be designed to de-energize the circuit to the drive motor and brake.

(6) All (~~new~~) installations shall be equipped with an overspeed governor. This governor shall be set not to exceed one hundred seventy-five feet per minute and shall be designed to de-energize the brake control and motor drive circuits simultaneously with the activation of the car (~~safeties~~) safety mechanism. Car speeds for these types of installations shall not exceed a speed of one hundred twenty-five feet per minute.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60167 HOISTING MACHINE MECHANISMS. (1) Elevator machines shall be driven by approved type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake shall be installed on the driving unit.

(b) On V belt driven types, a minimum of four belts, one-half inch minimum size, shall be used to transmit power from the motor to the drive shaft and a mechanically actuated, electrically released brake shall be installed on the final drive shaft.

(2) Wherever practical, elevator machines shall be installed on the top side of their supporting structure.

(3) All components of the driving mechanism (~~or~~) and parts subject to stress involved in suspending the load or related equipment shall be designed to withstand eight times the total weight to be suspended, (~~which would include~~) including load, counterweight, car and cables.

(4) Gears shall be made of steel or equivalent material. Cast iron gears are prohibited.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60169 ELEVATOR CAR AND COUNTERWEIGHT BUFFERS. (1) (~~On new installations,~~) Elevator cars shall be provided with adequate car buffers.

(2) All elevators using a counterweight shall be provided with adequate counterweight buffers.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60171 GENERAL REQUIREMENTS. (1) Adequate lighting shall be provided at each landing and in the shaftway.

(2) A sign bearing the following information shall be conspicuously posted within the car:

(a) Maximum capacity one person;

(b) Total load limit in pounds;

(c) For authorized personnel use only.

(3) A fire extinguisher in proper working condition shall be (~~attached to~~) available in the car (~~structure~~).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60180 SCOPE AND APPLICATION. (~~The following requirements shall~~) WAC 296-56-60180 through 296-56-

60207 apply to the installation, design, and use of all one man capacity, hand power counterweighted elevators subject to inspection (~~as required by~~) under RCW (~~49.16.120~~) 49.17.120.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60183 HOISTWAY LANDINGS. (1) Every hoistway landing shall be protected on all sides other than the landing opening side with a standard guard rail and intermediate guard rail. All landings except the bottom landing shall have a toe board installed on all sides except the landing opening side.

(2) All hoistway entrances shall be not less than six feet six inches in height and in no case shall the width exceed the corresponding car dimensions.

(3) All hoistway entrances must be provided with an approved maze or with a hoistway gate which shall:

- (a) Be at least thirty-six inches in height.
- (b) Extend downward to within one inch of the landing sill.
- (c) Be of the self-closing type, designed to swing horizontally out from the hoistway and closing against a full jam stop.
- (d) Be located within four inches of the hoistway edge of the landing sill.

(e) Have a "DANGER" sign conspicuously posted on the landing side of the hoistway gate.

(f) Withstand a two hundred fifty pound horizontal thrust.

(4) (~~For any new installation,~~) All projections extending inwardly from the hoistway enclosure at the entrance side of the car platform shall be bevelled and substantially guarded on the underside by smooth solid material set at an angle of not less than sixty degrees, nor more than seventy-five degrees from the horizontal when cars are not equipped with gates.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60189 HOISTWAY GUIDE RAILS. (1) There shall be a minimum of two opposing guide rails extending to a point six inches beyond the full height of travel of the car when the counterweight buffer is fully compressed.

(2) All rails shall be (~~supported~~) attached by bolts, lag screws or other approved methods to a vertical supporting member which shall not exceed one-half inch deflection with the application of a two hundred fifty pound horizontal thrust at any point.

(3) Wood guide rails shall be at least one and one-half inch by one and one-half inch vertical grain fir or equivalent and shall not vary more than three-sixteenth inch in thickness on the sides (~~to~~) which the brakes (~~make~~) contact. All joints shall be kept smooth and even.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60191 BUFFER SPRINGS AND OVERTRAVEL OF CAR. Substantial spring buffers shall be installed below the car and also below the counterweight (~~on all new installations. All installations shall have spring buffers attached below the counterweight~~). The hoisting rope shall be of such length that the car platform will not be more than eight inches above the top landing when the counterweight buffer spring is fully compressed.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60193 CAR SPECIFICATIONS. (1) The car shall be built to the following specifications:

(a) The car platform shall be not greater than thirty inches on either side (6.25 square feet area).

(b) The car frame and platform shall be of steel or sound seasoned wood construction and be designed with a safety factor (~~of safety~~) of not less than four for metal and six for wood, based on a maximum capacity of two hundred fifty pounds.

(c) All frame members shall be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts (~~must~~) shall be used.

(d) Where wooden frame members are bolted, large washers or metal plates shall be used to minimize the possibility of splitting or cracking the wood.

(2) The sides of the car shall be enclosed by a minimum of two safety guard rails with the top rail not less than thirty-six inches nor

more than forty-two inches from the car floor (~~and with the intermediate bar bisecting the height~~). Rails shall sustain a horizontal thrust of two hundred fifty pounds. If solid material is used it shall be smooth surfaced and not less than one-half inch thickness, if wood; (~~and~~) not less than sixteen gauge thickness, if steel; and shall be constructed from the car floor to a height of not less than three feet.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar (~~positive stop type car~~) gate must be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates must be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate shall drop into locking slots or be provided with a positive locking type latch capable of withstanding two hundred fifty pounds horizontal thrust.

(3) Every car shall have a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge expanded metal, fourteen gauge sheet steel (~~or~~), three-quarter inch or heavier plywood. If made of wire screen or metal, the openings shall reject a one-half inch diameter ball.

(4) Every car shall have a proper rack to hold the balance weights.

(5) A sign bearing the following information shall be conspicuously posted within the car:

- (a) Maximum capacity one person;
- (b) Total load limit in pounds;
- (c) For authorized personnel use only.

(6) Every car shall be equipped with a spring loaded foot brake which:

- (a) (~~Will~~) Operates independently of the car safeties;
- (b) (~~Will~~) Operates in both directions and will stop and hold the car and its load;

(c) (~~Will~~) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.

(7) Every car shall be equipped with a car safety device which (~~will~~):

- (a) (~~Apply~~) Applies to the sides of the main guide rails;
- (b) Stops and holds the car and its load immediately when the hoisting rope breaks.

(8) Every car shall have a minimum clearance of six feet six inches from the top of the car platform to the bottom edge of the crosshead or any other obstruction.

(9) A tool box with minimum dimensions of four inches wide by sixteen inches long by three inches in depth shall be provided and firmly attached to the car structure.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60195 COUNTERWEIGHTS. (1) The assembly of sectional counterweights shall conform to the following requirements:

(a) Rectangular (~~type~~) counterweights shall be held together by at least two tie rods one-half inch in diameter fastened with lock washers and double nuts or other approved means.

(b) One three-quarter inch rod may be used to hold the sections of a round counterweight together. Any additional sections or weights shall be secured by an approved means.

(2) The eye bolt for the rope hitch shall be attached to the counterweight in a manner that will prevent the eye bolt from coming loose. The eye of eye bolts shall be welded to prevent (~~them~~) it from opening.

(3) Every counterweight runway shall be enclosed with substantial unperforated material for its full distance of travel. Inspection openings shall be provided at either the top or bottom of the counterweight runway. These openings shall be substantially covered at all times except when actually (~~engaged in~~) being used for inspection of counterweight fastenings.

(4) Workmen shall load the counterweight for the proper balance of the heaviest person using the elevator and others shall use compensating weights, which shall be available, to maintain a balance (~~suitable for their needs~~).

(5) On elevators with travel of seventy-five feet or more, a compensating chain or cable shall be installed to maintain the proper balance of the counterweight to the car and load in all positions.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60199 HOISTING ROPES. (1) Hoisting rope shall be of good grade traction elevator wire rope, and shall:

- (a) Be not less than three-eighths inches in diameter.
  - (b) Provide a safety factor (~~(of safety)~~) of five based on the maximum weight supported.
  - (c) Be of (~~such~~) sufficient length to prevent the counterweight from striking the overhead structure when car is at bottom (~~(landing)~~), and prevent the car from striking the overhead before the counterweight is at its lower limit of travel.
  - (d) Be fastened at each end by at least three or more clamps, with the "U" of the clamp bearing on the dead end of the rope.
  - (e) Where passed around a metal or other object less than three times the diameter of the cable, have a thimble of the correct size inserted in the eye.
- (2) Approved sockets or fittings with the wire properly turned back and babbitted may be used in place of clamps noted in subsection (1)(d) of this section.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60201 OPERATING ROPE. The operating rope shall be of soft hemp or cotton at least three-quarter inch in diameter (~~and~~). It shall be securely fastened at each end and shall be in proper vertical alignment to prevent bending or cutting where it passes through the openings in the platform or the protective top of the car.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60205 OVERHEAD SUPPORTS. The overhead supporting members shall be designed, based upon impact loads, with a safety factor (~~(of safety)~~) of:

- (1) Nine if wood;
- (2) Five if steel.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60207 GENERAL REQUIREMENTS. (1) No person other than an employee or duly authorized person shall ride or be permitted to ride in the car.

(2) Escape ladders shall be installed (~~(to extend)~~) extending the full length of the hoistway and shall be located in a position (~~(whereby)~~) so that, in an emergency, a person can safely transfer from the car platform to the ladder. An "IMPAIRED CLEARANCE" sign ((to)) shall be posted at the bottom of a ladder((s)) when the face of the ladder is less than thirty inches from any structure.

(3) An automatic safety dog or device ((shall be installed at the bottom landing)) which will prevent the car from leaving the landing until manually released by the operator shall be installed at the bottom landing.

(4) A fire extinguisher in proper working condition shall be ((attached to)) available in the car ((structure)).

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60209 FIXED LADDERS. (1) Scope (~~(and applicability)~~). This section applies to all fixed ladders except:

- (a) Ladders forming an integral part of railway cars, highway carriers, cargo containers, or other transportation carrier equipment;
- (b) Climbing devices such as step bolts or structural members of tanks and towers;
- (c) Ladders built into or vertically attached to tubular scaffold framing; and
- (d) Ladders used only for fire fighting or emergency purposes are exempt from the provisions of subsection (5) of this section. All other requirements of this section apply.

(2) Definitions.

(a) "Cage" (basket guard) means a barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.

(b) "Fixed ladder" means a ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.

(c) "Ladder safety device" means a support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.

(d) "Well" means a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.

(3) Defects.

(a) Ladders with broken, split, or missing rungs, steps or rails, broken welds or connections, corrosion or wastage, or other defect which may affect safe use shall be removed from service.

(b) Ladder repairs shall provide strength at least equivalent to that of the original ladder.

(4) Ladder specifications.

(a)(i) Ladders installed before October 3, 1983, shall be capable of withstanding without damage a minimum concentrated load, applied uniformly over a three and one-half inch (8.8 cm) width at the rung center, of two hundred pounds (890 N).

(ii) Ladders installed after October 3, 1983, shall be capable of withstanding two hundred fifty pounds (1120 N) applied as described in (a)(i) of this subsection. If used by more than one employee simultaneously, the ladder as a unit shall be capable of simultaneous additional loading in two hundred fifty pound (1120 N) increments for each additional employee, applied to a corresponding number of rungs. The unit shall have a safety factor of four based on ultimate strength, in the designed service.

(b)(i) Ladders installed before October 3, 1983, shall have rungs evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm) apart, center to center.

(ii) Ladders installed after October 3, 1983, shall have rungs evenly spaced (~~(+2)~~) twelve inches apart, plus or minus (~~(2)~~) two inches(~~;~~) (30 cm, plus or minus 5 cm) (~~(from)~~), center to center.

(c)(i) Ladders installed before October 3, 1983, shall have a width between side rails of at least ten inches (25.4 cm).

(ii) Ladders installed after October 3, 1983, shall have a width between side rails of at least twelve inches (30.48 cm).

(d) The minimum distance between the rung center line and the nearest permanent object behind the rung shall be four inches (10.2 cm), except that in ladders installed after October 3, 1983, the minimum distance shall be seven inches (17.8 cm) unless physical limitations make a lesser distance, not less than four and one-half inches (11.5 cm), necessary.

(e) When a ladder passes through an opening or past overhead obstructions, a minimum twenty-four inch (.61 m) clearance shall exist between the climbing side and any obstruction. Where this distance is less than thirty inches (0.76 m), a deflection device shall be installed for guidance through the opening.

(f) The side rails of ladders shall extend at least thirty-six inches (0.91 m) above the top landing surface, unless grab bars or equivalent holds are provided.

(g) Ladders whose pitch exceeds ninety degrees to the horizontal (slanting backward on the climbing side) shall not be used.

(5) Protection against falls.

(a) Fixed ladders more than twenty feet (6.1 m) in height shall be provided with a cage, well, or ladder safety device.

(b) When a well or cage is used, ladders with length of climb exceeding thirty feet (9.14 m) shall comply with the following provisions:

(i) The ladder shall consist of multiple sections not exceeding thirty feet (9.14 m) each;

(ii) Each section shall be horizontally offset from adjacent sections, except as specified in (b)(iv) of this subsection; and

(iii) A landing platform capable of supporting a load of one hundred pounds per square foot (4.79 kPa) and fitted with guardrails complying with WAC 296-56-60123(3) shall be provided at least every thirty feet, except as specified in (b)(iv) of this subsection;

(iv) For ladders installed after October 3, 1983, offset sections and landing platforms are not required if hinged platforms capable of supporting one hundred pounds per square foot (4.79 kPa), and which are kept closed except when opened for passage, are within the cage or well at intervals not exceeding thirty feet (9.14 m).

(c) Ladders equipped with ladder safety devices shall have rest platforms:

(i) Capable of supporting a load of one hundred pounds per square foot (4.79 kPa);

(ii) Located at intervals of one hundred fifty feet (46 m) or less; and

(iii) Protected by guardrails complying with WAC 296-56-60123(3) (~~(of)~~) on three sides.

(d) Where used, ladder safety devices shall:

- (i) Be installed and maintained in accordance with the manufacturer's instructions, which shall be available for inspection upon request;
- (ii) Be repaired only with replacement parts having performance capability at least equal to that of the original parts;
- (iii) Have a connection length between carrier centerlines and safety belts of 102 inches (25.45.08 cm); and
- (iv) Be installed in a manner that does not reduce the ladder's structural (~~capability~~) capacity.
- (e) Ladder cages or wells shall:
  - (i) Be of rigid construction that allows unobstructed use but prevents an employee from falling through or dislodging the cage or well by falling against it;
  - (ii) Have smooth inner surfaces;
  - (iii) Extend at least thirty-six inches (0.9 m) above landings; and
  - (iv) Extend to within eight feet (2.4 m) above the ground or base, except that a maximum of twenty feet (6.1 m) is permitted where the cage or well would extend into traffic lanes.
- (f) Ladders installed after ~~((effective date of standard))~~ January 1, 1985, on radio, microwave communications, electrical power and similar towers, poles and structures, including stacks and chimneys, shall meet the requirements of this subsection.
- (6) Individual rung ladders. Ladders consisting of individual rungs that are attached to walls, conical manhole sections or river cells shall:
  - (a) Be capable of supporting a load of three hundred fifty pounds (1557 N) without deformation;
  - (b) Form a continuous ladder, uniformly spaced vertically from twelve inches to sixteen inches (30.5 to 41 cm) apart, with a minimum width of ten inches (25.4 cm), and projecting at least four and one-half inches (1 cm) from the wall;
  - (c) Be so constructed that an employee's foot cannot slide off the ends; and
  - (d) Be firmly attached and without sharp edges.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60211 PORTABLE LADDERS. (1) Scope and applicability. This section applies to all portable ladders, including job-made ladders for temporary use, unless otherwise specified.

(2) Standards for existing manufactured portable ladders.

(a) Rungs of manufactured portable ladders obtained before October 3, 1983, shall be capable of supporting a two hundred pound (896 N) load without deformation.

(b) Rungs shall be evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm), center to center.

(c) Rungs shall be continuous members between rails. Each rung of a double-rung ladder (two side rails and a center rail) shall extend the full width of the ladder.

(d) Width between side rails at the base of the ladder shall be at least twelve inches (30 cm) for ladders ten feet (3.05 m) or less in overall length, and shall increase at least one-fourth inch (0.6 cm) for each additional two feet (0.61 m) of ladder length.

(3) Standards for manufactured portable ladders. ~~((Portable))~~ Manufactured portable ladders obtained after October 3, 1983, shall bear identification indicating that they meet the appropriate ladder construction requirements of the following standards:

ANSI A14.1-~~((Current))~~ 1981 Safety Requirements for Portable Wood Ladders

ANSI A14.2-~~((Current))~~ 1982 Safety Requirements for Portable Metal Ladders

ANSI A14.5-~~((Current))~~ 1981 Safety Requirements for Portable Reinforced Plastic Ladders

(4) Standards for job-made portable ladders. Job-made ladders shall:

(a) Have a minimum and uniform distance between rungs of twelve inches (30 cm), center to center;

(b) ~~((Are))~~ Be capable of supporting a two hundred fifty pound (1100 N) load without deformation; and

(c) Have a minimum width between side rails of twelve inches (30 cm) for ladders ten feet (3.05 m) in height. Width between rails shall increase at least one-fourth inch (0.6 cm) for each additional two feet (0.61 m) of ladder length.

(5) Maintenance and inspection.

(a) The employer shall maintain portable ladders in safe condition. Ladders with the following defects shall not be used and either shall be tagged as unusable if kept on the premises or shall be removed from the worksite:

- (i) Broken, split or missing rungs, cleats, or steps;
- (ii) Broken or split side rails;

- (iii) Missing or loose bolts, rivets, or fastenings;
- (iv) Defective ropes; or
- (v) Any other structural defect.
- (b) Ladders shall be inspected for defects prior to each day's use, and after any occurrence, such as a fall, which could damage the ladder.
- (6) Ladder usage.
  - (a) Ladders made by fastening rungs or devices across a single rail are prohibited.
  - (b) Ladders shall not be used:
    - (i) As guys, braces, or skids; or
    - (ii) As platforms, runways, or scaffolds.
  - (c) Metal and wire-reinforced ladders with wooden side rails shall not be used when employees on the ladder might come into contact with energized electrical conductors.
  - (d) Individual sections from different multisectional ladders or two or more single straight ladders shall not be tied or fastened together to achieve additional length.
  - (e) Except for combination ladders, self-supporting ladders shall not be used as single straight ladders.
  - (f) Unless intended for cantilever operation, nonself-supporting ladders shall not be used to climb above the top support point.
  - (g) Ladders shall extend at least thirty-six inches (0.91 m) above the upper support level if employees are to leave or mount the ladder at that level, except that where such extension is impractical other equivalent means such as grab bars may be used to provide a hand grip.
  - (h) Ladders shall be securely positioned on a level and firm base.
  - (i) Ladders shall be fitted with slip-resistant bases and secured at top or bottom to prevent the ladder from slipping.
  - (j) ~~((The employer shall direct that))~~ Ladders shall be placed so that employees climbing are not exposed to injury from projecting objects or doors that open toward the ladder.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60215 FIXED STAIRWAYS. (1) Definition. "Fixed stairway" means interior ~~((and))~~ or exterior stairs serving machinery, tanks, ~~((and))~~ or equipment, and stairs to or from floors, platforms, or pits. The term does not apply to stairs intended only for fire exit purposes, to articulated stairs (the angle of which changes with the rise and fall of the base support) or to stairs forming an integral part of machinery.

(2) New installations.

(a) Fixed stairs installed after October 3, 1983, shall be positioned within the range of thirty degrees to fifty degrees to the horizontal with uniform riser height and tread width throughout each run and be capable of a minimum loading of one hundred pounds per square foot (448 N) and a minimum concentrated load of three hundred pounds (1344 N) at the center of any treadspan. Riser height shall be from six to seven and one-half inches (15.2 to 19.0 cm), stair width a minimum of twenty-two inches (56 cm) between vertical barriers, and tread depth ((a minimum of 12=2 inches (30.48=5.08 cm), and)) shall be from 8 to 11 inches (20.3 to 27.8 cm). Tread nosing shall be straight leading edges.

(b) Stair landings shall be at least twenty inches (51 cm) in depth. Where doors or gates open on a stairway, a landing platform shall be provided. Door swing shall not reduce the effective standing area on the landing to less than eighteen inches (45.7 cm) in depth.

(c) Fixed stairs having four or more risers shall have stair railings or handrails complying with WAC 296-56-60123 (3)~~((a))~~.

(d) The railing height from tread surface at the riser face shall be 33((=)) plus or minus 3 inches (83((=)) plus or minus 7.6 cm).

(e) Restricted areas. When physical features require stairs steeper than those provided for by (a) of this subsection, stairs at angles of fifty degrees to seventy-five degrees from the horizontal may be used if they:

(i) Are capable of supporting a single concentrated load of two hundred pounds (890 N) at the tread centers;

(ii) Have open treads at least four inches (10.2 cm) in depth and eighteen inches (45.7 cm) in width with a uniformly spaced vertical rise between treads of six to nine and one-half inches (15.2 to 24.1 cm); and

(iii) Have handrails that meet the requirements of WAC 296-56-60123 (3)~~((a))~~ on both sides ~~((and))~~ that are not less than thirty inches (76.2 cm) in height from the tread surface at the riser face.

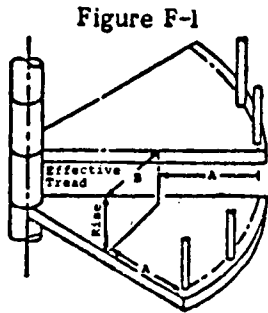
(f) Maintenance. Fixed stairways shall be maintained in safe condition and shall not be obstructed.

**AMENDATORY SECTION** (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60217 **SPIRAL STAIRWAYS.** (1) Definition. "Spiral stairway" means one with closed circular form, uniform sector-shaped treads and a supporting column.

(2) Requirements. Spiral stairways shall meet the following requirements:

(a) Stairways shall conform to the minimum dimensions of Figure F-1;



Spiral Stairway—Minimum Dimensions

	A(Half-tread width)	B
Normal use by employees ...	11 inches (27.9 cm)	6 inches (15.2 cm)
Limited access ...	9 inches (22.9 cm)	5 inches (12.7 cm)

(b) Stairway risers shall be uniform and shall range from six and one-half to ten and one-half inches (16.5 to 26.7 cm) in height;

(c) Minimum loading capability shall be one hundred pounds per square foot (448 N), and minimum tread center concentrated loading shall be three hundred pounds (1344 N);

(d) Railing shall conform to the requirements of WAC 296-56-60123 (3)((a)). If balusters are used, there shall be a minimum of one per tread. Handrails shall be a minimum of one and one-fourth inches (3.3 cm) in outside diameter; and

(e) Vertical clearance shall be at least six feet, six inches (1.98 m) above the top step.

(3) Maintenance. Spiral stairways shall be maintained in safe condition.

**AMENDATORY SECTION** (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60219 **EMPLOYEE EXITS.** (1) Employee exits shall be clearly marked.

(2) If an employee exit is not visible from employees' work stations, directional signs indicating routes to the exit shall be posted.

(3) Exits shall be readily accessible and sufficient in number to provide employees with a convenient means of escape in emergencies. A clear passage to the exit shall be maintained.

(4) The minimum width of any employee exit shall be twenty-eight inches (71.1 cm).

(5) All fire exits and aiseways of all docks and warehouses shall be clearly marked and kept clear. All main aiseways shall be wide enough to permit passage of a fire truck.

(6) There shall be a twenty-eight inch clearance maintained where employees use a passageway to an exit.

(7) Every building, structure or crane, new or old, shall be provided with an emergency means of egress to permit the prompt escape of occupants in case of fire or other emergency, at all locations with a vertical height of thirty feet or more. Cranes, buildings, or structures ~~((installed)) erected prior to ((the effective date of this standard will have until))~~ January 1, 1985, shall comply with the provisions of this standard by July 1, 1986 ~~((, to comply)).~~

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60221 **ILLUMINATION.** Lighting. All areas shall be ~~((adequately))~~ lighted to meet the requirements of this code.

(1) Active work areas shall be lighted in such a manner ~~that~~ the general area being worked will be illuminated at a minimum intensity of approximately five foot candles measured thirty inches above the dock floor. Supplemental lighting shall be utilized ~~((for conditions))~~ where more than the minimum intensity is necessary for ~~((a))~~ safe operation.

(2) A minimum of three foot candles illumination measured in the manner described above shall be maintained at all points along the bull rail.

(3) The quality of light shall be such that it is reasonably free from glare, and has correct direction, diffusion, and distribution.

(4) Lighting shall not be obstructed by any placement of cargo, structures or other objects which ~~((with))~~ might create a shadow in the work area. Portable lighting shall be provided in ~~((these))~~ those areas that do not meet the minimum requirements of this subsection.

(5) Portable illumination.

(a) All walking and working areas shall be illuminated.

(b) Portable lights shall meet the following requirements:

(i) Portable lights shall be equipped with reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is recessed.

(ii) Portable lights shall be equipped with heavy duty electric cords ~~((and))~~. They may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections.

(iii) All connections and insulation shall be maintained.

~~((iii))~~ (iv) Lighting wires and fixtures for portable lights shall be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60223 **PASSAGE BETWEEN LEVELS AND ACROSS OPENINGS.** (1) General. The employer shall provide safe means of passage between different surface levels and across openings.

(2) Definitions.

(a) "Dockboards (car and bridge plates)" mean devices for spanning short distances between rail cars or highway vehicles and loading platforms which do not expose employees to falls greater than four feet (1.2 m).

(b) "Ramps" means other flat-surface devices for passage between levels and across openings not ~~((covered under))~~ included in "dockboards."

(3) Dockboards (car and bridge plates).

(a) Dockboards shall be strong enough to support the loads imposed on them.

(b) Portable dockboards shall be anchored in position or be equipped with devices to prevent their movement.

(c) Hand holds or other effective means shall be provided on portable dockboards to permit safe handling.

(d) Positive means shall be used to prevent railcars or highway vehicles from being moved while dockboards or bridge plates are in position.

(4) Ramps.

(a) Ramps shall be strong enough to support the loads imposed on them, provided with sideboards, properly secured and well maintained.

(b) Ramps shall be equipped with guardrails meeting the requirements of WAC 296-56-60123 (3)((a)) if the slope is more than twenty degrees to the horizontal or if employees could fall more than four feet (1.2 m).

(c) Ramps shall have slip-resistant surfaces.

(d) When necessary to prevent displacement by vehicle wheels, steel plates or similar devices used to temporarily bridge, or cover uneven surfaces or tracks(;) shall be anchored.

**AMENDATORY SECTION** (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60229 **SANITATION.** (1) Washing and toilet facilities.

(a) The employer shall provide accessible washing and toilet facilities sufficient for the sanitary requirements of employees. The facilities shall have:

(i) Running water, including hot, and cold or tepid water (~~(at a minimum of one accessible location)~~) (when cargo handling is conducted at locations without permanent facilities, potable water may be provided in lieu of running water);

(ii) Soap;

(iii) Individual hand towels, clean individual sections of continuous toweling or warm air blowers; and

(iv) Fixed or portable toilets in separate compartments with latch-equipped doors.

(b) Separate toilet facilities shall be provided for male and female employees except when toilet rooms (~~(will be)~~) are occupied by only one person at a time. A means of locking shall be provided.

~~((b))~~ (c) Washing and toilet facilities shall be regularly cleaned and maintained in good order.

(2) Drinking water.

(a) Potable drinking water shall be accessible to employees at all times.

(b) Potable drinking water containers shall be clean, containing only water and ice, and shall be fitted with covers.

(c) Common drinking cups are prohibited.

(3) Prohibited eating areas. Consumption of food or beverages in areas where hazardous materials are being stored or handled shall be prohibited.

(4) Garbage and overboard discharges. Work shall not be conducted in the immediate vicinity of uncovered garbage or in the ~~((way))~~ area of overboard discharges from the vessel's sanitary lines unless employees are protected from the garbage or discharge by a baffle or splash boards.

~~((5) Washroom facilities. All docks, warehouses, or similar working areas shall be equipped with clean, ventilated washroom facilities with hot running water provided.~~

~~(6) Toilet and sanitary facilities. All docks, warehouses, or similar working areas shall be provided with proper toilet and sanitary facilities. Such facilities shall be kept in good repair and in a sanitary condition.)~~

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60231 SIGNS AND MARKING. (1) General. Signs required by this ~~((section))~~ chapter shall be clearly worded and legible~~((and))~~. They shall contain a key word or legend indicating the reason for the sign.

(a) Key words are such words as danger, warning, caution.

(b) Legends are more specific explanations such as high voltage, close clearance, pedestrian crossing.

(2) Specific. Every marine terminal shall have conspicuously posted signs as follows:

(a) Locations of first-aid facilities;

(b) Locations of telephones;

(c) Telephone numbers of the closest ambulance service, hospital or other source of medical attention, police, fire department, and emergency squad (if any); and

(d) Locations of fire fighting and emergency equipment and fire exits.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60233 RELATED TERMINAL OPERATIONS AND EQUIPMENT—MACHINE GUARDING. (1) Definition. "Guarded" means shielded, fenced, or enclosed by covers, casings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to employees) and point of operation guarding (using barrier guards, two-hand tripping devices, electronic safety devices, or other such devices).

(2) General.

(a) Danger zones on machines and equipment used by employees shall be guarded.

(b) Where chips and dust produced by machine operation may result in a hazard to the operator, the machinery shall be equipped with an effective exhaust system at the point of origin, or other equally effective means shall be provided to protect the operator.

(c) Fixed machinery shall be secured to prevent shifting.

(d) A power cut-off device for machinery and equipment shall be provided at the operator's working position.

(e) Machines driven by belts and shafting shall be fitted with a belt-locking or equivalent protective device if the belt can be shifted.

(f) In operations where injury to the operator might result if motors were to restart after power failures, provisions shall be made to prevent machines from automatically restarting upon restoration of power.

(g) The power supply to machines shall be turned off, locked out, and tagged out during repair, adjustment, or servicing.

(h) Machines shall be maintained in a safe working condition.

(i) Only designated employees shall maintain or repair machinery and equipment.

(j) Machines with defects that affect the safety of operation shall not be used.

(3) Hand-fed circular rip saws and hand-fed circular crosscut table saws. Unless fixed or manually adjustable enclosures or guarding provides equivalent protection, hand-fed circular rip saws and hand-fed circular crosscut table saws shall be guarded as follows ~~((to keep employees clear of any danger zones))~~:

(a) They shall be equipped with hoods completely enclosing those portions of the saw above the table and the material being cut;

(b) They shall have spreaders to prevent material from squeezing the saw. Spreaders shall be in true alignment with the saw. Spreaders may be removed only during grooving, dadoing, or rabbeting operations, and shall be replaced at the completion of such operations; and

(c) They shall have nonkickback fingers or dogs to oppose the tendency of the saw to pick up material or throw material toward the operator.

(4) Swing cutoff saws.

(a) Swing cutoff saws shall have hoods completely enclosing the upper half of the saw, the arbor end and the point of operation at all saw positions to protect the operator from material thrown up by the saw. The hood shall automatically cover the lower portion of the blade~~((:))~~ so that when the saw returns to the back of the table the hood rises on top of the fence, and when the saw is moved forward the hood drops on top, remaining in contact with the table or the material.

(b) Swing cutoff saws shall have a device to return the saw automatically to the back of the table without rebound. The device shall not be dependent upon rope, cord or springs.

(c) Devices shall be provided to prevent saws from swinging beyond the front or back edges of the table.

(d) Inverted swing cutoff saws shall have hoods covering the part of the saw protruding above the table top or the material being cut. Hoods shall automatically adjust to the thickness of, and remain in contact with, material being cut.

(5) Radial saws. Unless fixed or manually adjustable enclosures or guards provide equivalent protection, radial saws shall be guarded as follows:

(a) The upper hood of radial saws shall enclose the upper portion of the blade up to and including the end of the saw arbor and shall protect the operator from being struck by debris. The sides of the lower exposed portion of the blade shall be guarded to the blade diameter by a device automatically adjusting to the thickness of the stock and remaining in contact with the stock. The lower guard may be removed only when the saw is used for bevel cuts;

(b) Radial saws used for ripping shall have nonkickback fingers or dogs on both sides to oppose the thrust or tendency of the saw to pick up material or throw material toward the operator;

(c) An adjustable stop shall be provided to prevent travel of radial saw blades beyond the table's edge;

(d) Radial saws shall be installed so that the cutting head returns to the starting position without rebound when released; and

(e) The employer shall direct that employees perform ripping and ploughing against the saw turning direction. Rotation direction and an indication of the end of the saw to be used shall be conspicuously marked on the hood.

(6) Band saws and band resaws.

(a) Saw blades and band saw wheels shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table, to protect employees from point-of-operation hazards and flying debris.

(b) Band saws shall be equipped with brakes to stop the band saw wheel if the blade breaks.

(c) Band saws shall be equipped with a tension control device to keep the blade taut.

(7) Abrasive wheels and machinery.



(a) Abrasive wheels shall be used only on machines having enclosure guards to restrain pieces of grinding wheels and to protect employees if the wheel breaks, except as provided in (b) and (c) of this subsection. Where the operator (~~(must)~~) stands in front of the safety guard opening, the safety guard shall be adjustable or have an adjustable tongue or piece at the top of the opening. The safety guard or the tongue shall be adjusted so that (~~(they are)~~) it is always (~~(close to)~~) within one-fourth inch of the periphery of the wheel. Guards shall be aligned with the wheel and the strength of fastenings shall be greater than the strength of the guard.

(b) When the work provides equivalent protection, or when the machine is designed as a portable saw, guards may be constructed with the spindle end, nut and outer flange exposed. When the work entirely covers the side of the wheel, the side covers of the guard may be removed.

(c) Guarding is not required:

(i) For wheels used for internal work while the wheel is contained within the work being ground; or

(ii) For mounted wheels two inches (5 cm) and smaller in diameter used in portable operations.

(d) Work rests shall be used on fixed grinding machines. Work rests shall be rigidly constructed and adjustable for wheel wear. They shall be adjusted closely to the wheel with a maximum opening of one-eighth inch (3.2 mm) and shall be securely clamped. Adjustment shall not be made while the wheel is in motion.

(e) Grinding wheels shall fit freely on the spindle. The spindle nut shall be tightened only enough to hold the wheel in place.

(f) Grinding machine wheels shall turn at a speed that is compatible with the rated speed of the wheel.

(g) Flanges and blotters shall be used only with wheels designed for their use. Flanges shall be of a type ensuring retention of pieces of the wheel in case of breakage.

(h) Abrasive wheels with operational defects shall not be used.

(8) Rotating parts, drives and connections.

(a) Rotating parts, such as gears and pulleys, that are located seven feet (2.1 m) or less above working surfaces shall be guarded to prevent employee contact with moving parts.

(b) Belt, rope and chain drives shall be guarded to prevent employees from coming into contact with moving parts.

(c) Gears, sprockets and chains shall be guarded to prevent employees coming into contact with moving parts. This requirement does not apply to manually operated sprockets.

#### AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60235 WELDING, CUTTING AND HEATING (HOT WORK). (1) Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark-producing operation.

(2) Hot work in confined spaces. Hot work shall not be performed in a confined space until a designated person has tested the atmosphere and determined that it is not hazardous.

(3) Fire protection.

(a) To the extent possible, hot work shall be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions shall be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location shall be immediately available and shall be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer shall instruct all employees involved in hot work operations as to potential fire hazards and the use of fire fighting equipment.

(e) Drums and containers which contain or have contained flammable or combustible liquids shall be kept closed. Empty containers shall be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions shall be taken to ensure that no employees or flammable or combustible materials (~~(on the floor below)~~) are exposed to sparks dropping through the floor. Similar precautions shall be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-producing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

(h)(i) Drums, containers or hollow structures that have contained flammable or combustible substances shall either be filled with water or cleaned, and shall then be ventilated. A designated person shall test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application shall be provided.

(4) Gas welding and cutting.

(a) Compressed gas cylinders:

(i) Shall have valve protection caps in place except when in use, hooked up or secured for movement. Oil shall not be used to lubricate caps;

(ii) Shall be hoisted only while secured, as on a cradle or pallet, and shall not be hoisted by magnet, choker sling or cylinder caps;

(iii) Shall be moved only by tilting or rolling on their bottom edges;

(iv) Shall be secured when moved by vehicle;

(v) Shall be secured while in use;

(vi) Shall have valves closed when cylinders are empty, being moved or stored;

(vii) Shall be secured upright except when hoisted or carried;

(viii) Shall not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;

(ix) Shall not be thawed by boiling water;

(x) Shall not be exposed to sparks, hot slag, or flame;

(xi) Shall not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;

(xii) Shall not be used as rollers or supports;

(xiii) Shall not have contents used for purposes not authorized by the supplier;

(xiv) Shall not be used if damaged or defective;

(xv) Shall not have gases mixed within, except by gas suppliers;

(xvi) Shall be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (6 m) or a barrier having a fire-resistance rating of thirty minutes; and

(xvii) Shall not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.

(b) Use of fuel gas. Fuel gas shall be used only as follows:

(i) Before regulators are connected to cylinder valves, the valves shall be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves shall not be cracked if gas could reach possible sources of ignition;

(ii) Cylinder valves shall be opened slowly to prevent regulator damage and shall not be opened more than one and one-half turns. Any special wrench required for emergency closing shall be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench shall be immediately available. Nothing shall be placed on top of a cylinder or associated parts when the cylinder is in use;

(iii) Pressure-reducing regulators shall be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;

(iv) Cylinder valves shall be closed and gas released from the regulator or manifold before regulators are removed;

(v) Leaking fuel gas cylinder valves shall be closed and the gland nut tightened. If the leak continues, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but shall be tagged and may not be used again before it is repaired; and

(vi) If a plug or safety device leaks, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous.

(c) Hose.

(i) Fuel gas and oxygen hoses shall be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses shall not

be interchangeable. Hoses having more than one gas passage shall not be used.

(ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (10.2 cm of each 30.5 cm) shall be taped.

(iii) Hose shall be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage shall be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before re-use. Defective hose shall not be used.

(iv) Hose couplings shall not unlock or disconnect without rotary motion.

(v) Hose connections shall be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.

(vi) Gas hose storage boxes shall be ventilated.

(d) Torches.

(i) Torch tip openings shall only be cleaned with devices designed for that purpose.

(ii) Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects shall not be used.

(iii) Torches shall not be lighted from matches, cigarette lighters, other flames or hot work.

(e) Pressure regulators. Pressure regulators, including associated gauges, shall be maintained in safe working order.

(f) Operational precaution. Gas welding equipment shall be maintained free of oil and grease.

(5) Arc welding and cutting.

