

OCTOBER 7, 1987

OLYMPIA, WASHINGTON

ISSUE 87-19



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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.

PUBLIC INSPECTION OF DOCUMENTS

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

REPLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of October 1987 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1987 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

WASHINGTON STATE REGISTER

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

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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.

1987 – 1988

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
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87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
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88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989

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

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

³No 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 87-19-001
EMERGENCY RULES
DEPARTMENT OF LICENSING
(Board of Massage)
 [Order PM 674—Filed September 4, 1987]

Be it resolved by the Washington State Board of Massage, acting at Olympia, Washington, that it does adopt the annexed rules relating to examination appeal procedures, WAC 308-51-125.

We, the Washington State Board of Massage, 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 no rules regulating massage examination appeals are presently enacted and the next examination is scheduled to begin September 21, 1987.

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 Washington State Board of Massage as authorized in RCW 18.108.020.

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 August 27, 1987.

By Susan Rosen
 Chairperson

NEW SECTION

WAC 308-51-125 EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure and does not pass either the written examination or the practical examination, may request review of the results of either examination by the Washington State Board of Massage.

(a) The board will not modify examination results unless the candidate presents clear and convincing evidence of error in the examination content or procedure, or bias, prejudice or discrimination in the examination process.

(b) The board will not consider any challenges to examination scores unless the total of the potentially revised score would result in issuance of a license.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within 30 days of the date on the notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the written examination.

(i) In addition to the written request required in (a) above, the candidate must, within 30 days of the date on the notification of exam results, appear personally in the department office in Olympia for an examination review

session. The candidate must contact the department to make an appointment for the exam review session.

(ii) The candidate's incorrect answers will be available during the review session. The candidate will be given a form to complete in defense of the examination answers. The candidate must specifically identify the challenged questions on the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) The candidate will be allowed one half (1/2) the time originally allotted to take the examination for this review session.

(iv) The candidate may not bring in notes or tests for use while completing the informal review form.

(v) The candidate will not be allowed to remove any notes or materials from the office upon completing the review session.

(c) The following procedures apply to an appeal of the results of the practical examination.

(i) In addition to the written request required in (a) above, the candidate must, within 30 days of the date on the notification of exam results, request in writing a breakdown of the candidate's scores in the various areas of the examination.

(ii) The candidate will be sent the breakdown and will also be provided a form to complete in defense of the candidate's examination performance. The candidate must complete the form and specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results should be modified. This form must be returned to the department within 15 days of the date on the breakdown sent to the candidate.

(d) The board will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate. The candidate will be notified in writing of the board decision.

(i) The candidate will be identified only by candidate number for the purpose of this review.

(ii) Letters of referral or requests for special consideration will not be read or considered by the board.

(e) Any candidate who is not satisfied with the results of the informal examination review may request a formal hearing before the board to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for formal hearing must be received by the department within twenty (20) days of the date on the notice of the results of the board's informal review.

(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty (20) days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) *The formal hearing will be conducted pursuant to the Administrative Procedure Act, 34.04 RCW.*

(g) *The candidate will be notified in writing of the board decision.*

WSR 87-19-002
PROPOSED RULES
FOREST PRACTICES BOARD
[Filed September 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Forest Practices Board intends to adopt, amend, or repeal rules concerning forest practices rules and regulations, Title 222 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 2, 1987, 2:00 to 4:00 p.m., House Office Building, Hearing Room B, Olympia, Washington.

The authority under which these rules are proposed is RCW 76.09.040.

The specific statute these rules are intended to implement is chapter 76.09 RCW, Forest Practices Act.

This notice is connected to and continues the matter in Notice No. WSR 87-10-018 filed with the code reviser's office on May 1, 1987.

By Thomas E. Robinson
Executive Secretary

WSR 87-19-003
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—September 4, 1987]

Pursuant to RCW 42.30.075, the regularly scheduled November 2, 1987, meeting of the Washington Forest Practices Board will be held 2:00 to 4:00 p.m. in the House Office Building, Hearing Room B, Capitol Campus, Olympia, Washington.

The board has continued rule adoption from the September 3, 1987, meeting and may conduct other business.

WSR 87-19-004
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-112—Filed September 4, 1987]

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

I, Joseph R. Blum, 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 above Hood River, while Spring Creek fall chinook need protection. This regulation is 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 September 4, 1987.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100Q COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052:*

(a) *It is unlawful for any person, including treaty Indian fishermen, to fish for or possess salmon taken from those waters downstream from the Hood River Bridge to Bonneville Dam during the period September 7 through September 12, 1987.*

(b) *It is unlawful for any person to take or possess salmon taken for commercial purposes from those waters of Columbia River Salmon Management and Catch Reporting Area 1F above Hood River Bridge, or Areas 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:*

12:00 noon September 7, to 12:00 noon September 12, 1987

(2) *Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:*

(a) *Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.*

(b) *Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.*

(c) *Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.*

(d) *Klickitat River is those waters of the Columbia River extending to midstream at right angles to the*

thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100P COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (87-99)

**WSR 87-19-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-113—Filed September 4, 1987]**

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 for an expanded Buoy 10 fishery, but fall chinook returning to the Spring Creek Hatchery are in need of protection.

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 September 4, 1987.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-16000J COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160:

(1) Effective 12:01 a.m. September 7, until 11:59 p.m. September 30, 1987, Special Bag Limit in those waters downstream from the Megler-Astoria Bridge to the Buoy 10 Line, including waters adjacent to the north jetty at the mouth of the Columbia River when fishing from the north jetty: Three salmon per day, but chinook salmon may not be less than 24 inches in length and coho salmon may not be less than 16 inches in length. Barbless hooks are required.

(2) Effective 12:01 a.m. September 7, until 11:59 p.m. September 12, 1987, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Columbia River downstream from the Hood River Bridge to Bonneville Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 7, 1987:

WAC 220-57-16000I COLUMBIA RIVER. (87-110)

**WSR 87-19-006
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-111—Filed September 4, 1987]**

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

I, Joseph R. Blum, 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 Area 7B provide opportunity to harvest non-Indian allocation of coho and chinook. Areas 12, 12A and 12B originally scheduled in the permanent regulations will remain closed to prevent overharvest. All other areas 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 September 4, 1987.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-807 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. *Notwithstanding the provisions of Chapter 220-47 WAC, effective September 4, 1987, 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 4B - Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 5, 6C - Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 6, 6A, 7, 7A - Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

**Area 7B - Closed except gill nets using 5-inch minimum mesh may fish from 12:01 AM September 6 continuously until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.*

Areas 6B, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 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 September 4, 1987.

WAC 220-47-806 Puget Sound Commercial Salmon Fishing Restrictions Order No. 87-108

WSR 87-19-007

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order ET 87-5—Filed September 8, 1987]

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

- Amd WAC 458-20-130 Sales of real property, standing timber, minerals, natural resources.
- Amd WAC 458-20-163 Insurance companies, including surety

companies, fraternal benefit societies, fraternal fire insurance associations and beneficiary corporations or societies.

- Amd WAC 458-20-170 Constructing and repairing of new or existing buildings or other structures upon real property.
- Amd WAC 458-20-184 Tax on conveyances repealed.
- Amd WAC 458-20-186 Tax on cigarettes.
- Amd WAC 458-20-240 Manufacturers, tax credits.
- Amd WAC 458-20-24002 Sales and use tax deferral—New manufacturing and research/development facilities.

This action is taken pursuant to Notice No. WSR 87-16-080 filed with the code reviser on August 5, 1987. 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 September 8, 1987.

By William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-130 SALES OF REAL PROPERTY, STANDING TIMBER, MINERALS, NATURAL RESOURCES. (1) BUSINESS AND OCCUPATION TAX—RETAIL SALES TAX.

(a) Amounts derived from the sale of real estate are not subject to tax under the business and occupation tax or the retail sales tax. However, no exemption is allowed where a mere license to use real estate is granted (see WAC 458-20-118). Further, no exemption is allowed for commissions received in connection with sales of real estate nor for interest received by persons engaged in the business of selling real estate on time or installments contracts. RCW 82.04.390.

(b) Sales of standing timber, minerals in place, and other natural resources in place are sales of real estate, and are not subject to tax under the business and occupation tax or the retail sales tax.

(c) Timber, minerals, and other natural resources, after being severed from the real estate, lose their identity as real property, and sales thereof after severance are subject to the provisions of the business and occupation tax and the retail sales tax.

(d) Any person who cuts timber, or who mines or quarries minerals, or who takes other natural resources is subject to tax as an extractor under the business and occupation tax. (See WAC 458-20-135.)

((CONVEYANCE TAX

~~See WAC 458-20-184 for provisions of the conveyance tax.))~~

(2) REAL ESTATE EXCISE TAX.

(a) Sales of real property for a valuable consideration are subject to the real estate excise tax. See chapter 82.45 RCW and chapter 458-61 WAC.

(b) Effective May 18, 1987, the conveyance tax was repealed and the real estate excise tax was increased proportionately.

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

WAC 458-20-163 INSURANCE COMPANIES, INCLUDING SURETY COMPANIES, FRATERNAL BENEFIT SOCIETIES, FRATERNAL FIRE INSURANCE ASSOCIATIONS ((AND)), BENEFICIARY CORPORATIONS OR SOCIETIES AND WASHINGTON STATE HEALTH INSURANCE POOL. (1) EXEMPTIONS. The provisions of the business and occupation tax do not apply to:

((+)) (a) Any person with respect to insurance business upon which a tax based on gross premiums is paid to the state of Washington. (RCW 82.04.320.) It should be noted, however, that the statute provides expressly that this exemption does not extend to "any person engaging in the business of representing any insurance company, whether as general or local agent or acting as broker for such companies," or to "any bonding company . . . with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor." In addition, the exemption does not apply to any business engaged in by an insurance company other than its insurance business.

((+)) (b) Fraternal benefit societies or fraternal fire insurance associations ((as described in chapter 48.36 RCW;)) organized or licensed pursuant to Title 48 RCW; and beneficiary corporations or societies organized under and existing by virtue of Title 24 RCW, if such beneficiary corporations or societies provide in their bylaws for the payment of death benefits. This exemption, however, is limited to gross income from premiums, fees, assessments, dues or other charges directly attributable to the insurance or death benefits provided by such persons.

(2) DEDUCTIONS. Effective May 18, 1987, a member of the Washington state health insurance pool is entitled to a deduction from the business and occupation tax for assessments paid by that member to the pool. (Chapter 431, Laws of 1987.) If the deduction cannot be fully utilized because the assessment total exceeds the business and occupation tax liability, the member may carry forward the deduction to succeeding reporting periods until the deduction is exhausted. This deduction does not apply to a member who has deducted such assessments from the insurance premiums tax, RCW 48.14.020.

((RETAIL SALES TAX AND USE TAX))

(3) RETAIL SALES AND USE TAX. Insurance companies are subject to the retail sales tax or use tax upon retail purchases or articles acquired for their own use.

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

WAC 458-20-170 CONSTRUCTING AND REPAIRING OF NEW OR EXISTING BUILDINGS OR OTHER STRUCTURES UPON REAL PROPERTY. (1) DEFINITIONS. As used herein:

(a) The term "prime contractor" means a person engaged in the business of performing for consumers, the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property, either for the entire work or for a specific portion thereof. The term includes persons who rent or lease equipment to property owners for use in respect to constructing, repairing, etc., buildings or structures upon such property, when the equipment is operated by the lessor.

(b) The word "subcontractor" means a person engaged in the business of performing a similar service for persons other than consumers, either for the entire work or for a specific portion thereof. The term includes persons who rent or lease equipment to prime contractors or subcontractors for use in respect to constructing, repairing, etc., when such equipment is operated by the lessor. When equipment or other tangible personal property is rented without an operator to contractors, subcontractors or others, the transaction is a sale at retail (see RCW 82.04.040 and 82.04.050).