(a) Manual electrode holders.

(i) The employer shall ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting shall be used.

(ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder shall be insulated against the maximum voltage to ground.

(b) Welding cables and connectors.

(i) Arc welding and cutting cables shall be insulated, flexible and capable of handling the maximum current required by the operation(s), taking into account the duty cycles.

(ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder shall be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.

(iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed shall not be used until it is protected by insulation equivalent in performance capacity to the original.

(iv) Insulated connectors of equivalent capacity shall be used for connecting or splicing cable. Cable lugs, where used as connectors, shall provide electrical contact. Exposed metal parts shall be insulated.

(c) Ground returns and machine grounding.

(i) Ground return cables shall have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.

(ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.

(iii) Structures or pipelines forming a temporary ground return circuit shall have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit shall cause rejection as a ground circuit.

(iv) Structures or pipelines acting continuously as ground return circuits shall have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.

(v) Arc welding and cutting machine frames shall be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits shall have resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(vi) Ground connections shall be mechanically and electrically adequate to carry the current.

(d) When electrode holders are left unattended, electrodes shall be removed and holders placed to prevent employee injury.

(e) Hot electrode holders shall not be dipped in water.

(f) The employer shall ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch (~~shall be~~) is kept in the off position.

(g) Arc welding or cutting equipment having a functional defect shall not be used.

(h) (i) Arc welding and cutting operations shall be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, they shall wear filter lenses complying with the requirements of subsection (8) of this section.

(i) The control apparatus of arc welding machines shall be enclosed, except for operating wheels, levers, and handles.

(j) Input power terminals, top change devices and live metal parts connected to input circuits shall be enclosed and accessible only by means of insulated tools.

(k) When arc welding is performed in wet or high-humidity conditions, employees shall use additional protection, such as rubber pads or boots, against electric shock.

(6) Ventilation and employee protection in welding, cutting and heating.

(a) Mechanical ventilation requirements. The employer shall ensure that general mechanical ventilation or local exhaust systems shall meet the following requirements:

(i) General mechanical ventilation shall maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation shall consist of movable hoods positioned close to the work and shall be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces shall be discharged into the open air, clear of intake air sources;

(iv) Replacement air shall be clean and respirable; and

(v) Oxygen shall not be used for ventilation, cooling or cleaning clothing or work areas.

(b) Hot work in confined spaces. Except as specified in (c) (ii) and (iii) of this subsection, when hot work is performed in a confined space the employer shall, in addition to the requirements of WAC 296-62-145 through 296-62-14529, ensure that:

(i) General mechanical or local exhaust ventilations shall be provided; or

(ii) Employees in the space shall wear supplied air respirators in accordance with WAC 296-62-071 et seq. and a standby observer on the outside shall maintain communication with employees inside the space and shall be equipped and prepared to provide emergency aid.

(c) Welding, cutting or heating of toxic metals.

(i) In confined or enclosed spaces, hot work involving the following metals shall only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

(A) Lead base metals;

(B) Cadmium-bearing filler materials; and

(C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals shall only be performed with local exhaust ventilation meeting the requirements of this subsection or by employees wearing supplied air respirators in accordance with chapter 296-62 WAC;

(A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;

(C) Cadmium-bearing or cadmium-coated base metals; and

(D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals shall be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing apparatus, in accordance with the requirements of chapter 296-62 WAC.

(iv) The employer shall ensure that employees performing hot work in the open air that involves any of the metals listed in (c) (i) and (ii) of this subsection shall be protected by respirators in accordance with the requirements of chapter 296-62 WAC and those working on beryllium-containing base or filler metals shall be protected by supplied air respirators, in accordance with the requirements of chapter 296-62 WAC.

(v) Any employee exposed to the same atmosphere as the welder or burner shall be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) Inert-gas metal-arc welding. Employees shall not engage in and shall not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents shall not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with the requirements of subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the requirements of subsection (8) of this section shall be worn to protect against flashes and radiant energy.

(iii) Employees exposed to radiation shall have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields shall not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel shall not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators.

(7) Welding, cutting and heating on preservative coatings.

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test shall be made by a designated person to determine the coating's flammability. Preservative coatings shall be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution, shall be taken to prevent ignition of highly flammable hardened preservative coatings. Highly flammable coatings shall be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, shall be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings shall be stripped for at least four inches (10.2 cm) from the area of heat application or employees shall be protected by supplied air respirators in accordance with the requirements of chapter 296-62 WAC.

(8) Protection against radiant energy.

(a) Employees shall be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses shall have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

Table G-1.—Filter Lenses for Protection Against Radiant Energy

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/8 inch	4 or 5
Medium gas welding, 1/8-1/2 inch	5 or 6
Heavy gas welding, over 1/2 inch	6 or 8
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes	10
Inert gas Metal-Arc Welding (non-ferrous) 1/16 to 5/32-inch electrodes	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes	12
5/16 and 3/8-inch electrodes	14

**AMENDATORY SECTION** (Amending Order 85-09, filed 4/19/85)

WAC 296-56-60237 **SPRAY PAINTING.** (1) Scope. This section covers painting operations connected with maintenance of structures, equipment and gear at the marine terminal and of transient

equipment serviced at the terminal. It does not apply to overall painting of terminal structures under construction, major repair or rebuilding of terminal structures, or portable spraying apparatus not used regularly in the same location.

(2) Definitions.

(a) "Spraying area" means any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.

(b) "Spray booth" means an enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.

(c) "Approved" means, for the purpose of this section, that the equipment has been approved for the specified use by a nationally recognized testing laboratory.

(3) Spray painting requirements for indoor and outdoor spraying areas and booths.

(a) Shut-off valves, containers or piping with attached hoses or flexible connections shall have shut-off valves closed at the connection when not in use.

(b) Pumps used to transfer paint supplies shall have automatic pressure-relieving devices.

(c) Hoses and couplings shall be inspected before use. Hoses showing deterioration, leakage or weakness in the carcass or at the couplings shall be removed from service.

(d)(i) No open flame or spark-producing equipment shall be within twenty feet (6 m) of a spraying area unless it is separated from the spraying area by a fire-retardant partition.

(ii) Hot surfaces shall not be located in spraying areas.

(iii) Whenever combustible residues may accumulate on electrical installations, wiring shall be in rigid conduit or in boxes containing no taps, splices or connections.

(iv) Portable electric lights shall not be used during spraying operations. Lights used during cleaning or repairing operations shall be approved for the location in which they are used.

(e) When flammable or combustible liquids are being transferred between containers, both containers shall be bonded and grounded.

(f)(i) Spraying shall be performed only in designated spray booths or spraying areas.

(ii) Spraying areas shall be kept as free from combustible residue accumulations as ((practicable)) practical.

(iii) Residue scrapings, debris, rags, and waste shall be removed from the spraying area as they accumulate.

(g) Spraying with organic peroxides and other dual-component coatings shall only be conducted in sprinkler-equipped spray booths.

(h) Only the quantity of flammable or combustible liquids required for the operation shall be allowed in the spraying area, and in no case shall the amount exceed a one-day supply.

(i) Smoking shall be prohibited and "No Smoking" signs shall be posted in spraying and paint storage areas.

(4) Additional requirements for spraying areas and spray booths.

(a) Distribution or baffle plates shall be of noncombustible material and shall be removable or accessible for cleaning. They shall not be located in exhaust ducts.

(b) Any discarded filter shall be removed from the work area or placed in water.

(c) Filters shall not be used when the material being sprayed is highly susceptible to spontaneous heating and ignition.

(d) Filters shall be noncombustible or of an approved type. The same filter shall not be used when spraying with different coating materials if the combination of materials may spontaneously ignite.

(e) Spraying areas shall be mechanically ventilated for removal of flammable and combustible vapor and mist.

(f) Mechanical ventilation shall be in operation during spraying operations and long enough thereafter to thoroughly exhaust hazardous vapor concentrations.

(g) Rotating fan elements shall be nonsparking or the casing shall consist of or be lined with nonsparking material.

(h) Piping systems conveying flammable or combustible liquids to the spraying booth or area shall be made of metal and be both electrically bonded and grounded.

(i) Air exhausted from spray operations shall not contaminate makeup air or other ventilation intakes. Exhausted air shall not be recirculated unless it is first cleaned of any hazardous contaminants.

(j) Original closed containers, approved portable tanks, approved safety cans or a piping system shall be used to bring flammable or combustible liquids into spraying areas.

(k) If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line shall have a relief valve discharging either to a pump section or detached location, or the line shall be equipped with a device to stop the prime mover when discharge pressure exceeds the system's safe operating pressure.

(l) Wiring, motors and equipment in a spray booth shall be of approved explosion-proof type for Class I, Group D locations and conform ~~((to))~~ with the requirements of WAC 296-24-956 through 296-24-960 for Class I, Division 1, Hazardous Locations. Wiring, motors and equipment within twenty feet (6 m) of any interior spraying area and not separated by vapor-tight partitions shall not produce sparks during operation and shall conform to the requirements of WAC 296-24-956 through 296-24-960 for Class I, Division 2, Hazardous Locations.

(m) Outside electrical lights within ten feet (3 m) of spraying areas and not separated from the areas by partitions shall be enclosed and protected from damage.

(5) Additional requirements for spray booths.

(a) Spray booths shall be substantially constructed of noncombustible material and have smooth interior surfaces. Spray booth floors shall be covered with noncombustible material. As an aid to cleaning, paper may be used to cover the floor during painting operations if it is removed after the painting is completed.

(b) Spray booths shall be separated from other operations by at least three feet (0.91 m) or by fire-retardant partitions or walls.

(c) A space of at least three feet (0.91 m) on all sides of the spray booth shall be maintained free of storage or combustible materials.

(d) Metal parts of spray booths, exhaust ducts, pipings ~~((and))~~ airless high-pressure spray guns and conductive objects being sprayed shall be grounded.

(e) Electric motors driving exhaust fans shall not be located inside booths or ducts.

(f) Belts shall not enter ducts or booths unless the belts are completely enclosed.

(g) Exhaust ducts shall be made of steel, shall have sufficient access doors to permit cleaning, and shall have a minimum clearance of eighteen inches (0.46 m) from combustible materials. Any installed dampers shall be fully opened when the ventilating system is operating.

(h) Spray booths shall not be alternately used to spray different types of coating materials if the combination of the materials may spontaneously ignite unless deposits of the first material are removed from the booth and from exhaust ducts before spraying of the second material begins.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60239 COMPRESSED AIR. Employees shall be protected by ~~((chip guarding))~~ appropriate eye protection and personal protective equipment complying with the ~~((provisions))~~ requirements of ~~((chapter 296-62 WAC))~~ WAC 296-56-60019 through 296-56-60115 during cleaning with compressed air. Compressed air used for cleaning shall not exceed a pressure of thirty p.s.i. Compressed air shall not be used to clean employees.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60241 AIR RECEIVERS. (1) Application. This section applies to compressed air receivers and equipment used for operations such as cleaning, drilling, hoisting and chipping. It does not apply to equipment used to convey materials or in ~~((such))~~ transportation applications such as railways, vehicles or cranes.

(2) Gauges and valves.

(a) Air receivers shall be equipped with indicating pressure gauges and spring-loaded safety valves. Safety valves shall prevent receiver pressure from exceeding one hundred ten percent of the maximum allowable working pressure.

(b) No other valves shall be placed between air receivers and their safety valves.

#### AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60243 FUEL HANDLING AND STORAGE. (1) Liquid fuel. See ~~((also))~~ WAC 296-24-475 through 296-24-47517.

(a) Only designated persons shall conduct fueling operations.

(b) In case of spillage, filler caps shall be replaced and spillage disposed of before engines are started.

(c) Engines shall be stopped and operators shall not be on the equipment during refueling operations.

(d) Smoking and open flames shall be prohibited in areas used for fueling, fuel storage or enclosed storage of equipment containing fuel.

(e) Equipment shall be refueled only at designated locations.

(f) Liquid fuels not handled by pump shall be handled and transported only in portable containers ~~((or equivalent means))~~ designed for that purpose. Portable containers shall be metal, have tight closures with screw or spring covers and shall be equipped with spouts or other means to allow pouring without spilling. Leaking containers shall not be used.

(g) Flammable liquids ~~((may))~~ shall only be dispensed in the open from a tank or from other vehicles equipped for delivering fuel to another vehicle ~~((only))~~ if:

(i) Dispensing hoses do not exceed fifty feet (15.2 m) in length; and

(ii) Any powered dispensing nozzles ~~((used))~~ are of the automatic-closing type.

(h) Liquid fuel dispensing devices shall be provided with an easily accessible and clearly identified shut-off device, such as a switch or circuit breaker, to shut off the power in an emergency.

(i) Liquid fuel dispensing devices, such as pumps, shall be mounted either on a concrete island or be otherwise protected against collision damage.

(2) Liquefied gas fuels.

(a) Fueling locations.

(i) Liquefied gas powered equipment shall be fueled only at designated locations.

(ii) Equipment with permanently mounted fuel containers shall be charged outdoors.

(iii) Equipment shall not be fueled or stored near underground entrances, elevator shafts or other places where gas or fumes might accumulate.

(b) Fuel containers.

(i) When removable fuel containers are used, the escape of fuel when containers are exchanged shall be minimized by:

(A) Automatic quick-closing couplings (closing in both directions when uncoupled) in fuel lines; or

(B) Closing fuel container valves and allowing engines to run until residual fuel is exhausted.

(ii) Pressure-relief valve openings shall be in continuous contact with the vapor space (top) of the cylinder.

(iii) Fuel containers shall be secured to prevent their being jarred loose, slipping or rotating.

(iv) Containers shall be located to prevent damage to the container. If located within a compartment, that compartment shall be vented. Containers near the engine or exhaust system shall be shielded against direct heat radiation.

(v) Container installation shall provide the container with at least the vehicle's road clearance under maximum spring deflection, ~~((which shall be to))~~ measured from the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(vi) Valves and connections shall be protected from contact damage. Permanent protection shall be provided for fittings on removable containers.

(vii) Defective containers shall be removed from service.

(c) Fueling operations. See ~~((also))~~ WAC 296-24-47517.

(i) ~~((To the extent applicable,))~~ Fueling operations for liquefied gas fuels shall also comply with the requirements of subsection (1) of this section.

(ii) Using matches or flames to check for leaks is prohibited.

(iii) Containers shall be examined before recharging and again before reuse for the following:

(A) Dents, scrapes and gouges of pressure vessels;

(B) Damage to valves and liquid level gauges;

(C) Debris in relief valves;

(D) Leakage at valves or connections; and

(E) Deterioration or loss of flexible seals in filling or servicing connections.

(d) Fuel storage. See ~~((also))~~ WAC 296-24-47517(6).

(i) Stored fuel containers shall be located to minimize exposure to excessive temperatures and physical damage.

(ii) Containers shall not be stored near exits, stairways or areas normally used or intended for egress.

(iii) Outlet valves of containers in storage or transport shall be closed. Relief valves shall connect with vapor spaces.

- (e) Vehicle storage and servicing.
- (i) Liquefied gas fueled vehicles may be stored or serviced inside garages or shops only if there are no fuel system leaks.
- (ii) Liquefied gas fueled vehicles under repair shall have container shut-off valves closed unless engine operation is necessary for repairs.
- (iii) Liquefied gas fueled vehicles shall not be parked near open flames, sources of ignition or unventilated open pits.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

- WAC 296-56-60245 BATTERY CHARGING AND CHANGING. (1) Only designated persons shall change or charge batteries.
- (2) Battery charging and changing shall be performed only in areas designated by the employer.
  - (3) Smoking and other ignition sources are prohibited in charging areas.
  - (4) Filler caps shall be in place when batteries are being moved.
  - (5) Parking brakes shall be applied before batteries are charged or changed.
  - (6) When a jumper battery is connected to a battery in a vehicle, the ground lead shall connect to ground away from the vehicle's battery. Ignition, lights and accessories on the vehicle shall be turned off before connections are made.
  - (7) Batteries shall be free of corrosion buildup and cap vent holes shall be open.
  - (8) Adequate ventilation shall be provided during charging.
  - (9) Facilities for flushing the eyes, body and work area with water shall be provided wherever electrolyte is handled, except ~~((that this requirement does not apply))~~ when employees are only checking battery electrolyte levels or adding water.
  - (10) Carboy tilters or siphons shall be used to handle electrolyte in large containers.
  - (11) Battery handling equipment which could contact battery terminals or cell connectors shall be insulated or otherwise protected.
  - (12) Metallic objects shall not be placed on uncovered batteries.
  - (13) When batteries are being charged, the vent caps shall be in place.
  - (14) ~~((Chargers))~~ Chargers shall be turned off when leads are being connected or disconnected.
  - (15) Installed batteries shall be secured to avoid physical or electrical contact with compartment walls or components.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

- WAC 296-56-60249 PETROLEUM DOCKS. (1) Pipe lines which transport petroleum liquids from or to a wharf shall be equipped with valves on shore, so located as to be readily accessible and not endangered by ~~((a))~~ fire on the wharf.
- (2) Drip pans, buckets, or other means shall be provided and shall be used to prevent oil spillage upon wharves during loading, disconnecting and draining hoses. After transfer is completed the contents of drip pans and buckets shall be removed and taken to a place of disposal.
  - (3) Package goods, freight or ship stores shall not be loaded or discharged during the bulk handling of oils or other ~~((inflammable))~~ flammable liquids ~~((, in such a manner that the sling loads will endanger the hose))~~.
  - (4) Water lights for use at petroleum wharves shall ~~((not))~~ be a type which does not create a source of ignition.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

- WAC 296-56-60251 BOAT MARINAS. (1) All hoisting equipment including derricks, cranes, or other devices used for boat launching, handling cargo, or supplies shall be inspected once a month ~~((and the))~~. Records of this inspection shall be made available ~~((to the marine dock inspector))~~ upon request.
- (2) Floating docks ~~((with))~~ are not ~~((be))~~ required to have bull rails unless lift trucks or other power driven equipment is used on the dock.
  - (3) "No smoking" signs shall be posted in areas where fueling or ~~((inflammable))~~ flammable material is present.
  - (4) ~~((inflammable))~~ Flammable material or petroleum products shall be stored in a fireproof storage room or shed.
  - (5) Slippery surfaces shall be cleaned ~~((up))~~ and nonslip material shall be used if necessary.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

- WAC 296-56-60253 CANNERIES AND COLD STORAGE DOCKS. (1) Hoisting equipment used to load or unload cargo or supplies ~~((or))~~ of fishing vessels shall be inspected once a month ~~((and))~~ certified in accordance with the requirements of WAC 296-56-60093. The record of inspection shall be made available ~~((to the marine dock inspector))~~ upon request.
- (2) Slippery surfaces shall be cleaned ~~((up))~~ and nonslip material shall be used if necessary.

AMENDATORY SECTION (Amending Order 74-14, filed 4/22/74)

WAC 296-56-99002 FORM--APPENDIX ~~((E))~~ A--STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS.

APPENDIX ~~((e))~~ A  
STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS



HOIST THE LOAD



LOWER THE LOAD



HOIST THE LOAD SLOWLY



LOWER THE LOAD SLOWLY



USE MAIN HOOK



USE WHIP HOOK



RAISE THE BOOM



LOWER THE BOOM

AMENDATORY SECTION (Amending Order 74-14, filed 4/22/74)

WAC 296-56-99003 FORM--APPENDIX ~~((D))~~ B--STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS.

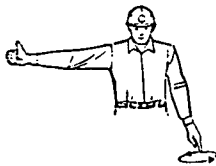
APPENDIX ~~((d))~~ B  
STANDARD SIGNALS FOR LONGSHORE CRANE SIGNALS



STOP



SWING LOAD IN DIRECTION FINGER POINTS



FOR MOBILE CRANES  
LOWER THE LOAD  
AND  
RAISE THE BOOM



FOR MOBILE CRANES  
HOIST THE LOAD  
AND  
LOWER THE BOOM



FOR MOBILE CRANES  
LOCK THE CRAWLER  
BELT ON SIDE  
INDICATED BY RAISED  
FIST TRAVEL OTHER  
CRAWLER BELT IN  
DIRECTION INDICATED  
BY REVOLVING FIST



FOR MOBILE CRANES  
TRAVEL BOTH CRAWLER  
BELTS IN DIRECTION  
INDICATED BY  
REVOLVING FISTS

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 296-56-990 FORM—APPENDIX A—CERTIFICATE OF COMPETENCY.
- WAC 296-56-99001 FORM—APPENDIX B—NOTICE OF DEFICIENCIES FOUND ON CERTIFICATION EXAMINATION.
- WAC 296-56-99004 FORM—APPENDIX E—CERTIFICATE OF UNIT TEST AND/OR EXAMINATION OF CRANE, DERRICK, OR OTHER MATERIAL HANDLING DEVICE.
- WAC 296-56-99005 FORM—APPENDIX F—STANDARD PROCEDURE—TESTING AND EXAMINATION CRANES, DERRICKS, OR MATERIAL HANDLING DEVICES LONGSHORE, STEVEDORE, AND RELATED WATERFRONT OPERATIONS.
- WAC 296-56-99006 FORM—APPENDIX G—STANDARD PROCEDURE—TESTING AND INSPECTION CARGO SPOUTS, SUCKERS AND SIMILAR EQUIPMENT LONGSHORE, STEVEDORE AND RELATED WATERFRONT OPERATIONS.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

- WAC 296-155-100 MANAGEMENT'S RESPONSIBILITY.
- (1) It shall be the responsibility of management to establish and supervise:
- (a) A safe and healthful working environment.
  - (b) An accident prevention program as required by these standards.
  - (c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health.
  - ~~((d) A system for reporting and recording accidents that will fulfill requirements of chapter 296-27-WAC.))~~
- (2) Employees required to handle or use poisons, caustics, and other harmful substances shall be instructed regarding the safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required.
- (3) In job site areas where harmful plants or animals are present, employees who may be exposed shall be instructed regarding the potential hazards, and how to avoid injury, and the first aid procedures to be used in the event of injury.
- (4) Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in Parts B, D, and other applicable parts of this standard.
- (5)(a) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the

necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(b) For purposes of subdivision (a) of this subdivision, "confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

**NEW SECTION**

WAC 296-350-300 REPEAT VIOLATIONS (1)(a) "Repeat violation" includes any violation of a standard or order when a violation has previously been cited to the same employer which identifies the same type of hazard.

(b) "Nonabatement violation" includes any repeat violation which has not been corrected by the assigned abatement date.

(2) For a period of three years following the issuance of a final order which cites any violation of a safety standard, order or RCW 49.17-.060, the department may issue a citation for a repeat violation. A repeat violation may incur a penalty based solely upon the repeat nature of the violation, without regard to the seriousness of the hazard being cited.

**AMENDATORY SECTION** (Amending Order 82-22, filed 6/11/82)

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 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 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 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) all violations have been abated, or for three working days, whichever is longer. Whenever an employer verifies abatement of a violation in writing, see WAC 296-27-16009, a copy of the written verification shall be posted with the Citation and Notice for at least three working days.

(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) In the event that a proposed agreement settling an appeal of a citation and notice to the board of industrial insurance appeals is reached between the employer and the department without the concurrence of the affected employees or employee groups, a copy of the proposed agreement 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 10 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.

**WSR 85-21-101**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed October 23, 1985]

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 notaries public, chapter 156, Laws of 1985:

New	WAC 308-30-010	Size and form of notary seal or stamp.
New	WAC 308-30-020	Maximum fees that may be charged by notaries public.
New	WAC 308-30-030	Applications for appointment as notary public.
New	WAC 308-30-040	Resignation or revocation of notary appointment.
New	WAC 308-30-050	Replacement of lost or stolen notary seals or stamps.
New	WAC 308-30-060	Department to be notified of change of name or address.
New	WAC 308-30-070	Requests for evidences of authenticity.
New	WAC 308-30-080	Appeals of denials and revocations of notary appointments.
New	WAC 308-30-090	Forms.
New	WAC 308-30-100	Fees;

that the agency will at 9:00 a.m., Tuesday, November 26, 1985, in the Exam Center, 1300 Quince Street, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is sections 5 and 20, chapter 156, Laws of 1985.

The specific statute these rules are intended to implement is chapter 156, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 25, 1985.

Dated: October 23, 1985

By: Joanne Redmond

Assistant Administrator

Division of Professional Licensing

**STATEMENT OF PURPOSE**

Name of Agency: State of Washington Department of Licensing.

Purpose: To implement chapter 156, Laws of 1985, with rules to carry out the act.

Statutory Authority: Sections 5 and 20, chapter 156, Laws of 1985.

Summary: WAC 308-30-010 prescribes the size and form of notary seal or stamp; 308-30-020 sets forth the maximum fees that may be charged by notaries public; 308-30-030 prescribes the application fee and how applications may be obtained for appointment as a notary public; 308-30-040 sets forth how to resign a notary appointment and requires surrender of notary seal or stamp where appointment has been resigned or revoked; 308-30-050 sets forth procedures for replacement of lost or stolen notary seals or stamps; 308-30-060 requires that the department be notified of a notary's change of name or address; 308-30-070 provides procedures for requests for evidences of authenticity; 308-30-080 sets forth procedures for appeals of denials and revocations of notary appointments; 308-30-090 pertains to suggested forms; and 308-30-100 sets forth fees which shall be charged by the director.

Reason Proposed: The rules will enable the Department of Licensing to implement chapter 156, Laws of 1985.

Responsible Department Personnel: The Washington State Department of Licensing, Division of Professional Licensing, and the administrator of the Division of Professional Licensing have the responsibility for drafting, implementing and exploring the rules. The administrator is Jim Terhar, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-6974 comm, 234-6974 scan.

Proponents of the Proposed Rules: Washington State Department of Licensing, Division of Professional Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.



NEW SECTION

WAC 308-30-010 SIZE AND FORM OF NOTARY SEAL OR STAMP. A notary seal shall be two inches minimum in diameter. If a notary stamp is used the following requirements shall apply:

- (1) The type shall be a minimum of 8 point type.
- (2) The stamp shall be minimum two inches in diameter. If a rectangular stamp is used the minimum dimensions shall be one inch wide by two inches long.
- (3) The imprint shall be affixed with indelible ink only.
- (4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

NEW SECTION

WAC 308-30-020 MAXIMUM FEES THAT MAY BE CHARGED BY NOTARIES PUBLIC. A notary public need not charge fees for notarial services. The following are the maximum fees that may be charged by notaries public for the following services:

- (1) Witnessing or attesting a signature with or without seal or stamp, three dollars.
- (2) Taking acknowledgment, or verification upon oath or affirmation, one or two persons, with or without seal or stamp, three dollars.
- (3) Taking acknowledgment, or verification upon oath or affirmation, each person over two, two dollars.
- (4) Certifying or attesting a copy, with or without seal or stamp, three dollars.
- (5) Receiving or noting a protest of a negotiable instrument, two dollars.
- (6) Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of one dollar per mile, two dollars.
- (7) For copying any instrument or record, per folio, besides certificate and seal or stamp, two dollars.
- (8) Administering an oath or affirmation, two dollars.
- (9) Certifying that an event has occurred or an act has been performed, three dollars.

NEW SECTION

WAC 308-30-030 APPLICATIONS FOR APPOINTMENT AS NOTARY PUBLIC. Applications for appointment as notary public may be obtained from the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, WA 98504. Every application for appointment as a notary public shall be accompanied by a fee of fifteen dollars and shall in all ways comply with the requirements of section 2, chapter 156, laws of 1985.

NEW SECTION

WAC 308-30-040 RESIGNATION OR REVOCATION OF NOTARY APPOINTMENT. Voluntary resignation by a notary public shall be submitted in writing to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504. No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the above address.

NEW SECTION

WAC 308-30-050 REPLACEMENT OF LOST OR STOLEN NOTARY SEALS OR STAMPS. When a notary seal or stamp is lost or stolen the department of licensing, professional licensing division is to be notified by a written statement, signed by the notary public, setting forth the fact that the notary seal or stamp has been lost or stolen. The notary public may then obtain a replacement notary seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained, either the original or the replacement seal or stamp shall be surrendered to the department of licensing, professional licensing division.

NEW SECTION

WAC 308-30-060 DEPARTMENT TO BE NOTIFIED OF CHANGE OF NAME OR ADDRESS. When a notary public changes his or her name or address, the department of licensing, professional licensing division, is to be notified in writing of such name and/or address change. The notification of name change shall be accompanied by a five dollar fee which shall include the cost of issuance of a duplicate license showing the new name. There are no charges for address changes.

NEW SECTION

WAC 308-30-070 REQUESTS FOR EVIDENCE OF AUTHENTICITY. Requests for evidences of authenticity of notarial seals, stamps and signatures must be in writing, accompanied by a five dollar fee, and mailed to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504.

NEW SECTION

WAC 308-30-080 APPEALS OF DENIALS AND REVOCATIONS OF NOTARY APPOINTMENTS. Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504. The written notification of appeal must be received by the above address within twenty days of the date of denial or revocation of the notary appointment or the right to appeal is deemed waived. When the notification of appeal is mailed, the postmarked date will be deemed the date of receipt by the department of licensing. Procedures on appeal will be as provided in the administrative procedure act, chapter 34.04 RCW, and rules adopted thereunder.

NEW SECTION

WAC 308-30-090 FORMS. The forms in Section 10, Chapter 156, Laws of 1985 are suggested forms with the sufficient information included. These forms may be used; however, when a specific form is required by a specific statute, the required form shall be used.

NEW SECTION

WAC 308-30-100 FEES. The following fees shall be charged by the director of the department of licensing:

TITLE OF FEE	FEE
Application for notary appointment	\$15.00
Renewal of notary appointment	15.00
Duplicate certificate of appointment (including change of name)	5.00
Evidence of verification of seal, Stamp or signature	5.00
Apostille	5.00

**WSR 85-21-102**  
**PROPOSED RULES**  
**CHIROPRACTIC EXAMINING BOARD**  
 [Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Examining Board intends to adopt, amend, or repeal rules concerning Examinations—National board partial waiver, amending WAC 114-12-125;

that the agency will at 9:15 a.m., Thursday, December 5, 1985, in the Sea-Tac Travelodge, Rooms A and B, 2824 South 188th Street, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.25.017.

The specific statute these rules are intended to implement is RCW 18.25.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 2, 1985.

Dated: October 23, 1985

By: John H. Keith  
Assistant Attorney General  
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: State of Washington Chiropractic Examining Board.

Purpose: To revise the listing of examinations that may be waived by passing an equivalent subject on the national board examination.

Summary: WAC 114-12-125 Examinations—National board partial waiver.

Statutory Authority: RCW 18.25.017.

Reason Proposed: WAC 114-12-125 is amended to permit applicants who are successful on an equivalent national board examination to waive that subject on the board's examination.

Responsible Departmental Personnel: In addition to members of the Chiropractic Examining Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores Spice, Executive Secretary, 1300 Quince Street S.E., Olympia, WA 98504, 235-1931 scan, 754-1931 comm.

Proponents: Chiropractic Examining Board.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 533, filed 6/19/85)

WAC 114-12-125 EXAMINATIONS—NATIONAL BOARD PARTIAL WAIVER. (1) An applicant who has passed the following subjects on ((the)) their most recently taken National Board of Chiropractors Examiners examination will be considered to have satisfied the statutory requirement for examination in the equivalent subjects:

Washington Examination Subject	National Board Equivalent
Anatomy	Anatomy
Physiology	Physiology
Hygiene	Microbiology—Public Health
Neurology	Spinal Anatomy
Symptomatology	General Diagnosis
Spinal Pathology	Neuromuscular Skeletal Diagnosis

(2) In addition to any subjects waived, all applicants will be required to pass an examination by the Washington State Board of Chiropractic Examiners in the subjects of Principles of Chiropractic, x-ray and adjustive technique. Each applicant must correctly answer seventy-five percent of all questions asked and seventy percent of the questions on any branch of examination given by the Washington State Board in order to be eligible for licensure.

WSR 85-21-103

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Practical Nursing)

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Practical Nursing intends to adopt, amend, or repeal rules concerning standards of conduct for discipline for licensed practical nurses, new section WAC 308-117-025;

that the agency will at 10:00 a.m., Wednesday, December 11, 1985, in the Marquis Room, The Quality Inn, 3000 South 176th, Sea-Tac, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.78.050.

The specific statute these rules are intended to implement is RCW 18.78.135(9).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 4, 1985.

Dated: October 23, 1985

By: Ruth Jacobson  
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Practical Nursing.

Purpose: To outline standards of conduct for licensed practical nurses.

Summary: WAC 308-117-025 contains standards of conduct that will serve as guidelines for licensed practical nurses as to what is considered to be good licensed practical nurse practice. Violation of these standards may be grounds for action with regard to practice as a licensed practical nurse in the state of Washington.

Statutory Authority: RCW 18.78.050.

Reason Proposed: WAC 308-117-025 is proposed so as to advise individuals what is considered to be good practical nursing practice as that term is used in the statute dealing with denial, suspension or revocation of licenses, RCW 18.78.135(9).

Responsible Departmental Personnel: In addition to the members of the Washington State Board of Practical Nursing, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Ruth Jacobson, Board of Practical Nursing, Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504, phone (206) 753-3728 comm, (206) 234-3728 scan.

Proponents: Washington State Board of Practical Nursing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

**NEW SECTION**

WAC 308-117-025 STANDARDS OF CONDUCT FOR DISCIPLINE FOR LICENSED PRACTICAL NURSES. The standards of conduct for discipline will serve as guidelines for the licensed practical nurse as to what is considered to be good licensed practical nurse practice. Violation of these standards may be grounds for action with regard to the license to practice practical nursing pursuant to RCW 18.78.135(9). Each individual, upon entering the practice of licensed practical nursing, assumes a measure of responsibility and trust and the corresponding obligation to adhere to the standards of conduct, which include, but are not limited to the following:

(1) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.78.010(5), shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(2) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(3) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(4) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(5) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(6) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(7) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(8) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(9) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(10) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board.

(11) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(12) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(13) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(14) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(15) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(16) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(17) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(18) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(19) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(20) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a

licensed practical nurse, would cause harm to him or herself or other persons.

(21) It is inconsistent with good licensed practical nursing practice to perform functions below the minimum standards of competency as expressed in WAC 308-117-400.

**WSR 85-21-104**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed October 23, 1985]

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 administrative actions following discharge or other discriminatory action against an employee because such employee has filed or communicated to the employer an intent to file a claim or otherwise exercise any rights provided under Title 51 RCW;

that the agency will at 9:00 a.m., Monday, December 2, 1985, in the First Floor Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 9, 1985.

The authority under which these rules are proposed is RCW 51.04.020.

The specific statute these rules are intended to implement is section 8, chapter 347, Laws of 1985.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 2, 1985.

Dated: October 23, 1985

By: R. A. Davis

Director

**STATEMENT OF PURPOSE**

The proposals for rule changes which follow add a new chapter to Title 296 of the Washington Administrative Code.

Purpose of the Proposed Rules: To implement subsection (8) of SHB 1089 which adds a new section to chapter 51.48 RCW. Subsection (8) provides that the director of the Department of Labor and Industries shall receive, investigate, make a determination and, if appropriate, bring an action in superior court pertaining to worker allegations of employer discrimination resulting from filing or attempting to file a claim for compensation or the exercise of any rights under Title 51 RCW.

In Summary, the Following is Accomplished by the Proposed Rules: Any worker who believes that he or she has been discharged or otherwise discriminated against by an employer as a result of exercise of rights granted under Title 51 RCW will be able to secure assistance from the Department of Labor and Industries in seeking redress. These rules establish the procedure by which the director obtains jurisdiction to investigate a complaint and file an action in superior court.

Agency Personnel Responsible for Drafting: Robert K. Costello, Assistant Attorney General, 459-6568; Implementation and Enforcement: Joseph A. Dear, Deputy Director, 753-4608.

Proposed by: Department of Labor and Industries, an agency of the state of Washington.

The proposing agency has no comments regarding statutory language, implementation, enforcement or fiscal matters.

These rules are not made necessary by any federal law or federal or state court action.

**Small Business Economic Impact Statement:** This statement pertains to revisions to Title 296 WAC, proposed by the Department of Labor and Industries to become effective January 9, 1986. This statement is prepared to conform with section 3(2) and section 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982) codified as RCW 19.85.030(2) and 19.85.040.

**Existing Rules:** There is no provision under existing rules for Department of Labor and Industries involvement in remedial action to correct alleged discrimination against any employee who has filed or attempted to file a claim for compensation or exercise any rights under Title 51 RCW.

**Treatment of Small Business Under Existing Rules:** There are no existing rules.

**Effect of Proposed Revisions:** Incidences of alleged discrimination are expected to be proportional to the number of persons employed, thus avoiding any disproportionate effect on small business.

#### NEW SECTION

**WAC 296-15A-010 DEFINITIONS.** For the purposes of this chapter, the following words shall have these meanings: (1) "Director" shall mean the director of the department of labor and industries of the state of Washington.

(2) "Employee" shall have the same meaning as that defined in 51.08.180 and 51.08.185.

(3) "Employer" shall have the same meaning as defined in RCW 51.08.070.

#### NEW SECTION

**WAC 296-15A-020 FILING A COMPLAINT OF DISCRIMINATION.** (1) Any employee who believes that he or she has been discharged or otherwise discriminated against by an employer in violation of this section may file a complaint with the director alleging discrimination within ninety days of the date of the alleged violation. Upon receipt of such complaint, the director shall cause an investigation to be made as the director deems appropriate. Within ninety days of the receipt of the complaint filed under this section, the director shall notify the complainant of his or her determination. If upon investigation, it is determined that this section has been violated, the director shall bring an action in the superior court of the county in which the violation is alleged to have occurred.

(2) Who may file. A complaint of discrimination may be filed by the employee him or herself, or by a representative authorized to do so on his or her behalf.

(3) Nature of filing. A complaint must be filed in writing; however, no particular form of complaint is required.

(4) Place of filing. The complaint should be filed with the director of the department of labor and industries. The complaint should be sent to the Director of the Department of Labor and Industries, Olympia, Washington 98504.

**WSR 85-21-105**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 85-29—Filed October 23, 1985]

I, Richard Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to administrative actions following discharge or other discriminatory action against an employee because such employee has filed or communicated to the employer an intent to file a claim for compensation or exercises any rights provided under Title 51 RCW.

I, Richard A. Davis, find that an emergency exists and that this 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 the emergency is the enactment of Substitute House Bill 1089 necessitates the immediate institution of rules sufficient to enable the department to administer section 8 of that bill during the pendency of permanent rule adoption.

These 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 Labor and Industries as authorized in RCW 51.04.020.

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

APPROVED AND ADOPTED October 16, 1985.

By Richard A. Davis  
Director

#### NEW SECTION

**WAC 296-15A-010 DEFINITIONS.** For the purposes of this chapter, the following words shall have these meanings: (1) "Director" shall mean the director of the department of labor and industries of the state of Washington.

(2) "Employee" shall have the same meaning as that defined in 51.08.180 and 51.08.185.

(3) "Employer" shall have the same meaning as defined in RCW 51.08.070.

#### NEW SECTION

**WAC 296-15A-020 FILING A COMPLAINT OF DISCRIMINATION.** (1) Any employee who believes that he or she has been discharged or otherwise discriminated against by an employer in violation of this section may file a complaint with the director alleging discrimination within ninety days of the date of the alleged violation. Upon receipt of such complaint, the director shall cause an investigation to be made as the director deems appropriate. Within ninety days of the receipt of the

complaint filed under this section, the director shall notify the complainant of his or her determination. If upon investigation, it is determined that this section has been violated, the director shall bring an action in the superior court of the county in which the violation is alleged to have occurred.

(2) Who may file. A complaint of discrimination may be filed by the employee him or herself, or by a representative authorized to do so on his or her behalf.

(3) Nature of filing. A complaint must be filed in writing; however, no particular form of complaint is required.

(4) Place of filing. The complaint should be filed with the director of the department of labor and industries. The complaint should be sent to the Director of the Department of Labor and Industries, Olympia, Washington 98504.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

Chapter 296-15A

**WSR 85-21-106**

**NOTICE OF PUBLIC MEETINGS  
CONSERVATION COMMISSION**

[Memorandum—October 22, 1985]

Notice is hereby given that the regular Conservation Commission meeting scheduled for "the third Thursday" (WAC 135-04-020) of November 1985 will be rescheduled to December 5, 1985, 8:30 a.m., Red Lion Motor Inn, Diamond Room, I-90 and Sullivan Road, Veradale, WA.

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 85-21-107**

**PROPOSED RULES  
LOTTERY COMMISSION**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

- Amd WAC 315-02-080 Filing of adopted rules.
- Amd WAC 315-02-150 General license defined.
- Amd WAC 315-02-160 Licensed agent defined.
- Amd WAC 315-02-200 Provisional license defined.
- Amd WAC 315-04-010 Lottery retailers.
- Amd WAC 315-04-020 License application eligibility.
- Amd WAC 315-04-030 License application.
- Amd WAC 315-04-040 General license.
- Amd WAC 315-04-060 Provisional license.
- Amd WAC 315-04-090 License issuance eligibility.
- Amd WAC 315-04-110 Duplicate licenses.

- Amd WAC 315-04-120 Transfer of license prohibited.
- Amd WAC 315-04-125 Change of name or location.
- Amd WAC 315-04-130 Death or incapacity of licensee.
- Amd WAC 315-04-132 Change of business structure.
- Amd WAC 315-04-140 License not a vested right.
- Amd WAC 315-04-150 License to be displayed.
- Amd WAC 315-04-160 Display of material.
- Amd WAC 315-04-170 Tickets convenient to public.
- Amd WAC 315-04-180 Obligations of licensed agents.
- Amd WAC 315-04-190 Compensation.
- Amd WAC 315-04-210 Procedure if license is suspended or revoked.
- Amd WAC 315-04-220 Limited off premises sales permit.
- Amd WAC 315-06-020 Authorization to sell tickets.
- Amd WAC 315-06-030 Licensed agent's instructions.
- Amd WAC 315-06-035 Instant ticket purchase price and conditions.
- Amd WAC 315-06-040 Disclosure of probability of purchasing a winning ticket.
- Amd WAC 315-06-050 Location of sale.
- Amd WAC 315-06-060 Price of tickets—Limitations.
- Amd WAC 315-06-080 Certain purchases of tickets, gratuities and certain winning of prizes prohibited.
- Amd WAC 315-06-090 Slot machines prohibited.
- Amd WAC 315-06-110 Conversion to data processing vending terminals.
- Amd WAC 315-06-120 Payment of prizes—General provisions.
- Amd WAC 315-06-150 Assignment of depository.
- Amd WAC 315-06-160 Licensed agent's identification card.
- Amd WAC 315-06-170 Deposits of lottery revenues.
- Amd WAC 315-06-180 Stolen or lost tickets.
- Amd WAC 315-06-190 Erroneous or mutilated tickets.
- Amd WAC 315-06-200 Returned tickets.
- Amd WAC 315-10-020 Definitions.
- Amd WAC 315-10-040 Confidentiality of tickets.
- Amd WAC 315-10-060 Official end of game.
- Amd WAC 315-20-010 Director may temporarily suspend license pending a hearing.
- Amd WAC 315-20-060 Waiver of hearing.
- Amd WAC 315-30-020 Definitions.
- Amd WAC 315-30-030 On-line games criteria.
- Amd WAC 315-30-060 Payment of prizes by on-line retailer.
- Amd WAC 315-30-070 Retailer settlement.
- Amd WAC 315-30-090 On-line retailer credit criteria.
- Amd WAC 315-31-050 Ticket purchases;

that the agency will at 1:00 p.m., Friday, December 6, 1985, in the Sea-Tac Tower I Building, 5th Floor, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1985.

Dated: October 23, 1985

By: Duane Kovacevich  
Deputy Director

**STATEMENT OF PURPOSE**

Title and Number of Rule Section(s) or Chapter(s):  
See above.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rules: WAC 315-02-080, amendment deletes a position which was eliminated during reorganization of the lottery; 315-02-150, 315-02-160,

315-02-200, 315-04-010, 315-04-020, 315-04-030, 315-04-040, 315-04-060, 315-04-090, 315-04-110, 315-04-120, 315-04-125, 315-04-130, 315-04-132, 315-04-140, 315-04-150, 315-04-160, 315-04-170, 315-04-180, 315-04-190, 315-04-210, 315-04-220, 315-06-020, 315-06-030 and 315-06-035, amendments change the term "licensed agent" to "lottery retailer"; 315-06-040, amendment changes the term "licensed agent" to "lottery retailer" and deletes a disclosure exemption for electronic and other nonprinted advertising media; 315-06-050, 315-06-060, 315-06-080, 315-06-090, 315-06-110, 315-06-120 and 315-06-150, amendments change the term "licensed agent" to "lottery retailer"; 315-06-160, amendment changes the term "licensed agent" to "lottery retailer" and deletes a fee which is no longer in effect; 315-06-170, 315-06-180, 315-06-190 and 315-06-200, amendments change the term "licensed agent" to "lottery retailer"; 315-10-020, amendment changes the term "play number" to "play symbol"; 315-10-040, 315-10-060, 315-20-010 and 315-20-060, amendments change the term "on-line agent" to "on-line retailer"; 315-30-020, amendment changes the term "on-line agent" to "on-line retailer"; 315-30-030 and 315-30-060, amendment changes the term "on-line agent" to "on-line retailer" and deletes the limitation that prizes claimed more than 30 days after the drawing be paid by the lottery; and 315-30-070, 315-30-090 and 315-31-050, amendment changes the term "on-line agent" to "on-line retailer."

Reasons Supporting the Proposed Rule(s): WAC 315-02-080, the position deleted no longer exists; 315-02-150, 315-02-160 and 315-02-200, the term "lottery retailer" more accurately describes the function of the persons licensed by the lottery; 315-04-010, 315-04-020, 315-04-030, 315-04-040, 315-04-060, 315-04-090, 315-04-110, 315-04-120, 315-04-125, 315-04-130, 315-04-132, 315-04-140, 315-04-150, 315-04-160, 315-04-170, 315-04-180, 315-04-190, 315-04-210, 315-04-220, 315-06-020, 315-06-030 and 315-06-035, the term "lottery retailer" more accurately describes the function of the persons licensed by the lottery; 315-06-040, the term "lottery retailer" more accurately describes the function of the persons licensed by the lottery. This exemption is no longer used by the lottery; 315-06-050, 315-06-060, 315-06-080, 315-06-090, 315-06-110, 315-06-120 and 315-06-150, the term "lottery retailer" more accurately describes the function of the persons licensed by the lottery; 315-06-160, the term "lottery retailer" more accurately describes the function of the persons licensed by the lottery. This fee was eliminated during realignment of the lottery licensing process; 315-06-170, 315-06-180, 315-06-190 and 315-06-200, the term "lottery retailer" more accurately describes the function of the persons licensed by the lottery; 315-10-020, the term "play symbol" is a more accurate description of the data on the ticket play field; 315-10-040, 315-10-060, 315-20-010 and 315-20-060, the term "lottery retailer" more accurately describes the function of the persons licensed by the lottery; 315-30-020, the term "on-line retailer"

more accurately describes the function of the retailers licensed by the lottery to sell on-line products; 315-30-030 and 315-30-060, the term "on-line retailer" more accurately describes the function of the retailers licensed by the lottery to sell on-line products. On-line retailers are now capable of paying prizes for 180 days; and 315-30-070, 315-30-090 and 315-31-050, the term "on-line retailer" more accurately describes the function of the retailers licensed by the lottery to sell on-line products.

Agency Personnel Responsible for Drafting: Frank Edmondson, Contracts Specialist 3, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 754-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Mary G. Faulk, Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330, Duane Kovacevich, Deputy Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334, Jerald F. Long, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 754-1065, and Earl D. Sedlik, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director, Washington State Lottery or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

#### AMENDATORY SECTION (Amending Order 66, filed 10/5/84)

WAC 315-02-080 FILING OF ADOPTED RULES. The commission hereby authorizes each of the following to act as an agent of the commission for the purpose of signing form CR-8 promulgated by the code reviser for the purpose of filing adopted rules:

- (1) Each member of the commission;
- (2) Director;
- (3) Deputy director(;
- (4) ~~Assistant director for operations and enforcement~~)).

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

WAC 315-02-150 GENERAL LICENSE DEFINED. "General license" means a license issued by the director which authorizes a ~~((licensed agent))~~ lottery retailer to conduct the routine sale of tickets at a fixed structure or facility.

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

WAC 315-02-160 ~~((LICENSED AGENT))~~ LOTTERY RETAILER DEFINED. "Lottery retailer," formerly known as "licensed agent" means a person licensed by the director or any retail outlet of the state liquor control board. The term "licensed agent" used in conjunction with the lottery in any context or document shall have the same meaning as "lottery retailer."

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

WAC 315-02-200 PROVISIONAL LICENSE DEFINED. "Provisional license" means a license issued by the director which temporarily authorizes a ~~((licensed agent))~~ lottery retailer to conduct the sale of tickets pending processing of the general license application or renewal.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-010 ~~((LICENSED AGENTS))~~ LOTTERY RETAILERS. The director shall license as ~~((licensed agents))~~ lottery retailers such persons who will best serve the public interest and convenience, promote the sale of tickets and meet the eligibility criteria for application and licensure. Said ~~((licensed agents))~~ lottery retailers shall be authorized to sell such tickets as in the director's opinion will promote the best interests of the commission and produce maximum revenue, but a ~~((licensed agent))~~ lottery retailer need not be authorized to sell tickets for all games operated by the director. A ~~((licensed agent))~~ lottery retailer may be required to post a bond or cash in lieu of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-020 LICENSE APPLICATION ELIGIBILITY. Any person may submit an application for licensure except:

- (1) No person may submit an application for licensure who is under 18 years of age.
- (2) No person may submit an application who will be engaged exclusively in the business of selling tickets.
- (3) No person may submit an application for licensure who is a member or employee of the commission or who is the spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission.
- (4) No person may submit an application who is, or is owned or controlled by or affiliated with, a vendor or contractor of the commission or director for the development, operation, management, security or any other aspect of a specific game.
- (5) No person may submit an application who is not legally registered and licensed to conduct business in the state of Washington.

The submission of an application shall not entitle any person to receipt of a license to act as a ~~((licensed agent))~~ lottery retailer. An application may be denied for any reason permitted by statute or these rules.

AMENDATORY SECTION (Amending Order 2, filed 10/15/82)

WAC 315-04-030 LICENSE APPLICATION. Any eligible person may apply for a license to act as a ~~((licensed agent))~~ lottery retailer by first filing with the director an application on a form approved by the director, together with any supplement thereto, which shall include, but not be limited to, authorization to investigate criminal history, financial records and financial sources, said forms and supplements to be signed under oath.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-040 GENERAL LICENSE. The director may issue a general license to an applicant who qualifies for licensure. The general license shall authorize the ~~((licensed agent))~~ lottery retailer to conduct the routine sale of tickets at the location specified on the general license. An addendum to the general or provisional license may be

obtained as provided for in WAC 315-04-220, permitting the ~~((licensed agent))~~ lottery retailer to sell tickets in locations other than that specified on its license. The general license shall be valid until terminated by the lottery or the ~~((licensed agent))~~ lottery retailer, provided, the ~~((licensed agent))~~ lottery retailer shall provide periodic updates of license information as required by the director.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-060 PROVISIONAL LICENSE. (1) The director may issue a provisional license to an applicant for a general license after receipt of a person's fully completed ~~((licensed agent's))~~ lottery retailer's application, the authorization of a complete personal background check, and completion of a preliminary background check. The provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first. The provisional license may be extended by the director for one additional ninety-day period of time.

(2) If the ownership of an existing ~~((licensed agent))~~ lottery retailer location changes, the director may issue a provisional license to the new owner. The provisional license shall expire twenty working days from the date of issuance if the director has not received the new owner's fully completed ~~((licensed agent's))~~ lottery retailer's application and authorization of a complete personal background check. If the required materials have been timely received by the director and a preliminary background check has been completed, the provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first.

AMENDATORY SECTION (Amending Order 14, filed 2/10/83)

WAC 315-04-090 LICENSE ISSUANCE ELIGIBILITY. (1) The director may issue a license to any person to act as a ~~((licensed agent))~~ lottery retailer who meets the eligibility criteria established by chapter 7, Laws of 1982 2nd ex. sess., and these rules.

(2) Before issuing a license, the director shall consider:

- (a) The financial responsibility and security of the person and its business or activity;
- (b) The background and reputation of the applicant in the community for honesty and integrity;
- (c) The type of business owned or operated by the applicant to ensure consonance with the dignity of the state, the general welfare of the people and the operation and integrity of the lottery;
- (d) The accessibility of the applicant's place of business or activity to the public;
- (e) The sufficiency of existing licenses to serve the public convenience;
- (f) The volume of expected sales;
- (g) The veracity of the information supplied in the application for a ~~((licensed agent))~~ lottery retailer license; and
- (h) The applicant's indebtedness to the state of Washington, local subdivisions of the state and/or the United States government.

(3) The director may condition the issuance of any license upon the posting of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-110 DUPLICATE LICENSES. Upon the loss, mutilation or destruction of any license issued by the director, application for a duplicate must be made on a form approved by the director. A statement signed by the ~~((licensed agent))~~ lottery retailer which details the circumstances under which the license was lost, mutilated, or destroyed and certifies that such license was, in fact, lost, mutilated or destroyed, shall accompany such application. A mutilated license shall be surrendered to the director upon issuance or denial of a duplicate license. A lost license, when found, must be immediately surrendered to the director.

AMENDATORY SECTION (Amending Order 58, filed 6/4/84)

WAC 315-04-120 TRANSFER OF LICENSE PROHIBITED. Any license issued by the director is personal to the ~~((licensed agent))~~ lottery retailer and may not be transferred to another person except in the event of the death or incapacity of licensee as provided in WAC 315-04-130.



AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-125 CHANGE OF NAME OR LOCATION. Every change of business name or change of location without a change of ownership of a ~~((licensed agent))~~ lottery retailer must be reported to the lottery prior to the change. The lottery shall review the change considering standard licensing criteria. Upon the lottery's approval, the lottery shall issue a license in the new name or with the new location address.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-130 DEATH OR INCAPACITY OF LICENSEE. (1) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors of any ~~((licensed agent))~~ lottery retailer, upon approval of the director, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the provisions of chapter 7, Laws of 1982 2nd ex. sess. and these rules.

(2) The person to whom a license is transferred hereunder must be otherwise qualified to hold a license.

(3) The license following transfer shall be void upon that person ceasing to hold such a court appointed or court confirmed position.

(4) The director may condition the transfer of any license under this section upon the posting of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-132 CHANGE OF BUSINESS STRUCTURE, OWNERSHIP, OR OFFICERS. (1) Every change of business structure of a person to whom a license has been issued must be reported to the lottery prior to the change. A change of business structure shall mean the change from one form of business organization to another, such as from sole proprietorship to partnership or corporation.

(2) Every substantial change of ownership of a person to whom a license has been issued must be reported to the lottery prior to the change. A substantial change of ownership shall mean the transfer of ten percent or more equity.

(3) Every change of officers of a person to whom a license has been issued must be reported to the lottery not later than ten days following the effective day of the change.

(4) If such change involves the addition or deletion of one or more owners or officers, the ~~((licensed agent))~~ lottery retailer shall submit a license application reflecting the change(s) and any other documentation the director may require.

(5) If such change involves the addition of one or more owners or officers who does not have on file with the lottery a current "personal information form," each such owner or officer shall submit a "personal information form." The lottery shall assess a fee for a background check pursuant to WAC 315-04-070.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-04-140 LICENSE NOT A VESTED RIGHT. (1) The possession of a license issued by the director to any person to act as a ~~((licensed agent))~~ lottery retailer in any capacity is a privilege personal to that person and is not a legal right.

(2) The possession of a license issued by the director to any person to act as a ~~((licensed agent))~~ lottery retailer in any capacity does not entitle that person to sell tickets or obtain materials for any particular game.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-150 LICENSE TO BE DISPLAYED. Every ~~((licensed agent))~~ lottery retailer shall conspicuously display its license or a copy thereof, to be provided by the lottery, in an area visible to the general public where tickets are being sold.

AMENDATORY SECTION (Amending Order 68, filed 11/7/84)

WAC 315-04-160 DISPLAY OF MATERIAL. ~~((Licensed agents))~~ Lottery retailers shall display lottery point-of-sale material approved by the director in a manner which is readily seen by and

available to the public. Upon request, the director may make additional point-of-sale materials available to ~~((licensed agents))~~ lottery retailers at no cost or at such costs as determined by the director. ~~((Licensed agents))~~ Lottery retailers may use and/or display other promotional and point-of-sale material, provided, it is in accord with the image and/or theme established by the lottery, including but not limited to design, script style, color scheme, and logo; and it is consonant with the dignity of the state. The director may require removal of objectionable material and/or its use be discontinued.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-170 TICKETS CONVENIENT TO PUBLIC. (1) Every ~~((licensed agent))~~ lottery retailer shall make the purchase of tickets convenient and readily accessible to the public.

(2) Each ~~((licensed agent))~~ lottery retailer shall make tickets available for sale during its normal business hours at the location designated on its license.

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-04-180 OBLIGATIONS OF ~~((LICENSED AGENTS))~~ LOTTERY RETAILERS. (1) All tickets accepted by the ~~((licensed agent))~~ lottery retailer from its assigned depository shall be considered sold to the ~~((licensed agent))~~ lottery retailer (unless returned to the depository from which they were obtained within the time specified and as permitted by the director). The purchase price shall be paid to the depository, less the value of lower tier prizes in each book and any discount authorized by these rules.

(2) After acceptance, the ~~((licensed agent))~~ lottery retailer is responsible for the condition and security of the tickets and for any losses resulting from tickets which become lost, stolen, mutilated, damaged or otherwise unsaleable. The director shall not reimburse the ~~((licensed agent))~~ lottery retailer for any losses which occur after acceptance of the tickets or for which the lottery has no duty or responsibility.

(3) Each ~~((licensed agent))~~ lottery retailer shall abide by the law, these rules and all other directives or instructions issued by the director.

(4) Each ~~((licensed agent))~~ lottery retailer grants to the director and the commission and employees of the commission an irrevocable license to enter upon the premises of the ~~((licensed agent))~~ lottery retailer in which tickets may be sold or any other location under the control of the ~~((licensed agent))~~ lottery retailer where the director may have good cause to believe lottery materials and/or tickets are stored or kept in order to inspect said lottery materials and/or tickets and the licensed premises.

(5) All property given, except tickets, to a ~~((licensed agent))~~ lottery retailer remains the property of the director, and, upon demand, the ~~((licensed agent))~~ lottery retailer agrees to deliver forthwith the same to the director.

(6) All books and records pertaining to the ~~((licensed agent's))~~ lottery retailer's lottery activities shall be made available for inspection and copying, during the normal business hours of the ~~((licensed agent))~~ lottery retailer and between 8:00 a.m. and 5:00 p.m., Monday through Friday, upon demand by the director or employees of the commission.

(7) All books and records pertaining to the ~~((licensed agent's))~~ lottery retailer's lottery activities shall be subject to seizure by the director or employees of the commission without prior notice.

(8) No ~~((licensed agent))~~ lottery retailer shall advertise or otherwise display advertising in any part of the ~~((licensed agent's))~~ lottery retailer's premises as a licensed location which may be considered derogatory or adverse to the operations or dignity of the lottery and the ~~((licensed agent))~~ lottery retailer shall remove any advertising forthwith if requested by the director.

AMENDATORY SECTION (Amending Order 66, filed 10/5/84)

WAC 315-04-190 COMPENSATION. (1) ~~((Licensed agents))~~ Lottery retailers shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game.

(2) ~~((Licensed agents))~~ Lottery retailers authorized to sell on-line tickets shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

(3) ~~((Licensed agents))~~ Lottery retailers may receive additional compensation through incentive programs including but not limited to

additional discounts, ~~((agent))~~ retailer games, ~~((agent))~~ retailer awards, and ~~((agent))~~ retailer bonuses.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-210 PROCEDURE IF LICENSE IS SUSPENDED OR REVOKED. Upon revocation or suspension of a ~~((licensed agent's))~~ lottery retailer's license for any reasons whatsoever, the ~~((licensed agent))~~ lottery retailer must appear at its assigned depository or before the director or his or her designee, by a date designated by the director for the purpose of rendering a final lottery accounting, the surrender of the ~~((licensed agent's))~~ lottery retailer's license, his or her identification card and other lottery property. Upon the ~~((licensed agent's))~~ lottery retailer's failure to appear by the designated date to render a final accounting, or otherwise to surrender the license, identification card and other lottery property as instructed, the depository shall immediately notify the director by telephone and confirm in writing.

AMENDATORY SECTION (Amending Order 75, filed 6/10/85)

WAC 315-04-220 LIMITED OFF PREMISES SALES PERMIT. (1) The director may permit any ~~((licensed agent))~~ lottery retailer who has been issued a general or provisional license to sell tickets in locations other than that specified on its license and to employ persons to make such sales provided that:

(a) A ~~((licensed agent))~~ lottery retailer requesting a "limited off premises sales permit" shall submit an application, completed in its entirety, using a form approved by the director.

(b) An application for a "limited off premises sales permit" for instant lottery tickets must be submitted to the lottery a minimum of thirty days prior to the event to provide adequate time for processing. An application for a "limited off premises sales permit" for on-line games must be submitted a minimum of sixty days prior to the event to provide adequate time for processing. Applications received after these time limits may not be approved.

(c) The geographical area and type of location in which such sales are requested shall be individually approved by the director.

(d) Each ~~((licensed agent))~~ lottery retailer making such sales shall be individually approved by the director and shall display identification in such form and manner as shall be prescribed by the director.

(e) The ~~((licensed agent))~~ lottery retailer and its employees shall abide by such other instructions and restrictions as may be prescribed by the director to govern such sales.

(2) The ~~((licensed agent's))~~ lottery retailer's license shall bear an addendum with the phrase "limited off premises sales permitted," and the licensed agent shall display with its license the addendum which sets forth the terms and conditions under which such sales may be made. A photocopy of the addendum shall be posted at each location where off premises sales are permitted.

(3) ~~((licensed agents))~~ Lottery retailers must redeem low-tier winning tickets sold at the off premises location at that location and at their licensed location. The location of the licensed location must be posted at the off premises location. ~~((licensed agents))~~ Lottery retailers must also provide claim forms to holders of high-tier winning tickets at both locations.

(4) The "limited off premises sales permit" shall be valid for not more than thirty days and may be renewed twice, if approved by the director, for periods not to exceed thirty days each.

(5) ~~((licensed agents))~~ Lottery retailers granted "limited off premises sales permits" will not be required to conduct other licensed business activities at the off premises locations.

(6) ~~((licensed agents))~~ Lottery retailers granted "limited off premises sales permits" shall bear all costs associated with such sales including but not limited to construction of booths, stands, etc.; telephone line installation; telephone line charges and installation of a dedicated electric circuit.

AMENDATORY SECTION (Amending Order 10, filed 1/14/83)

WAC 315-06-020 AUTHORIZATION TO SELL TICKETS. ~~((licensed agents))~~ Lottery retailers are authorized, as limited by WAC 315-04-140, to sell tickets directly to the public. Retail outlets of the state liquor control board are not required to be licensed as ~~((licensed agents))~~ lottery retailers.

AMENDATORY SECTION (Amending Order 5, filed 10/15/82)

WAC 315-06-030 ~~((LICENSED AGENTS'S))~~ LOTTERY RETAILER'S INSTRUCTIONS. Each ~~((licensed agent))~~ lottery retailer is to conform to the instructions and requirements established by the director for the delivery and return of tickets, the location and display of lottery materials, the conduct of a specific game, or other lottery business.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-06-035 INSTANT TICKET PURCHASE PRICE AND CONDITIONS. (1) The ~~((licensed agent's))~~ lottery retailer's purchase price for each pack of instant tickets shall be the retail price of the pack less the value of the pack's low-tier prizes less the ~~((agent))~~ retailer discount authorized pursuant to WAC 315-04-190. ~~((licensed agents))~~ Lottery retailers shall reimburse the lottery for each low-tier prize payment made by the lottery for winning tickets purchased from the ~~((licensed agent))~~ lottery retailer.

(2) ~~((licensed agents))~~ Lottery retailers shall make payment to the lottery by business check, cashier's check, certified check, or money order. The director may designate the form of payment.

(3) The director shall establish payment terms for purchase of instant tickets and shall issue instructions for such payments to ~~((licensed agents))~~ lottery retailers.

AMENDATORY SECTION (Amending Order 42, filed 12/8/83)

WAC 315-06-040 DISCLOSURE OF PROBABILITY OF PURCHASING A WINNING TICKET. (1) The estimated average probability of purchasing a winning ticket shall be conspicuously displayed on the back of tickets for a specific game. The estimated average probability of purchasing a winning ticket for each category of prize in a specific game shall be conspicuously displayed on:

(a) All printed promotional and advertising materials for a specific game, including but not limited to, brochures, posters, billboards, placards, and point-of-sale displays; and

(b) Instructions to ~~((licensed agents))~~ lottery retailers for the conduct of a specific game.

(2) The disclosure required by this section shall not apply to ~~((and))~~ generic promotional and advertising materials publicizing the Washington state lottery which do not promote a specific game ~~((and))~~ ~~((b))~~ Electronic advertising for a specific game, or other nonprinted advertising mediums for a specific game, for which a printed disclosure is not feasible or practicable).

AMENDATORY SECTION (Amending Order 14, filed 2/10/83)

WAC 315-06-050 LOCATION OF SALE. Tickets may be sold by any person who is issued a license to act as a ~~((licensed agent))~~ lottery retailer at the location specified on the license, subject to the director's authority as set forth in sections 5 and 7, chapter 7, Laws of 1982 2nd ex. sess., and these rules.

No such sales shall be made on premises used primarily for residential purposes, in or on the property of any school, or in or upon the property of any facility operated primarily for providing welfare services to the poor or infirmed, or in any facility maintained solely for religious worship.

AMENDATORY SECTION (Amending Order 10, filed 1/14/83)

WAC 315-06-060 PRICE OF TICKETS—LIMITATIONS. No ~~((licensed agent))~~ lottery retailer may sell a ticket at a price greater or less than that established in accordance with these rules.

AMENDATORY SECTION (Amending Order 68, filed 11/7/84)

WAC 315-06-080 CERTAIN PURCHASES OF TICKETS, GRATUITIES, AND CERTAIN WINNING OF PRIZES PROHIBITED. Certain purchases of tickets, certain winning and sharing of prizes, and gratuities are prohibited as follows:

(1) A ticket shall not be purchased by, and a prize shall not be paid to any member or employee of the commission or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission, or to any assistant attorney general assigned to advise the commission or director.

(2) A prize claimed by a holder of a winning ticket shall not be shared with any member or employee of the commission or any spouse,

child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission.

(3) No gratuities offered by prize winners, vendors, contractors, or others conducting business with the lottery, may be accepted by (~~(licensed agents)~~) lottery retailers or by any member or employee of the commission or any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission.

(4) A ticket shall not be purchased by, and a prize shall not be paid to any CPA accounting firm, or its employees, retained by the director of financial management pursuant to sections 31 and 32, chapter 7, Laws of 1982 2nd ex. sess. or any employee of the director of financial management performing a management review or audit of the commission or director.

(5) A ticket shall not be sold to or purchased by any person under the age of eighteen. Nothing in this section shall prohibit the purchase of a ticket for the purpose of making a gift by a person eighteen years of age or older to a person less than that age.

(6) A ticket shall not be purchased with food stamps or coupons and a (~~(licensed agent)~~) lottery retailer shall not accept as consideration for a ticket food stamps or coupons.

#### AMENDATORY SECTION (Amending Order 5, filed 10/15/82)

WAC 315-06-090 SLOT MACHINES PROHIBITED. The following coin-operated machines shall not be used in the conduct of games:

(1) Coin-operated, instant video games which pay out prizes, either by skill or chance; and

(2) Coin-operated slot machines which dispense lottery tickets unattended by a (~~(licensed sales agent)~~) lottery retailer.

#### AMENDATORY SECTION (Amending Order 5, filed 10/15/82)

WAC 315-06-100 DATA PROCESSING TERMINALS FOR THE DISPENSING OF TICKETS AUTHORIZED. On-line data-processing ticket vending terminals for use by (~~(licensed agents)~~) lottery retailers in the issuing of tickets may be used in the conduct of games.

#### AMENDATORY SECTION (Amending Order 5, filed 10/15/82)

WAC 315-06-110 CONVERSION TO DATA PROCESSING VENDING TERMINALS. The director reserves the right upon thirty days' notice to the (~~(licensed agent)~~) lottery retailer to convert any licensed location from a manual-type operation to an on-line data processing ticket vending terminal operation and from a vending terminal operation on either a rental or purchase basis to a manual-type operation in the sale and distribution of tickets.

#### AMENDATORY SECTION (Amending Order 77, filed 7/30/85)

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the players' manual and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name for publicity purposes upon award of the prize.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than 180 days after the official end of that instant game or the on-line game drawing for which that on-line ticket was purchased.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or (~~(agents)~~) retailers, or from a (~~(licensed agent)~~) lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.

(7) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(8) A ticket that has been legally issued by a (~~(licensed agent)~~) lottery retailer is a bearer instrument until signed. The person who signs the ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(9) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game. The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded; or

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize awarded.

(10) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(11) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

(12) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(13) Each (~~(licensed agent)~~) lottery retailer shall pay all prizes authorized to be paid by the (~~(licensed agent)~~) lottery retailer by these rules during its normal business hours at the location designated on its license.

(14) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

#### AMENDATORY SECTION (Amending Order 5, filed 10/15/82)

WAC 315-06-150 ASSIGNMENT OF DEPOSITORY. Each (~~(licensed agent)~~) lottery retailer may be assigned a designated depository from which to take delivery of tickets, in which to deposit receipts from the sale of tickets, and otherwise to account for the (~~(licensed~~

~~agent's~~) lottery retailer's transactions. The depository shall be notified of each authorized ~~((licensed agent))~~ lottery retailer which it will service. Each depository may rely upon such notification in its dealings with the ~~((licensed agents))~~ lottery retailers until notified to the contrary by the director as long as the ~~((licensed agent))~~ lottery retailer presents a ~~((licensed agent))~~ lottery retailer form bearing an authorized signature and his or her ~~((licensed agent))~~ lottery retailer identification card.

**AMENDATORY SECTION** (Amending Order 14, filed 2/10/83)

WAC 315-06-160 ~~((LICENSED AGENTS))~~ LOTTERY RETAILER'S IDENTIFICATION CARD. (1) The director will issue to each ~~((licensed agent))~~ lottery retailer an identification card which must be presented by it or its authorized representative when taking delivery of tickets from the authorized depositories. No depository shall issue any tickets until the ~~((licensed agent))~~ lottery retailer or its authorized representative presents its identification card and fulfills all instructions of the director.

(2) In the event the identification card is lost or otherwise misplaced the ~~((licensed agent))~~ lottery retailer must immediately notify by telephone its assigned depository and the director, and confirm the loss in writing within 24 hours to the director. The depository shall not, in any way, transact business with any person presenting himself or herself with the reported lost identification card until otherwise notified by the director.

(3) Each ~~((licensed agent))~~ lottery retailer shall give notice in writing to the ~~((licensed agent's))~~ lottery retailer's assigned depository and to the director the name and address of each person in his or her business who is authorized to request and to take delivery of tickets, to deposit receipts from the sale of tickets and to otherwise have dealings with the depository. Each authorized person must identify himself or herself to the depository by means of a ~~((licensed agent's))~~ lottery retailer's identification card received from the director before tickets are delivered. Each ~~((licensed agent))~~ lottery retailer is restricted to his or her assigned depository for the purpose of conducting lottery business in conformity to law, and these rules, unless otherwise instructed by the director.

(4) Upon the loss, mutilation or destruction of any identification card issued by the director, application for a duplicate must be made on a form approved by the director. A statement signed by the ~~((licensed agent))~~ lottery retailer which details the circumstances under which the identification card was lost, mutilated, or destroyed and certifies that such identification card was, in fact, lost, mutilated or destroyed, shall accompany such application. ~~((The fee for the duplicate of an identification card shall be \$10.00.))~~ A mutilated identification card shall be surrendered to the director upon issuance or denial of a duplicate. A lost identification card, when found, must be immediately surrendered to the director.

**AMENDATORY SECTION** (Amending Order 5, filed 10/15/82)

WAC 315-06-170 DEPOSITS OF LOTTERY REVENUES. (1) Each ~~((licensed agent))~~ lottery retailer shall purchase the tickets distributed to it and the monies for payment of these tickets shall be deposited to the credit of the state lottery ~~((fund))~~ account in a designated depository. Deducted from the total purchase cost to the ~~((licensed agent))~~ lottery retailer, in such manner as the director may require shall be the amount, if any, which the ~~((licensed agent))~~ lottery retailer may pay as prizes and which it may retain as compensation for its services in accordance with these rules. The ~~((licensed agents))~~ lottery retailers shall be required to file with the director periodic reports of their respective receipts and transactions in the sale of tickets in such form as approved by the director.

(2) Each ~~((licensed agent))~~ lottery retailer shall account to its assigned depository for all proceeds resulting from its sales of tickets within such time as may be specified by the director for any particular type or kind of lottery which may be authorized by the commission.

**AMENDATORY SECTION** (Amending Order 36, filed 9/12/83)

WAC 315-06-180 STOLEN OR LOST TICKETS. A ~~((licensed agent))~~ lottery retailer is considered the owner of all tickets it accepts from the lottery and is responsible for ticket security and for maintaining a record of current ticket inventory.

**AMENDATORY SECTION** (Amending Order 5, filed 10/15/82)

WAC 315-06-190 ERRONEOUS OR MUTILATED TICKETS. (1) Tickets erroneously made out or in any way mutilated when received by a ~~((licensed agent))~~ lottery retailer are to be returned by the ~~((licensed agent))~~ lottery retailer immediately to the depository servicing said ~~((licensed agent))~~ lottery retailer. Credit may be allowed for said tickets but only at the point of original sale to the ~~((licensed agent))~~ lottery retailer. No credit shall be allowed if the authenticity of the ticket cannot be reasonably determined by the director.

(2) Unless the director is satisfied that a mutilated ticket is authentic, no credit or prize will be issued to the holder of said ticket.

**AMENDATORY SECTION** (Amending Order 5, filed 10/15/82)

WAC 315-06-200 RETURNED TICKETS. All tickets once returned by a ~~((licensed agent))~~ lottery retailer may not be reissued without prior approval of the director.

**AMENDATORY SECTION** (Amending Order 51, filed 2/7/84)

WAC 315-10-020 DEFINITIONS. (1) Ticket. The ticket purchased for participation in an instant game.

(2) Instant game. A game in which a ticket is purchased and upon removal of a latex covering on the front of the ticket, the ticket bearer determines his or her winnings, if any.

(3) Ticket bearer. The person who has signed the ticket or has possession of the unsigned ticket.

(4) Play ~~((numbers))~~ symbols. The numbers or symbols appearing in the designated areas under the removable covering on the front of the ticket. Play symbols were formerly called play numbers. Both terms shall have the same meaning.

(5) Validation number. The multi-digit number found on the ticket and on any ticket stub. There must be a validation number on the ticket or any stub.

**AMENDATORY SECTION** (Amending Order 3, filed 10/15/82)

WAC 315-10-040 CONFIDENTIALITY OF TICKETS. No ~~((licensed agent))~~ lottery retailer or its employees or agents shall attempt to ascertain the numbers or symbols appearing in the designated areas under the removable latex coverings or otherwise attempt to identify winning tickets.

**AMENDATORY SECTION** (Amending Order 72, filed 4/5/85)

WAC 315-10-060 OFFICIAL END OF GAME. (1) The director shall announce the official end of each instant game. A player may submit a low-tier winning ticket to the ~~((licensed agent))~~ lottery retailer from whom the ticket was purchased or the lottery and a high-tier winning ticket to the lottery for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing a player must redeem a ticket which qualifies for entry into that grand prize drawing within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

(2) A ~~((licensed agent))~~ lottery retailer may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) A ~~((licensed agent))~~ lottery retailer must return to the lottery unsold lottery tickets for each game within thirty days of the official end of that game in order to receive credit from the lottery as provided for in director's instructions to ~~((licensed agents))~~ lottery retailers or the interlocal cooperative agreement between the lottery and the state liquor control board. The lottery has no obligation to grant credit for tickets returned more than thirty days after the official end of game.

**AMENDATORY SECTION** (Amending Resolution No. 24, filed 6/17/83)

WAC 315-20-010 DIRECTOR MAY TEMPORARILY SUSPEND LICENSE PENDING A HEARING. (1) The director may temporarily suspend a license or addendum thereto issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, when in the opinion of the director:

(a) The ~~((licensed agent))~~ lottery retailer has obtained the license or addendum by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or

(b) The ~~((licensed agent))~~ lottery retailer has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or

(c) The ~~((licensed agent))~~ lottery retailer has violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 67.70 RCW and any amendments thereto or any rules adopted by the commission pursuant thereto; or

(d) Immediate cessation of the licensed activities by the ~~((licensed agent))~~ lottery retailer is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted.

(2) Notice of such temporary suspensions shall be served in accordance with WAC 10-08-110.