(c) The terms "prime contractor" and "subcontractor" include persons performing labor and services in respect to the moving of earth or clearing of land, cleaning, fumigating, razing, or moving of existing buildings or structures even though such services may not be done in connection with a contract involving the constructing, repairing, or altering of a new or existing building or structure. The terms also include persons constructing streets, roads, highways, etc., owned by the state of Washington.

(d) The term "buildings or other structures" means everything artificially built up or composed of parts joined together in some definite manner and attached to real property. It includes not only buildings in the general and ordinary sense, but also tanks, fences, conduits, culverts, railroad ((tracts)) tracks, tunnels, overhead and underground transmission systems, monuments, retaining walls, piling and privately owned bridges, trestles, parking lots, and pavements for foot or vehicular traffic, etc.

(e) The term "constructing, repairing, decorating or improving of new or existing buildings or other structures," in addition to its ordinary meaning, includes: The installing or attaching of any article of tangible personal property in or to real property, whether or not such personal property becomes a part of the realty by virtue of installation((:)); the clearing of land and the moving of earth((:)); and the construction of streets, roads, highways, etc., owned by the state of Washington. The term includes the sale of or charge made for all service activities rendered in respect to such constructing, repairing, etc., regardless of whether or not such services are otherwise defined as "sale" by RCW 82.04.040 or "sales at retail" by RCW 82.04.050. Hence, for example, such

service charges as engineering fees, architectural fees or supervisory fees are within the term when the services are included within a contract for the construction of a building or structure. The fact that the charge for such services may be shown separately in bid, contract or specifications does not establish the charge as a separate item in computing tax liability.

(2) SPECULATIVE BUILDERS.

(a) As used herein the term "speculative builder" means one who constructs buildings for sale or rental upon real estate owned by him. The attributes of ownership of real estate for purposes of this rule include but are not limited to the following: ~~((+))~~ (i) The intentions of the parties in the transaction under which the land was acquired; ~~((2))~~ (ii) the person who paid for the land; ~~((3))~~ (iii) the person who paid for improvements to the land; ~~((4))~~ (iv) the manner in which all parties, including financiers, dealt with the land. The terms "sells" or "contracts to sell" include any agreement whereby an immediate right to possession or title to the property vests in the purchaser.

(b) Where an owner of real estate sells it to a builder who constructs, repairs, decorates, or improves new or existing buildings or other structures thereon, and the builder thereafter resells the improved property back to the owner, the builder will not be considered a speculative builder. In such a case that portion of the resale attributable to the construction, repairs, decorations, or improvements by the builder, shall not be considered a sale of real estate and shall be fully subject to retailing business and occupation tax and retail sales tax. It is intended by this provision to prevent the avoidance of tax liability on construction labor and services by utilizing the mechanism of real property transfers. (RCW 82.04-.050 (2)(c).)

(c) Amounts derived from the sale of real estate are exempt from the business and occupation tax. (RCW 82.04.390.) Consequently, the proceeds of sales by legitimate speculative builders of completed buildings are not subject to such tax. Neither does the sales tax apply to such sales, since such a sale involves no charge made for construction for a consumer, but the price paid is for the sale of real estate.

(d) However, when a speculative builder sells or contracts to sell property upon which he is presently constructing a building, all construction done subsequent to the date of such sale or contract constitutes a retail sale and that portion of the sales price allocable to construction done after the agreement shall be taxed accordingly. Consequently, the builder must pay business and occupation tax under the retailing classification on that part of the sales price attributable to construction done subsequent to the agreement, and shall also collect sales tax from the buyer on such allocable part of the sales price.

(e) Speculative builders must pay sales tax upon all materials purchased by them and on all charges made by their subcontractors. Deductions for such tax paid with respect to materials used or charges made for that part of the construction done after the contract to sell the building should be claimed by the speculative builder on his tax returns in accordance with WAC 458-20-102,

under the subheading ((purchases for dual purposes)) PURCHASES FOR DUAL PURPOSES.

(f) Persons, including corporations, partnerships, sole proprietorships, and joint ventures, among others, who perform construction upon land owned by their corporate officers, shareholders, partners, owners, co-venturers, etc., are constructing upon land owned by others and are taxable as sellers under this rule, not as "speculative builders."

(3) BUSINESS AND OCCUPATION TAX.

(a) Prime contractors are taxable under the retailing classification, and subcontractors under the wholesaling classification upon the gross contract price.

(b) Where no gross contract price is stated in any contract or agreement between the builder and the property owner, then the measure of business and occupation tax is the total amount of construction costs, including any charges for licenses, fees, permits, etc., required for the construction and paid by the builder.

(4) RETAIL SALES TAX.

(a) Prime contractors are required to collect from consumers the retail sales tax measured by the full contract price. Where no gross contract price is stated, the measure of sales tax is the total amount of construction costs including any charges for licenses, fees, permits, etc., required for construction and paid by the builder.

(b) The retail sales tax does not apply to charges made for janitorial services nor for the mere leveling of land used in commercial farming or agriculture. The tax does apply, however, in respect to contracts for cleaning septic tanks or the exterior walls of buildings, as well as to earth moving, land clearing and the razing or moving of structures, whether or not such services are performed as incidents of a contract to construct, repair, decorate, or improve buildings or structures.

(c) Sales to prime contractors and subcontractors of materials such as concrete, tie rods, lumber, finish hardware, etc., which become part of the structure being built or improved are sales for resale and are not subject to the retail sales tax. Sales of form lumber to such contractors are sales for resale provided that such lumber is used or to be used first by such persons for the molding of concrete in a single contract, project or job and the form lumber is thereafter incorporated into the product of that same contract project or job as an ingredient or component thereof. Sales of form lumber not so incorporated as an ingredient or component are sales at retail.

(d) The retail sales tax applies upon sales and rentals to prime contractors and subcontractors of tools, machinery and equipment, and consumable supplies, such as hand and machine tools, cranes, air compressors, bulldozers, lubricating oil, sandpaper and form lumber which are primarily for use by the contractor rather than for resale as a component part of the finished structure.

(e) The retail sales tax applies upon sales to speculative builders of all tangible personal property, including building materials, tools, equipment and consumable supplies and upon sales of labor, services and materials to speculative builders by independent contractors.

(5) USE TAX.

The use tax applies generally to the use by prime contractors and subcontractors of tools, machinery, equipment and consumable supplies acquired by them primarily for their own use and upon which the retail sales tax has not been paid. This includes equipment and supplies purchased in a foreign state for use or consumption in performing contracts in this state. The use tax applies generally to the use by speculative builders of all tangible personal property, including building materials, purchased or acquired by them without payment of the retail sales tax (see also WAC 458-20-178).

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

WAC 458-20-184 TAX ON CONVEYANCES((; GENERAL PROVISIONS)) **REPEALED**. ((The provisions of the conveyance tax impose a tax upon conveyances (deed, instrument or writing) whereby any lands, tenements or other realty sold are granted, transferred or otherwise conveyed to, or vested in, a purchaser or any other person by his direction. The tax is paid by means of stamps to be affixed to the instrument, document or paper conveying the property, by the person making, signing, issuing or accepting any such instrument. When the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale and not removed by the sale, exceeds \$100.00, the tax is imposed at the rate of 50¢ for each \$500.00 or fractional part thereon.

METER STAMPING MACHINES. In addition to the documentary stamps customarily sold and used for payment of the conveyance tax, stamps produced by stamp meter machines may be used when authorized and approved by the director of revenue. A stamp printed directly on a document by an authorized meter machine is considered cancelled provided the printing on such stamp contains the date of such printing and a number which identifies the machine printing the stamp.

The tax applies to:

(1) Deeds dated prior to May 1, 1935, but delivered after that date;

(2) Deeds in escrow upon delivery to the grantee, unless deposited before May 1, 1935.

The tax does not apply to:

(1) Any instrument or writing given to secure a debt;

(2) Deeds dated and delivered prior to May 1, 1935, even though recorded after that date;

(3) Deeds deposited in escrow before May 1, 1935; (the presumption is that a deed was not deposited in escrow prior to May 1, 1935.)

(4) Transfers without a valuable consideration in property or money;

(5) Instruments conveying personal property only, or to instruments that do not convey a fee estate in real property, such as leases, contracts, options, etc.;

(6) Deeds by savings and loan associations to a holding corporation made pursuant to chapter 33.04 RCW;

(7) Deeds executed by county and city treasurers conveying realty sold for nonpayment of taxes or assessments;

(8) Deeds to the state of Washington, its departments and institutions.

TAX—HOW COMPUTED. In calculating the amount of stamps which must be affixed to a deed of conveyance, the tax is computed upon the full value of the property conveyed less all encumbrances which rest on the property before the sale and are not removed by the sale. Encumbrances placed on the property in connection with, and as a result of, the sale or transfer, as well as notes for deferred payments, cannot be deducted in determining the amount upon which the tax is calculated. For example:

(a) B, the owner of certain real estate, sold it to C for a consideration of \$4,000. C paid \$2,500 in cash, leaving a balance due of \$1,500. B accepted C's note for the balance and gave C a deed to the property. The tax should be computed upon \$4,000.

Where the property conveyed is encumbered, the tax is computed according to the following examples:

(b) B, for a consideration of \$5,000, conveys to C land on which there is an encumbrance of \$1,000 at the time of sale. At the time of sale B signs a contract agreeing to pay off the encumbrance at a later date. The deed of conveyance from B to C is subject to tax on \$5,000.

(c) B conveys land to C on which there is a mortgage of \$1,000. C pays B \$2,000 in consideration for the transfer and assumes, or agrees to pay, the mortgage. The deed of conveyance from B to C is subject to tax on \$2,000.

CONVEYANCE BY A MORTGAGOR TO A MORTGAGEE. A conveyance by a defaulting mortgagor to a mortgagee in consideration of the cancellation of the mortgage debt is subject to a conveyance tax calculated on the amount of the mortgage debt, plus unpaid accrued interest. A deed of trust is in legal effect only a form of mortgage, so that a conveyance accomplished by foreclosing the lien of a deed of trust is subject to the conveyance tax. For example:

B holds a mortgage upon C's property for \$5,000. C pays \$2,000 on the mortgage, leaving a balance due of \$3,000. In order to avoid the expense of a foreclosure sale B and C enter into an agreement whereby C conveys the property to B in consideration of the cancellation of the mortgage debt. The deed of conveyance is subject to tax on \$3,000 plus any unpaid accrued interest.

ACTUAL VALUE AT TIME OF CONVEYANCE THE MEASURE OF THE TAX. Where the consideration for a conveyance of lands, tenements, or other real property is left open, to be fixed by future contingencies, the actual value at the time of conveyance is the measure of the tax upon the deed, instrument, or writing whereby the conveyance is made.

DEEDS CONVEYING PROPERTY SOLD UNDER FORECLOSURE OR EXECUTION. Deeds executed by sheriffs, clerks of courts, etc., to cover transfers of property sold under a judgment of foreclosure or execution are subject to the conveyance tax. The grantee or vendee is required to pay the tax.

The conveyance tax does not attach when the sheriff's certificate of sale is issued, since such certificate does not

vest title to the property. The tax attaches when the sheriff's confirmatory deed is issued.

A deed to real estate, executed by a sheriff to a mortgagee who bids in property at a foreclosure sale to satisfy a mortgage lien, is likewise subject to the conveyance tax, the tax to be computed upon the amount bid for the property.

~~DEEDS EXPRESSING A NOMINAL CONSIDERATION.~~ All deeds in which the stated consideration is less than \$100 are presumed not to be subject to the conveyance tax, unless the conditions in respect to the conveyance indicate otherwise.