AMENDATORY SECTION (Amending Resolution No. 24, filed 6/17/83)

WAC 315-20-060 WAIVER OF HEARING. In any case involving violations of the lottery laws, rules or regulations, where the director deems it appropriate, the director may afford the ~~((licensed agent))~~ lottery retailer an opportunity to waive a formal hearing which he has timely requested. If the ~~((licensed agent))~~ lottery retailer so elects to waive formal hearing, he or she may then state in writing any matter in explanation or mitigation of the violations which he or she desires the director to consider in making his or her decision. The ~~((licensed agent))~~ lottery retailer at the time he or she submits the waiver, may also request to be present when the director meets to consider his or her decision in the matter. In the event the ~~((licensed agent))~~ lottery retailer elects to waive formal hearing he or she shall thereafter be bound by such election and may not thereafter request formal hearing.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-30-020 DEFINITIONS. (1) On-line game. A lottery game in which a player pays a fee to a lottery ~~((agent))~~ retailer and selects a combination of digits, numbers, or symbols; type and amount of play; and drawing date and receives a computer generated ticket with those selections printed on it. The lottery will conduct a drawing to determine the winning combination(s) in accordance with the rules of the specific game being played. Each ticket bearer whose valid ticket includes a winning combination shall be entitled to a prize if claim is submitted within the specified time period.

(2) On-line ~~((agent))~~ retailer. A ~~((licensed agent))~~ lottery retailer authorized by the lottery to sell on-line tickets. On-line ~~((agents))~~ retailers shall sell all lottery games including but not limited to instant game tickets offered by the lottery.

(3) On-line ticket. A computer-generated ticket issued by an on-line ~~((agent))~~ retailer to a player as a receipt for the combination a player has selected. That ticket shall be the only acceptable evidence of the combination of digits, numbers, or symbols selected. On-line tickets may be purchased only from on-line ~~((agents))~~ retailers.

(4) Ticket distribution machine (TDM). The computer hardware through which an on-line ~~((agent))~~ retailer enters the combination selected by a player and by which on-line tickets are generated and claims are validated.

(5) Drawing. The procedure determined by the director by which the lottery selects the winning combination in accordance with the rules of the game.

(6) Certified drawing. A drawing about which the lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred.

(7) Winning combination. One or more digits, numbers, or symbols randomly selected by the lottery in a drawing which has been certified.

(8) Validation. The process of determining whether an on-line ticket presented for payment is a winning ticket.

(9) Validation number. The twelve-digit number printed on the front of each on-line ticket which is used for validation.

(10) Ticket bearer. The person who has signed the on-line ticket or who has possession of an unsigned ticket.

(11) Metropolitan area. Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties. (These geographic areas have been identified as the metropolitan statistical areas in the state of Washington by the Federal Committee on Standard Metropolitan Statistical Areas of the Office of Management and Budget.)

AMENDATORY SECTION (Amending Order 77, filed 7/30/85)

WAC 315-30-030 ON-LINE GAMES CRITERIA. (1) The base price of an on-line ticket shall not be less than \$.50 and not more than \$5.00.

(2) On the average the total of all prizes available to be won in an on-line game shall not be less than forty-five percent of the on-line game's projected revenue.

(3) The manner and frequency of drawings may vary with the type of on-line game.

(4) The times, locations, and drawing procedures shall be determined by the director.

(5) A ticket bearer claiming a prize shall submit the apparent winning ticket as specified by the director. The ticket must be validated pursuant to WAC 315-30-050 by the lottery or an on-line ~~((agent))~~ retailer through use of the validation number and any other means as specified by the director.

(6) Procedures for claiming on-line prizes are as follows:

(a) To claim an on-line game prize of \$600.00 or less ~~((within thirty days of the drawing))~~, the claimant shall present the winning on-line ticket to any on-line ~~((agent))~~ retailer or to the lottery.

(i) If the claim is presented to an on-line ~~((agent))~~ retailer, the on-line ~~((agent))~~ retailer shall validate the claim and, if determined to be a winning ticket, make payment of the amount due the claimant. If the on-line ~~((agent))~~ retailer cannot validate the claim, the claimant may obtain and complete a claim form, as provided in WAC 315-06-120, and submit it with the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(ii) If the claim is presented to the lottery, the claimant shall complete a claim form, as provided in WAC 315-06-120, and submit it with the apparent winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

(b) To claim an on-line prize of more than \$600.00, ~~((or any prize more than thirty days after the date of the drawing;))~~ the claimant shall obtain and complete a claim form, as provided in WAC 315-06-120, and submit it with the apparent winning ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less the withholding required by the Internal Revenue Code. If the ticket is determined to be a nonwinning ticket, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets will not be returned to the claimant.

AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-30-060 PAYMENT OF PRIZES BY ON-LINE ~~((AGENTS))~~ RETAILERS. (1) An on-line ~~((agent))~~ retailer shall pay to the ticket bearer on-line game prizes of \$600.00 or less for any validated claims presented ~~((within thirty days of the drawing))~~ to that on-line ~~((agent))~~ retailer regardless of where the on-line ticket was purchased. These prizes shall be paid during all normal business hours of that on-line ~~((agent))~~ retailer, provided, the on-line system is operational and claims can be validated. The on-line ~~((agent))~~ retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the ~~((licensed agent's))~~ lottery retailer's account.

(2) An on-line ~~((agent))~~ retailer may pay prizes in cash or by business check, certified check, or money order. An on-line ~~((agent))~~ retailer that pays a prize with a check which is dishonored may be subject to suspension or revocation of its license, pursuant to WAC 315-04-200.

AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-30-070 ~~((AGENT))~~ RETAILER SETTLEMENT. (1) Each on-line ~~((agent))~~ retailer shall establish an account for deposit of monies derived from on-line games with a financial institution that has the capability of electronic funds transfer (EFT).

(2) Each on-line ((agent)) retailer shall make a deposit to that account at least once each week. The amount deposited shall be sufficient to cover monies due the lottery for that weekly accounting period. The lottery will withdraw by EFT the amount due the lottery on the day specified by the director. In the event the day specified for withdrawal falls on a legal holiday, withdrawal will be accomplished on the following business day.

#### AMENDATORY SECTION (Amending Order 72, filed 4/5/85)

WAC 315-30-090 ON-LINE ((AGENT)) RETAILER CREDIT CRITERIA. (1) The director shall deny an on-line license endorsement to any applicant whose credit is rated as poor or marginal as defined in this section.

(2) The director shall require on-line applicants whose credit is rated as minimum as defined in this section to obtain a surety bond or post cash in lieu of a bond under terms and conditions established by the director prior to issuance of the on-line license endorsement. Such surety bond must be secured from a company licensed to do business in the state of Washington. The bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines a higher amount is required.

(3) In the event the ((agent's)) retailer's credit is rated as poor or marginal subsequent to the issuance of the license endorsement the director may:

(a) Revoke or suspend ((an agent's)) a retailer's on-line license endorsement and/or;

(b) Require such an agent to secure a surety bond from a company licensed to do business in the state of Washington or post cash in lieu of a bond under terms and conditions established by the director. The surety bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines, based on sales volume and financial solvency of the ((agent)) retailer, a higher amount is required.

(4) Credit ratings are defined as follows:

(a) Business credit - includes currently reporting accounts payable and payment records up to six months prior to the lottery's credit check request. Accounts are evaluated by the percentage of the balance outstanding in each of the following categories: Zero to thirty days, thirty-one to sixty days, sixty-one to ninety days, and ninety-one plus days.

(i) A "poor" credit rating indicates that at least half of the accounts are in the sixty-one days and over categories.

(ii) A "marginal" credit rating indicates that at least half of the accounts are in the thirty-one days and over categories.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of current accounts are in the zero to thirty days payment category.

(b) Personal credit - includes current reporting personal accounts payable, including public financial record information up to seven years prior to the lottery's credit check request. A significant incident shall be defined as public record information which includes any lien, judgment, or bankruptcy or any similar incident which is publicly recorded and reflects on the individuals willingness and ability to pay creditors. A numerical rating of "one" represents excellent credit. A numerical rating of "nine" represents involuntary collection.

(i) A "poor" credit rating indicates at least half of the accounts are rated over "five", and/or the public record information indicates three or more significant incidents within the past three years.

(ii) A "marginal" credit rating indicates that at least half of the accounts are rated over "three", and/or the public record information indicates one or more significant incidents within the past three years.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of the reporting accounts are rated under "three" and that there have been no significant incidents in the public record within the past three years.

#### AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-31-050 TICKET PURCHASES. (1) Triple Choice tickets may be purchased or redeemed between 6:00 a.m. and 11:00 p.m. seven days a week, provided on-line ((agents)) retailers shall only sell and redeem tickets during their normal business hours.

(2) Triple Choice tickets may be purchased only from a ((licensed agent)) lottery retailer authorized by the director to sell on-line tickets.

(3) Each Triple Choice ticket shall contain the player's selection of digits, amount, type of play, and drawing date.

### WSR 85-21-108 PROPOSED RULES LOTTERY COMMISSION [Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery Commission intends to adopt, amend, or repeal rules concerning:

Rep	WAC 315-11-010	Definitions for Instant Game Number 1.
Rep	WAC 315-11-020	Criteria for Instant Game Number 1.
Rep	WAC 315-11-030	Ticket validation requirements.
Rep	WAC 315-11-040	Definitions for Instant Game Number 2.
Rep	WAC 315-11-041	Criteria for Instant Game Number 2.
Rep	WAC 315-11-042	Ticket validation requirements.
Rep	WAC 315-11-050	Definitions for Instant Game Number 3 ("Buried Treasure").
Rep	WAC 315-11-051	Criteria for Instant Game Number 3.
Rep	WAC 315-11-052	Ticket validation requirements.
Rep	WAC 315-11-060	Definitions for Instant Game Number 4 ("Baseball").
Rep	WAC 315-11-061	Criteria for Instant Game Number 4.
Rep	WAC 315-11-062	Ticket validation requirements.
Rep	WAC 315-11-070	Definitions for Instant Game Number 5 ("Magic Cards").
Rep	WAC 315-11-071	Criteria for Instant Game Number 5.
Rep	WAC 315-11-072	Ticket validation requirements.
Rep	WAC 315-11-080	Definitions for Instant Game Number 6 ("Money Match").
Rep	WAC 315-11-081	Criteria for Instant Game Number 6.
Rep	WAC 315-11-082	Ticket validation requirements.
Rep	WAC 315-11-090	Definitions for Instant Game Number 7 ("Holiday Cash").
Rep	WAC 315-11-091	Criteria for Instant Game Number 7.
Rep	WAC 315-11-092	Ticket validation requirements.
Rep	WAC 315-11-100	Definitions for Instant Game Number 8 ("Loose Change").
Rep	WAC 315-11-101	Criteria for Instant Game Number 8.
Rep	WAC 315-11-102	Ticket validation requirements for Instant Game Number 8.
Rep	WAC 315-11-110	Definitions for Instant Game Number 9 ("Cash Word").
Rep	WAC 315-11-111	Criteria for Instant Game Number 9.
Rep	WAC 315-11-112	Ticket validation requirements for Instant Game Number 9.
Rep	WAC 315-11-120	Definitions for Instant Game Number 10.
Rep	WAC 315-11-121	Criteria for Instant Game Number 10.
Rep	WAC 315-11-122	Ticket and stub validation requirements for Instant Game Number 10.
Rep	WAC 315-11-130	Definitions for Instant Game Number 11.
Rep	WAC 315-11-131	Criteria for Instant Game Number 11.
Rep	WAC 315-11-132	Ticket validation requirements for Instant Game Number 11.
Rep	WAC 315-11-134	Definitions for Instant Game Number 12 ("50,000 Match 3").
Rep	WAC 315-11-135	Criteria for Instant Game Number 12.
Rep	WAC 315-11-136	Ticket validation requirements for Instant Game Number 12.
Rep	WAC 315-11-137	Definitions for Instant Game Number 13 ("Holiday Cash").
Rep	WAC 315-11-138	Criteria for Instant Game Number 13.
Rep	WAC 315-11-139	Ticket validation requirements.
Rep	WAC 315-11-140	Definitions for Instant Game Number 14 ("Win for Life").
Rep	WAC 315-11-141	Criteria for Instant Game Number 14.
Rep	WAC 315-11-142	Ticket validation requirements for Instant Game Number 14.

Rep WAC 315-11-150 Definitions for Instant Game Number 15 ("Jokers Wild").  
 Rep WAC 315-11-151 Criteria for Instant Game Number 15.  
 Rep WAC 315-11-152 Ticket validation requirements for Instant Game;

that the agency will at 1:00 p.m., Friday, December 6, 1985, in the Sea-Tac Tower I Building, 5th Floor, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1985.

Dated: October 23, 1985

By: Duane Kovacevich  
 Deputy Director

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 315-11-010 DEFINITIONS FOR INSTANT GAME NUMBER 1.  
 WAC 315-11-020 CRITERIA FOR INSTANT GAME NUMBER 1.  
 WAC 315-11-030 TICKET VALIDATION REQUIREMENTS.  
 WAC 315-11-040 DEFINITIONS FOR INSTANT GAME NUMBER 2.  
 WAC 315-11-041 CRITERIA FOR INSTANT GAME NUMBER 2.  
 WAC 315-11-042 TICKET VALIDATION REQUIREMENTS.  
 WAC 315-11-050 DEFINITIONS FOR INSTANT GAME NUMBER 3 ("BURIED TREASURE").  
 WAC 315-11-051 CRITERIA FOR INSTANT GAME NUMBER 3.  
 WAC 315-11-052 TICKET VALIDATION REQUIREMENTS.  
 WAC 315-11-060 DEFINITIONS FOR INSTANT GAME NUMBER 4 ("BASEBALL").  
 WAC 315-11-061 CRITERIA FOR INSTANT GAME NUMBER 4.  
 WAC 315-11-062 TICKET VALIDATION REQUIREMENTS.  
 WAC 315-11-070 DEFINITIONS FOR INSTANT GAME NUMBER 5 ("MAGIC CARDS").  
 WAC 315-11-071 CRITERIA FOR INSTANT GAME NUMBER 5.  
 WAC 315-11-072 TICKET VALIDATION REQUIREMENTS.  
 WAC 315-11-080 DEFINITIONS FOR INSTANT GAME NUMBER 6 ("MONEY MATCH").  
 WAC 315-11-081 CRITERIA FOR INSTANT GAME NUMBER 6.  
 WAC 315-11-082 TICKET VALIDATION REQUIREMENTS.  
 WAC 315-11-090 DEFINITIONS FOR INSTANT GAME NUMBER 7 ("HOLIDAY CASH").  
 WAC 315-11-091 CRITERIA FOR INSTANT GAME NUMBER 7.  
 WAC 315-11-092 TICKET VALIDATION REQUIREMENTS.  
 WAC 315-11-100 DEFINITIONS FOR INSTANT GAME NUMBER 8 ("LOOSE CHANGE").  
 WAC 315-11-101 CRITERIA FOR INSTANT GAME NUMBER 8.  
 WAC 315-11-102 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 8.  
 WAC 315-11-110 DEFINITIONS FOR INSTANT GAME NUMBER 9 ("CASH WORD").  
 WAC 315-11-111 CRITERIA FOR INSTANT GAME NUMBER 9.  
 WAC 315-11-112 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 9.

WAC 315-11-120 DEFINITIONS FOR INSTANT GAME NUMBER 10 ("BONANZA").

WAC 315-11-121 CRITERIA FOR INSTANT GAME NUMBER 10.

WAC 315-11-122 TICKET AND STUB VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 10.

WAC 315-11-130 DEFINITIONS FOR INSTANT GAME NUMBER 11.

WAC 315-11-131 CRITERIA FOR INSTANT GAME NUMBER 11.

WAC 315-11-132 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 11.

WAC 315-11-134 DEFINITIONS FOR INSTANT GAME NUMBER 12 ("50,000 MATCH 3").

WAC 315-11-135 CRITERIA FOR INSTANT GAME NUMBER 12.

WAC 315-11-136 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 12.

WAC 315-11-137 DEFINITIONS FOR INSTANT GAME NUMBER 13 ("HOLIDAY CASH").

WAC 315-11-138 CRITERIA FOR INSTANT GAME NUMBER 13.

WAC 315-11-139 TICKET VALIDATION REQUIREMENTS.

WAC 315-11-140 DEFINITIONS FOR INSTANT GAME NUMBER 14 ("WIN FOR LIFE").

WAC 315-11-141 CRITERIA FOR INSTANT GAME NUMBER 14.

WAC 315-11-142 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 14.

WAC 315-11-150 DEFINITIONS FOR INSTANT GAME NUMBER 15 ("JOKERS WILD").

WAC 315-11-151 CRITERIA FOR INSTANT GAME NUMBER 15.

WAC 315-11-152 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 15.

#### **WSR 85-21-109**

#### **PROPOSED RULES**

#### **EASTERN WASHINGTON UNIVERSITY**

[Filed October 23, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Eastern Washington University intends to adopt, amend, or repeal rules concerning:

Amd	WAC 172-144-010	Special charges—Financial responsibility—Purpose.
Amd	WAC 172-144-020	Authority of the university to make deductions.
Amd	WAC 172-144-040	Periodic deductions.
Amd	WAC 172-144-050	Right to appeal assessed financial obligations.
Amd	WAC 172-180-010	Introduction and purpose.
Amd	WAC 172-180-020	Delegation of appointing authority power.
Amd	WAC 172-180-040	Effective date;

that such institution will at 9:00 a.m., Monday, December 2, 1985, in the PUB Council Chambers, Pence Union Building, EWU Campus, Cheney, Washington, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 28B.35.120 and 43.21C.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to December 2, 1985, and/or orally at 9:00 a.m., Monday, December 2, 1985, Pence Union



Building, Council Chambers, EWU Campus, Cheney, Washington.

Dated: October 21, 1985

By: Kenneth Dolan

Secretary to the Board of Trustees

### STATEMENT OF PURPOSE

Title: Amends WAC 172-144-010, 172-144-020, 172-144-040 and 172-144-050 to provide for updating of name of university and to allow for notice under current change in payroll process. Amends WAC 172-180-010, 172-180-020 and 172-180-040 to provide for changes in titles at the university.

Description of Purpose: Housekeeping changes to update name change of university and changes in titles and payroll process.

Statutory Authority: RCW 28B.35.120, et seq.

Summary of Rule Changes: See information above.

Reasons Supporting Proposed Rule Changes: To ensure regulations conform with current practices.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mr. Russ Hartman, Vice President for Business and Finance, 206 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone scan 353-2421, off-scan (509) 359-2421.

Comments: None.

Small Business Impact: None.

### AMENDATORY SECTION (Amending Resolution 78-2, filed 5/5/78)

WAC 172-180-010 INTRODUCTION AND PURPOSE. In accordance with the requirements of WAC 251-12-010, through which the higher education personnel board of the state of Washington did authorize "appointing authorities" to demote, suspend, and reduce in salary or dismiss any employee under its jurisdiction for the causes stated in such rule, the board of trustees at Eastern Washington University hereby promulgates the following rules delegating the powers conferred upon it as an appointing authority. Such power is expressly derived from RCW 28B.40.120, which statute accords the board of trustees the power and duty to employ, discipline, and discharge university employees within the limitations provided by law, and RCW ~~((28B.10.528) - (28B.40.528))~~ 28B.10.528, which statute expressly accords the board of trustees the power, when exercised by resolution, to delegate to any designee powers and duties vested in or imposed upon the board by law.

### AMENDATORY SECTION (Amending Order 82-04, filed 11/3/82)

WAC 172-180-020 DELEGATION OF APPOINTING AUTHORITY POWER. In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the higher education personnel board, the board of trustees of Eastern Washington University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and persons occupying such positions, as appointing authorities at Eastern Washington University:

- (1) The president;
- (2) The vice president and provost for academic affairs;
- (3) The vice provost for academic affairs;
- (4) The vice president for business and finance;
- (5) The vice president for extended programs;
- (6) The ~~((provost))~~ vice president for student services;
- (7) The ~~((vice president for administration))~~ business manager;
- (8) The dean, college of letters and sciences;
- (9) The dean, school of fine arts;
- (10) The dean, school of human learning and development;

- (11) The dean, division of health sciences;
- (12) The dean, school of business;
- (13) The dean, school of social work and human services;
- (14) The dean, school of public affairs;
- (15) The dean, school of mathematical sciences and technology;
- (16) The university librarian; and
- ~~((16))~~ (17) The executive assistant to the president (also the secretary of the board of trustees).

### AMENDATORY SECTION (Amending Resolution 78-2, filed 5/5/78)

WAC 172-180-040 EFFECTIVE DATE. Upon the date this rule becomes effective, in accordance with the Higher Education Personnel Act, this rule shall supersede the resolution adopted by the board of trustees of Eastern Washington University dated ~~((March 20, 1973))~~ October 28, 1982.

### AMENDATORY SECTION (Amending Order 73-12, filed 5/22/73)

WAC 172-144-010 PURPOSE. Commensurate with the privileges afforded individual students in the employ of Eastern Washington ~~((State College))~~ University, an employee has a financial responsibility to the college for legitimate financial obligations owed to the ~~((college))~~ university.

### AMENDATORY SECTION (Amending Order 73-12, filed 5/22/73)

WAC 172-144-020 AUTHORITY OF THE ~~((COLLEGE))~~ UNIVERSITY TO MAKE DEDUCTIONS. (1) Except as provided in WAC 172-144-030, following ~~((thirty))~~ fifteen calendar days' notice to the employee, the ~~((college))~~ university may deduct from the net remuneration owed to the employee by the ~~((college))~~ university for that particular pay period, the amount of any or all fees, charges, debts, fines, or other financial obligations owed to the ~~((college))~~ university, which shall include but are not limited to the following:

- (a) Enrollment fees;
- (b) Housing charges;
- (c) Short-term loan;
- (d) Personal telephone tolls charged to a ~~((college))~~ university number;
- (e) Bookstore debts;
- (f) Parking fines;
- (g) Damages to college property.

(2) The ~~((thirty))~~ fifteen-day notice as provided for in WAC 172-144-020(1) shall contain a statement setting forth the manner in which the financial obligations were incurred by the employee and the amount assessed.

### AMENDATORY SECTION (Amending Order 73-12, filed 5/22/73)

WAC 172-144-040 PERIODIC DEDUCTIONS. Should such deductions for any pay period produce a material and substantial hardship on the assessed employee, the ~~((college))~~ university may enter into an agreement with the employee for a method of periodic deductions from the employee's paycheck until such financial obligations owed to the college have been satisfied.

### AMENDATORY SECTION (Amending Order 73-12, filed 5/22/73)

WAC 172-144-050 RIGHT TO APPEAL ASSESSED FINANCIAL OBLIGATIONS. Every employee has the right to appeal a decision of any ~~((college))~~ university department or division to assess a fee, fine, charge, debt, or other financial obligation for a determination of the validity and legitimacy of that charge. The appeal must be in writing and directed to the division or department head assessing the financial obligation. Notice shall be given within ~~((ten))~~ five days after assessment of the charge. Following such notice, the employee shall be allowed an informal hearing with the head or appointed representative of the department or division assessing the obligation. The decision of such a hearing shall be final: PROVIDED, That in the event that such fee, charge, debt, fine, or other financial obligation shall exceed two hundred dollars, the assessed employee may waive the appeal provision provided in this section and proceed under civil remedies.

**WSR 85-21-110**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed October 23, 1985]

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:

- New WAC 356-42-048 Petitions for certification/decertification—Contents.  
 Amd WAC 356-42-082 Filing unfair labor practice charge.  
 Amd WAC 356-42-083 Investigation of and disposition of unfair labor practice charges;

that the agency will at 10:00 a.m., Thursday, December 12, 1985, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-19-076 filed with the code reviser's office on September 18, 1985.

Dated: October 22, 1985  
 By: Leonard Nord  
 Secretary

**WSR 85-21-111**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed October 23, 1985]

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:

- Amd WAC 356-15-020 Work period designations.  
 Amd WAC 356-15-030 Overtime provisions and compensation.  
 New WAC 356-34-035 Predissmissal process;

that the agency will at 10:00 a.m., Thursday, November 14, 1985, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150 and the Fair Labor Standards Act, section 7(k).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 12, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-19-077 filed with the code reviser's office on September 18, 1985.

Dated: October 22, 1985  
 By: Leonard Nord  
 Secretary

**WSR 85-21-112**  
**EMERGENCY RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Order 236—Filed October 23, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to Registers—Name removal for cause—Grounds enumerated—Requirements, amending WAC 356-26-040.

We, the State Personnel Board, find that an emergency exists and that this 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 the emergency is this rule change is currently effective on an emergency basis (due to law change; effective July 28, 1985; EHB 116); however, the 90-day effective time period will expire before the permanent effective date; therefore, to keep the changes effective, we find it necessary to adopt on an emergency basis.

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

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of EHB 116.

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

APPROVED AND ADOPTED October 10, 1985.

By Leonard Nord  
 Secretary

**AMENDATORY SECTION** (Amending Order 175, filed 9/22/82)

**WAC 356-26-040 REGISTERS—NAME REMOVAL FOR CAUSE—GROUNDS ENUMERATED—REQUIREMENTS.** (1) Upon notifying the personnel board of the intended action, the director of personnel or designee may remove the name of an eligible from a register for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register(~~(;)~~) or a dual agency reversion register(~~(; or a promotional register)~~) has ~~((twice))~~ waived the first offer of employment, or a candidate from a promotional register has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times.

(h) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in subsection (1) (b) or (c) (~~above~~) of this section. The director of personnel should advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal.

**WSR 85-21-113**

**ADOPTED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Order 237—Filed October 23, 1985—Eff. December 1, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

- Amd WAC 356-05-390 Seniority.
- Amd WAC 356-06-020 Exemptions—Exceptions.
- Amd WAC 356-06-055 Exempt—Classified service—Movement between.
- Amd WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements.
- Amd WAC 356-49-040 Inter-system movement between Higher Education Personnel Board/State Personnel Board jurisdiction.

This action is taken pursuant to Notice Nos. WSR 85-18-057 and 85-19-076 filed with the code reviser on September 3, 1985, and September 18, 1985. These

rules shall take effect at a later date, such date being December 1, 1985.

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of EHB 116.

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

APPROVED AND ADOPTED October 10, 1985.

By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-390 SENIORITY. A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction in force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(~~((22))~~)(26), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC (~~(356-06-055(6))~~) 356-49-040. The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

AMENDATORY SECTION (Amending Order 230, filed 9/18/85)

WAC 356-06-020 EXEMPTIONS—EXCEPTIONS. With the exceptions noted in subsection (20) of this section the provisions of these rules do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute

law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: **PROVIDED**, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: **PROVIDED, HOWEVER**, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected

official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred (~~seventy-five~~) eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

~~((Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:~~

~~If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.))~~

(20) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (17) of this section.

AMENDATORY SECTION (Amending Order 204, filed 5/23/84, effective 9/1/84)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

(i) Termination of employment in such exempt position, or

(ii) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

~~(2) ((Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:~~

~~(a) Termination of employment in such exempt position, or~~

~~(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.))~~ When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1) of this section.

(b) If the employee is not appointed to the exempted position or to another exempt position but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position previously held, or to a position of similar nature and salary.

(3) Employees exercising return rights within the time specified, as provided in ~~((WAC 356-06-055))~~ subsection (1) of this section, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

~~(4) ((An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.~~

~~(5))~~ Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-330.

~~((6) Classified employees under the jurisdiction of the higher education personnel board who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction in force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board provided:~~

~~(a) The employees are qualified as determined by the director of personnel, or designee; and~~

~~(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and~~

~~(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction in force action; and~~

~~(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.~~

~~(7)) (5) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction in force procedures of their agency.~~

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 ~~((21))~~ (24) or ~~((22))~~ (26) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or certifications from the reduction in force register.

~~((8) Permanent classified employees of the higher education personnel board may promote, transfer, or voluntarily demote to positions under the jurisdiction of the state personnel board as provided in chapter 356-49 WAC and other applicable merit system rules.))~~

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-26-040 REGISTERS—NAME REMOVAL FOR CAUSE—GROUNDS ENUMERATED—REQUIREMENTS. (1) Upon notifying the personnel board of the intended action, the director of personnel or designee may remove the name of an eligible from a register for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register~~(;)~~ or a dual agency reversion register~~((, or a promotional register))~~ has ~~((twice))~~ waived the first offer of employment, or a candidate from a promotional register has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not

satisfactory" or "considered but not appointed" for a total of four times.

(h) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in subsection (1) (b) or (c) ((above)) of this section. The director of personnel should advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the personnel board upon appeal.

AMENDATORY SECTION (Amending Order 204, filed 5/23/84, effective 9/1/84)

WAC 356-49-040 INTER-SYSTEM MOVEMENT BETWEEN HIGHER EDUCATION PERSONNEL BOARD/STATE PERSONNEL BOARD JURISDICTION. (1) Permanent classified employees desiring to promote, transfer, or voluntarily demote to state personnel board classified positions must:

(a) Submit a Washington state application for employment in accordance with a current examination announcement.

(b) Successfully complete the designated examination.

(c) Have their name placed on the appropriate register as provided in WAC 356-26-070.

(d) Be certified to vacancy(ies) as provided in WAC 356-26-070.

(e) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the appropriate eligible list as provided by the higher education personnel board rules (Title 251 WAC).

(2) Permanent classified employees desiring to promote, transfer, or voluntarily demote to state personnel board classified positions will:

(a) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employees to the new position.

(b) Bring their accumulated vacation leave, sick leave and seniority with them; however, continued accumulation will be governed by the appropriate merit system rules.

(c) Retain their former periodic increment date except upon promotion as provided by WAC 356-14-120.

(3) Classified employees under the jurisdiction of the higher education personnel board who have been or are going to be separated because of reduction in force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board, provided:

(a) The employees are qualified as determined by the director of personnel, or designee; and

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction in force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.



**Table of WAC Sections Affected**

**KEY TO TABLE**

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding 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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16-322-025	AMD	85-15-017	16-426-020	REP-P	85-11-080	16-514-080	NEW-P	85-14-103
16-322-035	AMD-P	85-11-082	16-426-020	REP	85-15-047	16-514-080	NEW	85-20-042
16-322-035	AMD	85-15-017	16-426-025	REP-P	85-19-073	16-529-030	AMD	85-10-015
16-322-040	AMD-P	85-11-082	16-470	AMD-C	85-19-002	16-530-010	NEW	85-11-089
16-322-040	AMD	85-15-017	16-470-010	AMD-P	85-11-086	16-530-020	NEW	85-11-089
16-322-045	AMD-P	85-11-082	16-470-010	AMD-E	85-11-087	16-530-030	NEW	85-11-089
16-322-045	AMD	85-15-017	16-470-010	AMD	85-15-006	16-530-040	NEW	85-11-089
16-332A-001	REP-P	85-19-073	16-470-015	AMD-P	85-11-084	16-530-050	NEW	85-11-089
16-332A-010	REP-P	85-19-073	16-470-015	AMD-E	85-11-087	16-530-060	NEW	85-11-089
16-332A-020	REP-P	85-19-073	16-470-015	AMD	85-15-007	16-555-010	NEW-P	85-05-038
16-332A-030	REP-P	85-19-073	16-470-100	AMD-P	85-11-084	16-555-010	NEW	85-11-030
16-332A-040	REP-P	85-19-073	16-470-100	AMD-E	85-11-087	16-555-020	NEW-P	85-05-038
16-332A-050	REP-P	85-19-073	16-470-100	AMD	85-15-007	16-555-020	NEW	85-11-030
16-332A-060	REP-P	85-19-073	16-470-110	AMD-P	85-11-084	16-555-030	NEW-P	85-05-038
16-332A-070	REP-P	85-19-073	16-470-110	AMD-E	85-11-087	16-555-030	NEW	85-11-030
16-332A-080	REP-P	85-19-073	16-470-110	AMD	85-15-007	16-555-040	NEW-P	85-05-038
16-333-010	NEW-P	85-19-073	16-470-120	AMD-P	85-11-084	16-555-040	NEW	85-11-030
16-333-020	NEW-P	85-19-073	16-470-120	AMD-E	85-11-087	16-555-041	NEW-P	85-05-038
16-333-030	NEW-P	85-19-073	16-470-120	AMD	85-15-007	16-555-041	NEW	85-11-030
16-333-040	NEW-P	85-19-073	16-470-200	NEW-P	85-11-083	16-555-050	NEW-P	85-05-038
16-333-050	NEW-P	85-19-073	16-470-200	NEW-E	85-11-088	16-555-050	NEW	85-11-030
16-333-060	NEW-P	85-19-073	16-470-200	NEW	85-15-008	16-555-060	NEW-P	85-05-038
16-333-070	NEW-P	85-19-073	16-470-210	NEW-P	85-11-083	16-555-060	NEW	85-11-030
16-333-080	NEW-P	85-19-073	16-470-210	NEW-E	85-11-088	16-555-070	NEW-P	85-05-038
16-333-090	NEW-P	85-19-073	16-470-210	NEW	85-15-008	16-555-070	NEW	85-11-030
16-354-005	AMD-P	85-11-079	16-470-220	NEW-P	85-11-083	16-555-080	NEW-P	85-05-038
16-354-005	AMD	85-15-046	16-470-220	NEW-E	85-11-088	16-555-080	NEW	85-11-030
16-354-010	AMD-P	85-11-079	16-470-220	NEW	85-15-008	16-560-06001	AMD-P	85-02-054
16-354-010	AMD	85-15-046	16-470-230	NEW-P	85-11-083	16-560-06001	AMD	85-10-005
16-354-020	AMD-P	85-11-079	16-470-230	NEW-E	85-11-088	16-565-010	AMD-P	85-11-078
16-354-020	AMD	85-15-046	16-470-230	NEW	85-15-008	16-565-010	AMD	85-15-018
16-354-030	AMD-P	85-11-079	16-470-300	NEW-P	85-11-085	16-565-020	AMD-P	85-11-078
16-354-030	AMD	85-15-046	16-470-300	NEW-W	85-14-072	16-565-020	AMD	85-15-018
16-354-040	AMD-P	85-11-079	16-470-300	NEW-P	85-15-054	16-620-110	NEW-E	85-20-092
16-354-040	AMD	85-15-046	16-470-300	NEW	85-20-043	16-620-110	NEW-P	85-20-101
16-354-050	AMD-P	85-11-079	16-470-310	NEW-P	85-11-085	16-620-115	NEW-E	85-20-092
16-354-050	AMD	85-15-046	16-470-310	NEW-W	85-14-072	16-620-115	NEW-P	85-20-101
16-354-070	AMD-P	85-11-079	16-470-310	NEW-P	85-15-054	16-666-140	NEW-P	85-10-051
16-354-070	AMD	85-15-046	16-470-310	NEW	85-20-043	16-666-140	NEW-W	85-12-053
16-354-080	REP-P	85-11-079	16-470-320	NEW-P	85-11-085	16-750-010	AMD-P	85-03-102
16-354-080	REP	85-15-046	16-470-320	NEW-W	85-14-072	16-750-010	AMD	85-07-003
16-354-090	NEW-P	85-11-079	16-470-320	NEW-P	85-15-054	24-12-012	AMD-P	85-21-007
16-354-090	NEW	85-15-046	16-470-320	NEW	85-20-043	25-15-010	NEW-E	85-20-008
16-354-100	NEW-P	85-11-079	16-470-330	NEW-P	85-11-085	25-15-020	NEW-E	85-20-008
16-354-100	NEW	85-15-046	16-470-330	NEW-W	85-14-072	25-15-030	NEW-E	85-20-008
16-400-007	NEW-P	85-03-089	16-470-330	NEW-P	85-15-054	25-15-040	NEW-E	85-20-008
16-400-007	NEW	85-06-029	16-470-330	NEW	85-20-043	25-15-050	NEW-E	85-20-008
16-400-020	REP-P	85-03-089	16-470-340	NEW-P	85-11-085	25-15-060	NEW-E	85-20-008
16-400-020	REP	85-06-029	16-470-340	NEW-W	85-14-072	25-15-070	NEW-E	85-20-008
16-409-015	AMD-P	85-03-090	16-470-340	NEW-P	85-15-054	25-15-080	NEW-E	85-20-008
16-409-015	AMD	85-07-028	16-470-340	NEW	85-20-043	25-15-090	NEW-E	85-20-008
16-409-020	AMD-P	85-03-090	16-470-400	NEW-P	85-17-019	25-15-100	NEW-E	85-20-008
16-409-020	AMD	85-07-028	16-470-400	NEW	85-21-003	25-15-110	NEW-E	85-20-008
16-409-030	AMD-P	85-03-090	16-470-410	NEW-P	85-17-019	25-15-120	NEW-E	85-20-008
16-409-030	AMD	85-07-028	16-470-410	NEW	85-21-003	50-12-010	REP-P	85-16-116
16-409-035	AMD-P	85-03-090	16-470-420	NEW-P	85-17-019	50-12-010	REP-C	85-19-045
16-409-035	AMD	85-07-028	16-470-420	NEW	85-21-003	50-12-010	REP	85-19-052
16-409-060	AMD-P	85-03-090	16-470-430	NEW-P	85-17-019	50-12-040	AMD-P	85-16-116
16-409-060	AMD	85-07-028	16-470-430	NEW	85-21-003	50-12-040	AMD-C	85-19-045
16-409-065	AMD-P	85-03-090	16-470-440	NEW-P	85-17-019	50-12-040	AMD	85-19-052
16-409-065	AMD	85-07-028	16-470-440	NEW	85-21-003	50-12-050	AMD-E	85-16-030
16-409-070	AMD-P	85-03-090	16-514-010	NEW-P	85-14-103	50-12-050	AMD-P	85-16-116
16-409-070	AMD	85-07-028	16-514-010	NEW	85-20-042	50-12-050	AMD-C	85-19-045
16-409-075	AMD-P	85-03-090	16-514-020	NEW-P	85-14-103	50-12-050	AMD	85-19-052
16-409-075	AMD	85-07-028	16-514-020	NEW	85-20-042	50-12-100	NEW-P	85-16-116
16-409-085	AMD-P	85-03-090	16-514-030	NEW-P	85-14-103	50-12-100	NEW-C	85-19-045
16-409-085	AMD	85-07-028	16-514-030	NEW	85-20-042	50-12-100	NEW	85-19-052

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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50-12-110	NEW-C	85-19-045	51-12-403	NEW-P	85-18-068	67-35-160	AMD-C	85-18-030
50-12-110	NEW	85-19-052	51-12-404	NEW-P	85-18-068	67-35-160	AMD	85-19-048
50-16-030	AMD-P	85-16-055	51-12-405	NEW-P	85-18-068	67-35-180	AMD-P	85-15-075
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50-16-030	AMD	85-19-054	51-12-407	NEW-P	85-18-068	67-35-190	AMD-P	85-15-075
50-20-010	AMD-P	85-16-056	51-12-408	NEW-P	85-18-068	67-35-190	AMD	85-18-048
50-20-010	AMD-C	85-19-044	51-12-409	NEW-P	85-18-068	67-35-190	AMD-P	85-15-075
50-20-010	AMD	85-19-053	51-12-410	NEW-P	85-18-068	67-35-280	AMD	85-18-048
50-20-050	AMD-E	85-15-074	51-12-411	NEW-P	85-18-068	67-35-310	AMD-P	85-15-075
50-20-050	AMD-P	85-16-056	51-12-412	NEW-P	85-18-068	67-35-310	AMD	85-18-048
50-20-050	AMD-C	85-19-044	51-12-413	NEW-P	85-18-068	67-35-350	AMD-P	85-15-075
50-20-050	AMD	85-19-053	51-12-414	NEW-P	85-18-068	67-35-350	AMD	85-18-048
50-20-055	AMD-E	85-15-074	51-12-415	NEW-P	85-18-068	67-35-460	AMD-P	85-15-075
50-20-055	AMD-P	85-16-056	51-12-416	NEW-P	85-18-068	67-35-460	AMD	85-18-048
50-20-055	AMD-C	85-19-044	51-12-417	NEW-P	85-18-068	67-35-520	AMD-P	85-15-075
50-20-055	AMD-P	85-19-088	51-12-418	NEW-P	85-18-068	67-35-520	AMD	85-18-048
50-20-090	NEW-E	85-15-074	51-12-419	NEW-P	85-18-068	67-45-010	REP-E	85-09-039
50-20-090	NEW-P	85-16-056	51-12-420	NEW-P	85-18-068	67-45-010	REP-E	85-15-044
50-20-090	NEW-C	85-19-044	51-12-421	NEW-P	85-18-068	67-45-010	REP-P	85-15-076
50-20-090	NEW	85-19-053	51-12-422	NEW-P	85-18-068	67-45-010	REP	85-18-047
50-24-100	AMD-P	85-16-116	51-12-423	NEW-P	85-18-068	67-45-020	REP-E	85-09-039
50-24-100	AMD-C	85-19-045	51-12-424	NEW-P	85-18-068	67-45-020	REP-E	85-15-044
50-24-100	AMD	85-19-052	51-12-425	NEW-P	85-18-068	67-45-020	REP-P	85-15-076
50-44-030	AMD-P	85-16-116	51-12-426	NEW-P	85-18-068	67-45-020	REP	85-18-047
50-44-030	AMD-C	85-19-045	51-12-500	NEW-P	85-18-068	67-45-030	REP-E	85-09-039
50-44-030	AMD	85-19-052	51-12-501	NEW-P	85-18-068	67-45-030	REP-E	85-15-044
50-48-020	AMD-P	85-16-116	51-12-502	NEW-P	85-18-068	67-45-030	REP-P	85-15-076
50-48-020	AMD-C	85-19-045	51-12-503	NEW-P	85-18-068	67-45-030	REP	85-18-047
50-48-020	AMD	85-19-052	51-12-504	NEW-P	85-18-068	67-45-040	REP-E	85-09-039
51-10	AMD-P	85-02-055	51-12-505	NEW-P	85-18-068	67-45-040	REP-E	85-15-044
51-10	AMD	85-03-095	51-12-506	NEW-P	85-18-068	67-45-040	REP-P	85-15-076
51-10	AMD	85-07-036	51-12-507	NEW-P	85-18-068	67-45-040	REP	85-18-047
51-12-100	NEW-P	85-18-068	51-12-600	NEW-P	85-18-068	67-45-045	REP-E	85-09-039
51-12-101	NEW-P	85-18-068	51-12-601	NEW-P	85-18-068	67-45-045	REP-E	85-15-044
51-12-102	NEW-P	85-18-068	51-12-602	NEW-P	85-18-068	67-45-045	REP-P	85-15-076
51-12-103	NEW-P	85-18-068	51-12-603	NEW-P	85-18-068	67-45-045	REP	85-18-047
51-12-104	NEW-P	85-18-068	51-12-604	NEW-P	85-18-068	67-45-050	REP-E	85-09-039
51-12-105	NEW-P	85-18-068	51-12-605	NEW-P	85-18-068	67-45-050	REP-E	85-15-044
51-12-106	NEW-P	85-18-068	51-12-606	NEW-P	85-18-068	67-45-050	REP-P	85-15-076
51-12-107	NEW-P	85-18-068	51-12-607	NEW-P	85-18-068	67-45-050	REP	85-18-047
51-12-108	NEW-P	85-18-068	51-12-608	NEW-P	85-18-068	67-45-060	REP-E	85-09-039
51-12-109	NEW-P	85-18-068	51-16-010	NEW-P	85-18-058	67-45-060	REP-E	85-15-044
51-12-110	NEW-P	85-18-068	51-16-020	NEW-P	85-18-058	67-45-060	REP-P	85-15-076
51-12-200	NEW-P	85-18-068	51-16-030	NEW-P	85-18-058	67-45-060	REP	85-18-047
51-12-201	NEW-P	85-18-068	51-16-040	NEW-P	85-18-058	67-45-070	REP-E	85-09-039
51-12-202	NEW-P	85-18-068	51-16-050	NEW-P	85-18-058	67-45-070	REP-E	85-15-044
51-12-203	NEW-P	85-18-068	51-16-060	NEW-P	85-18-058	67-45-070	REP-P	85-15-076
51-12-204	NEW-P	85-18-068	51-16-070	NEW-P	85-18-058	67-45-070	REP	85-18-047
51-12-205	NEW-P	85-18-068	67-25-005	AMD-P	85-03-081	67-45-075	REP-E	85-09-039
51-12-206	NEW-P	85-18-068	67-25-005	AMD	85-06-030	67-45-075	REP-E	85-15-044
51-12-207	NEW-P	85-18-068	67-25-180	REP-E	85-13-023	67-45-075	REP-P	85-15-076
51-12-208	NEW-P	85-18-068	67-25-180	REP-P	85-15-077	67-45-075	REP	85-18-047
51-12-209	NEW-P	85-18-068	67-25-180	REP	85-18-046	82-50-021	AMD-P	85-13-068
51-12-210	NEW-P	85-18-068	67-25-185	REP-E	85-13-023	82-50-021	AMD	85-16-014
51-12-211	NEW-P	85-18-068	67-25-185	REP-P	85-15-077	98-40-010	NEW-P	85-14-108
51-12-212	NEW-P	85-18-068	67-25-185	REP	85-18-046	98-40-010	NEW	85-19-012
51-12-213	NEW-P	85-18-068	67-25-190	REP-E	85-13-023	98-40-020	NEW-P	85-14-108
51-12-214	NEW-P	85-18-068	67-25-190	REP-P	85-15-077	98-40-020	NEW	85-19-012
51-12-215	NEW-P	85-18-068	67-25-190	REP	85-18-046	98-40-030	NEW-P	85-14-108
51-12-216	NEW-P	85-18-068	67-25-200	REP-E	85-13-023	98-40-030	NEW	85-19-012
51-12-217	NEW-P	85-18-068	67-25-200	REP-P	85-15-077	98-40-040	NEW-P	85-14-108
51-12-218	NEW-P	85-18-068	67-25-200	REP	85-18-046	98-40-040	NEW	85-19-012
51-12-219	NEW-P	85-18-068	67-25-257	NEW-P	85-03-081	98-40-050	NEW-P	85-14-108
51-12-220	NEW-P	85-18-068	67-25-257	NEW	85-06-030	98-40-050	NEW	85-19-012
51-12-221	NEW-P	85-18-068	67-25-360	AMD-P	85-15-077	98-40-060	NEW-P	85-14-108
51-12-222	NEW-P	85-18-068	67-25-360	AMD	85-18-046	98-40-060	NEW	85-19-012
51-12-223	NEW-P	85-18-068	67-25-420	AMD-P	85-03-081	98-40-070	NEW-P	85-14-108
51-12-300	NEW-P	85-18-068	67-25-420	AMD	85-06-030	98-40-070	NEW	85-19-012
51-12-301	NEW-P	85-18-068	67-35-070	AMD-P	85-15-075	98-40-080	NEW-P	85-14-108
51-12-302	NEW-P	85-18-068	67-35-100	AMD	85-18-048	98-40-080	NEW	85-19-012
51-12-303	NEW-P	85-18-068	67-35-100	AMD-P	85-15-075	98-70-010	AMD-P	85-14-108
51-12-304	NEW-P	85-18-068	67-35-100	AMD	85-18-048	98-70-010	AMD	85-19-012
51-12-305	NEW-P	85-18-068	67-35-130	AMD-P	85-15-075	100-100-010	NEW	85-03-011
51-12-306	NEW-P	85-18-068	67-35-130	AMD	85-18-048	100-100-020	NEW	85-03-011
51-12-400	NEW-P	85-18-068	67-35-140	AMD-P	85-15-075	100-100-030	NEW	85-03-011
51-12-401	NEW-P	85-18-068	67-35-140	AMD	85-18-048	100-100-040	NEW	85-03-011

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100-100-060	NEW 85-03-011	106-120-060	REP-P 85-03-086	118-03-230	AMD-P 85-17-003
100-100-070	NEW 85-03-011	106-120-060	REP 85-07-032	118-03-230	AMD-E 85-17-004
100-100-070	AMD-P 85-04-063	106-120-061	REP-P 85-03-086	118-03-230	AMD 85-20-062
100-100-070	AMD 85-09-027	106-120-061	REP 85-07-032	118-03-250	AMD-P 85-17-003
100-100-075	NEW 85-09-027	106-120-062	REP-P 85-03-086	118-03-250	AMD-E 85-17-004
100-100-080	NEW 85-03-011	106-120-062	REP 85-07-032	118-03-250	AMD 85-20-062
100-100-090	NEW 85-03-011	106-120-064	REP-P 85-03-086	118-03-270	AMD-P 85-17-003
100-100-100	NEW 85-03-011	106-120-064	REP 85-07-032	118-03-270	AMD-E 85-17-004
100-100-100	AMD-P 85-04-063	106-120-066	REP-P 85-03-086	118-03-270	AMD 85-20-062
106-120	AMD-P 85-03-086	106-120-066	REP 85-07-032	118-03-290	AMD-P 85-17-003
106-120	AMD 85-07-032	106-120-131	NEW-P 85-03-086	118-03-290	AMD-E 85-17-004
106-120-001	REP-P 85-03-086	106-120-131	NEW 85-07-032	118-03-290	AMD 85-20-062
106-120-001	REP 85-07-032	106-120-132	NEW-P 85-03-086	118-03-310	AMD-P 85-17-003
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106-120-003	NEW 85-07-032	106-120-143	NEW-P 85-03-086	118-03-310	AMD 85-20-062
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106-120-004	NEW 85-07-032	106-120-200	REP-P 85-03-086	120-04-010	REP 85-15-013
106-120-005	NEW-P 85-03-086	106-120-200	REP 85-07-032	120-04-030	REP-P 85-11-041
106-120-005	NEW 85-07-032	106-120-210	REP-P 85-03-086	120-04-030	REP 85-15-013
106-120-006	NEW-P 85-03-086	106-120-210	REP 85-07-032	120-04-050	REP-P 85-11-041
106-120-006	NEW 85-07-032	106-120-220	REP-P 85-03-086	120-04-050	REP 85-15-013
106-120-007	NEW-P 85-03-086	106-120-220	REP 85-07-032	120-06-010	REP-P 85-11-041
106-120-007	NEW 85-07-032	106-120-230	REP-P 85-03-086	120-06-010	REP 85-15-013
106-120-010	REP-P 85-03-086	106-120-230	REP 85-07-032	120-06-020	REP-P 85-11-041
106-120-010	REP 85-07-032	106-120-240	REP-P 85-03-086	120-06-020	REP 85-15-013
106-120-011	REP-P 85-03-086	106-120-240	REP 85-07-032	120-06-030	REP-P 85-11-041
106-120-011	REP 85-07-032	106-120-250	REP-P 85-03-086	120-06-030	REP 85-15-013
106-120-013	REP-P 85-03-086	106-120-250	REP 85-07-032	120-06-040	REP-P 85-11-041
106-120-013	REP 85-07-032	106-120-700	REP-P 85-03-086	120-06-040	REP 85-15-013
106-120-020	REP-P 85-03-086	106-120-700	REP 85-07-032	120-06-050	REP-P 85-11-041
106-120-020	REP 85-07-032	106-120-800	REP-P 85-03-086	120-06-050	REP 85-15-013
106-120-021	NEW-P 85-03-086	106-120-800	REP 85-07-032	120-06-060	REP-P 85-11-041
106-120-021	NEW 85-07-032	106-120-900	REP-P 85-03-086	120-06-060	REP 85-15-013
106-120-022	NEW-P 85-03-086	106-120-900	REP 85-07-032	120-06-070	REP-P 85-11-041
106-120-022	NEW 85-07-032	113-12-005	REP-E 85-16-067	120-06-070	REP 85-15-013
106-120-023	NEW-P 85-03-086	113-12-005	REP-P 85-16-089	120-06-080	REP-P 85-11-041
106-120-023	NEW 85-07-032	113-12-005	REP 85-20-078	120-06-080	REP 85-15-013
106-120-024	NEW-P 85-03-086	114-12-005	REP-P 85-10-068	120-06-090	REP-P 85-11-041
106-120-024	NEW 85-07-032	114-12-005	REP 85-13-081	120-06-090	REP 85-15-013
106-120-025	NEW-P 85-03-086	114-12-121	REP-P 85-10-068	120-06-100	REP-P 85-11-041
106-120-025	NEW 85-07-032	114-12-121	REP 85-13-081	120-06-100	REP 85-15-013
106-120-026	NEW-P 85-03-086	114-12-125	NEW-P 85-10-068	120-06-110	REP-P 85-11-041
106-120-026	NEW 85-07-032	114-12-125	NEW 85-13-081	120-06-110	REP 85-15-013
106-120-027	NEW-P 85-03-086	114-12-125	AMD-P 85-21-102	120-06-120	REP-P 85-11-041
106-120-027	NEW 85-07-032	118-03-010	AMD-P 85-17-003	120-06-120	REP 85-15-013
106-120-028	NEW-P 85-03-086	118-03-010	AMD-E 85-17-004	120-08-010	REP-P 85-11-041
106-120-028	NEW 85-07-032	118-03-010	AMD 85-20-062	120-08-010	REP 85-15-013
106-120-030	REP-P 85-03-086	118-03-030	AMD-P 85-17-003	120-52-010	REP-P 85-11-041
106-120-030	REP 85-07-032	118-03-030	AMD-E 85-17-004	120-52-010	REP 85-15-013
106-120-031	REP-P 85-03-086	118-03-030	AMD 85-20-062	120-52-030	REP-P 85-11-041
106-120-031	REP 85-07-032	118-03-050	AMD-P 85-17-003	120-52-030	REP 85-15-013
106-120-032	REP-P 85-03-086	118-03-050	AMD-E 85-17-004	120-52-050	REP-P 85-11-041
106-120-032	REP 85-07-032	118-03-050	AMD 85-20-062	120-52-050	REP 85-15-013
106-120-033	NEW-P 85-03-086	118-03-070	AMD-P 85-17-003	120-52-070	REP-P 85-11-041
106-120-033	NEW 85-07-032	118-03-070	AMD-E 85-17-004	120-52-070	REP 85-15-013
106-120-040	REP-P 85-03-086	118-03-070	AMD 85-20-062	120-52-090	REP-P 85-11-041
106-120-040	REP 85-07-032	118-03-090	AMD-P 85-17-003	120-52-090	REP 85-15-013
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106-120-041	REP 85-07-032	118-03-090	AMD 85-20-062	131-16-005	AMD 85-19-056
106-120-042	REP-P 85-03-086	118-03-110	AMD-P 85-17-003	131-16-011	AMD-P 85-16-103
106-120-042	REP 85-07-032	118-03-110	AMD-E 85-17-004	131-16-011	AMD-W 85-19-055
106-120-043	REP-P 85-03-086	118-03-110	AMD 85-20-062	131-24-040	NEW-P 85-16-102
106-120-043	REP 85-07-032	118-03-130	AMD-P 85-17-003	131-24-040	NEW 85-20-045
106-120-050	REP-P 85-03-086	118-03-130	AMD-E 85-17-004	132B-122-010	NEW-P 85-04-051
106-120-050	REP 85-07-032	118-03-130	AMD 85-20-062	132B-122-010	NEW 85-08-025
106-120-051	REP-P 85-03-086	118-03-150	AMD-P 85-17-003	132C-104-060	AMD-P 85-07-050
106-120-051	REP 85-07-032	118-03-150	AMD-E 85-17-004	132C-104-060	AMD 85-13-024
106-120-053	REP-P 85-03-086	118-03-150	AMD 85-20-062	132C-120-010	AMD-P 85-07-051
106-120-053	REP 85-07-032	118-03-170	AMD-P 85-17-003	132C-120-010	AMD 85-13-067
106-120-055	REP-P 85-03-086	118-03-170	AMD-E 85-17-004	132C-120-015	AMD-P 85-07-051
106-120-055	REP 85-07-032	118-03-170	AMD 85-20-062	132C-120-015	AMD 85-13-067
106-120-056	REP-P 85-03-086	118-03-190	AMD-P 85-17-003	132C-120-020	AMD-P 85-07-051
106-120-056	REP 85-07-032	118-03-190	AMD-E 85-17-004	132C-120-020	AMD 85-13-067
106-120-057	REP-P 85-03-086	118-03-190	AMD 85-20-062	132C-120-025	AMD-P 85-07-051
106-120-057	REP 85-07-032	118-03-210	AMD-P 85-17-003	132C-120-025	AMD 85-13-067
106-120-058	REP-P 85-03-086	118-03-210	AMD-E 85-17-004	132C-120-030	AMD-P 85-07-051

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132C-120-045	AMD	85-13-067	132E-116-001	REP	85-04-003	132F-148-060	AMD	85-13-076
132C-120-050	AMD-P	85-07-051	132E-116-004	REP	85-04-003	132F-148-070	AMD-P	85-09-057
132C-120-050	AMD	85-13-067	132E-116-008	REP	85-04-003	132F-148-070	AMD	85-13-076
132C-120-055	AMD-P	85-07-051	132E-116-012	REP	85-04-003	132F-168-030	AMD-P	85-18-059
132C-120-055	AMD	85-13-067	132E-116-016	REP	85-04-003	132F-168-040	AMD-P	85-18-059
132C-120-060	AMD-P	85-07-051	132E-116-020	REP	85-04-003	132F-168-050	AMD-P	85-18-059
132C-120-060	AMD	85-13-067	132E-116-024	REP	85-04-003	132F-168-060	AMD-P	85-18-059
132C-120-065	AMD-P	85-07-051	132E-116-028	REP	85-04-003	132F-168-070	AMD-P	85-18-059
132C-120-065	AMD	85-13-067	132E-116-032	REP	85-04-003	132F-168-080	AMD-P	85-18-059
132C-120-070	REP-P	85-07-051	132E-116-036	REP	85-04-003	132F-168-090	AMD-P	85-18-059
132C-120-070	REP	85-13-067	132E-116-040	REP	85-04-003	132F-168-100	AMD-P	85-18-059
132C-120-075	REP-P	85-07-051	132E-116-044	REP	85-04-003	132F-168-110	AMD-P	85-18-059
132C-120-075	REP	85-13-067	132E-116-048	REP	85-04-003	132F-200-010	AMD-P	85-16-120
132C-120-080	REP-P	85-07-051	132E-116-052	REP	85-04-003	132F-200-010	AMD	85-21-016
132C-120-080	REP	85-13-067	132E-116-056	REP	85-04-003	132F-325-010	AMD-P	85-18-059
132C-120-085	REP-P	85-07-051	132E-116-060	REP	85-04-003	132F-325-030	AMD-P	85-18-059
132C-120-085	REP	85-13-067	132E-116-064	REP	85-04-003	132F-325-070	NEW-P	85-18-059
132C-120-090	REP-P	85-07-051	132E-116-068	REP	85-04-003	132F-419-010	NEW-P	85-07-056
132C-120-090	REP	85-13-067	132E-116-072	REP	85-04-003	132F-419-010	NEW-C	85-12-016
132C-120-095	REP-P	85-07-051	132E-116-076	REP	85-04-003	132F-419-010	NEW	85-13-075
132C-120-095	REP	85-13-067	132E-116-080	REP	85-04-003	132F-419-020	NEW-P	85-07-056
132C-120-100	AMD-P	85-07-051	132E-116-084	REP	85-04-003	132F-419-020	NEW-C	85-12-016
132C-120-100	AMD	85-13-067	132E-116-088	REP	85-04-003	132F-419-020	NEW	85-13-075
132C-120-105	AMD-P	85-07-051	132E-116-092	REP	85-04-003	132F-419-030	NEW-P	85-07-056
132C-120-105	AMD	85-13-067	132E-116-096	REP	85-04-003	132F-419-030	NEW-C	85-12-016
132C-120-110	AMD-P	85-07-051	132E-116-100	REP	85-04-003	132F-419-030	NEW	85-13-075
132C-120-110	AMD	85-13-067	132E-116-104	REP	85-04-003	132F-419-040	NEW-P	85-07-056
132C-120-115	AMD-P	85-07-051	132E-116-108	REP	85-04-003	132F-419-040	NEW-C	85-12-016
132C-120-115	AMD	85-13-067	132E-116-112	REP	85-04-003	132F-419-040	NEW	85-13-075
132C-120-120	AMD-P	85-07-051	132E-116-116	REP	85-04-003	132F-419-050	NEW-P	85-07-056
132C-120-120	AMD	85-13-067	132E-116-120	REP	85-04-003	132F-419-050	NEW-C	85-12-016
132C-120-125	AMD-P	85-07-051	132E-116-124	REP	85-04-003	132F-419-050	NEW	85-13-075
132C-120-125	AMD	85-13-067	132F-104-010	AMD-P	85-16-120	132F-419-060	NEW-P	85-07-056
132C-120-130	AMD-P	85-07-051	132F-104-010	AMD	85-21-016	132F-419-060	NEW-C	85-12-016
132C-120-130	AMD	85-13-067	132F-104-020	AMD-P	85-16-120	132F-419-060	NEW	85-13-075
132C-120-135	AMD-P	85-07-051	132F-104-020	AMD	85-21-016	132F-419-070	NEW-P	85-07-056
132C-120-135	AMD	85-13-067	132F-104-030	AMD-P	85-16-120	132F-419-070	NEW-C	85-12-016
132C-120-140	AMD-P	85-07-051	132F-104-030	AMD	85-21-016	132F-419-070	NEW	85-13-075
132C-120-140	AMD	85-13-067	132F-104-812	AMD-P	85-16-120	132H-120-200	AMD-E	85-19-074
132C-120-145	AMD-P	85-07-051	132F-104-812	AMD	85-21-016	132H-120-205	AMD-E	85-19-074
132C-120-145	AMD	85-13-067	132F-104-813	AMD-P	85-16-120	132H-120-220	AMD-E	85-19-074
132C-120-150	AMD-P	85-07-051	132F-104-813	AMD	85-21-016	132H-120-230	AMD-E	85-19-074
132C-120-150	AMD	85-13-067	132F-104-815	AMD-P	85-16-120	132H-120-330	AMD-E	85-19-074
132C-120-155	REP-P	85-07-051	132F-104-815	AMD	85-21-016	132H-120-340	AMD-E	85-19-074
132C-120-155	REP	85-13-067	132F-104-818	AMD-P	85-16-120	132H-120-360	AMD-E	85-19-074
132C-120-160	REP-P	85-07-051	132F-104-818	AMD	85-21-016	132H-120-490	NEW-E	85-19-074
132C-120-160	REP	85-13-067	132F-104-819	AMD-P	85-16-120	132L-30	AMD-P	85-16-087
132C-120-165	REP-P	85-07-051	132F-104-819	AMD	85-21-016	132L-30-010	AMD-P	85-16-087
132C-120-165	REP	85-13-067	132F-116-020	AMD-P	85-18-059	132L-30-020	AMD-P	85-16-087
132C-120-170	REP-P	85-07-051	132F-116-040	AMD-P	85-18-059	132L-30-030	AMD-P	85-16-087
132C-120-170	REP	85-13-067	132F-116-070	REP-P	85-18-059	132L-30-040	AMD-P	85-16-087
132C-120-175	REP-P	85-07-051	132F-116-100	AMD-P	85-18-059	132L-30-050	AMD-P	85-16-087
132C-120-175	REP	85-13-067	132F-116-110	AMD-P	85-18-059	132L-30-060	AMD-P	85-16-087
132C-120-180	REP-P	85-07-051	132F-116-120	AMD-P	85-18-059	132L-30-080	AMD-P	85-16-087
132C-120-180	REP	85-13-067	132F-116-130	AMD-P	85-18-059	132L-30-110	AMD-P	85-16-087
132C-120-185	REP-P	85-07-051	132F-116-140	AMD-P	85-18-059	132L-30-120	AMD-P	85-16-087
132C-120-185	REP	85-13-067	132F-116-150	AMD-P	85-18-059	132L-30-130	AMD-P	85-16-087
132C-120-190	REP-P	85-07-051	132F-116-170	AMD-P	85-16-120	132L-30-140	AMD-P	85-16-087
132C-120-190	REP	85-13-067	132F-116-170	AMD	85-21-016	132L-30-150	AMD-P	85-16-087
132C-120-195	REP-P	85-07-051	132F-136-010	AMD-P	85-18-059	132L-30-160	AMD-P	85-16-087
132C-120-195	REP	85-13-067	132F-136-020	AMD-P	85-18-059	132L-30-170	AMD-P	85-16-087
132C-120-200	AMD-P	85-07-051	132F-136-030	AMD-P	85-18-059	132L-30-180	AMD-P	85-16-087
132C-120-200	AMD	85-13-067	132F-136-040	AMD-P	85-18-059	132L-30-190	AMD-P	85-16-087
132C-120-205	AMD-P	85-07-051	132F-136-050	AMD-P	85-18-059	132L-30-200	AMD-P	85-16-087
132C-120-205	AMD	85-13-067	132F-136-060	AMD-P	85-18-059	132L-30-210	AMD-P	85-16-087
132C-120-210	AMD-P	85-07-051	132F-136-070	AMD-P	85-18-059	132L-30-230	AMD-P	85-16-087
132C-120-210	AMD	85-13-067	132F-148-010	AMD-P	85-09-057	132L-30-260	AMD-P	85-16-087
132C-120-215	AMD-P	85-07-051	132F-148-010	AMD	85-13-076	132L-30-270	AMD-P	85-16-087
132C-120-215	AMD	85-13-067	132F-148-020	AMD-P	85-09-057	132L-30-280	AMD-P	85-16-087
132C-120-220	AMD-P	85-07-051	132F-148-020	AMD	85-13-076	132L-30-290	AMD-P	85-16-087
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132Q-04-095	NEW-P	85-16-070	136-190-050	NEW	85-11-055	139-08-060	REP-P	85-03-077
132Q-04-095	NEW	85-19-032	137-08-060	AMD-P	85-10-066	139-08-060	REP	85-08-011
132R-128-010	REP-P	85-05-007	137-08-060	AMD	85-13-020	139-08-090	AMD-P	85-03-077
132R-128-010	REP	85-14-078	137-08-105	NEW-P	85-10-066	139-08-090	AMD	85-08-011
132R-128-020	REP-P	85-05-007	137-08-105	NEW	85-13-020	139-08-130	AMD-P	85-03-077
132R-128-020	REP	85-14-078	137-08-110	AMD-P	85-10-066	139-08-130	AMD	85-08-011
132R-128-030	REP-P	85-05-007	137-08-110	AMD	85-13-020	139-08-150	AMD-P	85-03-077
132R-128-030	REP	85-14-078	137-08-150	AMD-P	85-10-066	139-08-150	AMD	85-08-011
132R-128-040	REP-P	85-05-007	137-08-150	AMD	85-13-020	139-08-240	AMD-P	85-03-077
132R-128-040	REP	85-14-078	137-28-030	AMD-P	85-05-048	139-08-240	AMD	85-08-011
132R-128-050	REP-P	85-05-007	137-28-030	AMD	85-08-026	139-08-270	AMD-P	85-03-077
132R-128-050	REP	85-14-078	137-52-005	NEW-P	85-03-104	139-08-270	AMD	85-08-011
132R-128-060	REP-P	85-05-007	137-52-005	NEW	85-07-042	139-08-280	AMD-P	85-03-077
132R-128-060	REP	85-14-078	137-52-010	NEW-P	85-03-104	139-08-280	AMD	85-08-011
132R-128-070	REP-P	85-05-007	137-52-010	NEW	85-07-042	139-08-290	AMD-P	85-03-077
132R-128-070	REP	85-14-078	137-52-015	NEW-P	85-03-104	139-08-290	AMD	85-08-011
132R-128-080	REP-P	85-05-007	137-52-015	NEW	85-07-042	139-08-320	AMD-P	85-03-077
132R-128-080	REP	85-14-078	137-52-020	NEW-P	85-03-104	139-08-320	AMD	85-08-011
132R-128-090	REP-P	85-05-007	137-52-020	NEW	85-07-042	139-08-330	AMD-P	85-03-077
132R-128-090	REP	85-14-078	137-52-025	NEW-P	85-03-104	139-08-330	AMD	85-08-011
132R-128-100	REP-P	85-05-007	137-52-025	NEW	85-07-042	139-08-350	AMD-P	85-03-077
132R-128-100	REP	85-14-078	137-52-030	NEW-P	85-03-104	139-08-350	AMD	85-08-011
132R-128-110	REP-P	85-05-007	137-52-030	NEW	85-07-042	139-08-360	AMD-P	85-03-077
132R-128-110	REP	85-14-078	137-52-030	AMD-P	85-17-056	139-08-360	AMD	85-08-011
132R-128-120	REP-P	85-05-007	137-52-030	AMD	85-20-081	139-08-370	AMD-P	85-03-077
132R-128-120	REP	85-14-078	137-52-035	NEW-P	85-03-104	139-08-370	AMD	85-08-011
132R-128-121	REP-P	85-05-007	137-52-035	NEW	85-07-042	139-08-390	REP-P	85-03-077
132R-128-121	REP	85-14-078	137-52-040	NEW-P	85-03-104	139-08-390	REP	85-08-011
132R-128-122	REP-P	85-05-007	137-52-040	NEW	85-07-042	139-08-400	REP-P	85-03-077
132R-128-122	REP	85-14-078	137-52-045	NEW-P	85-03-104	139-08-400	REP	85-08-011
132R-128-130	REP-P	85-05-007	137-52-045	NEW	85-07-042	139-08-410	REP-P	85-03-077
132R-128-130	REP	85-14-078	137-52-050	NEW-P	85-03-104	139-08-410	REP	85-08-011
132R-180-010	REP-P	85-05-007	137-52-050	NEW	85-07-042	139-08-420	REP-P	85-03-077
132R-180-010	REP	85-14-078	137-54-010	NEW-P	85-02-067	139-08-420	REP	85-08-011
132R-180-020	REP-P	85-05-007	137-54-010	NEW	85-05-019	139-08-430	REP-P	85-03-077
132R-180-020	REP	85-14-078	137-54-020	NEW-P	85-02-067	139-08-430	REP	85-08-011
132R-180-030	REP-P	85-05-007	137-54-020	NEW	85-05-019	139-08-440	REP-P	85-03-077
132R-180-030	REP	85-14-078	137-54-030	NEW-P	85-02-067	139-08-440	REP	85-08-011
132R-180-040	REP-P	85-05-007	137-54-030	NEW	85-05-019	139-08-450	REP-P	85-03-077
132R-180-040	REP	85-14-078	137-54-040	NEW-P	85-02-067	139-08-450	REP	85-08-011
132R-180-050	REP-P	85-05-007	137-54-040	NEW	85-05-019	139-08-460	REP-P	85-03-077
132R-180-050	REP	85-14-078	137-60-020	AMD	85-04-015	139-08-460	REP	85-08-011
132R-180-060	REP-P	85-05-007	137-67-010	NEW-P	85-15-093	139-08-470	REP-P	85-03-077
132R-180-060	REP	85-14-078	137-67-010	NEW	85-18-061	139-08-470	REP	85-08-011
132R-180-070	REP-P	85-05-007	137-67-015	NEW-P	85-15-093	139-08-480	REP-P	85-03-077
132R-180-070	REP	85-14-078	137-67-015	NEW	85-18-061	139-08-480	REP	85-08-011
132R-180-080	REP-P	85-05-007	137-67-020	NEW-P	85-15-093	139-08-490	REP-P	85-03-077
132R-180-080	REP	85-14-078	137-67-020	NEW	85-18-061	139-08-490	REP	85-08-011
132R-180-090	REP-P	85-05-007	137-67-025	NEW-P	85-15-093	139-08-510	REP-P	85-03-077
132R-180-090	REP	85-14-078	137-67-025	NEW	85-18-061	139-08-510	REP	85-08-011
132W-129-001	NEW-P	85-18-017	137-67-030	NEW-P	85-15-093	139-08-570	AMD-P	85-03-077
132W-129-001	NEW	85-21-044	137-67-030	NEW	85-18-061	139-08-570	AMD	85-08-011
132Y-100-008	AMD-P	85-14-111	137-67-035	NEW-P	85-15-093	139-08-600	NEW-P	85-03-077
132Y-100-008	AMD	85-18-010	137-67-035	NEW	85-18-061	139-08-600	NEW	85-08-011
132Y-100-010	NEW-P	85-14-111	137-67-040	NEW-P	85-15-093	139-22-020	NEW-P	85-07-040
132Y-100-010	NEW	85-18-010	137-67-040	NEW	85-18-061	139-22-020	NEW-P	85-14-094
132Y-140-102	REP-P	85-16-001	137-67-045	NEW-P	85-15-093	139-22-020	NEW	85-21-074
132Y-140-102	REP	85-20-044	137-67-045	NEW	85-18-061	139-36-031	AMD-E	85-14-006
132Y-140-104	REP-P	85-16-001	137-70-040	AMD-P	85-09-056	139-36-031	AMD-P	85-14-095
132Y-140-104	REP	85-20-044	137-70-040	AMD	85-12-020	139-36-031	AMD	85-21-073
136-18-064	NEW-P	85-07-055	137-70-060	AMD-P	85-03-103	140-08-010	REP	85-03-004
136-18-064	NEW	85-11-054	137-70-060	AMD	85-07-017	140-08-020	REP	85-03-004
136-18-066	NEW-P	85-07-055	137-70-070	AMD-P	85-03-103	140-08-030	REP	85-03-004
136-150-050	NEW-E	85-11-018	137-70-070	AMD	85-07-017	140-08-040	REP	85-03-004
136-150-050	NEW-P	85-14-052	139-04-010	AMD-P	85-03-076	140-08-050	REP	85-03-004
136-150-050	NEW-W	85-20-109	139-04-010	AMD	85-08-010	140-08-060	REP	85-03-004
136-160-024	NEW-P	85-07-053	139-08-005	AMD-P	85-03-077	140-08-070	REP	85-03-004
136-160-024	NEW	85-11-053	139-08-005	AMD	85-08-011	140-08-080	REP	85-03-004
136-190-010	NEW-P	85-07-054	139-08-010	REP-P	85-03-077	140-08-090	REP	85-03-004
136-190-010	NEW	85-11-055	139-08-010	REP	85-08-011	140-08-100	REP	85-03-004
136-190-020	NEW-P	85-07-054	139-08-014	NEW-W	85-07-039	140-08-110	REP	85-03-004
136-190-020	NEW	85-11-055	139-08-020	REP-P	85-03-077	140-09-010	NEW	85-03-004
136-190-030	NEW-P	85-07-054	139-08-020	REP	85-08-011	140-09-020	NEW	85-03-004
136-190-030	NEW	85-11-055	139-08-030	REP-P	85-03-077	140-09-030	NEW	85-03-004
136-190-040	NEW-P	85-07-054	139-08-030	REP	85-08-011	140-09-040	NEW	85-03-004