~~GIFTS.~~ A deed issued to cover a bona fide gift of real property from one individual to another is not taxable.

~~SALES OF STANDING TIMBER, MINERALS IN PLACE OR OTHER NATURAL RESOURCE PRODUCTS.~~ Where standing timber, minerals in place and other natural resources in place are sold and conveyed by deed or other written instrument, the provisions of the conveyance tax apply if the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, and not removed by the sale, exceeds \$100.00.

~~DEEDS ON EXCHANGE OF PROPERTIES.~~ In the case of an exchange of two properties, the deeds transferring title to each are subject to tax, which should in each case be computed on the basis of the actual value of the interest or property conveyed, the amount of any pre-existing lien or encumbrance which is not removed by the sale being deductible.

~~ASSIGNMENT OF REAL ESTATE CONTRACTS.~~ The vendee's interest in a real estate contract is real property and therefore the transfer of such an interest is a transfer of real estate which is subject to the conveyance tax. However, a vendor's interest in a real estate contract is personal property and the tax does not apply to the transfer of such an interest.

~~STAMPS, WHERE PROCURED.~~ Stamps to denote payment of the tax imposed upon conveyances have been issued by the department of revenue in denominations of 50¢, \$1.00, \$2.00, \$5.00, \$10.00, \$50.00, \$100.00 and \$500.00. Conveyance stamps may be obtained from the office of the department of revenue in Olympia, or from any of its branch offices or from any county auditor.

~~WHO SHALL AFFIX STAMPS.~~ The act requires that the person who makes, signs, or issues any instrument taxable thereunder shall affix and cancel the revenue stamps. It also prohibits any person from accepting such instruments unless they are properly stamped.

~~CANCELLATION OF STAMPS.~~ The person using or affixing conveyance stamps upon any instrument, document or paper shall write or stamp the initials of his name and the date upon which the stamp is affixed or used.

~~DEEDS TO AND BY THE UNITED STATES AND THE STATE OF WASHINGTON AND ITS POLITICAL SUBDIVISIONS.~~ The provisions of the conveyance tax do not apply to a conveyance of real estate sold to or by the United States government or any instrumentality thereof. Furthermore, the tax does not apply to a conveyance of real estate sold by the state of Washington or any political subdivision thereof exercising essential governmental functions, nor

does it apply to any conveyance to the state of Washington itself, or to its departments or institutions.

However, a conveyance of real estate sold to any political subdivision of the state of Washington is subject to the tax and the proper amount of conveyance stamps must be affixed thereto by the person making, signing or issuing such instrument. The law provides that it shall be a gross misdemeanor for any person to make, sign, issue or accept or cause to be made, signed, issued or accepted any instrument without the full amount of the tax thereon being duly paid. Therefore, any officer, agent or employee of any political subdivision of the state of Washington, before accepting any such instrument on its behalf, must require that the proper amount of stamps be affixed thereto: (1) Effective May 18, 1987, the tax on conveyances, (deeds or other written instrument) by which lands, tenements, or other realty sold was conveyed, was repealed. The rate of real estate excise tax upon such transactions was increased proportionately.

(2) See chapter 82.45 RCW and chapter 458-61 WAC for provisions governing real estate excise tax upon sales and transfers of real property.

AMENDATORY SECTION (Amending Order ET 83-15, filed 3/15/83)

WAC 458-20-186 TAX ON CIGARETTES. (1) The Washington state cigarette tax is imposed in the total amount of ((23)) 31 cents upon each package of 20 cigarettes (38.75¢ per package of 25) by the following statutes:

((+)) (a) RCW 82.24.020, which imposes a tax of ((ten)) 11 mills per cigarette ((20¢ per package of 20));

(2) RCW 82.24.025, which imposes a tax of 1 mill per cigarette (2¢ per package of 20);

(3) RCW 28A.47.440, which imposes a tax of 1/2 mill per cigarette to provide for financing the state school construction bond program (1¢ per package of 20-), or 22 cents upon each package of 20 (27.5¢ per package of 25).

(b) RCW 82.24.027, which imposes a tax of 4 mills per cigarette, or 8 cents upon each package of twenty (10¢ per package of 25), to provide funding for the water quality account.

(2) This tax is payable by the first person who sells, uses, consumes, handles or distributes the cigarettes in this state. Payment is made through the purchase of stamps from the department of revenue or its authorized agent.

(3) EXEMPTIONS. The cigarette tax does not apply upon cigarettes sold to persons licensed as cigarette distributors in other states when, as a condition of the sale, the seller either delivers the cigarettes to such a buyer at a point outside this state, or delivers the same to a common carrier with the shipment consigned by the seller to such a buyer at a location outside this state. Any person engaged in making sales to licensed distributors in other states or making export sales (see WAC 458-20-193A and 458-20-193C) or in making sales to the federal government or to the established governing bodies of an Indian tribe recognized as such by the United States Department of the Interior and who are authorized by

Rule 192 WAC 458-20-192 to receive unstamped cigarettes who furnishes surety bond in a sum satisfactory to the department of revenue, may set aside such part of ~~((his))~~ the person's stock as may be necessary for the conduct of such business without affixing cigarette tax stamps. Such unstamped stock must be kept separate and apart from any stamped stock.

(4) Cigarettes, other than those above mentioned, are not exempt from the tax by reason of their sale either to an Indian or for resale on an Indian reservation (see WAC 458-20-192). Permission to maintain an unstamped stock of cigarettes for sale to a specified Indian tribe may be revoked when it appears that sales to unauthorized purchasers are being, or have been, made.

(5) COLLECTION. Stamps indicating the payment of the cigarette tax must be affixed prior to any sale of the cigarettes. The stamp must be applied to the smallest container or package, unless the department determines that it is impractical to do so.

(6) Every wholesaler or retailer in the state shall stamp within 72 hours after receipt, any of the articles taxed herein. Stamps must be of the heat applied "fuson" type. The use of meter stamping machines for use in imprinting packages, in lieu of attaching stamps, is not authorized by the department. The use of water "decalcomania" type stamps by such vendors is not authorized.

(7) Persons other than wholesalers or retailers, upon holding, owning, possessing or controlling cigarettes in this state, must affix stamps on or before the close of the first business day following receipt of the cigarettes.

(8) Prior to the receipt or transportation of cigarettes in this state such persons must file with a district office of the department of revenue a notice of intent to possess unstamped cigarettes in the state of Washington. A copy of this notice, validated by an agent of the department of revenue, must be in the possession of any such person who is in possession of unstamped cigarettes in this state.

(9) Persons who have filed the aforementioned notice must bring the cigarettes to a district office of the department of revenue and there affix the required stamps within the time limitation provided above.

(10) Any unstamped cigarettes in the possession of persons (other than wholesalers or retailers) who have either failed to file a notice of intent to possess unstamped cigarettes in the state of Washington or who have failed to affix stamps within the time limitation provided above will be deemed contraband and subject to seizure and ~~((sale))~~ forfeiture under the provisions of RCW 82.24.130.

(11) The "fuson" type stamps are available, in rolls of 12,000, 19,000, and 30,000 stamps, from an authorized bank. Payment for stamps may be made either at the time of sale, or deferred until later, although the latter form of payment is available only to vendors who meet the requirements of the department and who have furnished a surety bond equal to the proposed total monthly credit limit ~~((, or in the amount of \$6,900.00, whichever is greater))~~. In addition, purchases on a deferred payment plan may be made only by the cigarette seller

himself or by an agent authorized by him to do so. This authorization may be in the form of a signature card, filed with the bank, from which stamps are usually obtained, and kept current by the vendor. Payments under a deferred plan are due within 30 days following the purchase, and are to be paid at the outlet from which the stamps were obtained, and may be paid by check payable to the department of revenue. Cigarette dealers, either retail or wholesale, who purchase stamps under either plan are allowed, as compensation for their services in affixing stamps, an amount equal to ~~(((\$1.85))~~ \$4.00 per thousand stamps, which may be offset against the purchase price.

(12) BOOKS AND RECORDS. An accurate set of records, showing all transactions had with reference to the purchase, sale or distribution of articles subject to the cigarette tax must be retained. These records may be combined with those required in connection with the tobacco products tax, by WAC 458-20-185, provided there is a segregation therein the amount involved. All such records must be preserved for 5 years from the date of the transaction.

(13) In particular, persons shipping or delivering any of the articles taxed herein to a point outside of this state shall transmit to the miscellaneous tax section, not later than the 15th of the following calendar month, a true duplicate invoice showing full and complete details of the interstate sale or delivery.

(14) REPORTS AND RETURNS. The department of revenue may require any person dealing with cigarettes, in this state, to complete and return forms, as furnished, setting forth sales, inventory and other data required by the department to maintain control over trade in the articles taxed herein.

(15) Manufacturers selling these articles shall, before the 15th day of each month, transmit to the miscellaneous tax section a complete record of sales of cigarettes in this state during the preceding month.

(16) REFUNDS. Any person may request a refund of the face value of the stamps, less the affixing discount when cigarettes to which they are affixed are:

~~((+))~~ (a) Damaged, or unfit for sale, and as a result are destroyed or returned to the manufacturer or distributor.

~~((2))~~ (b) Sold and shipped to a registered dealer regularly making sales of cigarettes in another state.

(17) In either case, the claim for refund, (a form which is provided by the department, Form REV 372063) must be accompanied by an affidavit, in the first instance, of the receipt by the manufacturer and, in the second instance, of the receipt by the buyer of cigarettes bearing stamps from this state.

(18) CRIMINAL PROVISIONS. RCW 82.24.110(1) prohibits certain specified activities with respect to cigarettes and prescribes criminal sanctions for such gross misdemeanors. Also, RCW 82.24.110(2) prohibits transportation and/or possession of unstamped cigarettes under certain conditions and prescribes criminal sanctions for such class C felonies. Persons commercially handling cigarettes in this state must refer to these statutes.

AMENDATORY SECTION (Amending Order ET 86-13, filed 6/24/86)

WAC 458-20-240 MANUFACTURERS, TAX CREDITS. (1) Introduction. ((Chapter 116, Laws of 1986)) Chapter 82.62 RCW establishes a business and occupation tax credits program. Its purpose is to stimulate the economy and create employment opportunities in specific distressed areas of this state. In addition to the tax credit benefits of this program, specific financial incentives to employers who locate or expand business facilities in this state are administered by the Washington state employment security department. The provisions of this section, however, apply only for manufacturing or research and development activities conducted at specific business facilities in announced eligible areas of this state.

(2) Effective April 1, 1986, persons engaged in manufacturing or research and development activities, who otherwise qualify, will receive credits against their business and occupation tax due under chapter 82.04 RCW. Those credits amount to one thousand dollars for each qualified employment position directly created in an eligible business project, as those terms are defined in this section.

(3) Definitions. For purposes of the tax credits program the following definitions will apply.

(a) "Applicant" means a person applying for tax credit under this program.

(b) "Department" means the department of revenue.

(c) "Eligible area" means a county in which the average level of unemployment for the three years before the year in which an application is filed exceeds the average state unemployment for those years by twenty percent.

The department will publish a list of such eligible areas by May 1 of each year during the life of this program.

(d) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That in order to qualify as an eligible business project, the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which credit is being sought than they were at the same facility in the immediately preceding year.

(e) The term "eligible business project" defined earlier, does not include any of the following:

(i) Any business project undertaken by a light and power business;

(ii) Any portion of a business project creating employment positions outside an eligible area;

(iii) Any business projects of persons who are receiving sales tax deferrals under chapter 82.61 RCW (see WAC 458-20-24002).

(f) "Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136. For purposes of this section the term also includes computer programming, the production of computer software, and other computer-related services, and the activities of research and development and commercial testing laboratories.

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

(h) "Qualified employment position" means a permanent full-time employee, employed in an eligible business project during the entire tax year: PROVIDED, That,

(i) Once a full-time position is established and filled it will continue to qualify for tax credit purposes so long as it is filled by any person or, during any period of vacancy, the employer is training or actively recruiting a replacement employee;

(ii) A position will not be deemed to be filled in order to qualify for tax credit if it is vacant for any period in excess of thirty consecutive days;

(iii) The requirement for employment during the "entire" tax year will be satisfied if the full-time position is filled for a period of twelve consecutive months.

(i) "Permanent full-time employee" means a person who works for the recipient on a paid basis, at least thirty-five hours per week. It does not include independent contractors, independent representatives, persons compensated exclusively on a commissioned basis, or seasonal and similar employment personnel who work for the recipient for only a part of the year.

(j) "Tax year" means the calendar year in which taxes are due.

(k) "Recipient" means a person receiving tax credits under this program.

(l) "Credit computation year" means the tax year for which credits are being sought. The first credit computation year for which any person can seek and qualify for credit approval under this program is tax year 1987.

(m) "Base year" means the entire calendar year immediately preceding the credit computation year. The first base year under this program is 1986.

(4) Application procedures. Application for tax credits under this program must be made using the prescribed application for B & O tax credit on new employees. These forms are available from the department on request. The completed application must be submitted to the department before the actual hiring of qualified employment positions for which credit is sought.

(5) The department will determine if the information contained on the application qualifies the applicant for tax credits and will either approve or disapprove the application within sixty days. If approved, the department will issue a credit approval notice which will notify the recipient in writing of the dollar amount of tax credits available for use and the credit taking procedures. If disapproved, the department will notify the applicant in writing of the specific reasons for disapproval. The applicant may seek administrative review of any credit disapproval pursuant to the provisions of WAC 458-20-100.

(6) Under the law, tax credits may be received only for the creation of qualified employment positions at specific facilities within "eligible areas" as defined earlier. For purposes of making application for tax credits the state-wide and county unemployment statistics last published by the department will be used to determine

eligible areas. The department will publish such statistics and a list of eligible areas by county, on May 1 of each year.

(7) A separate application must be submitted for each credit computation year.

(8) Qualifying for credit. There are three qualifying tests, all of which must be met, in order to receive approval for tax credits under this program.

(a) The applicant must be a "manufacturing" business as defined earlier; and

(b) The specific facility at which the manufacturing activities are being conducted must be within an eligible area as defined earlier; and

(c) The average full-time qualified employment positions at the specific facility during the credit computation year must be at least fifteen percent greater than such employment average for the preceding year.

(9) Because chapter 116, Laws of 1986 includes an emergency effective date of April 1, 1986, and because the stated intent is to stimulate the economy and create employment opportunities, this tax credits program is effective immediately. Full-time employees expected to be hired after any application for credits is submitted but before January 1, 1987, will be deemed to be employed as of January 1, 1987. They will be includable within the qualified employment position computation for that year. Thus, credits may be available for all positions hired after the effective date of the law if they otherwise qualify and within the dollar limits explained later.

(10) The threshold, fifteen percent employment increase test (qualifying test number three) is met by:

(a) Stating in the application the actual average number of full-time employment positions which existed at the facility during the base year;

(b) Stating the projected number of new positions to be filled during the credit computation year;

(c) Stating the average number of full-time employment positions for the credit computation year including the new projected positions;

(d) Achieving an increase of at least fifteen percent of (c) over (a) above.

(i) Examples. Applicant has no employees at the facility for base year 1986 and intends to hire ten persons, some in 1986 and some in 1987. Because for first year implementation of the program the 1986 hires will be deemed to be hired January 1, 1987, the applicant's base year average remains zero. Thus, its credit computation year average will always meet the fifteen percent increase test, even if only one new position is hired.

(ii) Applicant has an average employment of ten positions in base year 1986 and intends to hire two more persons, one yet in 1986 and one in 1987. This applicant must achieve a 1.5 position increase in 1987 to meet the fifteen percent threshold test. Since its new 1986 hiree will be attributed to January 1, 1987, it must project to hire the other new position by July 1, 1987, in order to meet the fifteen percent increase average of 1.5 for that credit computation year.

(iii) Applicant has an average employment of fifty positions in base year 1986 and intends to hire five more persons by January 1, 1987. This applicant will not

qualify for 1987 tax credits because its 1987 average (fifty-five positions) is not at least fifteen percent greater than its base year 1986. In order to qualify for any credits this applicant would have to project hiring of at least eight new positions (a 1987 average of at least 57.5 employment positions) to meet the needed percentage increase.

(iv) The applicant in the previous example intends to hire ten new positions, five yet in 1986 and the other five sometime in 1987. Since the 1986 hires will be attributed to January 1, 1987 hiring, this applicant must hire the other five new positions early enough in 1987 to be able to compute a 1987 average of at least 57.5 for that year. Thus, the additional five 1987 hirings would have to be projected to be hired by at least July 1, 1987 in order to qualify for credits.

(11) Note. The department will be able to advise applicants of their minimum number of hiring needs and the latest time within the credit computation year that the positions must be filled to qualify for credits, based upon the information provided in the application.

(12) The carry-over of positions hired in 1986 into 1987 is a first year carry-over only. After 1986, all hiring increases must occur during the computation year for purposes of meeting the fifteen percent threshold test. Thus, applications for the 1988 credits computation year will be tested only by the average increase of 1988 employment positions over the 1987 base year average.

(13) In simplest terms, qualification for tax credits depends upon whether enough new positions are expected to be hired early enough to meet the fifteen percent average increase test.

(14) The fifteen percent threshold test to qualify for tax credits is a "lookahead" test which has no relationship to the dollar amount of credits which may be available. Also, the test for qualifying for approval of tax credits is unrelated to the end-of-year reporting and verification of credits, the "look-back" test explained later in this section. Rather, the fifteen percent test is a credits qualification test only.

(15) Applications for tax credits under this program must include the applicant's expected hirings for the full credit computation year for which credits are sought. After an application is approved and tax credits are granted, no adjustment or amendment of the credits approval will be possible for that credit computation year.

(16) Credits approval and use. Tax credits approved by the department may be used to offset current business and occupation tax liability if the recipient has incurred any such liability during the credit computation year. The credits may be used as soon as actual hiring of the projected qualified employment positions begin. For example, if a recipient has been approved for \$10,000.00 of tax credits based upon projections to hire ten new positions, that recipient may use each \$1,000.00 of tax credit at the time it hires each new employee.

(17) The law provides that the tax credits available under this program must be used to offset business and occupation tax which has been paid during the same tax year. However, rather than paying the tax and then seeking a refund in the amount of credits available, the

recipient will take the available credits against current tax liability as it accrues.

(18) The tax credits approved under this program will be taken by the recipients on their regular combined excise tax return for their regular assigned tax reporting period. The amount of credit taken should be filled in on the front of the return form, with a copy of the credit approval notice issued to the recipient attached to that return.

(19) Credits may be used as hiring is done or may accrue until they are most beneficial for the recipient's use. This is true even for first year credits available for hiring new positions in 1986. As soon as credits are approved and hiring begins, credits may be used, even during the remainder of 1986. No tax refunds will be made for any tax credits which exceed actual tax liability during the life of this program. Under no circumstances may tax credits exceed tax liability.

(20) If tax credits derived from qualified hiring exceed the recipients' business and occupation tax liability in any one calendar year under this program, they may be carried forward to the next calendar year, on an on-going basis, until used.

(21) The tax credits approved for a recipient under this program may be used to offset business and occupation tax liability which the recipient owes because of business activity anywhere in this state. The liability for which the credit is used does not have to be incurred or flow from business engaged in at the specific facility in the eligible area.

(22) Tax credits available in any credit computation year may be used to offset business and occupation tax due on the fourth quarterly return or last monthly return of the tax year, even though that return is not actually filed with the department until January 25 of the following year.

(23) Credit and program limitations. This is essentially a two year tax credit program. Unless it is extended by law, the credit application and approval provision will expire on July 1, 1988. However, credits which become available under approved applications may be used after July 1, 1988, as actual hiring is done.

(24) No recipient is eligible for tax credits in excess of three hundred thousand dollars during the entire life of this program.

(25) The total of credits approved for all applicants under this program will not exceed fifteen million dollars per biennium. Any application for credits which is otherwise qualified but which is denied in whole or in part for a biennium because of this total program credit limit, will carry over for approval in the next biennium. However, once the total program credit limit has been met for the next biennium as well, no further tax credits will be approved.

(26) The law provides that no recipient may use tax credits approved under this program to decertify a union or to displace existing jobs in any community of the state. Thus, the average expected increase of qualified employment positions at the specific facility for which application is made must reflect a gross increase in the applicant's employment of persons at all locations in this

state. Transfers of personnel from existing positions outside of an eligible area to new positions at the specific facility within an eligible area will not be allowed for purposes of approving tax credits. Also, layoffs or terminations of employment by the recipient at locations outside an eligible area for the purpose of hiring new positions within an eligible area will result in the withdrawal of any credits taken or approved.

(27) Perfecting approved credits. In order to perfect its entitlement to any credits approved and legally use such credits against business and occupation tax due, a recipient must actually hire the required number of qualified employment positions to comply with the application upon which tax credits were approved. Such created positions must be maintained for a continuous period of twelve consecutive months. (See the definition of "qualified employment position" at subsection (3)(h) of this section.) The law establishes a "look-back" test at the end of the credit computation year to determine that the tax recipient has complied.

For purposes of administering this program the department will consider a period of twelve consecutive months of employment to satisfy the definition of "qualified employment position," to perfect the entitlement to tax credits used.

(28) Reporting and monitoring. All recipients of tax credits under this program must file an annual report with the department reporting their employment activities through December 31 of each credit computation year. This report must be submitted by January 31 of the following year. Based upon this report the department will verify that the recipient is perfecting its entitlement to any tax credits approved by actually employing the required number of new qualified employment positions as represented in the recipient's credit application.

(29) Because this program is being fully implemented in mid-year 1986, the annual report due on December 31, 1986, will be an informational report only. No tax credits approved, whether actually used in 1986 or not, will be withdrawn or denied based upon this 1986 report. The annual report due on December 31, 1987, will be the first report which may result in tax credits being withdrawn.

(30) The law provides that if any recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which credit has been used to be immediately assessed and payable. An inadequate report is one which fails to provide any information in the possession of a recipient which is necessary to confirm that the requisite number of employment positions have been created and maintained for twelve consecutive months. As credits are approved, the department will advise all recipients of the nature of information to be included on their annual reports.

(31) The department will monitor credit applications and annual reports on an ongoing basis over the life of this credit program. The department will maintain a running tabulation of credits approved for individual recipients as well as program credit totals and will advise

applicants and recipients in writing of the program credit limitations which may affect their entitlement.

(32) **Noncompliance—Withdrawal of credits.** The law provides that if the department finds that a recipient is not eligible for tax credits for any reason other than failure to create the required number of qualified employment positions, the amount of taxes for which any credit has been used shall be immediately due. No interest or penalty will be assessed in such cases.

(33) However, if the department finds that a recipient has failed to create the specified number of qualified employment positions, the department shall assess interest, but not penalties, on the taxes against which the credit has been used. This interest assessment is mandatory and will be assessed at the statutory rate under RCW 82.32.050, retroactively to the date the tax credit was used. Such interest will accrue until the taxes for which the credit was used are fully repaid.

(34) The administrative review and appeal provisions of chapter 83.32 RCW are available for any actions of the department, under this program, by which any applicant or recipient is adversely affected.