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140-09-058	NEW	85-03-004	173-19-3210	AMD	85-08-016	173-145-100	NEW-P	85-10-071
140-09-065	NEW	85-03-004	173-19-3514	AMD-P	85-05-046	173-145-100	NEW	85-14-002
140-09-080	NEW	85-03-004	173-19-3514	AMD	85-10-013	173-145-110	NEW-P	85-10-071
140-09-090	NEW	85-03-004	173-19-3701	AMD-P	85-06-065	173-145-110	NEW	85-14-002
140-09-100	NEW	85-03-004	173-19-3701	AMD	85-09-043	173-145-120	NEW-P	85-10-071
140-09-110	NEW	85-03-004	173-19-3903	AMD-P	85-06-065	173-145-120	NEW	85-14-002
140-09-120	NEW	85-03-004	173-19-3903	AMD	85-09-043	173-145-130	NEW-P	85-10-071
140-09-128	NEW	85-03-004	173-19-4402	AMD-P	85-13-053	173-145-130	NEW	85-14-002
140-09-130	NEW	85-03-004	173-19-4402	AMD	85-16-105	173-145-140	NEW-P	85-10-071
140-09-140	NEW	85-03-004	173-19-450	AMD-C	85-03-046	173-145-140	NEW	85-14-002
140-09-150	NEW	85-03-004	173-19-450	AMD	85-04-040	173-145-150	NEW-P	85-10-071
140-09-155	NEW	85-03-004	173-19-4506	AMD-P	85-16-073	173-145-150	NEW	85-14-002
140-09-160	NEW	85-03-004	173-19-4506	AMD	85-20-095	173-150	NEW-C	85-08-032
140-09-173	NEW	85-03-004	173-20-120	AMD-P	85-06-065	173-150-010	NEW	85-12-017
140-09-175	NEW	85-03-004	173-20-120	AMD	85-09-043	173-150-020	NEW	85-12-017
140-09-180	NEW	85-03-004	173-20-130	AMD-P	85-06-065	173-150-030	NEW	85-12-017
140-09-185	NEW	85-03-004	173-20-130	AMD	85-09-043	173-150-040	NEW	85-12-017
140-09-200	NEW	85-03-004	173-20-550	AMD-P	85-06-065	173-150-050	NEW	85-12-017
140-09-220	NEW	85-03-004	173-20-550	AMD	85-09-043	173-150-060	NEW	85-12-017
140-09-230	NEW	85-03-004	173-20-700	AMD-P	85-06-065	173-150-070	NEW	85-12-017
142-30-010	AMD-E	85-08-014	173-20-700	AMD	85-09-043	173-150-080	NEW	85-12-017
142-30-010	AMD-P	85-11-071	173-22-040	AMD-P	85-06-065	173-150-090	NEW	85-12-017
142-30-010	AMD-E	85-14-020	173-22-040	AMD	85-09-043	173-150-100	NEW	85-12-017
142-30-010	AMD-C	85-14-040	173-22-060	AMD-P	85-06-065	173-150-110	NEW	85-12-017
142-30-010	AMD-E	85-14-088	173-22-060	AMD	85-09-043	173-150-120	NEW	85-12-017
142-30-010	AMD	85-15-003	173-22-060	AMD-P	85-09-066	173-150-130	NEW	85-12-017
172-144-010	AMD-P	85-21-109	173-22-060	AMD-C	85-13-029	173-150-140	NEW	85-12-017
172-144-020	AMD-P	85-21-109	173-22-060	AMD	85-14-001	173-154	NEW-C	85-08-033
172-144-040	AMD-P	85-21-109	173-100-010	NEW-P	85-20-093	173-154-010	NEW	85-12-018
172-144-050	AMD-P	85-21-109	173-100-020	NEW-P	85-20-093	173-154-020	NEW	85-12-018
172-180-010	AMD-P	85-21-109	173-100-030	NEW-P	85-20-093	173-154-030	NEW	85-12-018
172-180-020	AMD-P	85-21-109	173-100-040	NEW-P	85-20-093	173-154-040	NEW	85-12-018
172-180-040	AMD-P	85-21-109	173-100-050	NEW-P	85-20-093	173-154-050	NEW	85-12-018
173-06-030	AMD-P	85-21-093	173-100-060	NEW-P	85-20-093	173-154-060	NEW	85-12-018
173-14-040	AMD-P	85-06-065	173-100-070	NEW-P	85-20-093	173-154-070	NEW	85-12-018
173-14-040	AMD	85-09-043	173-100-080	NEW-P	85-20-093	173-154-080	NEW	85-12-018
173-14-064	AMD-P	85-06-065	173-100-090	NEW-P	85-20-093	173-154-090	NEW	85-12-018
173-14-064	AMD	85-09-043	173-100-100	NEW-P	85-20-093	173-154-100	NEW	85-12-018
173-14-090	AMD-P	85-06-065	173-100-110	NEW-P	85-20-093	173-154-110	NEW	85-12-018
173-14-090	AMD	85-09-043	173-100-120	NEW-P	85-20-093	173-216-050	AMD	85-04-006
173-14-110	AMD-P	85-06-065	173-100-130	NEW-P	85-20-093	173-303-071	AMD-P	85-05-047
173-14-115	AMD-P	85-06-065	173-144-010	NEW-E	85-03-075	173-303-071	AMD	85-09-042
173-14-115	AMD	85-09-043	173-144-010	NEW-E	85-09-067	173-303-9904	AMD-P	85-05-047
173-14-130	AMD-P	85-06-065	173-144-020	NEW-E	85-03-075	173-303-9904	AMD	85-09-042
173-14-130	AMD	85-09-043	173-144-020	NEW-E	85-09-067	173-304-010	NEW-P	85-14-027
173-16-030	AMD-P	85-06-065	173-144-030	NEW-E	85-03-075	173-304-011	NEW-P	85-14-027
173-16-030	AMD	85-09-043	173-144-030	NEW-E	85-09-067	173-304-015	NEW-P	85-14-027
173-16-070	AMD-P	85-06-065	173-144-040	NEW-E	85-03-075	173-304-100	NEW-P	85-14-027
173-16-070	AMD	85-09-043	173-144-040	NEW-E	85-09-067	173-304-130	NEW-P	85-14-027
173-18-380	AMD-P	85-06-065	173-144-050	NEW-E	85-03-075	173-304-190	NEW-P	85-14-027
173-18-380	AMD	85-09-043	173-144-050	NEW-E	85-09-067	173-304-200	NEW-P	85-14-027
173-19-130	AMD-P	85-12-049	173-144-060	NEW-E	85-03-075	173-304-300	NEW-P	85-14-027
173-19-130	AMD-C	85-16-104	173-144-060	NEW-E	85-09-067	173-304-400	NEW-P	85-14-027
173-19-130	AMD-C	85-17-063	173-144-070	NEW-E	85-03-075	173-304-405	NEW-P	85-14-027
173-19-130	AMD-C	85-21-017	173-144-070	NEW-E	85-09-067	173-304-410	NEW-P	85-14-027
173-19-2204	AMD-P	85-07-061	173-144-080	NEW-E	85-03-075	173-304-420	NEW-P	85-14-027
173-19-2204	AMD	85-10-030	173-144-080	NEW-E	85-09-067	173-304-430	NEW-P	85-14-027
173-19-230	AMD-P	85-10-072	173-144-090	NEW-E	85-03-075	173-304-440	NEW-P	85-14-027
173-19-230	AMD	85-12-051	173-144-090	NEW-E	85-09-067	173-304-450	NEW-P	85-14-027
173-19-240	AMD-P	85-06-065	173-145-010	NEW-P	85-10-071	173-304-460	NEW-P	85-14-027
173-19-240	AMD	85-09-043	173-145-010	NEW	85-14-002	173-304-461	NEW-P	85-14-027
173-19-250	AMD-P	85-10-073	173-145-020	NEW-P	85-10-071	173-304-462	NEW-P	85-14-027
173-19-250	AMD	85-13-054	173-145-020	NEW	85-14-002	173-304-463	NEW-P	85-14-027
173-19-2501	AMD-P	85-10-073	173-145-030	NEW-P	85-10-071	173-304-470	NEW-P	85-14-027
173-19-2501	AMD	85-13-054	173-145-030	NEW	85-14-002	173-304-490	NEW-P	85-14-027
173-19-2511	AMD-P	85-06-065	173-145-040	NEW-P	85-10-071	173-304-490	NEW-P	85-14-027
173-19-2511	AMD	85-09-043	173-145-040	NEW	85-14-002	173-304-600	NEW-P	85-14-027
173-19-2515	AMD-P	85-10-073	173-145-050	NEW-P	85-10-071	173-304-700	NEW-P	85-14-027
173-19-2515	AMD	85-13-054	173-145-050	NEW	85-14-002	173-304-9901	NEW-P	85-14-027
173-19-2521	AMD-P	85-16-072	173-145-060	NEW-P	85-10-071	173-400-030	AMD	85-06-046
173-19-2521	AMD	85-20-094	173-145-060	NEW	85-14-002	173-400-075	AMD	85-06-046
173-19-260	AMD-P	85-05-044	173-145-070	NEW-P	85-10-071	173-400-100	AMD	85-06-046
173-19-260	AMD	85-10-014	173-145-070	NEW	85-14-002	173-400-115	AMD	85-06-046
173-19-2901	AMD-P	85-06-065	173-145-080	NEW-P	85-10-071	173-403-030	AMD	85-06-047
173-19-2901	AMD	85-09-043	173-145-080	NEW	85-14-002	173-403-030	AMD-E	85-07-011
173-19-3210	AMD	85-04-039	173-145-090	NEW-P	85-10-071	173-403-050	AMD	85-06-047



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173-403-070	AMD	85-06-047	180-25-030	AMD-P	85-20-113	180-38-045	NEW-E	85-16-021
173-403-070	AMD-E	85-07-011	180-25-035	AMD-P	85-20-113	180-38-045	NEW-P	85-16-035
173-403-080	AMD	85-06-047	180-25-037	NEW-P	85-20-113	180-38-045	NEW	85-20-040
173-403-080	AMD-E	85-07-011	180-25-040	AMD-P	85-06-070	180-38-050	NEW-E	85-16-021
173-405-021	AMD	85-06-048	180-25-040	AMD	85-09-059	180-38-050	NEW-P	85-16-035
173-405-041	NEW	85-06-048	180-25-040	AMD-E	85-09-063	180-38-050	NEW	85-20-040
173-410-021	AMD	85-06-048	180-25-040	AMD-P	85-20-113	180-38-055	NEW-E	85-16-021
173-410-042	NEW	85-06-048	180-25-045	AMD-P	85-06-070	180-38-055	NEW-P	85-16-035
173-415-020	AMD	85-06-048	180-25-045	AMD	85-09-059	180-38-055	NEW	85-20-040
173-415-041	NEW	85-06-048	180-25-045	AMD-E	85-09-063	180-38-060	NEW-E	85-16-021
173-501-010	NEW-P	85-16-112	180-25-050	AMD-P	85-20-113	180-38-060	NEW-P	85-16-035
173-501-020	NEW-P	85-16-112	180-25-055	NEW-P	85-06-070	180-38-060	NEW	85-20-040
173-501-030	NEW-P	85-16-112	180-25-055	NEW	85-09-059	180-38-065	NEW-E	85-16-021
173-501-040	NEW-P	85-16-112	180-25-055	NEW-E	85-09-063	180-38-065	NEW-P	85-16-035
173-501-050	NEW-P	85-16-112	180-25-055	AMD-P	85-20-113	180-38-065	NEW	85-20-040
173-501-060	NEW-P	85-16-112	180-25-200	NEW-P	85-20-113	180-38-070	NEW-E	85-16-021
173-501-070	NEW-P	85-16-112	180-25-990	NEW-E	85-16-022	180-38-070	NEW-P	85-16-035
173-501-080	NEW-P	85-16-112	180-25-990	REP-E	85-20-025	180-38-070	NEW	85-20-040
173-501-090	NEW-P	85-16-112	180-25-991	NEW-E	85-20-025	180-40-215	AMD	85-04-009
173-501-100	NEW-P	85-16-112	180-26-040	AMD-P	85-20-113	180-40-227	NEW	85-04-009
173-501-900	NEW-P	85-16-112	180-26-050	NEW-P	85-20-113	180-40-227	AMD-E	85-06-035
173-516	NEW-C	85-20-054	180-26-055	NEW-P	85-20-113	180-40-227	AMD-P	85-06-071
173-516-010	NEW-P	85-12-050	180-26-060	NEW-P	85-20-113	180-40-227	AMD	85-09-049
173-516-020	NEW-P	85-12-050	180-26-200	NEW-P	85-20-113	180-40-245	AMD-P	85-09-058
173-516-030	NEW-P	85-12-050	180-27-053	NEW	85-04-008	180-40-245	AMD	85-12-042
173-516-040	NEW-P	85-12-050	180-27-054	NEW	85-04-008	180-40-260	AMD-P	85-09-058
173-516-050	NEW-P	85-12-050	180-27-055	REP	85-04-008	180-40-260	AMD	85-12-042
173-516-060	NEW-P	85-12-050	180-27-056	NEW	85-04-008	180-40-275	AMD-P	85-09-058
173-516-070	NEW-P	85-12-050	180-27-058	NEW	85-04-008	180-50-120	AMD	85-04-007
173-516-080	NEW-P	85-12-050	180-27-058	AMD-P	85-20-114	180-50-120	AMD-P	85-09-052
173-516-090	NEW-P	85-12-050	180-27-059	NEW-P	85-20-114	180-50-120	AMD	85-12-037
173-516-100	NEW-P	85-12-050	180-27-060	AMD-P	85-20-114	180-50-135	AMD-P	85-16-036
174-104-010	AMD-P	85-06-074	180-27-063	NEW-P	85-20-114	180-50-135	AMD	85-20-026
174-104-010	AMD	85-10-049	180-27-085	AMD-P	85-20-114	180-50-315	AMD-P	85-09-052
174-107-230	REP-P	85-14-034	180-27-105	AMD-P	85-20-114	180-50-315	AMD	85-12-037
174-107-230	REP	85-21-051	180-27-115	AMD-P	85-20-114	180-51-050	AMD-P	85-09-053
174-107-240	REP-P	85-14-034	180-27-990	NEW-P	85-09-062	180-51-050	AMD	85-12-041
174-107-240	REP	85-21-051	180-27-990	NEW-E	85-09-065	180-51-055	AMD-P	85-09-053
174-107-250	REP-P	85-14-034	180-27-990	NEW	85-12-040	180-51-055	AMD	85-12-041
174-107-250	REP	85-21-051	180-29-021	NEW-P	85-20-115	180-51-060	AMD-P	85-09-053
174-107-260	REP-P	85-14-034	180-29-107	AMD-P	85-20-113	180-51-060	AMD	85-12-041
174-107-260	REP	85-21-051	180-29-108	NEW-P	85-20-113	180-51-062	NEW-P	85-09-053
174-107-270	REP-P	85-14-034	180-29-200	NEW-P	85-20-113	180-51-062	NEW	85-12-041
174-107-270	REP	85-21-051	180-33-015	AMD-P	85-06-069	180-51-065	AMD-P	85-09-053
174-107-280	REP-P	85-14-034	180-33-015	AMD	85-09-060	180-51-065	AMD	85-12-041
174-107-280	REP	85-21-051	180-33-015	AMD-E	85-09-064	180-51-070	AMD-P	85-09-053
174-107-290	REP-P	85-14-034	180-33-015	AMD-P	85-20-116	180-51-070	AMD	85-12-041
174-107-290	REP	85-21-051	180-33-025	AMD-P	85-20-116	180-51-075	AMD-P	85-09-053
174-107-300	REP-P	85-14-034	180-33-030	AMD-P	85-20-116	180-51-075	AMD	85-12-041
174-107-300	REP	85-21-051	180-33-035	AMD-P	85-20-116	180-51-080	AMD-P	85-09-053
174-107-310	REP-P	85-14-034	180-33-042	NEW-P	85-06-069	180-51-080	AMD	85-12-041
174-107-310	REP	85-21-051	180-33-042	NEW	85-09-060	180-51-085	AMD-P	85-09-053
174-107-320	REP-P	85-14-034	180-33-042	NEW-E	85-09-064	180-51-085	AMD	85-12-041
174-107-320	REP	85-21-051	180-33-043	NEW-P	85-06-069	180-51-100	AMD-P	85-09-053
174-107-330	REP-P	85-14-034	180-33-043	NEW	85-09-060	180-51-100	AMD	85-12-041
174-107-330	REP	85-21-051	180-33-043	NEW-E	85-09-064	180-51-110	AMD-P	85-09-053
174-107-340	REP-P	85-14-034	180-38-005	NEW-E	85-16-021	180-51-110	AMD	85-12-041
174-107-340	REP	85-21-051	180-38-005	NEW-P	85-16-035	180-52-040	REP-P	85-16-037
174-107-350	REP-P	85-14-034	180-38-005	NEW	85-20-040	180-52-040	REP	85-20-041
174-107-350	REP	85-21-051	180-38-010	NEW-E	85-16-021	180-52-045	REP-P	85-16-037
174-116-040	AMD	85-03-048	180-38-010	NEW-P	85-16-035	180-52-045	REP	85-20-041
174-116-123	AMD-P	85-14-112	180-38-010	NEW	85-20-040	180-52-050	REP-P	85-16-037
174-116-123	AMD	85-21-067	180-38-020	NEW-E	85-16-021	180-52-050	REP	85-20-041
177-04-010	REP-P	85-11-042	180-38-020	NEW-P	85-16-035	180-52-055	REP-P	85-16-037
177-04-010	REP	85-15-012	180-38-020	NEW	85-20-040	180-52-055	REP	85-20-041
177-04-030	REP-P	85-11-042	180-38-025	NEW-E	85-16-021	180-52-060	REP-P	85-16-037
177-04-030	REP	85-15-012	180-38-025	NEW-P	85-16-035	180-52-060	REP	85-20-041
177-04-050	REP-P	85-11-042	180-38-025	NEW	85-20-040	180-52-065	REP-P	85-16-037
177-04-050	REP	85-15-012	180-38-030	NEW-E	85-16-021	180-52-065	REP	85-20-041
177-06-010	REP-P	85-11-042	180-38-030	NEW-P	85-16-035	180-53-005	NEW-P	85-20-117
177-06-010	REP	85-15-012	180-38-030	NEW	85-20-040	180-53-010	NEW-P	85-20-117
177-06-020	REP-P	85-11-042	180-38-035	NEW-E	85-16-021	180-53-020	NEW-P	85-20-117
177-06-020	REP	85-15-012	180-38-035	NEW-P	85-16-035	180-53-025	NEW-P	85-20-117
177-08-010	REP-P	85-11-042	180-38-035	NEW	85-20-040	180-53-030	NEW-P	85-20-117
177-08-010	REP	85-15-012	180-38-040	NEW-E	85-16-021	180-53-035	NEW-P	85-20-117
180-25-010	AMD-P	85-20-113	180-38-040	NEW-P	85-16-035	180-53-040	NEW-P	85-20-117

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
180-53-045	NEW-P 85-20-117	192-30-030	NEW-E 85-19-065	204-91-050	NEW-P 85-17-058
180-53-050	NEW-P 85-20-117	192-30-030	NEW-P 85-19-066	204-91-050	NEW 85-20-100
180-53-055	NEW-P 85-20-117	192-30-040	NEW-E 85-19-065	204-91-060	NEW-P 85-17-058
180-53-060	NEW-P 85-20-117	192-30-040	NEW-P 85-19-066	204-91-060	NEW 85-20-100
180-53-065	NEW-P 85-20-117	192-30-050	NEW-E 85-19-065	204-91-070	NEW-P 85-17-058
180-75-065	AMD-E 85-12-036	192-30-050	NEW-P 85-19-066	204-91-070	NEW 85-20-100
180-75-065	AMD-P 85-12-044	192-30-060	NEW-E 85-19-065	204-91-080	NEW-P 85-17-058
180-75-065	AMD 85-16-020	192-30-060	NEW-P 85-19-066	204-91-080	NEW 85-20-100
180-78-050	AMD 85-04-010	192-30-100	NEW-E 85-19-065	204-91-100	NEW-P 85-17-058
180-90-105	NEW-P 85-20-118	192-30-100	NEW-P 85-19-066	204-91-100	NEW 85-20-100
180-90-110	AMD-P 85-20-118	192-30-200	NEW-E 85-19-065	204-91-110	NEW-P 85-17-058
180-90-112	NEW-P 85-20-118	192-30-200	NEW-P 85-19-066	204-91-110	NEW 85-20-100
180-90-115	NEW-P 85-20-118	192-30-210	NEW-P 85-19-066	204-91-120	NEW-P 85-17-058
180-90-119	NEW-P 85-20-118	192-30-220	NEW-P 85-19-066	204-91-120	NEW 85-20-100
180-90-120	AMD-P 85-20-118	192-30-230	NEW-P 85-19-066	204-91-130	NEW-P 85-17-058
180-90-123	NEW-P 85-20-118	196-04-030	NEW 85-04-030	204-91-130	NEW 85-20-100
180-90-130	AMD-P 85-20-118	196-04-040	NEW 85-04-030	204-91-140	NEW-P 85-17-058
180-90-133	NEW-P 85-20-118	204-66-010	REP-P 85-17-058	204-91-140	NEW 85-20-100
180-90-135	NEW-P 85-20-118	204-66-010	REP 85-20-100	204-91-150	NEW-P 85-17-058
180-90-137	NEW-P 85-20-118	204-66-020	REP-P 85-17-058	204-91-150	NEW 85-20-100
180-90-139	NEW-P 85-20-118	204-66-020	REP 85-20-100	204-91-160	NEW-P 85-17-058
180-90-140	REP-P 85-20-118	204-66-030	REP-P 85-17-058	204-91-160	NEW 85-20-100
180-90-145	AMD-P 85-20-118	204-66-030	REP 85-20-100	204-91-170	NEW-P 85-17-058
180-90-150	AMD-P 85-20-118	204-66-040	REP-P 85-17-058	204-91-170	NEW 85-20-100
180-90-160	AMD-P 85-20-118	204-66-040	REP 85-20-100	204-91-180	NEW-P 85-17-058
192-09-040	AMD-P 85-08-030	204-66-050	REP-P 85-17-058	204-91-180	NEW 85-20-100
192-09-040	AMD 85-11-038	204-66-050	REP 85-20-100	204-91-190	NEW-P 85-17-058
192-09-060	AMD-P 85-08-030	204-66-060	REP-P 85-17-058	204-91-190	NEW 85-20-100
192-09-060	AMD 85-11-038	204-66-060	REP 85-20-100	204-91-200	NEW-P 85-17-058
192-09-060	AMD-E 85-18-076	204-66-070	REP-P 85-17-058	204-91-200	NEW 85-20-100
192-09-060	AMD-P 85-18-077	204-66-070	REP 85-20-100	204-93-010	NEW-P 85-17-060
192-09-060	AMD 85-21-023	204-66-080	REP-P 85-17-058	204-93-010	NEW 85-20-090
192-09-063	AMD-P 85-08-030	204-66-080	REP 85-20-100	204-93-020	NEW-P 85-17-060
192-09-063	AMD 85-11-038	204-66-090	REP-P 85-17-058	204-93-020	NEW 85-20-090
192-12-018	NEW-E 85-18-076	204-66-090	REP 85-20-100	204-93-030	NEW-P 85-17-060
192-12-018	NEW-P 85-18-077	204-66-100	REP-P 85-17-058	204-93-030	NEW 85-20-090
192-12-019	NEW-E 85-18-076	204-66-100	REP 85-20-100	204-93-040	NEW-P 85-17-060
192-12-019	NEW-P 85-18-077	204-66-110	REP-P 85-17-058	204-93-040	NEW 85-20-090
192-12-019	NEW 85-21-023	204-66-110	REP 85-20-100	204-93-050	NEW-P 85-17-060
192-12-040	AMD-P 85-08-030	204-66-120	REP-P 85-17-058	204-93-050	NEW 85-20-090
192-12-040	AMD 85-11-038	204-66-120	REP 85-20-100	204-93-060	NEW-P 85-17-060
192-12-070	AMD-P 85-08-030	204-66-130	REP-P 85-17-058	204-93-060	NEW 85-20-090
192-12-070	AMD 85-11-038	204-66-130	REP 85-20-100	204-93-070	NEW-P 85-17-060
192-12-072	NEW-P 85-08-030	204-66-140	REP-P 85-17-058	204-93-070	NEW 85-20-090
192-12-072	NEW 85-11-038	204-66-140	REP 85-20-100	204-93-080	NEW-P 85-17-060
192-12-074	NEW-P 85-08-030	204-66-150	REP-P 85-17-058	204-93-080	NEW 85-20-090
192-12-074	NEW 85-11-038	204-66-150	REP 85-20-100	204-93-090	NEW-P 85-17-060
192-12-076	NEW-P 85-08-030	204-66-160	REP-P 85-17-058	204-93-090	NEW 85-20-090
192-12-076	NEW 85-11-038	204-66-160	REP 85-20-100	204-93-100	NEW-P 85-17-060
192-12-157	REP-P 85-18-078	204-66-170	REP-P 85-17-058	204-93-100	NEW 85-20-090
192-12-157	REP 85-21-024	204-66-170	REP 85-20-100	204-93-110	NEW-P 85-17-060
192-26-010	NEW-E 85-14-056	204-66-180	REP-P 85-17-058	204-93-110	NEW 85-20-090
192-26-010	REP-E 85-19-065	204-66-180	REP 85-20-100	204-93-120	NEW-P 85-17-060
192-26-030	NEW-E 85-14-056	204-66-190	REP-P 85-17-058	204-93-120	NEW 85-20-090
192-26-030	REP-E 85-19-065	204-66-190	REP 85-20-100	204-93-130	NEW-P 85-17-060
192-26-040	NEW-E 85-14-056	204-66-200	REP-P 85-17-058	204-93-130	NEW 85-20-090
192-26-040	REP-E 85-19-065	204-66-200	REP 85-20-100	204-93-140	NEW-P 85-17-060
192-26-050	NEW-E 85-14-056	204-82-010	NEW-P 85-17-059	204-93-140	NEW 85-20-090
192-26-050	REP-E 85-19-065	204-82-010	NEW 85-20-089	204-93-150	NEW-P 85-17-060
192-26-100	NEW-E 85-14-056	204-82-020	NEW-P 85-17-059	204-93-150	NEW 85-20-090
192-26-100	REP-E 85-19-065	204-82-020	NEW 85-20-089	204-93-160	NEW-P 85-17-060
192-28-100	NEW-P 85-18-078	204-82-030	NEW-P 85-17-059	204-93-160	NEW 85-20-090
192-28-100	NEW 85-21-024	204-82-030	NEW 85-20-089	204-94-010	NEW-P 85-17-061
192-28-105	NEW-P 85-18-078	204-82-040	NEW-P 85-17-059	204-94-010	NEW 85-20-091
192-28-105	NEW 85-21-024	204-82-040	NEW 85-20-089	204-94-020	NEW-P 85-17-061
192-28-110	NEW-P 85-18-078	204-82-050	NEW-P 85-17-059	204-94-020	NEW 85-20-091
192-28-110	NEW 85-21-024	204-82-050	NEW 85-20-089	204-94-030	NEW-P 85-17-061
192-28-115	NEW-P 85-18-078	204-82-060	NEW-P 85-17-059	204-94-030	NEW 85-20-091
192-28-115	NEW 85-21-024	204-82-060	NEW 85-20-089	204-94-040	NEW-P 85-17-061
192-28-120	NEW-P 85-18-078	204-91-010	NEW-P 85-17-058	204-94-040	NEW 85-20-091
192-28-120	NEW 85-21-024	204-91-010	NEW 85-20-100	204-94-050	NEW-P 85-17-061
192-28-125	NEW-P 85-18-078	204-91-020	NEW-P 85-17-058	204-94-050	NEW 85-20-091
192-28-125	NEW 85-21-024	204-91-020	NEW 85-20-100	220-12-020	AMD-P 85-03-110
192-30-010	NEW-E 85-19-065	204-91-030	NEW-P 85-17-058	220-12-020	AMD-C 85-09-016
192-30-010	NEW-P 85-19-066	204-91-030	NEW 85-20-100	220-12-020	AMD 85-09-017
192-30-020	NEW-E 85-19-065	204-91-040	NEW-P 85-17-058	220-12-02000A	NEW-E 85-08-005
192-30-020	NEW-P 85-19-066	204-91-040	NEW 85-20-100	220-16-340	AMD-P 85-03-110

### Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-16-340	AMD-C	85-09-016	220-28-518	REP-E	85-21-040	220-36-031	NEW-C	85-06-032
220-16-340	AMD	85-09-017	220-28-519	NEW-E	85-21-040	220-36-031	NEW	85-06-033
220-16-34000A	NEW-E	85-08-005	220-28-519	REP-E	85-21-070	220-40-021	AMD-P	85-10-060
220-20-010	AMD-P	85-03-110	220-28-520	NEW-E	85-21-070	220-40-021	AMD	85-13-073
220-20-010	AMD-P	85-04-065	220-32-02200M	NEW-E	85-04-012	220-40-02100A	NEW-E	85-19-064
220-20-010	AMD	85-08-023	220-32-02200M	REP-E	85-04-049	220-40-02100A	REP-E	85-19-068
220-20-010	AMD-C	85-09-016	220-32-02200N	NEW-E	85-04-049	220-40-02100B	NEW-E	85-19-068
220-20-010	AMD	85-09-017	220-32-03000P	NEW-E	85-05-035	220-40-02100B	REP-E	85-19-084
220-20-01000J	NEW-E	85-08-005	220-32-03000P	REP-E	85-07-002	220-40-02100C	NEW-E	85-19-084
220-20-01000K	NEW-E	85-09-011	220-32-03000Q	NEW-E	85-07-002	220-40-02100C	REP-E	85-20-051
220-20-016	AMD-P	85-07-065	220-32-03000R	NEW-E	85-14-005	220-40-02100D	NEW-E	85-20-051
220-20-016	AMD-C	85-09-034	220-32-03000R	REP-E	85-14-022	220-40-02100D	REP-E	85-21-019
220-20-016	AMD	85-11-020	220-32-03000S	NEW-E	85-14-022	220-40-02100E	NEW-E	85-21-019
220-20-021	AMD-P	85-04-065	220-32-03000S	REP-E	85-19-058	220-40-02100E	REP-E	85-21-053
220-20-021	AMD	85-08-023	220-32-03000T	NEW-E	85-19-058	220-40-02100F	NEW-E	85-21-053
220-20-02100B	NEW-E	85-09-011	220-32-03000T	REP-E	85-20-014	220-40-02100Y	NEW-E	85-14-081
220-20-02100B	REP-E	85-09-036	220-32-03000U	NEW-E	85-20-014	220-40-02100Y	REP-E	85-19-049
220-20-02100C	NEW-E	85-09-036	220-32-03000U	REP-E	85-20-037	220-40-02100Z	NEW-E	85-19-049
220-20-030	REP-P	85-08-038	220-32-03000V	NEW-E	85-20-037	220-40-02100Z	REP-E	85-19-064
220-20-030	REP-C	85-13-031	220-32-03000V	REP-E	85-21-049	220-40-022	AMD-P	85-10-060
220-20-030	REP	85-13-032	220-32-03000W	NEW-E	85-21-049	220-40-022	AMD	85-13-073
220-20-03800A	NEW-E	85-11-039	220-32-03600S	NEW-E	85-21-076	220-40-024	AMD-P	85-10-060
220-20-03800A	REP-E	85-14-060	220-32-04000W	NEW-E	85-08-021	220-40-024	AMD	85-13-073
220-22-01000A	NEW-E	85-19-018	220-32-04100H	NEW-E	85-12-028	220-40-030	AMD-C	85-04-005
220-22-02000C	NEW-E	85-21-018	220-32-04200F	NEW-E	85-03-044	220-40-030	AMD-C	85-06-032
220-22-030	AMD-P	85-08-038	220-32-04200F	REP-E	85-06-014	220-40-030	AMD	85-06-033
220-22-030	AMD-C	85-13-031	220-32-04200G	NEW-E	85-06-014	220-40-031	NEW-C	85-04-005
220-22-030	AMD	85-13-032	220-32-04200G	REP-E	85-06-034	220-40-031	NEW-C	85-06-032
220-24-02000C	NEW-E	85-10-010	220-32-04200H	NEW-E	85-06-034	220-40-031	NEW	85-06-033
220-24-02000C	REP-E	85-11-031	220-32-05100I	NEW-E	85-08-001	220-44-020	AMD-P	85-04-065
220-24-02000D	NEW-E	85-11-031	220-32-05100J	NEW-E	85-14-005	220-44-050	AMD-P	85-04-035
220-24-02000D	REP-E	85-11-057	220-32-05100J	REP-E	85-14-022	220-44-050	AMD	85-07-022
220-24-02000E	NEW-E	85-11-057	220-32-05100K	NEW-E	85-14-022	220-44-05000N	NEW-E	85-09-035
220-24-02000E	REP-E	85-15-030	220-32-05100K	REP-E	85-14-038	220-44-05000N	REP-E	85-12-031
220-24-02000F	NEW-E	85-15-030	220-32-05100L	NEW-E	85-14-038	220-44-05000P	NEW-E	85-12-031
220-24-02000F	REP-E	85-15-065	220-32-05100L	REP-E	85-15-005	220-44-05000P	REP-E	85-15-045
220-24-02000G	NEW-E	85-15-065	220-32-05100M	NEW-E	85-15-005	220-44-05000Q	NEW-E	85-15-045
220-24-02000G	REP-E	85-16-061	220-32-05100M	REP-E	85-17-025	220-44-05000Q	REP-E	85-20-023
220-24-02000H	NEW-E	85-16-061	220-32-05100N	NEW-E	85-17-025	220-44-05000R	NEW-E	85-20-023
220-24-02000H	REP-E	85-17-067	220-32-05100N	REP-E	85-18-029	220-44-05000R	REP-E	85-20-063
220-24-02000I	NEW-E	85-17-067	220-32-05100P	NEW-E	85-18-029	220-44-05000S	NEW-E	85-20-063
220-28-440	REP-E	85-03-037	220-32-05100P	REP-E	85-18-035	220-44-080	NEW-P	85-04-065
220-28-501	NEW-E	85-10-011	220-32-05100Q	NEW-E	85-18-035	220-44-080	NEW	85-08-023
220-28-501	REP-E	85-12-013	220-32-05100Q	REP-E	85-19-018	220-44-08000A	NEW-E	85-09-011
220-28-502	NEW-E	85-12-013	220-32-05100R	NEW-E	85-19-018	220-47-307	AMD-P	85-08-038
220-28-502	REP-E	85-13-014	220-32-05100R	REP-E	85-19-058	220-47-307	AMD-C	85-13-031
220-28-503	NEW-E	85-13-014	220-32-05100S	NEW-E	85-19-058	220-47-307	AMD	85-13-032
220-28-503	REP-E	85-14-082	220-32-05100S	REP-E	85-20-014	220-47-311	AMD-P	85-08-038
220-28-504	NEW-E	85-14-082	220-32-05100T	NEW-E	85-20-014	220-47-311	AMD-C	85-13-031
220-28-504	REP-E	85-15-035	220-32-05100T	REP-E	85-20-037	220-47-311	AMD	85-13-032
220-28-505	NEW-E	85-15-035	220-32-05100U	NEW-E	85-20-037	220-47-312	AMD-P	85-08-038
220-28-505	REP-E	85-15-071	220-32-05100V	NEW-E	85-20-038	220-47-312	AMD-C	85-13-031
220-28-506	NEW-E	85-15-071	220-32-055	AMD-P	85-15-053	220-47-312	AMD	85-13-032
220-28-506	REP-E	85-16-081	220-32-055	AMD	85-18-027	220-47-313	AMD-P	85-08-038
220-28-507	NEW-E	85-16-081	220-32-055000I	NEW-E	85-10-043	220-47-313	AMD-C	85-13-031
220-28-507	REP-E	85-16-083	220-32-055001	REP-E	85-13-013	220-47-313	AMD	85-13-032
220-28-508	NEW-E	85-16-083	220-32-05500J	NEW-E	85-13-013	220-47-319	AMD-P	85-08-038
220-28-508	REP-E	85-17-010	220-32-05500N	NEW-E	85-11-006	220-47-319	AMD-C	85-13-031
220-28-509	NEW-E	85-17-010	220-32-05500N	REP-E	85-14-061	220-47-319	AMD	85-13-032
220-28-509	REP-E	85-17-040	220-32-05500P	NEW-E	85-14-061	220-47-411	AMD-P	85-08-038
220-28-510	NEW-E	85-17-040	220-32-05500Q	NEW-E	85-14-039	220-47-411	AMD-C	85-13-031
220-28-510	REP-E	85-17-050	220-32-05800A	NEW-E	85-19-018	220-47-411	AMD	85-13-032
220-28-511	NEW-E	85-17-050	220-32-05900H	NEW-E	85-10-034	220-47-412	AMD-P	85-08-038
220-28-511	REP-E	85-18-006	220-36-021	AMD-P	85-10-060	220-47-412	AMD-C	85-13-031
220-28-512	NEW-E	85-18-006	220-36-021	AMD	85-13-073	220-47-412	AMD	85-13-032
220-28-512	REP-E	85-18-052	220-36-02100T	NEW-E	85-14-081	220-47-412	AMD-P	85-08-038
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230-46-050	NEW	85-09-040	232-28-806	REP-P	85-05-057	248-19-400	AMD-P	85-07-044
230-46-060	NEW-P	85-06-003	232-28-806	REP	85-12-006	248-19-403	AMD-P	85-07-044
230-46-060	NEW	85-09-040	232-28-807	NEW-P	85-05-057	248-19-405	AMD-P	85-07-044
230-60-015	AMD-P	85-03-058	232-28-807	NEW	85-12-006	248-19-410	AMD-P	85-07-044
230-60-015	AMD	85-07-031	236-12-200	AMD-P	85-15-019	248-19-415	AMD-P	85-07-044
232-12-017	AMD-P	85-05-049	236-12-200	AMD	85-19-001	248-19-420	AMD-P	85-07-044
232-12-017	AMD	85-09-014	236-12-290	AMD-P	85-15-019	248-19-430	AMD-P	85-07-044
232-12-018	NEW-P	85-05-049	236-12-290	AMD	85-19-001	248-19-440	AMD-P	85-07-044
232-12-025	AMD	85-04-042	236-12-295	NEW-P	85-15-019	248-19-450	AMD-P	85-07-044
232-12-027	AMD-P	85-17-057	236-12-295	NEW	85-19-001	248-19-460	AMD-P	85-07-044
232-12-027	AMD	85-20-127	236-20A-010	AMD-P	85-07-057	248-19-470	AMD-P	85-07-044
232-12-04503	NEW-E	85-02-057	236-20A-010	AMD	85-10-037	248-19-475	AMD-P	85-07-044
232-12-04504	NEW-E	85-03-056	240-10-010	NEW-E	85-17-002	248-19-480	AMD-P	85-07-044
232-12-064	AMD-P	85-05-052	240-10-020	NEW-E	85-17-002	248-30-080	AMD	85-03-063
232-12-064	AMD	85-09-008	240-10-030	NEW-E	85-17-002	248-30-110	AMD	85-03-063
232-12-091	AMD-P	85-05-049	240-10-040	NEW-E	85-17-002	248-30-115	NEW	85-03-063
232-12-091	AMD	85-09-014	240-10-050	NEW-E	85-17-002	248-30-130	AMD	85-03-063
232-12-129	NEW-P	85-05-054	240-10-060	NEW-E	85-17-002	248-31-001	NEW	85-04-054
232-12-129	NEW	85-09-006	248-08-596	AMD-P	85-12-055	248-31-002	NEW	85-04-054
232-12-131	AMD-C	85-08-034	248-08-596	AMD	85-15-063	248-31-010	NEW	85-04-054
232-12-157	AMD-P	85-08-035	248-14-001	AMD-P	85-14-017	248-31-020	NEW	85-04-054
232-12-157	AMD	85-12-005	248-14-001	AMD	85-17-039	248-31-030	NEW	85-04-054
232-12-189	AMD-E	85-19-082	248-14-140	AMD-P	85-14-017	248-31-040	NEW	85-04-054
232-12-227	AMD-P	85-12-035	248-14-140	AMD	85-17-039	248-31-050	NEW	85-04-054
232-12-227	AMD	85-16-004	248-14-230	AMD-P	85-14-017	248-31-060	NEW	85-04-054
232-12-241	AMD-E	85-19-021	248-14-230	AMD	85-17-039	248-31-070	NEW	85-04-054
232-16-120	REP-P	85-05-055	248-14-260	AMD-P	85-14-017	248-31-075	NEW	85-04-054
232-16-120	REP	85-09-005	248-14-260	AMD	85-17-039	248-31-080	NEW	85-04-054
232-16-670	AMD-P	85-05-053	248-14-264	AMD-P	85-14-017	248-31-090	NEW	85-04-054
232-16-670	AMD	85-09-007	248-14-264	AMD	85-17-039	248-31-100	NEW	85-04-054
232-28-107	REP-P	85-12-034	248-14-297	NEW-P	85-14-017	248-31-110	NEW	85-04-054
232-28-107	REP	85-16-026	248-14-297	NEW	85-17-039	248-31-120	NEW	85-04-054
232-28-108	NEW-P	85-12-034	248-14-570	NEW-P	85-14-017	248-31-130	NEW	85-04-054
232-28-108	NEW	85-16-026	248-14-570	NEW	85-17-039	248-31-140	NEW	85-04-054
232-28-208	REP-P	85-08-036	248-18-017	AMD-P	85-20-006	248-31-150	NEW	85-04-054
232-28-208	REP	85-14-037	248-18-018	REP-P	85-20-006	248-31-160	NEW	85-04-054
232-28-20801	REP-P	85-08-036	248-18-250	REP-P	85-20-007	248-58-005	AMD-P	85-18-079
232-28-20801	REP	85-14-037	248-18-251	NEW-P	85-20-007	248-58-005	AMD	85-21-048
232-28-20802	REP-P	85-08-036	248-18-253	NEW-P	85-20-007	248-58-010	AMD-P	85-18-079
232-28-20802	REP	85-14-037	248-18-256	NEW-P	85-20-007	248-58-010	AMD	85-21-048
232-28-209	NEW-P	85-05-056	248-18-260	AMD-P	85-02-069	248-58-080	AMD-P	85-18-079
232-28-209	NEW	85-12-004	248-18-260	AMD	85-05-034	248-58-080	AMD	85-21-048
232-28-210	NEW-P	85-08-036	248-18-440	AMD-P	85-20-006	248-58-090	AMD-P	85-18-079
232-28-210	NEW	85-14-037	248-18-560	AMD-P	85-20-007	248-58-090	AMD	85-21-048
232-28-408	REP-P	85-14-037	248-18-565	AMD-P	85-20-007	248-58-500	AMD-P	85-18-079
232-28-408	REP	85-18-032	248-18-568	NEW-P	85-20-007	248-63-010	AMD-P	85-06-006
232-28-409	NEW-P	85-14-036	248-18-680	AMD-P	85-02-069	248-63-020	AMD-P	85-06-006
232-28-409	NEW	85-18-032	248-18-680	AMD	85-05-034	248-63-060	AMD-P	85-06-006
232-28-40901	NEW-E	85-18-071	248-18-700	AMD-P	85-02-069	248-63-080	AMD-P	85-06-006
232-28-507	REP-P	85-12-033	248-18-700	AMD	85-05-034	248-63-120	AMD-P	85-06-006
232-28-507	REP	85-19-081	248-18-718	AMD-P	85-05-004	248-63-150	AMD-P	85-06-006
232-28-508	NEW-P	85-12-033	248-18-718	AMD	85-10-011	248-63-160	AMD-P	85-06-006
232-28-508	NEW	85-19-081	248-18-99902	AMD-P	85-02-068	248-63-170	AMD-P	85-06-006
232-28-614	REP-P	85-14-096	248-18-99902	AMD	85-05-033	248-63-180	AMD-P	85-06-006
232-28-61401	NEW	85-03-041	248-19	AMD-C	85-13-008	248-63-180	AMD-P	85-06-006
232-28-61401	REP-P	85-14-096	248-19-200	REP-P	85-07-044	248-84-120	NEW-E	85-07-026
232-28-61402	NEW	85-03-041	248-19-210	AMD-P	85-07-044	248-84-120	NEW-P	85-08-037
232-28-61402	REP-P	85-14-096	248-19-220	AMD-P	85-07-044	248-84-120	NEW	85-11-024
232-28-61405	NEW-E	85-03-030	248-19-230	AMD-P	85-07-044	248-100-163	AMD-E	85-03-055
232-28-61406	NEW-E	85-03-017	248-19-240	AMD-P	85-07-044	248-100-163	AMD-P	85-03-062
232-28-61408	NEW-E	85-03-097	248-19-260	AMD-P	85-07-044	248-100-163	RESCIND	85-07-027
232-28-61409	NEW-E	85-03-098	248-19-270	AMD-P	85-07-044	248-100-163	AMD-E	85-15-064
232-28-61410	NEW-E	85-05-050	248-19-280	AMD-P	85-07-044	248-100-163	AMD-P	85-16-115
232-28-61411	NEW-E	85-06-027	248-19-290	REP-P	85-07-044	248-100-163	AMD-C	85-19-027
232-28-61412	NEW-E	85-06-028	248-19-295	NEW-P	85-07-044	248-100-163	AMD	85-20-019
232-28-61413	NEW-E	85-16-059	248-19-300	AMD-P	85-07-044	248-100-164	AMD-E	85-03-055
232-28-61414	NEW-E	85-07-025	248-19-310	AMD-P	85-07-044	248-100-164	AMD-P	85-03-062
232-28-61415	NEW-E	85-14-062	248-19-320	AMD-P	85-07-044	248-100-164	RESCIND	85-07-027
232-28-61416	NEW-E	85-15-026	248-19-325	REP-P	85-07-044	248-100-164	AMD-E	85-15-064
232-28-61417	NEW-E	85-16-060	248-19-326	NEW-P	85-07-044	248-100-164	AMD-P	85-16-115
232-28-61418	NEW-E	85-18-054	248-19-327	NEW-P	85-07-044	248-100-164	AMD-C	85-19-027
232-28-61419	NEW-E	85-17-041	248-19-330	AMD-P	85-07-044	248-100-164	AMD	85-20-019
232-28-61420	NEW-E	85-19-083	248-19-340	AMD-P	85-07-044	248-150-010	AMD-P	85-18-018
232-28-61421	NEW-E	85-19-025	248-19-350	AMD-P	85-07-044	248-150-010	AMD-E	85-20-020
232-28-615	NEW-P	85-14-096	248-19-360	AMD	85-05-032	248-150-020	AMD-P	85-18-018
232-28-706	REP	85-05-051	248-19-370	AMD	85-05-032	248-150-020	AMD-E	85-20-020
232-28-707	NEW	85-05-051	248-19-373	NEW	85-05-032	248-150-030	AMD-P	85-18-018

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248-150-040	AMD-P	85-18-018	251-08-090	AMD-E	85-15-082	251-18-165	NEW-P	85-12-047
248-150-040	AMD-E	85-20-020	251-08-090	AMD	85-20-049	251-18-165	NEW	85-16-038
248-150-050	AMD-P	85-18-018	251-08-091	AMD-E	85-14-043	251-18-185	AMD-P	85-12-047
248-150-050	AMD-E	85-20-020	251-08-091	REP-P	85-14-046	251-18-185	AMD	85-16-038
248-150-060	AMD-P	85-18-018	251-08-091	REP-E	85-15-082	251-18-190	AMD	85-04-019
248-150-060	AMD-E	85-20-020	251-08-091	REP	85-20-049	251-18-200	AMD	85-04-019
248-150-070	AMD-P	85-18-018	251-08-100	AMD-P	85-12-047	251-18-240	AMD-P	85-12-047
248-150-070	AMD-E	85-20-020	251-08-100	AMD	85-16-038	251-18-240	AMD-E	85-15-082
248-150-080	AMD-P	85-18-018	251-09-020	AMD-P	85-18-083	251-18-240	AMD	85-16-038
248-150-080	AMD-E	85-20-020	251-09-020	AMD-P	85-20-105	251-18-250	AMD-P	85-12-047
248-152-010	REP-P	85-14-105	251-09-030	AMD-P	85-14-046	251-18-255	NEW-P	85-12-047
248-152-010	REP	85-17-046	251-09-030	AMD-P	85-18-084	251-18-255	NEW	85-16-038
248-152-020	REP-P	85-14-105	251-09-030	AMD-P	85-20-105	251-18-285	NEW-P	85-06-067
248-152-020	REP	85-17-046	251-09-030	AMD-P	85-20-106	251-18-285	NEW	85-10-056
248-152-030	REP-P	85-14-105	251-09-040	AMD-P	85-03-008	251-18-420	AMD-P	85-12-047
248-152-030	REP	85-17-046	251-09-040	AMD-E	85-04-058	251-18-420	AMD	85-16-038
248-152-035	REP-P	85-14-105	251-09-040	AMD-E	85-14-044	251-20-010	AMD-P	85-14-046
248-152-035	REP	85-17-046	251-09-040	AMD	85-14-045	251-20-010	AMD-E	85-15-082
248-152-040	REP-P	85-14-105	251-09-090	AMD-P	85-06-067	251-20-010	AMD	85-20-049
248-152-040	REP	85-17-046	251-09-092	NEW-P	85-06-067	251-20-030	AMD-P	85-14-046
248-152-050	REP-P	85-14-105	251-10-025	NEW	85-04-019	251-20-030	AMD-E	85-15-082
248-152-050	REP	85-17-046	251-10-030	AMD-P	85-12-047	251-20-030	AMD	85-20-049
248-152-060	REP-P	85-14-105	251-10-030	AMD	85-16-038	251-20-040	AMD-P	85-14-046
248-152-060	REP	85-17-046	251-10-031	REP-E	85-14-044	251-20-040	AMD-E	85-15-082
248-164-001	NEW-P	85-18-080	251-10-031	REP-P	85-14-046	251-20-040	AMD	85-20-049
248-164-001	NEW	85-21-038	251-10-031	REP	85-20-049	251-20-045	REP-P	85-14-046
248-164-010	NEW-P	85-18-080	251-10-032	NEW-E	85-14-043	251-20-045	REP-E	85-15-082
248-164-010	NEW	85-21-038	251-10-035	AMD-P	85-12-047	251-20-045	REP	85-20-049
248-164-020	NEW-P	85-18-080	251-10-035	AMD	85-16-038	251-20-050	AMD-P	85-14-046
248-164-020	NEW	85-21-038	251-10-055	AMD-P	85-14-046	251-20-050	AMD-E	85-15-082
248-164-030	NEW-P	85-18-080	251-10-055	AMD	85-20-050	251-20-050	AMD-P	85-20-107
248-164-030	NEW	85-21-038	251-10-110	AMD-P	85-17-073	251-20-050	AMD-E	85-21-078
248-164-040	NEW-P	85-18-080	251-10-112	NEW	85-04-019	251-22-040	AMD-P	85-12-047
248-164-040	NEW	85-21-038	251-10-115	NEW-P	85-17-073	251-22-040	AMD-E	85-15-082
248-164-050	NEW-P	85-18-080	251-10-120	AMD-P	85-03-008	251-22-040	AMD	85-16-038
248-164-050	NEW	85-21-038	251-10-120	AMD	85-06-017	251-22-060	AMD-P	85-12-047
248-164-060	NEW-P	85-18-080	251-10-120	AMD-P	85-17-073	251-22-060	AMD	85-16-038
248-164-060	NEW	85-21-038	251-12-073	AMD-P	85-12-047	251-22-090	AMD-P	85-12-047
250-18-060	AMD-E	85-14-016	251-12-073	AMD	85-16-038	251-22-090	AMD-E	85-15-082
250-18-060	AMD-P	85-16-078	251-14-035	REP-P	85-06-067	251-22-090	AMD	85-16-038
250-40-070	AMD-P	85-14-057	251-14-040	AMD-P	85-06-067	251-22-200	AMD-P	85-12-047
250-40-070	AMD-E	85-14-058	251-14-050	AMD-P	85-06-067	251-22-200	AMD	85-16-038
250-40-070	AMD-C	85-16-077	251-14-052	AMD-P	85-06-067	251-22-200	AMD	85-16-038
250-40-070	AMD	85-20-034	251-14-054	AMD-P	85-06-067	260-32-165	NEW-P	85-12-056
250-44-040	AMD-P	85-06-058	251-14-080	AMD-P	85-18-072	260-48-329	NEW-P	85-10-044
250-44-040	AMD	85-10-022	251-14-080	AMD-P	85-18-073	260-48-329	NEW-E	85-10-045
250-44-050	AMD-P	85-06-058	251-14-080	AMD-P	85-18-074	260-48-329	NEW	85-14-104
250-44-050	AMD	85-10-022	251-14-082	NEW-P	85-18-072	260-48-329	NEW-E	85-15-072
250-44-110	AMD-P	85-06-058	251-14-082	NEW-P	85-18-073	260-70-100	AMD-P	85-09-051
250-44-110	AMD	85-10-022	251-14-083	NEW-P	85-18-072	260-70-100	AMD	85-12-057
250-44-120	AMD-P	85-06-058	251-14-083	NEW-P	85-18-073	261-20	AMD	85-04-026
250-44-120	AMD	85-10-022	251-14-084	NEW-P	85-18-072	261-20	AMD-P	85-13-045
250-44-130	AMD-P	85-06-058	251-14-084	NEW-P	85-18-073	261-20	AMD	85-16-018
250-44-130	AMD	85-10-022	251-14-085	NEW-P	85-18-072	261-20-057	NEW	85-04-026
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251-04-020	AMD-P	85-12-047	251-14-086	NEW-P	85-18-073	261-40-135	AMD-P	85-19-086
251-04-020	AMD-E	85-15-082	251-14-087	NEW-P	85-18-073	261-40-150	AMD-P	85-19-086
251-04-020	AMD	85-16-038	251-14-090	AMD-P	85-18-074	261-40-170	NEW-P	85-13-021
251-04-020	AMD	85-20-049	251-18-010	AMD-P	85-12-047	261-40-170	NEW-W	85-13-039
251-04-050	AMD-P	85-14-046	251-18-010	AMD	85-16-038	261-40-170	NEW-P	85-13-040
251-04-050	AMD-P	85-15-060	251-18-010	AMD-P	85-18-075	261-40-170	NEW-E	85-14-077
251-04-050	AMD-P	85-15-061	251-18-010	AMD	85-21-031	261-40-170	NEW	85-16-017
251-04-050	AMD-E	85-15-067	251-18-035	NEW-P	85-12-047	261-50-010	AMD-P	85-14-116
251-04-050	RESCIND	85-15-069	251-18-035	NEW	85-16-038	261-50-020	AMD-P	85-14-116
251-04-050	AMD-E	85-15-070	251-18-035	AMD-P	85-18-075	261-50-020	AMD	85-17-020
251-04-050	AMD	85-20-048	251-18-041	AMD	85-21-031	261-50-030	AMD-P	85-14-116
251-04-050	AMD-E	85-21-030	251-18-041	NEW-P	85-12-047	261-50-030	AMD	85-17-020
251-06-010	AMD-P	85-06-067	251-18-041	NEW	85-16-038	261-50-040	AMD-P	85-14-116
251-06-012	NEW-P	85-06-067	251-18-075	NEW-P	85-12-047	261-50-040	AMD	85-17-020
251-06-014	NEW-P	85-06-067	251-18-075	NEW	85-16-038	261-50-045	AMD-P	85-14-116
251-06-090	AMD-P	85-06-067	251-18-095	NEW-P	85-12-047	261-50-045	AMD	85-17-020
251-06-092	NEW-P	85-06-067	251-18-095	NEW	85-16-038	261-50-050	AMD-P	85-14-116
251-06-094	NEW-P	85-06-067	251-18-140	NEW	85-16-038	261-50-060	AMD-P	85-14-116
251-08-090	AMD-E	85-14-043	251-18-140	AMD-C	85-04-018	261-50-065	AMD-P	85-14-116
			251-18-140	AMD-P	85-12-047	261-50-065	AMD	85-17-020
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262-02-010	NEW 85-18-031	275-35-010	NEW 85-09-003	275-85-025	REP 85-07-042
262-02-020	NEW-P 85-13-069	275-35-020	NEW-P 85-09-003	275-85-030	REP-P 85-03-104
262-02-020	NEW 85-18-031	275-35-020	NEW 85-09-003	275-85-030	REP 85-07-042
262-02-030	NEW-P 85-13-069	275-35-030	NEW-P 85-05-031	275-85-035	REP-P 85-03-104
262-02-030	NEW 85-18-031	275-35-030	NEW 85-09-003	275-85-035	REP 85-07-042
263-12-145	AMD-E 85-16-015	275-35-040	NEW-P 85-05-031	275-85-040	REP-P 85-03-104
263-12-145	AMD-E 85-21-081	275-35-040	NEW 85-09-003	275-85-040	REP 85-07-042
263-12-150	AMD-E 85-16-015	275-35-050	NEW-P 85-05-031	275-85-045	REP-P 85-03-104
263-12-150	AMD-E 85-21-081	275-35-050	NEW 85-09-003	275-85-045	REP 85-07-042
275-16-030	AMD-P 85-14-011	275-35-060	NEW-P 85-05-031	275-85-050	REP-P 85-03-104
275-16-030	AMD-E 85-14-067	275-35-060	NEW 85-09-003	275-85-050	REP 85-07-042
275-16-030	AMD 85-17-038	275-35-070	NEW-P 85-05-031	275-85-050	REP 85-05-018
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296-17-708	AMD	85-06-026	296-17-744	AMD	85-06-026	296-18-010	REP-E	85-11-050
296-17-708	AMD-P	85-20-121	296-17-744	AMD-P	85-20-121	296-18-010	REP-P	85-13-082
296-17-709	AMD-P	85-02-052	296-17-745	AMD-P	85-20-121	296-18-010	REP-C	85-16-074
296-17-709	AMD	85-06-026	296-17-746	AMD-P	85-20-121	296-18-010	REP	85-17-022
296-17-709	AMD-P	85-20-121	296-17-747	AMD-P	85-02-052	296-18-010	REP-E	85-18-007
296-17-710	AMD-P	85-02-052	296-17-747	AMD	85-06-026	296-18-020	REP-E	85-11-050
296-17-710	AMD	85-06-026	296-17-747	AMD-P	85-20-121	296-18-020	REP-P	85-13-082
296-17-710	AMD-P	85-20-121	296-17-748	AMD-P	85-20-121	296-18-020	REP-C	85-16-074
296-17-711	AMD-P	85-02-052	296-17-749	AMD-P	85-20-121	296-18-020	REP	85-17-022
296-17-711	AMD	85-06-026	296-17-750	AMD-P	85-20-121	296-18-020	REP-E	85-18-007
296-17-711	AMD-P	85-20-121	296-17-751	AMD-P	85-20-121	296-18-040	AMD-P	85-03-019
296-17-712	AMD-P	85-20-121	296-17-752	AMD-P	85-20-121	296-18-040	AMD-E	85-04-038
296-17-713	AMD-P	85-02-052	296-17-753	AMD-P	85-02-052	296-18-040	REP-E	85-11-050
296-17-714	AMD-P	85-02-052	296-17-753	AMD	85-06-026	296-18-040	REP-P	85-13-082
296-17-714	AMD	85-06-026	296-17-753	AMD-P	85-20-121	296-18-040	REP-C	85-16-074
296-17-714	AMD-P	85-20-121	296-17-75301	AMD-P	85-20-121	296-18-040	REP	85-17-022
296-17-715	AMD-P	85-02-052	296-17-754	AMD-P	85-20-121	296-18-040	REP-E	85-18-007
296-17-715	AMD	85-06-026	296-17-755	AMD-P	85-02-052	296-18-070	REP-E	85-11-050
296-17-715	AMD-P	85-20-121	296-17-755	AMD	85-06-026	296-18-070	REP-P	85-13-082
296-17-716	AMD-P	85-09-046	296-17-755	AMD-P	85-20-121	296-18-070	REP-C	85-16-074
296-17-716	AMD	85-12-024	296-17-756	AMD-P	85-02-052	296-18-070	REP	85-17-022
296-17-716	AMD-P	85-20-121	296-17-756	AMD	85-06-026	296-18-070	REP-E	85-18-007
296-17-717	AMD-P	85-02-052	296-17-756	AMD-P	85-20-121	296-18-080	REP-E	85-11-050
296-17-717	AMD	85-06-026	296-17-757	AMD-P	85-20-121	296-18-080	REP-P	85-13-082
296-17-717	AMD-P	85-20-121	296-17-758	AMD-P	85-02-052	296-18-080	REP-C	85-16-074
296-17-718	AMD-P	85-02-052	296-17-758	AMD	85-06-026	296-18-080	REP	85-17-022
296-17-718	AMD	85-06-026	296-17-758	AMD-P	85-20-121	296-18-080	REP-E	85-18-007
296-17-718	AMD-P	85-20-121	296-17-759	AMD-P	85-20-121	296-18-090	REP-E	85-11-050
296-17-719	AMD-P	85-02-052	296-17-760	AMD-P	85-02-052	296-18-090	REP-P	85-13-082
296-17-719	AMD	85-06-026	296-17-760	AMD	85-06-026	296-18-090	REP-C	85-16-074
296-17-719	AMD-P	85-20-121	296-17-761	AMD-P	85-20-121	296-18-090	REP	85-17-022
296-17-721	AMD-P	85-02-052	296-17-762	AMD-P	85-20-121	296-18-090	REP-E	85-18-007
296-17-721	AMD	85-06-026	296-17-762	AMD-P	85-20-121	296-18-100	REP-E	85-11-050
296-17-721	AMD-P	85-20-121	296-17-763	AMD-P	85-02-052	296-18-100	REP-P	85-13-082
296-17-722	AMD-P	85-02-052	296-17-763	AMD	85-06-026	296-18-100	REP-C	85-16-074
296-17-722	AMD	85-06-026	296-17-763	AMD-P	85-20-121	296-18-100	REP	85-17-022
296-17-722	AMD-P	85-20-121	296-17-764	AMD-P	85-02-052	296-18-100	REP-E	85-18-007
296-17-723	AMD-P	85-02-052	296-17-764	AMD	85-06-026	296-18-110	REP-E	85-11-050
296-17-723	AMD	85-06-026	296-17-764	AMD-P	85-20-121	296-18-110	REP-P	85-13-082
296-17-723	AMD-P	85-20-121	296-17-765	AMD-P	85-20-121	296-18-110	REP-C	85-16-074
296-17-724	AMD-P	85-02-052	296-17-766	AMD-P	85-20-121	296-18-110	REP	85-17-022
296-17-724	AMD	85-06-026	296-17-772	AMD-P	85-20-121	296-18-110	REP-E	85-18-007
296-17-724	AMD-P	85-20-121	296-17-773	AMD-P	85-20-121	296-18-120	REP-E	85-11-050
296-17-725	AMD-P	85-02-052	296-17-777	AMD-P	85-20-121	296-18-120	REP-P	85-13-082

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296-18-120	REP	85-17-022	296-18-350	AMD-P	85-03-019	296-18-500	NEW-C	85-16-074
296-18-120	REP-E	85-18-007	296-18-350	AMD-E	85-04-038	296-18-500	NEW	85-17-022
296-18-130	REP-E	85-11-050	296-18-350	REP-E	85-11-050	296-18-500	NEW-E	85-18-007
296-18-130	REP-P	85-13-082	296-18-350	REP-P	85-13-082	296-18-510	NEW-E	85-11-050
296-18-130	REP-C	85-16-074	296-18-350	REP-C	85-16-074	296-18-510	NEW-P	85-13-082
296-18-130	REP	85-17-022	296-18-350	REP	85-17-022	296-18-510	NEW-C	85-16-074
296-18-130	REP-E	85-18-007	296-18-350	REP-E	85-18-007	296-18-510	NEW	85-17-022
296-18-140	REP-E	85-11-050	296-18-360	AMD-P	85-03-019	296-18-510	NEW-E	85-18-007
296-18-140	REP-P	85-13-082	296-18-360	AMD-E	85-04-038	296-18-520	NEW-E	85-11-050
296-18-140	REP-C	85-16-074	296-18-360	REP-E	85-11-050	296-18-520	NEW-P	85-13-082
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296-18-140	REP-E	85-18-007	296-18-360	REP-C	85-16-074	296-18-520	NEW	85-17-022
296-18-160	REP-E	85-11-050	296-18-360	REP	85-17-022	296-18-520	NEW-E	85-18-007
296-18-160	REP-P	85-13-082	296-18-360	REP-E	85-18-007	296-18-520	REP-E	85-11-070
296-18-160	REP-C	85-16-074	296-18-370	AMD-P	85-03-019	296-23-940	REP-P	85-13-082
296-18-160	REP	85-17-022	296-18-370	AMD-E	85-04-038	296-23-940	REP-C	85-16-074
296-18-160	REP-E	85-18-007	296-18-370	REP-E	85-11-050	296-23-9401	REP-E	85-11-064
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296-18-170	REP-P	85-13-082	296-18-370	REP-C	85-16-074	296-23-9401	REP-C	85-16-074
296-18-170	REP-C	85-16-074	296-18-370	REP	85-17-022	296-23-9403	REP-E	85-11-064
296-18-170	REP	85-17-022	296-18-370	REP-E	85-18-007	296-23-9403	REP-P	85-13-082
296-18-170	REP-E	85-18-007	296-18-380	NEW-P	85-03-019	296-23-9403	REP-C	85-16-074
296-18-180	REP-E	85-11-050	296-18-380	NEW-E	85-04-038	296-23-9409	REP-E	85-11-064
296-18-180	REP-P	85-13-082	296-18-390	NEW-P	85-03-019	296-23-9409	REP-P	85-13-082
296-18-180	REP-C	85-16-074	296-18-390	NEW-E	85-04-038	296-23-9409	REP-C	85-16-074
296-18-180	REP	85-17-022	296-18-400	REP-E	85-11-050	296-23-9410	REP-E	85-11-064
296-18-180	REP-E	85-18-007	296-18-400	REP-P	85-13-082	296-23-9410	REP-P	85-13-082
296-18-190	REP-E	85-11-050	296-18-400	REP-C	85-16-074	296-23-9410	REP-C	85-16-074
296-18-190	REP-P	85-13-082	296-18-400	REP	85-17-022	296-23-950	NEW-E	85-14-089
296-18-190	REP-C	85-16-074	296-18-400	REP-E	85-18-007	296-23-950	NEW-E	85-20-120
296-18-190	REP	85-17-022	296-18-410	NEW-E	85-11-050	296-23-960	NEW-E	85-14-089
296-18-190	REP-E	85-18-007	296-18-410	NEW-P	85-13-082	296-23-960	NEW-E	85-20-120
296-18-200	AMD-P	85-06-040	296-18-410	NEW-C	85-16-074	296-24-19003	AMD-P	85-05-043
296-18-200	REP-E	85-11-050	296-18-420	NEW-E	85-11-050	296-24-19003	AMD	85-10-004
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296-18-200	REP-P	85-13-082	296-18-420	NEW-C	85-16-074	296-24-21707	AMD-P	85-21-100
296-18-200	REP-C	85-16-074	296-18-420	NEW	85-17-022	296-24-21711	AMD-P	85-21-100
296-18-200	REP	85-17-022	296-18-420	NEW-E	85-18-007	296-24-31503	AMD-P	85-05-043
296-18-200	REP-E	85-18-007	296-18-430	NEW-E	85-11-050	296-24-31503	AMD	85-10-004
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296-18-205	NEW-W	85-13-025	296-18-430	NEW-C	85-16-074	296-24-31505	AMD	85-10-004
296-18-210	AMD-P	85-06-039	296-18-440	NEW-E	85-11-050	296-24-32003	AMD-P	85-05-043
296-18-210	REP-E	85-11-050	296-18-440	NEW-P	85-13-082	296-24-32003	AMD	85-10-004
296-18-210	AMD-W	85-13-025	296-18-440	NEW-C	85-16-074	296-24-33009	AMD-P	85-05-043
296-18-210	REP-P	85-13-082	296-18-440	NEW	85-17-022	296-24-33011	AMD-P	85-05-043
296-18-210	REP-C	85-16-074	296-18-440	NEW-E	85-18-007	296-24-33011	AMD	85-10-004
296-18-210	REP	85-17-022	296-18-445	NEW-P	85-13-082	296-24-33011	AMD	85-10-004
296-18-210	REP-E	85-18-007	296-18-445	NEW-C	85-16-074	296-24-33013	AMD-P	85-05-043
296-18-300	REP-E	85-11-050	296-18-445	NEW	85-17-022	296-24-33013	AMD	85-10-004
296-18-300	REP-P	85-13-082	296-18-445	NEW-E	85-18-007	296-24-33015	AMD-P	85-05-043
296-18-300	REP-C	85-16-074	296-18-450	NEW-E	85-11-050	296-24-33015	AMD	85-10-004
296-18-300	REP	85-17-022	296-18-450	NEW-P	85-13-082	296-24-33015	AMD	85-10-004
296-18-300	REP-E	85-18-007	296-18-450	NEW-C	85-16-074	296-24-33017	AMD	85-10-004
296-18-310	REP-E	85-11-050	296-18-450	NEW	85-17-022	296-24-33017	AMD	85-10-004
296-18-310	REP-P	85-13-082	296-18-450	NEW-E	85-18-007	296-24-37005	AMD-P	85-05-043
296-18-310	REP-C	85-16-074	296-18-460	NEW-E	85-11-050	296-24-37005	AMD	85-10-004
296-18-310	REP	85-17-022	296-18-460	NEW-P	85-13-082	296-24-37019	AMD-P	85-05-043
296-18-310	REP-E	85-18-007	296-18-460	NEW-C	85-16-074	296-24-37019	AMD	85-10-004
296-18-320	REP-E	85-11-050	296-18-460	NEW	85-17-022	296-24-37023	AMD-P	85-05-043
296-18-320	REP-P	85-13-082	296-18-460	NEW-E	85-18-007	296-24-37023	AMD	85-10-004
296-18-320	REP-C	85-16-074	296-18-470	NEW-E	85-11-050	296-24-40509	AMD-P	85-05-043
296-18-320	REP	85-17-022	296-18-470	NEW-P	85-13-082	296-24-40509	AMD	85-10-004
296-18-320	REP-E	85-18-007	296-18-470	NEW-C	85-16-074	296-24-47505	AMD-P	85-05-043
296-18-330	REP-E	85-11-050	296-18-470	NEW	85-17-022	296-24-47505	AMD	85-10-004
296-18-330	REP-P	85-13-082	296-18-470	NEW-E	85-18-007	296-27-090	AMD-P	85-21-100
296-18-330	REP-C	85-16-074	296-18-480	NEW-E	85-11-050	296-27-15501	NEW-P	85-21-100
296-18-330	REP	85-17-022	296-18-480	NEW-P	85-13-082	296-27-15503	NEW-P	85-21-100
296-18-330	REP-E	85-18-007	296-18-480	NEW-C	85-16-074	296-27-15505	NEW-P	85-21-100
296-18-340	AMD-P	85-03-019	296-18-480	NEW	85-17-022	296-27-16009	AMD-P	85-21-100
296-18-340	AMD-E	85-04-038	296-18-480	NEW-E	85-18-007	296-30	AMD-P	85-21-085
296-18-340	REP-E	85-11-050	296-18-490	NEW-E	85-11-050	296-30-010	NEW	85-03-060
296-18-340	REP-P	85-13-082	296-18-490	NEW-P	85-13-082	296-30-010	AMD-P	85-21-085
296-18-340	REP-C	85-16-074	296-18-490	NEW-C	85-16-074	296-30-020	NEW	85-03-060
296-18-340	REP	85-17-022	296-18-490	NEW	85-17-022	296-30-020	AMD-P	85-21-085
296-18-340	REP-E	85-18-007	296-18-490	NEW-E	85-18-007	296-30-050	NEW	85-03-060
296-18-345	NEW-P	85-03-019	296-18-500	NEW-E	85-11-050	296-30-060	NEW	85-03-060

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296-30-080	NEW	85-03-060	296-56-60093	AMD-P	85-05-043	296-56-60223	AMD-P	85-21-100
296-30-080	AMD-P	85-21-085	296-56-60093	AMD	85-10-004	296-56-60227	AMD-P	85-05-043
296-30-081	NEW-P	85-21-085	296-56-60093	AMD-P	85-21-100	296-56-60227	AMD	85-10-004
296-30-120	NEW-P	85-21-085	296-56-60095	AMD-P	85-21-100	296-56-60229	AMD-P	85-21-100
296-30-130	NEW	85-03-060	296-56-60097	AMD-P	85-21-100	296-56-60231	AMD-P	85-21-100
296-30-130	AMD-P	85-21-085	296-56-60098	AMD-P	85-05-043	296-56-60233	AMD-P	85-05-043
296-30-170	NEW	85-03-060	296-56-60098	AMD	85-10-004	296-56-60233	AMD	85-10-004
296-30-170	AMD-P	85-21-085	296-56-60098	AMD-P	85-21-100	296-56-60233	AMD-P	85-21-100
296-30-180	NEW-P	85-21-085	296-56-60099	AMD-P	85-05-043	296-56-60235	AMD-P	85-05-043
296-30-900	NEW	85-03-060	296-56-60099	AMD	85-10-004	296-56-60235	AMD	85-10-004
296-40-940	REP-E	85-11-064	296-56-60101	AMD-P	85-21-100	296-56-60235	AMD-P	85-21-100
296-46-495	AMD-E	85-14-090	296-56-60103	AMD-P	85-21-100	296-56-60237	AMD-P	85-05-043
296-46-495	AMD-P	85-14-091	296-56-60107	AMD-P	85-21-100	296-56-60237	AMD	85-10-004
296-46-495	AMD	85-20-065	296-56-60109	AMD-P	85-21-100	296-56-60237	AMD-P	85-21-100
296-46-495	AMD-E	85-20-066	296-56-60110	AMD-P	85-21-100	296-56-60239	AMD-P	85-21-100
296-46-910	AMD-E	85-14-090	296-56-60111	AMD-P	85-21-100	296-56-60241	AMD-P	85-21-100
296-46-910	AMD-P	85-14-091	296-56-60113	AMD-P	85-21-100	296-56-60243	AMD-P	85-21-100
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296-46-910	AMD-E	85-20-066	296-56-60115	AMD	85-10-004	296-56-60249	AMD-P	85-21-100
296-56-60001	AMD-P	85-05-043	296-56-60115	AMD-P	85-21-100	296-56-60251	AMD-P	85-21-100
296-56-60001	AMD	85-10-004	296-56-60117	AMD-P	85-05-043	296-56-60253	AMD-P	85-21-100
296-56-60001	AMD-P	85-21-100	296-56-60117	AMD	85-10-004	296-56-990	REP-P	85-21-100
296-56-60003	AMD-P	85-21-100	296-56-60117	AMD-P	85-21-100	296-56-99001	REP-P	85-21-100
296-56-60005	AMD-P	85-21-100	296-56-60119	AMD-P	85-21-100	296-56-99002	AMD-P	85-21-100
296-56-60007	AMD-P	85-21-100	296-56-60121	AMD-P	85-21-100	296-56-99003	AMD-P	85-21-100
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296-56-60019	AMD	85-10-004	296-56-60129	AMD-P	85-21-100	296-62-05403	AMD	85-10-004
296-56-60019	AMD-P	85-21-100	296-56-60131	AMD-P	85-21-100	296-62-05405	AMD-P	85-05-043
296-56-60023	AMD-P	85-21-100	296-56-60133	AMD-P	85-21-100	296-62-05405	AMD	85-10-004
296-56-60025	AMD-P	85-21-100	296-56-60135	AMD-P	85-05-043	296-62-05411	AMD-P	85-05-043
296-56-60027	AMD-P	85-21-100	296-56-60135	AMD	85-10-004	296-62-05411	AMD	85-10-004
296-56-60029	AMD-P	85-21-100	296-56-60135	AMD-P	85-21-100	296-62-05413	AMD-P	85-05-043
296-56-60031	AMD-P	85-21-100	296-56-60137	REP-P	85-05-043	296-62-05413	AMD	85-10-004
296-56-60037	AMD-P	85-21-100	296-56-60137	REP	85-10-004	296-62-05421	AMD-P	85-05-043
296-56-60039	AMD-P	85-21-100	296-56-60139	AMD-P	85-21-100	296-62-05425	AMD-P	85-05-043
296-56-60041	AMD-P	85-21-100	296-56-60141	AMD-P	85-21-100	296-62-05425	AMD	85-10-004
296-56-60043	AMD-P	85-21-100	296-56-60143	AMD-P	85-21-100	296-62-05425	AMD	85-10-004
296-56-60045	AMD-P	85-05-043	296-56-60145	AMD-P	85-21-100	296-62-07302	AMD-P	85-05-043
296-56-60045	AMD	85-10-004	296-56-60147	AMD-P	85-21-100	296-62-07302	AMD	85-10-004
296-56-60049	AMD-P	85-21-100	296-56-60151	AMD-P	85-21-100	296-62-07306	AMD-P	85-05-043
296-56-60051	AMD-P	85-21-100	296-56-60153	AMD-P	85-21-100	296-62-07306	AMD	85-10-004
296-56-60053	AMD-P	85-21-100	296-56-60155	AMD-P	85-21-100	296-62-07353	AMD-P	85-05-043
296-56-60055	AMD-P	85-21-100	296-56-60157	AMD-P	85-21-100	296-62-07353	AMD	85-10-004
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296-56-60059	AMD-P	85-21-100	296-56-60161	AMD-P	85-21-100	296-62-130	AMD	85-10-004
296-56-60060	AMD-P	85-21-100	296-56-60167	AMD-P	85-21-100	296-65-001	NEW-E	85-16-019
296-56-60062	AMD-P	85-21-100	296-56-60169	AMD-P	85-21-100	296-65-001	NEW-E	85-18-021
296-56-60065	AMD-P	85-21-100	296-56-60171	AMD-P	85-21-100	296-65-001	NEW-P	85-18-045
296-56-60067	AMD-P	85-21-100	296-56-60180	AMD-P	85-21-100	296-65-001	NEW	85-21-080
296-56-60069	AMD-P	85-05-043	296-56-60182	REP-P	85-05-043	296-65-003	NEW-E	85-16-019
296-56-60069	AMD	85-10-004	296-56-60182	REP	85-10-004	296-65-003	NEW-E	85-18-021
296-56-60069	AMD-P	85-21-100	296-56-60183	AMD-P	85-21-100	296-65-003	NEW-P	85-18-045
296-56-60073	AMD-P	85-05-043	296-56-60189	AMD-P	85-21-100	296-65-003	NEW	85-21-080
296-56-60073	AMD	85-10-004	296-56-60191	AMD-P	85-21-100	296-65-005	NEW-E	85-16-019
296-56-60073	AMD-P	85-21-100	296-56-60193	AMD-P	85-21-100	296-65-005	NEW-E	85-18-021
296-56-60075	AMD-P	85-21-100	296-56-60195	AMD-P	85-21-100	296-65-005	NEW-P	85-18-045
296-56-60077	AMD-P	85-05-043	296-56-60199	AMD-P	85-21-100	296-65-005	NEW	85-21-080
296-56-60077	AMD	85-10-004	296-56-60201	AMD-P	85-21-100	296-65-010	NEW-E	85-16-019
296-56-60079	AMD-P	85-21-100	296-56-60205	AMD-P	85-21-100	296-65-010	NEW-E	85-18-021
296-56-60081	AMD-P	85-05-043	296-56-60207	AMD-P	85-21-100	296-65-010	NEW-P	85-18-045
296-56-60081	AMD	85-10-004	296-56-60209	AMD-P	85-05-043	296-65-010	NEW	85-21-080
296-56-60081	AMD-P	85-21-100	296-56-60209	AMD	85-10-004	296-65-015	NEW-E	85-16-019
296-56-60083	AMD-P	85-05-043	296-56-60211	AMD-P	85-21-100	296-65-015	NEW-E	85-18-021
296-56-60083	AMD	85-10-004	296-56-60211	AMD	85-10-004	296-65-015	NEW-P	85-18-045
296-56-60083	AMD-P	85-21-100	296-56-60215	AMD-P	85-21-100	296-65-015	NEW	85-21-080
296-56-60085	AMD-P	85-05-043	296-56-60217	AMD-P	85-05-043	296-65-020	NEW-E	85-16-019
296-56-60085	AMD	85-10-004	296-56-60217	AMD	85-10-004	296-65-020	NEW-E	85-18-021
296-56-60085	AMD-P	85-21-100	296-56-60217	AMD	85-21-100	296-65-020	NEW-P	85-18-045
296-56-60087	AMD-P	85-21-100	296-56-60219	AMD-P	85-05-043	296-65-020	NEW	85-21-080
296-56-60089	AMD-P	85-05-043	296-56-60219	AMD	85-10-004	296-65-025	NEW-E	85-16-019
296-56-60089	AMD	85-10-004	296-56-60219	AMD	85-10-004	296-65-025	NEW-E	85-18-021
296-56-60089	AMD-P	85-21-100	296-56-60219	AMD-P	85-21-100	296-65-025	NEW-P	85-18-045
						296-65-025	NEW	85-21-080