(35) **Disclosure of information.** The law provides that information contained in applications, reports, or any other information received by the department in connection with this tax credits program shall not be confidential and shall be subject to disclosure.

AMENDATORY SECTION (Amending Order ET 86-13, filed 6/24/86)

WAC 458-20-24002 SALES AND USE TAX DEFERRAL—NEW MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES. (1) **Introduction.** Chapter 82.61 RCW, as amended, 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, 1988; 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.

(2) In addition to the tax deferral benefits of this program, the department of employment security administers economic incentives and funding programs which encourage "first source contract" hiring of unemployed persons and state public assistance recipients. The employment security department should be contacted directly for information concerning such nontax-related programs.

(3) **Definition of terms.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this rule.

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

(5) "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".

(6) "Eligible investment project" means construction of new buildings and the acquisition of new 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, 1988. (See subsection (37) of this section for special provisions relating to aluminum plants.)

(7) "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.

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

(9) "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.

(10) "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.

(11) "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.

(12) "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.

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

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

(15) "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.

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

(17) "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.

(18) "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 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.

(19) Application procedures. An application for sales and use tax deferral under this program 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

(20) 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.

(21) 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.

(22) 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.

(23) No application for deferral of taxes shall be accepted after June 30, 1988. 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.

(24) Use of the certificate. A tax deferral certificate issued under this program 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 section. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

(25) 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.

(26) 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.

(27) 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.

(28) 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 section 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.

(29) 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:

(a) 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

(b) 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.

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

(31) No taxes may be deferred under this section prior to June 14, 1985. No applications for deferral of taxes will be accepted after June 30, 1988, nor will sales or use tax deferral certificates be issued after August 29, 1988. 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, 1988.

(32) 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.

(33) 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 by January 1 of each year through 1989.

(34) 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.

(35) Payment procedures. The recipient of sales and use tax deferral under this program 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%

(36) 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.

(37) Special provisions affecting aluminum production facilities. Effective May 19, 1987, the law makes special provisions for sales and use tax deferrals for new or used equipment, machinery and operating property, and labor and services in connection with the startup or continued operation of aluminum smelter facilities which were in operation before 1975, but which have ceased operations (or are in imminent danger of ceasing operations). Also, such special provisions may apply to modernization projects involving the construction, acquisition, or upgrading of new or used equipment and machinery to increase the operating efficiency of aluminum smelters or aluminum rolling mills and facilities. Such special provisions entail consultation with collective bargaining units for existing employees as well as the concurrence by such bargaining units with the deferral requested or a concurrence waiver by the department of trade and economic development. Persons who operate such facilities should contact the department of revenue to determine if the sales and use tax deferrals are available in any specific case.

(38) Disclosure of information. The law provides that information contained in applications, reports, and other information received by the department in connection with this tax deferral program shall not be confidential and shall be subject to disclosure.

WSR 87-19-008
PROPOSED RULES
CENTRAL WASHINGTON UNIVERSITY
[Filed September 8, 1987]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Central Washington University intends to adopt, amend, or repeal rules concerning parking and traffic regulations, chapter 106-116 WAC;

that the institution will at 1:30 p.m., Tuesday, October 27, 1987, in Room 103 (Kachess Room), SUB, Central Washington University Campus, 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 28B.19.050 and 28B.35.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before October 26, 1987.

Dated: September 3, 1987

By: Donald L. Garrity
President

STATEMENT OF PURPOSE

Title and Number of Affected Chapter: Chapter 106-116 WAC, Parking and traffic regulations.

Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

Summary of Rules: To delineate permitted and prohibited parking areas and to revise the monetary penalty schedule for selected infractions.

Description of the Purpose of the Rule Changes: Implement a revision to the rules which recognizes first-time tickets for minor traffic infractions as warnings and revise the monetary penalty scheduled for specific infractions.

Reasons Supporting the Proposed Rules: CWU has many visitors who inadvertently park in lots where visitor parking is proscribed. It has been suggested that for public relations purposes, tickets issued for first-time minor parking infractions be considered warnings. Also, the committee has reviewed the monetary penalties for parking infractions and has suggested some changes to the schedule.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Alfred J. Teeple, Chief of Campus Safety, Central Washington University, Ellensburg, WA 98926, scan 453-2958.

Name of Organization Proposing Rules: University Parking Appeal Board.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday, except:

(2) No parking permitted daily in B, C-1, and R lots from 4:00 a.m. to ((5))6:00 a.m.

(3) ((No parking permitted daily in B Lot from 4:00 a.m. to 5:00 a.m.

((4)) In the Library parking lot, enforcement shall be in effect from 7:30 a.m. to 10:00 p.m. Monday through Friday.

(5) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

- (a) Buttons Apartments;
- (b) Limited time zones;
- (c) ((#))E-2 lot;
- (d) Handicapped areas.

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 59, filed 11/7/86)

WAC 106-116-203 SPECIFIC PARKING PROHIBITIONS. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: parking in a space marked "handicapped permits only," in spaces reserved for health center permit only, ((and)) library parking lot, and E-2 lot.

- (4) Parking and/or driving on sidewalks is prohibited.
- (5) Parking or driving on lawns or flower beds is prohibited.

Reviser's note: RCW 28B.19.077 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 59, filed 11/7/86)

WAC 106-116-205 APARTMENT RESIDENTS. (1) Residents of Brooklane Village, Roy P. Wahle University Complex, Student Village Apartments, Getz Short Apartments and Buttons Apartments do not need parking permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

- (2) Apartment residents may purchase a commuter parking permit.
- (3) Residents of Student Village may park in Lots G-1 and G-2 without a permit.

~~((4) Only residents of Anderson Apartments who purchase a parking permit and obtain a special permit from the apartment manager may park in J lot.))~~

AMENDATORY SECTION (Amending Order 53, filed 6/9/83)

WAC 106-116-404 VISITOR PARKING AREAS. Visitors, after obtaining a proper permit, may park in ~~((any university owned and))~~ only the areas designated ~~((parking area except staff and faculty reserved areas and "J" lot))~~ on the permit.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-603 MONETARY PENALTY SCHEDULE.

OFFENSE	PENALTY
(1) Improper display of permit	\$((2))5.00
(2) Parking faculty-staff area	((2))5.00
(3) Parking yellow stripe or curb	((3))5.00
(4) Parking outside designated parking area	((2))5.00
(5) Obstructing traffic	((5))10.00
(6) ((Double parking	5.00
(7)) Parking at improper angle or using more than one stall, or backing into parking stall	((2))5.00
((8))7) Violation of the bicycle parking rules in WAC 106-116-901	((2))5.00
((9))8) Reserved parking area	((3))5.00
((10))9) No parking area	((5))10.00
1((+))0) Overtime parking	((2))5.00
1((2))1) Using counterfeit, falsely made or altered permit	((5))100.00
1((3))2) Illegal use of permit	2((6))5.00
1((4))3) No current permit	((3))5.00
1((5))4) Parking service drive	((5))10.00
1((6))5) Parking/driving sidewalks, malls	1((6))5.00
1((7))6) Parking/driving lawns	15.00
1((8))7) Parking fire lane	15.00
1((9))8) Parking fire hydrant	15.00
((20))19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	10.00
2((+))0) Other violations of the objectives of the CWU parking and traffic regulations	((2))5.00 to 10.00
2((2))1) Parking in a space marked "handicapped permits only"	25.00
2((3))2) Continuous parking	15.00

The first \$5.00 to \$10.00 infraction notice shall be considered a written warning and no monetary penalty imposed if brought to the Campus Safety (Police) Office within seven calendar days from the date of the infraction.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (1) Withholding of transcripts;
- (2) Deduction from payroll checks; and/or
- (3) Withholding of parking permits.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule

published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 87-19-009

EMERGENCY RULES

CENTRAL WASHINGTON UNIVERSITY

[Order 60—Filed September 8, 1987]

I, Donald L. Garrity, president of Central Washington University, do promulgate and adopt at Central Washington University, Ellensburg, the annexed rules relating to parking and traffic regulations, chapter 106-116 WAC.

I, Donald L. Garrity, 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 we expect a large influx of visitors to our campus this month and would like to implement the rule which recognizes tickets for minor first-time infractions as warnings for public relation purposes.

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 Central Washington University as authorized in RCW 28B.19.050 and 28B.35.120(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 September 3, 1987.

By Donald L. Garrity
President

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday, except:

(2) No parking permitted daily in B, C-1, and R lots from 4:00 a.m. to ((5))6:00 a.m.

(3) ~~((No parking permitted daily in B Lot from 4:00 a.m. to 5:00 a.m.~~

(4)) In the Library parking lot, enforcement shall be in effect from 7:30 a.m. to 10:00 p.m. Monday through Friday.

(5) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

- (a) Buttons Apartments;
- (b) Limited time zones;
- (c) ((J))E-2 lot;
- (d) Handicapped areas.

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 59, filed 11/7/86)

WAC 106-116-203 SPECIFIC PARKING PROHIBITIONS. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: parking in a space marked "handicapped permits only," in spaces reserved for health center permit only, ~~((and))~~ library parking lot, and E-2 lot.

(4) Parking and/or driving on sidewalks is prohibited.

(5) Parking or driving on lawns or flower beds is prohibited.

Reviser's note: RCW 28B.19.077 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 59, filed 11/7/86)

WAC 106-116-205 APARTMENT RESIDENTS. (1) Residents of Brooklane Village, Roy P. Wahle University Complex, Student Village Apartments, Getz Short Apartments and Buttons Apartments do not need parking permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

(2) Apartment residents may purchase a commuter parking permit.

(3) Residents of Student Village may park in Lots G-1 and G-2 without a permit.

~~((4) Only residents of Anderson Apartments who purchase a parking permit and obtain a special permit from the apartment manager may park in J lot.)~~

AMENDATORY SECTION (Amending Order 53, filed 6/9/83)

WAC 106-116-404 VISITOR PARKING AREAS. Visitors, after obtaining a proper permit, may park in ~~((any university owned and))~~ only the areas designated ((parking area except staff and faculty reserved areas and "J" lot)) on the permit.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-116-603 MONETARY PENALTY SCHEDULE.

OFFENSE	PENALTY
(1) Improper display of permit	\$((2))5.00
(2) Parking faculty-staff area	((2))5.00

OFFENSE	PENALTY
(3) Parking yellow stripe or curb	((3))5.00
(4) Parking outside designated parking area	((2))5.00
(5) Obstructing traffic	((5))10.00
(6) ((Double parking	5.00
(7)) Parking at improper angle or using more than one stall, or backing into parking stall	((2))5.00
((8))7) Violation of the bicycle parking rules in WAC 106-116-901	((2))5.00
((9))8) Reserved parking area	((3))5.00
((10))9) No parking area	((5))10.00
(1((1))0) Overtime parking	((2))5.00
(1((2))1) Using counterfeit, falsely made or altered permit	((5))100.00
(1((3))2) Illegal use of permit	2((0))5.00
(1((4))3) No current permit	((3))5.00
(1((5))4) Parking service drive	((5))10.00
(1((6))5) Parking/driving sidewalks, malls	1((0))5.00
(1((7))6) Parking/driving lawns	15.00
(1((8))7) Parking fire lane	15.00
(1((9))8) Parking fire hydrant	15.00
((20))19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	10.00
(2((1))0) Other violations of the objectives of the CWU parking and traffic regulations	((2))5.00 to 10.00
(2((2))1) Parking in a space marked "handicapped permits only"	25.00
(2((3))2) Continuous parking	15.00

The first \$5.00 to \$10.00 infraction notice shall be considered a written warning and no monetary penalty imposed if brought to the Campus Safety (Police) Office within seven calendar days from the date of the infraction.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (1) Withholding of transcripts,
- (2) Deduction from payroll checks, and/or
- (3) Withholding of parking permits.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 87-19-010

**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGE DISTRICT TWELVE**

[Memorandum—September 4, 1987]

There is a change in location and time of the regular October and November meetings of the Community College District Twelve board of trustees.