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296-65-030	NEW-P	85-18-045	296-155-100	AMD-P	85-21-099	296-155-52505	NEW-P	85-21-099
296-65-030	NEW	85-21-080	296-155-100	AMD-P	85-21-100	296-155-52506	NEW-P	85-21-099
296-65-040	NEW-E	85-16-019	296-155-110	AMD-P	85-21-099	296-155-52507	NEW-P	85-21-099
296-65-040	NEW-E	85-18-021	296-155-120	AMD-P	85-21-099	296-155-52508	NEW-P	85-21-099
296-65-040	NEW-P	85-18-045	296-155-125	AMD-P	85-21-099	296-155-530	AMD-P	85-21-099
296-65-040	NEW	85-21-080	296-155-130	AMD-P	85-21-099	296-155-545	AMD-P	85-21-099
296-65-045	NEW-E	85-16-019	296-155-140	AMD-P	85-21-099	296-155-570	AMD-P	85-21-099
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296-65-045	NEW-P	85-18-045	296-155-160	AMD-P	85-21-099	296-155-576	AMD-P	85-21-099
296-65-045	NEW	85-21-080	296-155-165	AMD-P	85-21-099	296-155-580	AMD-P	85-21-099
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296-104-010	AMD-P	85-20-018	296-155-201	AMD-P	85-21-099	296-155-610	AMD-P	85-21-099
296-104-015	AMD-E	85-20-004	296-155-203	NEW-P	85-21-099	296-155-615	AMD-P	85-21-099
296-104-015	AMD-P	85-20-018	296-155-20301	NEW-P	85-21-099	296-155-617	NEW-P	85-21-099
296-104-200	AMD-E	85-20-004	296-155-20303	NEW-P	85-21-099	296-155-61701	NEW-P	85-21-099
296-104-200	AMD-P	85-20-018	296-155-20305	NEW-P	85-21-099	296-155-61703	NEW-P	85-21-099
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296-104-201	REP-P	85-20-018	296-155-205	AMD-P	85-21-099	296-155-61707	NEW-P	85-21-099
296-116-070	AMD-P	85-12-039	296-155-211	NEW-P	85-21-099	296-155-61709	NEW-P	85-21-099
296-116-070	AMD	85-15-032	296-155-212	AMD-P	85-21-099	296-155-61711	NEW-P	85-21-099
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296-116-120	AMD	85-15-033	296-155-250	AMD-P	85-21-099	296-155-650	AMD-P	85-21-099
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296-124-021	NEW	85-03-065	296-155-275	AMD-P	85-21-099	296-155-660	AMD-P	85-21-099
296-124-022	NEW	85-03-065	296-155-280	AMD-P	85-21-099	296-155-66005	NEW-P	85-21-099
296-124-040	NEW	85-03-065	296-155-300	AMD-P	85-21-099	296-155-665	AMD-P	85-05-043
296-124-050	NEW	85-03-065	296-155-305	AMD-P	85-21-099	296-155-665	AMD	85-10-004
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296-127-010	AMD-E	85-21-011	296-155-330	AMD-P	85-21-099	296-155-66501	AMD-P	85-21-099
296-127-020	AMD-P	85-20-129	296-155-335	AMD-P	85-21-099	296-155-66502	AMD-P	85-21-099
296-127-020	AMD-E	85-21-011	296-155-34911	AMD-P	85-21-099	296-155-680	AMD-P	85-21-099
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296-127-150	NEW-P	85-20-129	296-155-355	AMD-P	85-21-099	296-155-720	AMD-P	85-21-099
296-127-150	NEW-E	85-21-011	296-155-360	AMD-P	85-21-099	296-155-725	AMD-P	85-21-099
296-127-160	NEW-P	85-20-129	296-155-363	NEW-P	85-21-099	296-155-730	AMD-P	85-21-099
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296-127-190	NEW-E	85-21-011	296-155-36313	NEW-P	85-21-099	296-155-855	REP-P	85-21-099
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296-127-200	NEW-E	85-21-011	296-155-36317	NEW-P	85-21-099	296-155-865	REP-P	85-21-099
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296-127-210	NEW-E	85-21-011	296-155-36321	NEW-P	85-21-099	296-155-875	REP-P	85-21-099
296-127-220	NEW-P	85-20-129	296-155-365	AMD-P	85-21-099	296-155-880	REP-P	85-21-099
296-127-220	NEW-E	85-21-011	296-155-367	NEW-P	85-21-099	296-155-885	REP-P	85-21-099
296-127-300	NEW-P	85-20-129	296-155-370	AMD-P	85-21-099	296-155-890	REP-P	85-21-099
296-127-300	NEW-E	85-21-011	296-155-400	AMD-P	85-21-099	296-155-895	REP-P	85-21-099
296-127-310	NEW-P	85-20-129	296-155-405	AMD-P	85-21-099	296-155-900	REP-P	85-21-099
296-127-310	NEW-E	85-21-011	296-155-407	NEW-P	85-21-099	296-155-905	REP-P	85-21-099
296-127-320	NEW-P	85-20-129	296-155-425	AMD-P	85-21-099	296-155-910	REP-P	85-21-099
296-127-320	NEW-E	85-21-011	296-155-430	AMD-P	85-21-099	296-155-915	REP-P	85-21-099
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296-150A-016	AMD	85-05-026	296-155-440	AMD-P	85-21-099	296-155-950	AMD-P	85-21-099
296-150A-040	AMD	85-05-026	296-155-475	AMD-P	85-21-099	296-310-010	NEW-P	85-21-086
296-150A-100	AMD	85-05-026	296-155-480	AMD-P	85-21-099	296-310-020	NEW-P	85-21-086
296-150A-105	AMD	85-05-026	296-155-485	AMD-P	85-21-099	296-310-030	NEW-P	85-21-086
296-150A-125	AMD	85-05-026	296-155-48523	NEW-P	85-21-099	296-310-040	NEW-P	85-21-086
296-150A-300	AMD	85-05-026	296-155-48525	NEW-P	85-21-099	296-310-050	NEW-P	85-21-086
296-150B-300	AMD	85-05-028	296-155-48527	NEW-P	85-21-099	296-310-060	NEW-P	85-21-086
296-150B-305	AMD	85-05-028	296-155-48529	NEW-P	85-21-099	296-310-070	NEW-P	85-21-086
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296-155-005	AMD-P	85-21-099	296-155-505	AMD-P	85-21-099	296-310-110	NEW-P	85-21-086
296-155-009	NEW-P	85-21-099	296-155-50503	NEW-P	85-21-099	296-310-120	NEW-P	85-21-086
296-155-010	AMD-P	85-21-099	296-155-50505	NEW-P	85-21-099	296-310-130	NEW-P	85-21-086
296-155-012	AMD-P	85-21-099	296-155-510	AMD-P	85-21-099	296-310-140	NEW-P	85-21-086



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296-310-170	NEW-P	85-21-086	304-12-305	REP-P	85-16-065	308-13-090	REP	85-04-029
296-310-180	NEW-P	85-21-086	304-12-310	REP	85-20-032	308-13-100	AMD	85-04-029
296-310-190	NEW-P	85-21-086	304-12-310	REP-P	85-16-065	308-13-110	AMD	85-04-029
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296-310-220	NEW-P	85-21-086	304-12-350	AMD	85-20-032	308-25-200	REP-E	85-15-103
296-310-230	NEW-P	85-21-086	304-25	AMD-P	85-16-066	308-25-200	REP-P	85-16-090
296-310-240	NEW-P	85-21-086	304-25	AMD	85-20-033	308-25-200	REP	85-19-039
296-310-250	NEW-P	85-21-086	304-25-010	AMD-P	85-16-066	308-26-030	REP-E	85-15-106
296-310-260	NEW-P	85-21-086	304-25-010	AMD	85-20-033	308-26-030	REP-P	85-16-091
296-310-270	NEW-P	85-21-086	304-25-510	AMD-P	85-16-066	308-26-030	REP	85-19-040
296-350-300	NEW-P	85-21-100	304-25-510	AMD	85-20-033	308-30-010	NEW-P	85-21-101
296-350-400	AMD-P	85-21-100	304-25-560	AMD-P	85-16-066	308-30-020	NEW-P	85-21-101
296-360-040	AMD-P	85-05-043	304-25-560	AMD	85-20-033	308-30-030	NEW-P	85-21-101
296-360-040	AMD	85-10-004	304-25-570	AMD-P	85-16-066	308-30-040	NEW-P	85-21-101
296-401-175	AMD-E	85-14-090	304-25-570	AMD	85-20-033	308-30-050	NEW-P	85-21-101
296-401-175	AMD-P	85-14-091	308-04-001	AMD-E	85-03-082	308-30-060	NEW-P	85-21-101
296-401-175	AMD	85-20-065	308-04-001	AMD-P	85-13-078	308-30-070	NEW-P	85-21-101
296-401-175	AMD-E	85-20-066	308-04-001	AMD-P	85-19-035	308-30-080	NEW-P	85-21-101
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296-402-010	NEW	85-20-130	308-11-050	AMD	85-03-045	308-30-100	NEW-P	85-21-101
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296-402-030	NEW	85-20-130	308-12-010	AMD	85-21-065	308-31-200	REP	85-15-058
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296-402-050	NEW	85-20-130	308-12-031	AMD-P	85-17-077	308-34-100	REP	85-19-036
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296-402-080	NEW	85-20-130	308-12-080	AMD-P	85-17-077	308-37-180	NEW	85-05-040
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296-402-090	NEW	85-20-130	308-12-081	AMD-P	85-17-077	308-37-190	NEW	85-05-040
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296-402-100	NEW	85-20-130	308-12-082	REP-P	85-17-077	308-40-104	AMD-C	85-14-032
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296-402-110	NEW	85-20-130	308-12-085	NEW-P	85-17-077	308-40-111	REP-C	85-06-007
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296-402-130	NEW	85-20-130	308-12-110	REP	85-21-065	308-42-136	NEW-P	85-03-107
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296-402-150	NEW-P	85-14-033	308-12-116	NEW-P	85-17-077	308-42-165	NEW-P	85-18-086
296-402-150	NEW	85-20-130	308-12-120	REP-P	85-17-077	308-42-200	REP-P	85-14-109
296-402-160	NEW-P	85-14-033	308-12-120	REP	85-21-065	308-42-200	REP-E	85-14-110
296-402-160	NEW	85-20-130	308-12-130	REP-P	85-17-077	308-42-200	REP	85-18-087
296-402-170	NEW-P	85-14-033	308-12-130	REP	85-21-065	308-48-100	AMD-P	85-14-025
296-402-170	NEW	85-20-130	308-12-320	AMD	85-05-010	308-48-100	AMD	85-19-014
296-402-180	NEW-P	85-14-033	308-12-321	NEW-P	85-17-077	308-48-320	REP-P	85-15-101
296-402-180	NEW	85-20-130	308-12-321	NEW	85-21-065	308-48-320	REP-E	85-15-109
296-402-190	NEW-P	85-14-033	308-12-322	NEW-P	85-17-077	308-48-320	REP	85-19-013
296-402-190	NEW	85-20-130	308-12-322	NEW	85-21-065	308-48-590	AMD-P	85-15-101
304-12-140	AMD-P	85-16-065	308-12-323	NEW-P	85-17-077	308-48-590	AMD	85-19-013
304-12-140	AMD	85-20-032	308-12-323	NEW	85-21-065	308-48-700	NEW-P	85-18-085
304-12-155	REP-P	85-16-065	308-12-324	NEW-P	85-17-077	308-48-700	NEW	85-21-066
304-12-155	REP	85-20-032	308-12-324	NEW	85-21-065	308-48-710	NEW-P	85-18-085
304-12-170	REP-P	85-16-065	308-12-325	NEW-P	85-17-077	308-48-710	NEW	85-21-066
304-12-170	REP	85-20-032	308-12-325	NEW	85-21-065	308-48-720	NEW-P	85-18-085
304-12-180	REP-P	85-16-065	308-13-005	NEW	85-04-029	308-48-720	NEW	85-21-066
304-12-180	REP	85-20-032	308-13-010	AMD	85-04-029	308-48-730	NEW-P	85-18-085
304-12-190	REP-P	85-16-065	308-13-015	AMD	85-04-029	308-48-730	NEW	85-21-066
304-12-190	REP	85-20-032	308-13-020	AMD	85-04-029	308-48-740	NEW-P	85-18-085
304-12-191	REP-P	85-16-065	308-13-022	NEW	85-04-029	308-48-740	NEW	85-21-066
304-12-191	REP	85-20-032	308-13-025	NEW	85-04-029	308-48-750	NEW-P	85-18-085
304-12-192	REP-P	85-16-065	308-13-030	REP	85-04-029	308-48-750	NEW	85-21-066
304-12-192	REP	85-20-032	308-13-032	NEW	85-04-029	308-48-760	NEW-P	85-18-085
304-12-220	REP-P	85-16-065	308-13-032	AMD-P	85-20-122	308-48-760	NEW	85-21-066
304-12-220	REP	85-20-032	308-13-035	REP-P	85-20-122	308-48-770	NEW-P	85-18-085
304-12-225	REP-P	85-16-065	308-13-040	AMD	85-04-029	308-48-770	NEW	85-21-066
304-12-225	REP	85-20-032	308-13-050	AMD	85-04-029	308-48-780	NEW-P	85-18-085

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308-50-060	REP-P	85-06-055	308-61-180	REP-P	85-20-119	308-93-650	AMD-E	85-19-092
308-50-060	REP	85-10-024	308-61-185	NEW-P	85-20-119	308-96A-046	AMD-P	85-10-069
308-50-070	REP-P	85-06-055	308-61-190	NEW-P	85-20-119	308-96A-046	AMD	85-15-059
308-50-070	REP	85-10-024	308-78-010	AMD	85-04-027	308-96A-080	NEW-P	85-07-045
308-50-080	REP-P	85-06-055	308-78-040	AMD	85-04-027	308-96A-080	NEW	85-11-014
308-50-080	REP	85-10-024	308-78-045	AMD	85-04-027	308-96A-085	NEW-P	85-07-045
308-50-270	AMD	85-05-020	308-78-050	AMD	85-04-027	308-96A-085	NEW	85-11-014
308-50-300	REP-P	85-06-055	308-78-070	AMD	85-04-027	308-96A-090	NEW-P	85-07-045
308-50-300	REP	85-10-024	308-78-080	AMD	85-04-027	308-96A-090	NEW	85-11-014
308-50-310	AMD-P	85-19-034	308-89-010	NEW-P	85-10-070	308-96A-095	NEW-P	85-07-045
308-50-320	AMD-P	85-06-055	308-89-010	NEW-P	85-17-071	308-96A-095	NEW	85-11-014
308-50-320	AMD	85-10-024	308-89-010	NEW	85-21-034	308-96A-097	NEW-P	85-07-045
308-50-330	AMD-P	85-19-034	308-89-020	NEW-P	85-10-070	308-96A-097	NEW	85-11-014
308-50-380	NEW	85-05-020	308-89-020	NEW-P	85-17-071	308-99-010	AMD-P	85-13-080
308-50-390	NEW-P	85-06-055	308-89-020	NEW	85-21-034	308-99-010	AMD	85-20-080
308-50-390	NEW	85-10-024	308-89-030	NEW-P	85-10-070	308-99-020	AMD-P	85-13-080
308-50-400	NEW-P	85-06-055	308-89-030	NEW	85-16-088	308-99-020	AMD	85-20-080
308-50-400	NEW	85-10-024	308-89-040	NEW-P	85-10-070	308-99-025	NEW-P	85-13-080
308-50-410	NEW-P	85-06-055	308-89-040	NEW	85-16-088	308-99-025	NEW	85-20-080
308-50-410	NEW	85-10-024	308-89-050	NEW-P	85-10-070	308-99-040	AMD-P	85-13-080
308-50-420	NEW-P	85-19-034	308-89-050	NEW	85-16-088	308-99-040	AMD	85-20-080
308-51-190	REP-E	85-15-105	308-93-010	AMD-E	85-14-079	308-115-050	AMD-P	85-20-124
308-51-190	REP-P	85-16-093	308-93-010	AMD-P	85-16-095	308-115-140	AMD-P	85-20-124
308-51-190	REP	85-19-037	308-93-010	AMD-E	85-19-092	308-115-150	AMD-P	85-20-124
308-52-138	AMD	85-03-083	308-93-050	AMD-E	85-14-079	308-115-190	AMD-P	85-20-124
308-52-255	AMD-P	85-07-066	308-93-050	AMD-P	85-16-095	308-115-300	REP-E	85-15-108
308-52-255	AMD	85-11-048	308-93-050	AMD-E	85-19-092	308-115-300	REP-P	85-16-096
308-52-260	AMD	85-03-084	308-93-060	AMD-E	85-14-079	308-115-300	REP	85-19-038
308-52-270	AMD	85-03-084	308-93-060	AMD-P	85-16-095	308-117-025	NEW-P	85-18-033
308-52-405	AMD-P	85-19-089	308-93-060	AMD-E	85-19-092	308-117-025	NEW-P	85-21-103
308-52-406	AMD-P	85-19-089	308-93-070	AMD-E	85-14-079	308-120-170	AMD-P	85-07-067
308-52-410	AMD-P	85-19-089	308-93-070	AMD-P	85-16-095	308-120-170	AMD-C	85-16-050
308-52-415	AMD-P	85-19-089	308-93-070	AMD-E	85-19-092	308-120-170	AMD-P	85-20-077
308-52-500	AMD-P	85-19-089	308-93-071	NEW-E	85-14-079	308-120-300	AMD-P	85-07-067
308-52-510	AMD-P	85-19-089	308-93-071	NEW-P	85-16-095	308-120-300	AMD-C	85-16-050
308-53-160	REP-P	85-13-079	308-93-071	NEW-E	85-19-092	308-120-300	AMD-P	85-20-077
308-53-160	REP	85-16-054	308-93-072	NEW-E	85-14-079	308-120-305	AMD-P	85-07-067
308-53-165	AMD-P	85-13-079	308-93-072	NEW-P	85-16-095	308-120-305	AMD-C	85-16-050
308-53-165	AMD	85-16-054	308-93-072	NEW-E	85-19-092	308-120-305	AMD-P	85-20-077
308-53-211	REP	85-04-055	308-93-073	NEW-E	85-14-079	308-120-315	AMD-P	85-07-067
308-53-270	AMD-P	85-13-079	308-93-073	NEW-P	85-16-095	308-120-315	AMD-C	85-16-050
308-53-270	AMD	85-16-054	308-93-074	NEW-E	85-19-092	308-120-315	AMD-P	85-20-077
308-53-290	NEW	85-05-009	308-93-074	NEW-E	85-14-079	308-120-325	AMD-P	85-07-067
308-53-290	REP-P	85-13-079	308-93-074	NEW-P	85-16-095	308-120-325	AMD-C	85-16-050
308-53-290	REP-E	85-16-053	308-93-074	NEW-E	85-19-092	308-120-325	AMD-P	85-20-077
308-53-290	REP	85-16-054	308-93-075	AMD-E	85-14-079	308-120-335	AMD-P	85-07-067
308-55-005	REP-E	85-15-107	308-93-075	AMD-P	85-16-095	308-120-335	AMD-C	85-16-050
308-55-005	REP-P	85-16-094	308-93-075	AMD-E	85-19-092	308-120-335	AMD-P	85-20-077
308-55-005	REP	85-19-041	308-93-076	NEW-E	85-14-079	308-120-345	AMD-P	85-07-067
308-56A-150	AMD-P	85-02-064	308-93-076	NEW-P	85-16-095	308-120-345	AMD-C	85-16-050
308-56A-150	AMD	85-06-011	308-93-076	NEW-E	85-19-092	308-120-345	AMD-P	85-20-077
308-61-010	AMD-P	85-20-119	308-93-077	NEW-E	85-14-079	308-120-355	REP-P	85-07-067
308-61-025	AMD-P	85-20-119	308-93-077	NEW-P	85-16-095	308-120-355	REP-C	85-16-050
308-61-026	NEW-P	85-20-119	308-93-077	NEW-E	85-19-092	308-120-355	REP-P	85-20-077
308-61-027	REP-P	85-20-119	308-93-135	AMD-E	85-14-079	308-120-360	AMD-P	85-07-067
308-61-030	AMD-P	85-20-119	308-93-135	AMD-P	85-16-095	308-120-360	AMD-C	85-16-050
308-61-040	AMD-P	85-20-119	308-93-135	AMD-E	85-19-092	308-120-360	AMD-P	85-20-077
308-61-050	AMD-P	85-20-119	308-93-190	AMD-E	85-14-079	308-120-365	AMD-P	85-07-067
308-61-100	REP-P	85-20-119	308-93-190	AMD-P	85-16-095	308-120-365	AMD-C	85-16-050
308-61-105	NEW-P	85-20-119	308-93-190	AMD-E	85-19-092	308-120-365	AMD-P	85-20-077
308-61-108	NEW-P	85-20-119	308-93-210	AMD-E	85-14-079	308-120-400	AMD-P	85-07-067
308-61-110	REP-P	85-20-119	308-93-210	AMD-P	85-16-095	308-120-400	AMD-C	85-16-050
308-61-115	NEW-P	85-20-119	308-93-210	AMD-E	85-19-092	308-120-400	AMD-P	85-20-077
308-61-120	REP-P	85-20-119	308-93-260	REP-E	85-14-079	308-120-410	AMD-P	85-07-067
308-61-125	NEW-P	85-20-119	308-93-260	REP-P	85-16-095	308-120-410	AMD-C	85-16-050
308-61-130	REP-P	85-20-119	308-93-260	REP-E	85-19-092	308-120-410	AMD-P	85-20-077
308-61-135	NEW-P	85-20-119	308-93-360	AMD-E	85-14-079	308-120-420	AMD-P	85-07-067
308-61-140	REP-P	85-20-119	308-93-360	AMD-P	85-16-095	308-120-420	AMD-C	85-16-050
308-61-145	NEW-P	85-20-119	308-93-360	AMD-E	85-19-092	308-120-420	AMD-P	85-20-077
308-61-150	REP-P	85-20-119	308-93-450	AMD-E	85-14-079	308-120-430	AMD-P	85-07-067
308-61-155	REP-P	85-20-119	308-93-450	AMD-P	85-16-095	308-120-430	AMD-C	85-16-050
308-61-158	NEW-P	85-20-119	308-93-450	AMD-E	85-19-092	308-120-430	AMD-P	85-20-077
308-61-160	REP-P	85-20-119	308-93-620	AMD-E	85-14-079	308-120-440	AMD-P	85-07-067
308-61-165	REP-P	85-20-119	308-93-620	AMD-P	85-16-095	308-120-440	AMD-C	85-16-050
308-61-168	NEW-P	85-20-119	308-93-620	AMD-E	85-19-092	308-120-440	AMD-P	85-20-077
308-61-170	REP-P	85-20-119	308-93-650	AMD-E	85-14-079	308-120-450	AMD-P	85-07-067

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308-120-450	AMD-P	85-20-077	308-171-010	NEW	85-05-008	314-16-110	REVIEW	85-12-054
308-120-600	REP-P	85-20-076	308-171-020	NEW-W	85-02-053	314-16-120	AMD-P	85-12-048
308-120-601	REP-P	85-20-076	308-171-020	NEW-P	85-02-065	314-16-120	REVIEW	85-12-054
308-120-602	REP-P	85-20-076	308-171-020	NEW	85-05-008	314-16-120	AMD	85-15-021
308-120-603	REP-P	85-20-076	308-171-030	NEW-P	85-02-063	314-16-122	REVIEW	85-12-054
308-120-604	REP-P	85-20-076	308-171-030	NEW	85-06-012	314-16-125	REVIEW	85-12-054
308-120-605	REP-P	85-20-076	308-171-040	NEW-P	85-02-063	314-16-130	REVIEW	85-12-054
308-120-606	REP-P	85-20-076	308-171-040	NEW	85-06-012	314-16-140	REVIEW	85-12-054
308-120-607	REP-P	85-20-076	308-171-100	NEW-W	85-02-053	314-16-145	REVIEW	85-12-054
308-120-608	REP-P	85-20-076	308-171-100	NEW-P	85-02-065	314-16-150	REVIEW	85-12-054
308-120-700	NEW-P	85-07-068	308-171-100	NEW	85-05-008	314-16-155	REVIEW	85-12-054
308-120-710	NEW-P	85-07-068	308-171-101	NEW-W	85-02-053	314-16-160	REVIEW	85-12-054
308-120-720	NEW-P	85-07-068	308-171-101	NEW-P	85-02-065	314-16-170	REVIEW	85-12-054
308-120-800	NEW-P	85-07-069	308-171-101	NEW	85-05-008	314-16-180	REVIEW	85-12-054
308-120-800	NEW	85-17-031	308-171-102	NEW-W	85-02-053	314-16-190	AMD-P	85-05-042
308-122-210	REP	85-06-043	308-171-102	NEW-P	85-02-065	314-16-190	AMD-W	85-09-026
308-122-215	NEW	85-06-043	308-171-102	NEW	85-05-008	314-16-190	AMD-P	85-11-036
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308-122-620	NEW	85-06-044	308-171-200	NEW-W	85-02-053	314-16-195	REVIEW	85-12-054
308-122-630	NEW-P	85-16-114	308-171-200	NEW-P	85-02-065	314-16-196	AMD-P	85-04-061
308-122-640	NEW	85-06-044	308-171-200	NEW	85-05-008	314-16-196	AMD-W	85-07-034
308-122-640	AMD-P	85-16-114	308-171-201	NEW-W	85-02-053	314-16-196	REVIEW	85-12-054
308-122-650	NEW	85-06-044	308-171-201	NEW-P	85-02-065	314-16-197	NEW-P	85-05-042
308-122-660	NEW	85-06-044	308-171-201	NEW	85-05-008	314-16-197	NEW-W	85-09-026
308-122-670	NEW-P	85-16-114	308-171-202	NEW-W	85-02-053	314-16-197	NEW-P	85-11-036
308-122-680	NEW	85-06-044	308-171-202	NEW-P	85-02-065	314-16-197	NEW	85-14-107
308-122-690	NEW	85-06-044	308-171-202	NEW	85-05-008	314-16-200	REVIEW	85-12-054
308-122-695	NEW	85-06-044	308-171-300	NEW-W	85-02-053	314-16-205	REVIEW	85-12-054
308-122-700	NEW	85-06-043	308-171-300	NEW-P	85-02-065	314-16-210	REVIEW	85-12-054
308-122-710	NEW	85-06-043	308-171-300	NEW	85-05-008	314-16-220	REVIEW	85-12-054
308-124C-020	AMD-P	85-16-051	308-171-301	NEW-P	85-07-070	314-16-230	REVIEW	85-12-054
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308-124D-100	REP-P	85-17-072	308-175-010	NEW	85-06-018	314-18-040	AMD	85-06-021
308-124D-100	REP	85-21-036	308-175-020	NEW	85-06-018	314-20-100	AMD-P	85-18-092
308-124E-011	AMD-P	85-16-051	308-175-030	NEW	85-06-018	314-20-100	AMD	85-21-020
308-124E-011	AMD	85-21-035	308-175-040	NEW	85-06-018	314-20-105	AMD-P	85-18-092
308-124F-040	NEW-P	85-16-051	308-175-050	NEW	85-06-018	314-20-105	AMD	85-21-020
308-124F-040	NEW	85-21-035	308-175-060	NEW	85-06-018	314-24-003	AMD-P	85-16-039
308-124H-010	AMD-P	85-16-051	308-175-070	NEW	85-06-018	314-24-003	AMD	85-19-030
308-124H-010	AMD	85-21-035	308-175-080	NEW	85-06-018	314-24-060	AMD-P	85-21-056
308-124H-020	AMD-P	85-16-051	308-175-090	NEW	85-06-018	314-24-110	AMD-P	85-21-089
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308-124H-030	AMD-P	85-16-051	314-12-010	REVIEW	85-12-054	314-24-220	NEW	85-10-029
308-124H-030	AMD	85-21-035	314-12-020	REVIEW	85-12-054	314-24-220	AMD-P	85-21-089
308-124H-032	REP-P	85-16-051	314-12-030	REVIEW	85-12-054	314-40-040	AMD-P	85-03-094
308-124H-032	REP	85-21-035	314-12-033	REVIEW	85-12-054	314-40-040	AMD	85-06-020
308-124H-040	AMD-P	85-16-051	314-12-035	REVIEW	85-12-054	314-44-005	AMD-P	85-03-106
308-124H-040	AMD	85-21-035	314-12-040	REVIEW	85-12-054	314-45-010	AMD-P	85-16-119
308-124H-045	AMD-P	85-16-051	314-12-050	REVIEW	85-12-054	314-45-010	AMD	85-19-031
308-124H-045	AMD	85-21-035	314-12-050	AMD-P	85-21-054	314-52-015	AMD-P	85-03-106
308-124H-060	AMD-P	85-16-051	314-12-060	REVIEW	85-12-054	314-52-030	AMD-P	85-03-106
308-124H-060	AMD	85-21-035	314-12-070	REVIEW	85-12-054	315-02-020	AMD-P	85-03-099
308-124H-065	NEW-P	85-16-051	314-12-080	REVIEW	85-12-054	315-02-020	AMD	85-07-005
308-124H-065	NEW	85-21-035	314-12-090	REVIEW	85-12-054	315-02-080	AMD-P	85-21-107
308-124H-080	NEW-P	85-16-051	314-12-100	REVIEW	85-12-054	315-02-150	AMD-P	85-21-107
308-124H-080	NEW	85-21-035	314-12-110	REVIEW	85-12-054	315-02-160	AMD-P	85-21-107
308-138-055	AMD-P	85-06-009	314-12-120	REVIEW	85-12-054	315-02-200	AMD-P	85-21-107
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308-138-300	AMD-P	85-19-090	314-12-130	REVIEW	85-12-054	315-04-010	AMD	85-09-004
308-151-080	AMD	85-03-085	314-12-140	REVIEW	85-12-054	315-04-010	AMD-P	85-21-107
308-151-100	AMD	85-03-085	314-12-140	AMD-P	85-21-055	315-04-020	AMD-P	85-21-107
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308-151-100	AMD	85-07-021	314-12-170	REVIEW	85-12-054	315-04-040	AMD-P	85-05-058
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308-153-030	AMD-P	85-14-080	314-16-030	REVIEW	85-12-054	315-04-060	AMD-P	85-05-058
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308-171-001	NEW	85-05-008	314-16-070	REVIEW	85-12-054	315-04-100	REP-E	85-13-016
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326-20-120	AMD-E	85-11-016	332-14-190	NEW	85-10-040	332-26-091	NEW-E	85-17-047
326-20-120	AMD	85-14-101	332-14-200	NEW-P	85-04-062	332-26-091	REP-E	85-17-068
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326-20-185	NEW-E	85-03-043	332-14-220	NEW	85-10-040	332-26-091b	REP-E	85-18-082
326-20-185	NEW	85-07-006	332-14-230	NEW-P	85-04-062	332-26-091c	NEW-E	85-18-082
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326-30-037	NEW-E	85-20-057	332-14-270	NEW	85-10-040	332-30-103	AMD-P	85-11-037
326-30-037	NEW	85-20-058	332-14-280	NEW-P	85-04-062	332-30-106	AMD-P	85-11-037
326-40-020	AMD-P	85-03-032	332-14-280	NEW	85-10-040	332-30-107	AMD-P	85-11-037
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326-50-020	NEW-P	85-14-117	332-26-050	NEW-E	85-15-036	332-30-128	NEW-P	85-11-037
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326-50-030	NEW-E	85-14-118	332-26-081	REP-E	85-19-087	332-30-134	NEW-P	85-11-037
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392-127-650	AMD-P 85-15-092	392-193-055	NEW 85-21-043	399-20-010	NEW-E 85-21-084
392-127-650	AMD 85-19-006	392-193-060	NEW-P 85-17-005	399-20-020	NEW-E 85-21-083
392-127-665	AMD-P 85-15-092	392-193-060	NEW-E 85-17-007	399-20-020	NEW-E 85-21-084
392-127-665	AMD 85-19-006	392-193-060	NEW 85-21-043	399-20-030	NEW-P 85-21-083
392-129	AMD-C 85-05-012	392-196-005	NEW-P 85-17-023	399-20-030	NEW-E 85-21-084
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392-134-001	REP-P 85-21-096	392-196-010	NEW-E 85-17-024	399-20-050	NEW-E 85-21-084
392-134-002	NEW-P 85-21-096	392-196-010	NEW 85-21-052	399-20-060	NEW-P 85-21-083
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392-134-005	AMD-P 85-21-096	392-196-015	NEW-E 85-17-024	399-20-070	NEW-E 85-21-084
392-134-015	AMD-P 85-21-096	392-196-015	NEW 85-21-052	399-20-080	NEW-P 85-21-083
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392-140-044	NEW-P 85-21-097	392-196-025	NEW-P 85-17-023	399-20-100	NEW-P 85-21-083
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392-140-047	AMD-P 85-21-097	392-196-025	NEW 85-17-023	399-20-110	NEW-E 85-21-084
392-140-048	AMD-P 85-21-097	392-196-030	NEW-E 85-17-024	399-20-120	NEW-P 85-21-083
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392-140-052	AMD-P 85-21-097	392-196-035	NEW 85-21-052	399-30-020	NEW-P 85-21-083
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392-140-056	AMD-P 85-21-097	392-196-045	NEW-P 85-17-023	399-30-040	NEW-P 85-21-083
392-140-057	AMD-P 85-21-097	392-196-045	NEW-E 85-17-024	399-30-040	NEW-E 85-21-084
392-140-058	AMD-P 85-21-097	392-196-045	NEW 85-21-052	399-30-050	NEW-P 85-21-083
392-140-059	AMD-P 85-21-097	392-196-050	NEW-P 85-17-023	399-30-050	NEW-E 85-21-084
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419-14-075	AMD-E 85-03-023	440-44-065	AMD-P 85-09-054	458-08-130	NEW-P 85-16-100
419-14-075	AMD-P 85-03-049	440-44-065	AMD 85-12-029	458-08-130	NEW-E 85-16-101
419-14-075	AMD 85-07-010	440-44-075	AMD-P 85-09-054	458-08-130	NEW-C 85-19-069
419-14-100	AMD-P 85-03-050	440-44-075	AMD 85-12-029	458-08-140	NEW-P 85-16-100
419-14-100	AMD 85-07-009	440-44-076	NEW-P 85-09-054	458-08-140	NEW-E 85-16-101
419-14-110	AMD-P 85-03-050	440-44-076	NEW 85-13-007	458-08-140	NEW-C 85-19-069
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419-18-030	AMD-P 85-03-051	440-44-090	NEW 85-20-031	458-08-150	NEW-E 85-16-101
419-18-030	AMD 85-07-008	440-44-095	NEW 85-04-023	458-08-150	NEW-C 85-19-069
419-18-040	AMD-P 85-03-051	440-44-100	NEW-P 85-15-089	458-08-160	NEW-P 85-16-100
419-18-040	AMD 85-07-008	446-50-080	AMD-E 85-15-048	458-08-160	NEW-E 85-16-101
419-18-060	AMD-P 85-03-051	446-50-080	AMD-P 85-16-003	458-08-160	NEW-C 85-19-069
419-18-060	AMD 85-07-008	446-50-080	AMD 85-20-070	458-08-170	NEW-P 85-16-100
419-18-070	AMD-P 85-03-051	448-12-210	NEW-P 85-05-041	458-08-170	NEW-E 85-16-101
419-18-070	AMD 85-07-008	448-12-210	NEW 85-08-012	458-08-170	NEW-C 85-19-069
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419-36-090	NEW-P 85-19-028	448-12-220	NEW 85-08-012	458-08-180	NEW-E 85-16-101
434-15-010	NEW-P 85-10-063	448-12-230	NEW-P 85-05-041	458-08-180	NEW-C 85-19-069
434-15-010	NEW 85-13-017	448-12-230	NEW 85-08-012	458-08-190	NEW-P 85-16-100
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434-15-030	NEW 85-13-017	448-12-250	NEW 85-08-012	458-08-200	NEW-E 85-16-101
434-15-040	NEW-P 85-10-063	448-12-260	NEW-P 85-05-041	458-08-200	NEW-C 85-19-069
434-15-040	NEW 85-13-017	448-12-260	NEW 85-08-012	458-08-210	NEW-P 85-16-100
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434-15-050	NEW 85-13-017	448-12-270	NEW 85-08-012	458-08-210	NEW-C 85-19-069
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434-15-060	NEW 85-13-017	448-12-280	NEW 85-08-012	458-08-220	NEW-E 85-16-101
434-15-070	NEW-P 85-10-063	448-12-290	NEW-P 85-05-041	458-08-220	NEW-C 85-19-069
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434-15-100	NEW-P 85-10-063	448-12-320	NEW-P 85-05-041	458-08-240	NEW-C 85-19-069
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434-15-110	NEW 85-13-017	448-12-330	NEW 85-08-012	458-08-250	NEW-C 85-19-069
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434-15-120	NEW 85-13-017	448-12-340	NEW 85-08-012	458-12-255	REP-P 85-18-022
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434-15-99001	NEW-P 85-10-063	458-08-030	NEW-C 85-19-069	458-14-092	AMD 85-17-016
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440-44-050	AMD-P 85-09-054	458-08-070	NEW-P 85-16-100	458-16-150	AMD-C 85-02-060
440-44-050	AMD 85-13-007	458-08-070	NEW-E 85-16-101	458-16-150	AMD 85-05-025
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