The October 1, 1987, 4:30 p.m. meeting at Morton, Washington has been changed to 4:00 p.m. at South Puget Sound Community College.

The November 5, 1987, regular meeting has been changed to Morton, Washington; time and date to remain as originally scheduled.

WSR 87-19-011

**NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGE DISTRICT TWELVE**

[Memorandum—September 8, 1987]

**Regular Meeting Schedule
1987-88**

<u>DATE</u>	<u>LOCATION AND TIME</u>
July 2, 1987	South Puget Sound 4:30 p.m.
August 6, 1987	Centralia College 4:30 p.m.
September 3, 1987	South Puget Sound 4:30 p.m.
October 1, 1987	Morton South Puget Sound 4:30 p.m. 4:00 p.m.
November 5, 1987	South Puget Sound Morton 4:30 p.m.
December 3, 1987	Centralia College 4:30 p.m.
January 7, 1988	South Puget Sound 4:30 p.m.
February 4, 1988	Centralia College 4:30 p.m.
March 3, 1988	South Puget Sound 4:30 p.m.
April 7, 1988	Centralia College 4:30 p.m.
May 5, 1988	South Puget Sound 4:30 p.m.
June 2, 1988	Centralia College 4:30 p.m.

WSR 87-19-012

**PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed September 9, 1987]

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 forest practices regulations pertaining to water quality.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 10, 1987.

The authority under which these rules are proposed is RCW 76.09.040, Forest Practices Act of 1974.

The specific statute these rules are intended to implement is RCW 76.09.040.

This notice is connected to and continues the matter in Notice No. WSR 87-10-060 filed with the code reviser's office on May 6, 1987.

Dated: September 8, 1987

By: Phillip C. Johnson
Deputy Director, Programs

WSR 87-19-013

**EMERGENCY RULES
STATE EMPLOYEES INSURANCE BOARD**

[Resolution No. 87-5—Filed September 9, 1987]

Be it resolved by the State Employees Insurance Board, acting at the House Office Building, Hearing Room E, Olympia, Washington, that it does adopt the annexed rules relating to the repeal of WAC 182-12-126; new section WAC 182-12-127; and amending WAC 182-08-060.

We, the State Employees Insurance 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 emergency filing of WAC 182-12-127 is needed to implement changes in federal law, and amendment of WAC 182-08-060 in time to offer new medical plans for open enrollment.

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 State Employees Insurance Board as authorized in chapter 41.05 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 May 5, 1987.

By C. H. Shay
Assistant Benefits Manager

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-126 *Extension of retiree dependents' eligibility.*

NEW SECTION

WAC 182-12-127 EXTENSION OF RETIREE DEPENDENTS' ELIGIBILITY. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), covered dependents of retirees not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB retiree medical and dental coverage by self-payment of premium according to the following guidelines:

(1) In addition to coverage extended to surviving dependents under WAC 182-12-122, enrolled dependents of retirees may continue their coverage for up to thirty-six months following the month in which one of the following qualifying events occur: (a) The retiree becomes divorced, or (b) a child ceases to be a dependent child under the requirements of the plan.

(2) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate election of these options.

(3) Coverage continued under this section shall be secondary to any other employer group coverage the person may have.

(4) Continued coverage will be terminated when (a) the plan terminates, (b) premium is not paid within the grace period stated in subsection (7) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(5) NOTICE REQUIREMENTS:

(a) At the time their coverage commences under the retiree plan, the employer shall provide to each new retiree written notice of the option to continue coverage as stated in this section.

(b) It is the retiree's or dependent's responsibility to notify the employer of the retiree's death, divorce or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of any qualifying event the employer must notify the retiree (or surviving dependent) of the rights of this section within fourteen days of the receipt of this information.

(6) **ELECTION TO CONTINUE COVERAGE:** Enrolled persons must make their election to continue coverage within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(7) **PREMIUM REQUIREMENTS:** Payment of premium for continued coverage must be made within forty-five days of the date of election. Premium must be paid retroactive to the first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

(8) **CONVERSION OPTION:** Within a period of thirty-one days following the expiration of a person's continued coverage, the person may purchase an individual conversion policy.

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-08-060 APPROVAL OF HEALTH MAINTENANCE ORGANIZATION ((~~OR-PAN-EE~~)) PLANS. In the absence of any federal or state statute to the contrary, the board may approve one (~~(individual practice and one group practice and one health maintenance operator or panel plan,)~~) or more state certified health maintenance organizations within a service area, during a contract term. Where more than one ((health care service contractor)) such organization seeks approval within the same service area, the board shall approve ((the health care service contractor)) those which will best serve the total needs and have the ability to service the proposed benefits with a direct ratio of benefits to premium advantage.

WSR 87-19-014
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 9, 1987]

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 certification of operators of wastewater treatment plants, chapter 173-230 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 23, 1987.

The authority under which these rules are proposed is chapter 70.95B RCW, Domestic wastewater treatment plants—Certification and regulation of operators.

The specific statute these rules are intended to implement is chapter 70.95B RCW, Domestic wastewater treatment plants—Certification and regulation of operators.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 12, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-17-063 filed with the code reviser's office on August 19, 1987.

Dated: September 1, 1987
 By: Phillip C. Johnson
 Deputy Director

WSR 87-19-015
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 87-114—Filed September 9, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 definition of the Buoy 10 line is changed to reflect the fact that the buoy is temporarily missing. The halibut size restriction is for protection of immature halibut.

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 September 8, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-16-40000A BUOY 10 LINE. Notwithstanding the provisions of any section of this title, effective immediately until further notice, the Buoy 10 Line is defined as a line projected true south from the Coast Guard Lighthouse at Cape Disappointment to a yellow marker on the south jetty of the Columbia River, and all references to waters east or west of Buoy 10 at the mouth of the Columbia River shall refer to waters east or west of said line.

NEW SECTION

WAC 220-56-24500C HALIBUT—SIZE AND BAG LIMITS. Effectively immediately until further notice, the daily bag limit of Pacific halibut is two fish not less than 30 inches in length. The possession limit is the same as the daily bag limit. It is unlawful to possess halibut less than 30 inches in length.

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 87-19-016
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-115—Filed September 9, 1987]

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

I, Joseph R. Blum, 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 Area 7B provide opportunity to harvest non-Indian allocation of coho and chinook. Openings in Area 8 provide opportunity to harvest non-Indian pink allocation as per state tribal agreement. Areas 12, 12A and 12B originally scheduled in the permanent regulations will remain closed to prevent overharvest. All other areas closed to prevent overharvest. Purse seines required in Area 8 to minimize wastage of non-Indian pink salmon allocation.

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 September 9, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-47-808 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective September 9, 1987, 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 4B – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 5, 6C – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 6, 6A, 7, 7A – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

***Area 7B – Closed except gill nets using 5-inch minimum mesh may fish continuously until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.**

***Area 8 (excluding that portion south and west of a line projected from Polnell Point to Rocky Point) – Closed except gill nets using 5-inch minimum/6-inch maximum mesh not more than 60 meshes in depth may fish from 6:00 PM September 9 to 9:00 AM September 10, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 10. Those waters south and west of a line projected from Polnell Point to Rocky Point remain closed to all commercial fishing.**

Areas 6B, 6D, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 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 September 9, 1987.

WAC 220-47-807 *Puget Sound Commercial Salmon Fishing Restrictions Order No. 87-111*

WSR 87-19-017

COLUMBIA RIVER GORGE COMMISSION

[Filed September 10, 1987]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

MEMORANDUM from James M. Johnson, Senior Assistant Attorney General, Attorney for Columbia River Gorge Commission (753-4556).

Enclosed are regulations adopted by the Columbia River Gorge Commission, established by compact between the states of Washington and Oregon (Washington statute, chapter 499, Laws of 1987, approved by Congress P.L. 99-663, 16 U.S.C. 544 et seq.).

The compact requires the commission to publish its regulations and also to file a copy thereof and of any amendment thereto, with the appropriate agency or officer in each of the party states (chapter 499, Laws of 1987, Art. I(g)).

CHAPTER 350-11 OPEN MEETINGS

350-11-001 Definitions for 350-11-001 to 350-11-010.

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of the commission is required at any meeting at which a quorum is present.

(2) "Executive session" means any meeting or part of a meeting of the commission which is closed to certain persons for deliberation on certain matters.

(3) "Commission" means the Columbia River Gorge Commission or any public body which consists of two or more members, with the authority to make decisions for or recommendations to the commission on policy or administration.

(4) "Meeting" means the convening of the commission for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any onsite inspection of any project or program. "Meeting" also does not include the attendance of members of the commission at any national, regional or state association to which the commission or members of the commission belong.

350-11-002 Policy.

The Oregon and Washington forms of government require an informed public aware of the deliberations and decisions of the commission and the information upon which such decisions were made.

350-11-003 Meetings of commission to be open to public; location of meetings.

(1) All meetings of the commission shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by 350-11-001 to 350-11-010.

(2) No quorum of the commission shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by 350-11-001 to 350-11-010.

(3) The commission shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age or national origin is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by the commission if use of a place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the commission shall be held within the geographic boundaries over which the commission has jurisdiction, or at the administrative headquarters of the commission or at the other nearest practical location. Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies shall be held within the geographical boundaries over which one of the participating public bodies has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

350-11-004 Public notice required; special notice for executive sessions, special or emergency meetings.

(1) The commission shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the commission to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the commission, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the commission, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

350-11-005 Written minutes required; content; content of minutes for executive sessions.

(1) The commission shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law, but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the commission present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of the body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to 350-12-001 to 350-12-006 relating to public records, a reference to any document discussed at the meeting but such reference shall not affect the status of the document under 350-12-001 to 350-12-006.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. Instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording which need not be transcribed unless otherwise provided by law. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

350-11-006 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits.

(1) The commission can hold executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization for the holding of such executive session. Executive session may be held:

- (a) To consider the employment of a public officer, employe, staff member or individual agent. The exception contained in this paragraph does not apply to:
 - (A) The filling of a vacancy in an elective office.
 - (B) The filling of a vacancy on any public committee, commission or other advisory group.
 - (C) The consideration of general employment policies.
 - (D) The employment of the chief executive officer, other public officers, employes and staff members of any public body unless the vacancy in that office has been advertised, regularized procedures for hiring have been adopted by the public body and there has been opportunity for public input into the employment of such an officer. However, the standards, criteria and policy directives to be used in hiring chief executive officers shall be adopted by the commission in meetings open to the public in which there has been opportunity for public comment.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employe, staff member or individual agent, unless

such public officer, employe, staff member or individual agent requests an open hearing.

(c) To conduct deliberations with persons designated by the commission to carry on labor negotiations.

(d) To conduct deliberations with persons designated by the commission to negotiate real property transactions.

(e) To consider records that are exempt by law from public inspection.

(f) To consider preliminary negotiations involving matters of trade or commerce in which the commission is in competition with governing bodies in other states or nations.

(g) To consult with counsel concerning the legal rights and duties of the commission with regard to current litigation or litigation likely to be filed.

(h) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the commission, the employment-related performance of the chief executive officer of the commission, a public officer, employe or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. The standards, criteria and policy directives to be used in evaluating chief executive officers shall be adopted by the commission in meetings open to the public in which there has been opportunity for public comment. An executive session for purposes of evaluating a chief executive officer or other officer, employe or staff member shall not include a general evaluation of any agency goal, objective or operation of any directive to personnel concerning agency goals, objectives, operations or programs.

(i) To carry on negotiations with private persons or business regarding proposed acquisition, exchange or liquidation of public investments.

(2) Labor negotiations may be conducted in executive session if either side of the negotiators requests closed meetings. Subsequent sessions of the negotiations may continue without further public notice.

(3) Representatives of the news media shall be allowed to attend executive sessions other than those held under paragraph (c) of subsection (1) of this section relating to labor negotiations but the commission may require that specified information subject of the executive session be undisclosed.

(4) No executive session may be held for the purpose of taking any final action or making any final decision.

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.

350-11-007 Meetings by means of telephonic or electronic communication.

(1) Any meetings, including an executive session, of the commission which is held through the use of telephone or other electronic communication shall be conducted in accordance with 350-11-001 to 350-11-006.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the commission shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of

speakers or other devices. The place provided may be a place where no member of the commission is present.

350-11-008 Enforcement of 350-11-001 to 350-11-007; effect of violation on validity of decision of the commission; liability of members.

(1) Any person affected by a decision of the commission may commence a suit in the circuit court or superior court for the county in which the commission ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of 350-11-001 to 350-11-008, by members of the commission, or to determine the applicability of 350-11-001 to 350-11-008 to matters or decisions of the commission. The court may order such equitable relief as it deems appropriate in the circumstances. A decision shall not be voided if other equitable relief is available. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney's fees at trial and on appeal, by the commission.

(2) If the court makes a finding that a violation of 350-11-001 to 350-11-008 has occurred under subsection (1) of this section and that the violation is the result of wilful misconduct by any member or members of the commission, that member or members shall be jointly and severally liable to the commission for the amount paid by the commission under subsection (1) of this section.

(3) The provisions of this section shall be the exclusive remedy for an alleged violation of 350-11-001 to 350-11-008.

350-11-009 Prima facie evidence of violation required of plaintiff.

In any suit commenced under 350-11-008(1), the plaintiff shall be required to present prima facie evidence of a violation of 350-11-001 to 350-11-008 before the commission shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of 350-11-001 to 350-11-008 were complied with shall be on the commission.

350-11-010 Smoking in public meetings prohibited.

(1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or meeting notice indicates the meeting is to commence regardless of the time it actually commences.

(2) As used in this section, "smoking instrument" means any cigar, cigarette, pipe or other smoking equipment.

CHAPTER 350-12 PUBLIC RECORDS

350-12-001 Definitions for 350-12-001 to 350-12-006.

(1) "Person" includes any natural person, corporation, partnership, firm or association.

(2) "Public record" includes any writing containing information relating to the conduct of the public's business, prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing and every means or recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents.

350-12-002 Right to inspect public records.

Every person has a right to inspect any public record of the commission, except as otherwise expressly provided by 350-12-006.

350-12-003

(1) The commission shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated.

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statutes, and the Constitution which have been adopted by the commission;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employes or others;

(f) Correspondence and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The commission need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

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.

350-12-004 Times for inspection and copying.

Public records shall be available for inspection and copying during the customary office hours of the commission. Provided, that if the commission does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the commission or its representative agree on a different time.

350-12-005 Certified copies of public records; fees.

(1) The custodian of any public record which a person has a right to inspect shall give the person, on demand, a certified copy of it, if the record is of a nature permitting such copying, or shall furnish reasonable opportunity to inspect or copy.

(2) The public body may establish fees reasonably calculated to reimburse it for its actual costs in making such records available.

350-12-006 Public records exempt from disclosure.

(1) The following public records are exempt from disclosure under 350-12-001 to 350-12-006 unless the public interest requires disclosure in the particular instance:

(a) Records of the commission pertaining to litigation to which the commission is a party if the complaint has been filed, or if the complaint has not been filed, if the commission shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation;

(b) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service or to locate minerals or other substances, having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(c) Investigatory information compiled for criminal law purposes, except that the record of an arrest or the report of a crime shall not be confidential unless and only so long as there is a clear need in a particular case to delay disclosure in the course of a specific investigation. Nothing in this paragraph shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this paragraph, the record of an arrest or the report of a crime includes, but is not limited to:

(A) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(B) The offense with which the arrested person is charged;

(C) The conditions of release;

(D) The identity of and biographical information concerning both complaining party and victim;

(E) The identity of the investigating and arresting agency and the length of the investigation;

(F) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(G) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice;

(d) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the examination is given and if the examination is to be used again;

(e) Information relating to the appraisal of real estate prior to its acquisition;

(f) The names and signatures of employes who sign authorization cards or petitions for the purpose of requesting representation or decertification elections;

(g) Investigatory information relating to any complaint filed relating to unlawful employment practices until such time as the complaint is resolved, or a final administrative determination is made.

(h) Investigatory information relating to any complaint filed relating to unfair labor practices;

(i) Information concerning the location of archaeological sites or objects, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist activity or attraction; and

(j) A personnel discipline action, or materials or documents supporting that action.

(2) The following public records are exempt from disclosure under 350-12-001 to 350-12-006.

(a) Communications within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final agency determination of policy or action. This exemption shall not apply unless the commission shows that in the particular instance the public interest in encouraging frank communication between officials and employes of the commission clearly outweighs the public interest in disclosure;

(b) Information of a personal nature such as but not limited to that kept in a personal, medical or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy;

(c) Information submitted to the commission in confidence and not otherwise required by law to be submitted, where such information should reasonably be considered confidential, the commission has obliged itself in good faith not to disclose the information, and when the public interest would suffer by the disclosure;

(d) Any public records or information the disclosure of which is prohibited by federal law or regulations;

(e) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged;

(f) Public records or information described in this section, furnished by the public body originally compiling, preparing or receiving them to any other public officer or public body in connection with performance of the duties of the recipient, if the considerations originally giving rise to the confidential or exempt nature of the public records or information remain applicable.

(3) If any public record contains material which is not exempt under subsection (1) or (2) of this section, as well as material which is exempt from disclosure, the commission shall separate the exempt and nonexempt material and make the nonexempt material available for examination.

(4) Student records required by state or federal law are exempt from disclosure.

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.

CHAPTER 350-13 FINANCIAL DISCLOSURE

350-13-001

(1) The members of the commission shall file annual financial disclosure forms with the States of Washington and Oregon and shall otherwise comply, to the extent possible, with the financial disclosure requirements of both states.

(2) Financial disclosure forms filed by members of the commission shall also be maintained at the offices of the commission.

CHAPTER 350-14 CONFLICT OF INTEREST

350-14-001 Definitions for 350-14-001 to 350-14-005.

As used in these rules, unless the context requires otherwise:

(1) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.

(2) "Business with which the person is associated" means any business of which the person or a member of the person's household is a director, officer, owner or employe, or any corporation in which the person or a member of the person's household owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(3) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or a member of the person's household, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law

as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of a state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged.

(4) "Gift" means something of economic value given to a public official or member of the official's household without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials on the same terms and conditions; and something of economic value given to a public official or member of the official's household for valuable consideration less than that required from others who are not public officials. However, "gift" does not mean:

(a) Campaign contributions.

(b) Gifts from relatives.

(c) The giving or receiving of food, lodging and travel when participating in an event which bears a relationship to the public official's office and when appearing in an official capacity.

(5) "Honoraria" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event at which the public official appears in an official capacity.

(6) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

(7) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the or vote of a person acting in the capacity of a public official.

(8) "Member of household" means the spouse of the public official and any children of either who reside with the public official.

(9) "Public official" means any person who is serving in a governmental capacity for the Columbia River Gorge Commission as an officer, employe, agent or otherwise, and irrespective of whether the person is compensated for such services.

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.

350-14-002 Application.

Nothing in these rules is intended to affect:

(1) Any other statute or rule requiring disclosure of economic interest by any public official or public employe.

(2) Any statute or rule prohibiting or authorizing specific conduct on the part of any public official or public employe.

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.

350-14-003 Code of Ethics.

The following actions are prohibited regardless of whether potential conflicts of interest are announced or disclosed pursuant to 350-14-004:

(1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, nonoraria or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official or a member of the household of the public official is associated.

(2) No public official or candidate for office or a member of the household of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has any official position or over which the official exercises any authority.

(3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(4) No public official shall further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

(5) No person shall offer during any calendar year any gifts to any public official or candidate therefor or a member of the household of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has any official position or over which the official exercises any authority.

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.

350-14-004 DECLARATION OF POTENTIAL CONFLICTS

Methods of handling potential conflicts.

(1) When met with a potential conflict of interest, a public official shall:

(a) If the public official is an appointed public official serving on the commission, announce publicly the nature of the potential conflict prior to taking any official action thereon.

(b) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the potential conflict, and request that the appointing authority dispose of the matter giving rise to the potential

conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(2) Nothing in subsection (1) of this section requires any public official to announce a potential conflict of interest more than once on the occasion which the matter out of which the potential conflict arises is discussed or debated.

(3) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.

350-14-005 Recording of notice of potential conflict; effect of failure to disclose conflict.

(1) When a public official gives notice of a potential conflict of interest, the potential conflict shall be recorded in the official records of the public body.

(2) No decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed shall be voided by any court solely by reason of the failure of the public official to disclose a conflict of interest.

CHAPTER 350-15 PUBLIC CONTRACTS

350-15-001 Definitions for 350-15-001 to 350-15-020.

The term "public work" shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the commission, or which is by law a lien or charge on any property within Washington or Oregon, but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system. All public works, including maintenance when performed by contract shall comply with the provisions of 350-15-002.

350-15-002 Plans and specifications; estimates; publications; emergencies.

(1) Whenever the commission shall determine that any public work is necessary to be done it shall cause plans, specifications, or both thereof and an estimate of the cost of such work to be made and filed with appropriate officials in Washington and Oregon.

(2) If the commission shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of fifteen thousand dollars, then the commission shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: Provided, that then any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be

done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

350-15-003 Requirements for advertisements for bids.

(1) An advertisement for bids shall be published at least once in at least one newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as the commission may determine. If the contract is for a public improvement with an estimated cost in excess of \$50,000, the advertisement for bids shall be published in at least one trade newspaper of general state-wide circulation. The commission may, by rule, require an advertisement for bids to be published more than once or in one or more additional publications.

(2) All advertisements for bids shall state:

(a) If the contract is for a public work, that no bid will be received or considered by the commission unless the bid contains a statement by the bidder as a part of its bid that the provisions of prevailing wage rates are to be complied with;

(b) The date after which bids will not be received, which date shall be not less than five days after the date of the last publication of the advertisement;

(c) The date that prequalification applications must be filed and the class or classes of work for which bidders must be prequalified if prequalification is a requirement;

(d) The character of the work to be done or the material or things to be purchased;

(e) The office where the specifications for the work, materials or things may be seen;

(f) The name and title of the person designated for receipt of bids;

(g) The date, time and place that the commission will publicly open the bids; and

(h) The commission may reject any bid not in compliance with all prescribed public bidding procedures and requirements, and may reject for good cause any or all bids upon a finding of the agency it is in the public interest to do so.

350-15-004 Disqualification of bidder.

(1) The commission may disqualify any person as a bidder on a public contract if the commission finds:

(a) The person does not have sufficient financial ability to perform the contract. If a bond is required to insure performance of a contract, evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

(b) The person does not have equipment available to perform the contract;

(c) The person does not have key personnel available of sufficient experience to perform the contract; or

(d) The person has repeatedly breached contractual obligations to public and private contracting agencies.

(2) The commission may make such investigation as is necessary to determine whether a person is qualified. If a bidder or prospective bidder fails to supply promptly information as requested by the public contracting agency pursuant to such investigation, such failure is grounds for disqualification.

(3) Any information voluntarily submitted by a bidder or prospective bidder pursuant to an investigation under subsection (2) of this section or in a prequalification statement required by 350-15-005 or in a prequalification request submitted pursuant to 350-15-006 shall be deemed a trade secret if requested by the person submitting the information.

350-15-005 Prequalification of bidder; notification.

(1) The commission may adopt a rule, resolution, ordinance or other regulation requiring mandatory prequalification for all persons desiring to bid for public contracts that are to be let by the agency. The rule, resolution, ordinance or other regulation authorized by this section shall include the time for submitting prequalification applications and a general description to the type and nature of the contracts that may be let. The prequalification application shall be in writing on a standard form prescribed by the commission.

(2) The commission shall within 30 days of the receipt of the prequalification application submitted pursuant to subsection (1) of this section, notify the prospective bidder if the prospective bidder is qualified or not, the nature and type of contracts that the prospective bidder is qualified to bid on and the time period for which the prequalification is valid. If the commission disqualified the prospective bidder as to any contracts covered by the rule, resolution, ordinance or other regulation, the notice shall specify which subsections of 350-15-004 the prospective bidder failed to comply with. Unless the reasons are specified, the bidder shall be deemed to have been prequalified in accordance with the application.

(3) If the commission subsequently discovers that a person heretofore prequalified under subsections (1) and (2) of this section is no longer qualified, the commission may revoke the prequalification upon reasonable notice to the prospective bidder; provided, however, that such revocation shall be invalid as to any contract for which an advertisement for bids has already been made under 350-15-003.

350-15-006 Application for prequalification; notification; investigation, revocation or revision.

(1) When the commission permits or requires prequalification of bidders, a person who wishes to prequalify shall submit a prequalification application to the commission on a standard form prescribed by the commission. Within 30 days after receipt of a prequalification application, the commission shall investigate the prospective bidder as necessary to determine if the prospective bidder is qualified. The determination shall be made in less than 30 days, if practical, if the prospective bidder requests an early decision to allow the bidder as much time as possible to prepare a bid on a contract that has been advertised. In making its determination, the commission shall only disqualify a person in accordance with 350-15-004. It shall promptly notify the person whether or not that person is qualified.

(2) If the commission finds that a prospective bidder is qualified, the notice shall state the nature and type of contracts that the person is qualified to bid on and the period of time for which the qualification is valid under

the rule, resolution, ordinance or other regulation. If the agency disqualifies a prospective bidder as to any contracts covered by the rule, resolution, ordinance or other regulation, the notice shall specify the reasons found under 350-15-004 for the disqualification.

(3) If the commission has reasonable cause to believe that there has been a substantial change in the conditions of a prequalified person and that the person is no longer qualified or is less qualified, the agency may revoke or may revise and reissue the prequalification after reasonable notice to the prequalified person. The notice shall state the reasons found under 350-15-004 for revocation or revision of the prequalification of the person. A revocation or revision does not apply to any contract for which publication of advertisement for bids, in accordance with 350-15-003, commenced prior to the date the notice of revocation or revision was received by the prequalified person.

350-15-007 Work to be executed according to plans; supplemental plans.

Whenever plans and specifications shall have been filed, the work to be done shall be executed in accordance with such plans and specifications unless supplemental plans and specifications of the alterations to be made therein shall be made and filed in the office where the original plans and specifications are filed.

In the event that the probable cost of executing such work in accordance with the supplemental plans and specifications shall be increased or decreased from the estimated cost as shown by the original estimate to an amount in excess of ten percent of such estimate, then a supplemental estimate shall be made of the increased or decreased cost of executing the work in accordance.

350-15-008 Contents of original estimates.

Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit allowed for the completion of the work and the estimated dates of commencement and completion.

350-15-009 Supplemental estimates.

Supplemental estimates shall show the estimated increase or decrease in the total quantities of each class, in the unit cost of each class, in the total cost for each class and in the total cost of the work as shown by the original estimate, together with any change in the time limit and in the estimated dates of commencing and completing the work.

350-15-010 Account and record of cost.

Whenever the commission shall execute any public work by any means or method other than by contract, it shall cause to be kept and preserved a full, true and accurate account and record of the costs of executing such work.

Such account and record shall show in accurately tabulated form and under appropriate headings the totals of all classes and kinds of work performed, the total

cost and unit cost of each class, together with the costs of executing such work, including, under separate headings, the costs of labor; material; equipment purchased; provisions and supplies; rental of equipment; industrial insurance and medical aid; superintendence; engineering; clerical and accounting service; the reasonable value, including depreciation, of the use of equipment owned by the commission, and all other expenses incurred therein.

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.

350-15-011 Records open to public inspection; certified copies.

All plans, specifications, estimates, and copies of accounts or records and all certificates attached thereto shall, when filed, become public records and shall at all reasonable times be subject to public inspection.

Certified copies of any estimate, account or record shall be furnished by the officer having the custody thereof to any person on demand and the payment of the legal fees for making and certifying the same.

350-15-012 Pollution and preservation of natural resources laws to be included in bidding invitations; change orders, costs, arbitration.

All invitations for bid proposals for public construction projects issued by the commission, shall set further in the contract documents to the extent they are reasonably obtainable by the public awarding authority those provisions of federal, state and local statutes, ordinances and regulations dealing with the prevention of environmental pollution and the preservation of public natural resources that affect or are affected by the projects. If the successful bidder must undertake additional work due to the enactment of new or the amendment of existing statutes, ordinances, rules or regulations occurring after the submission of the successful bid, the commission shall issue a change order setting forth the additional work that must be undertaken, which shall not invalidate the contract. The cost of such a change order to the commission shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, then the cost to the commission shall be the contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance, and subcontracts attributable to the additional activity plus a reasonable sum for overhead and profit: Provided, that such additional costs to undertake work not specified in the contract documents shall not be approved unless written authorization is given the successful bidder prior to his undertaking such additional activity. In the event of a dispute between the commission and the successful bidder, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, then the obtaining rules of the American Arbitration Association.

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.

350-15-013 Commission purchasing; use of recovered resources and recycled material.

The commission, in purchasing supplies, materials, equipment or personal services, shall:

(1) Review its procurement specifications currently utilized in order to eliminate, wherever economically feasible, discrimination against the procurement of recovered resources or recycled materials.

(2) Provide incentives, wherever economically feasible, in all procurement specifications issued by them for the maximum possible use of recovered resources and recycled materials.

(3) Develop purchasing practices which, to the maximum extent economically feasible, assure purchase of materials which are recycled or which may be recycled or reused when discarded.

(4) Establish management practices which minimize the volume of solid waste generated by them by limiting the amount of materials consumed and discarded.

(5) Use and require persons with whom it contracts to use, in the performance of the contract work, to the maximum extent economically feasible, recycled paper.

350-15-014 Preference to recycled materials.

(1) Notwithstanding other rules requiring the commission to enter into contracts with the lowest responsible bidder and subject to subsection (2) of this section, the commission, in the purchase of materials and supplies for any public use, may, in its discretion, give preference to the purchase of materials and supplies manufactured from recycled materials.

(2) The commission may give preference to materials and supplies manufactured from recycled materials only if:

(a) The bids of the persons or manufacturing concerns supplying the recycled materials, or the prices quoted by them, do not exceed by more than five percent the lowest bid or process quoted by persons and manufacturing concerns offering nonrecycled materials; and

(b) The commission finds that the public good will be served thereby.

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.

350-15-015 Specifications for contracts; exemptions.

(1) Specifications for public contracts shall not expressly or implicitly require any product by any brand name or mark, nor the product of any particular manufacturer or seller unless the product is exempt under subsection (2) of this section.

(2) The commission may exempt certain products or classes of products from subsection (1) of this section upon any of the following findings:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;

(b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the commission;

(c) There is only one manufacturer or seller of the product of the quality required; or

(d) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

350-15-016 Bond required; conditions; retention of contract amount in lieu of bond.

Whenever the commission shall contract with any person or corporation to do any work for the commission, the commission shall require the person or persons with whom such contract is made to make, execute, and deliver to the commission, a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and materialmen, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: Provided, That on contracts of \$25,000 dollars or less, at the option of the contractor the commission may, in lieu of the bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance.

350-15-017 Conditions of bond; notice of claim; action on bond; attorney's fees.

The bond mentioned in 350-15-016 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the commission. All such persons mentioned in 350-15-016 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: Provided, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the commission, and the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied material, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with the commission, notice in writing in substance as follows:

To (here insert the name of the commission):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work), has a claim in the sum of \$_____ (here insert the amount) against the bond taken from _____ (here insert the name of the principal and surety or sureties upon such bond) for the work of _____ (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed) _____

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items herein before specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as shall be adjudged reasonable: Provided, however, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice herein before mentioned.

350-15-018 Notice to contractor condition to suit on bond when supplies are furnished to subcontractor.

Every person, firm or corporation furnishing materials, supplies or provisions to be used in the construction, performance carrying on, prosecution or doing of any work for the the commission, shall, not later than ten days after the date of the first delivery of such materials, supplies or provisions to any subcontractor or agent of any person, firm or corporation having a subcontract for the construction, performance, carrying on, prosecution or doing of such work, deliver or mail to the contractor a notice in writing stating in substance and effect that such person, firm or corporation has commenced to deliver materials, supplies or provisions for use thereon, with the name of the subcontractor or agent ordering or to whom the same is furnished and that such contractor and his bond will be held for the payment of the same, and no suit or action shall be maintained in any court against the contractor or his bond to recover for such material, supplies or provisions or any part thereof unless the provisions of this section have been complied with.

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.

350-15-019 Preferences; foreign contractor.

(1) In all public contracts, the commission shall prefer goods or services that have been manufactured or produced in Oregon or Washington if price, fitness, availability and quality are otherwise equal.

350-15-020 Subcontracting to minority or women business enterprise; good faith effort; fee.

(1) Whenever the commission requires a bidder to subcontract some part of the contract or obtain materials to be used in performing the contract to a business enterprise that is a minority or women business enterprise, the commission shall award the contract, if one is awarded, to the lowest qualified bidder who has met the minority business enterprise or women business enterprise goal established by the commission or who has made a good faith effort prior to the time bids are opened to comply with the subcontracting or material supplied requirement.

(2) Performing all of the following actions by a bidder constitute a rebuttable presumption that the bidder has

made a good faith effort to satisfy the subcontracting requirement described in subsection (1) of this section:

(a) The bidder attended any presolicitation or prebid meetings that were scheduled by the commission to inform minority and women business enterprises of contracting and subcontracting or material supply opportunities available on the project;

(b) The bidder identified and selected specific economically feasible units of the project to be performed by minority and women business enterprises in order to increase the likelihood of participation by such enterprises;

(c) The bidder advertised in general circulation, trade association, minority and trade oriented, women-focus publications, if any, concerning the subcontracting or material supply opportunities;

(d) The bidder provided written notice to a reasonable number of specific minority and women business enterprises, soliciting bids for the selected subcontracting or material supply work, in sufficient time to allow the enterprises to participate effectively;

(e) The bidder followed up initial solicitations of interest by contacting the enterprises to determine with certainty whether the enterprises were interested;

(f) The bidder provided interested minority and women business enterprises with adequate information about the plans, specifications and requirements for the selected subcontracting or material supply work;

(g) The bidder negotiated in good faith with the enterprises, and did not without justifiable reason reject as unsatisfactory bids prepared by any minority and women business enterprises;

(h) Where applicable, the bidder advised and made efforts to assist interested minority and women business enterprises in obtaining bonding, lines of credit or insurance required by the commission or contractor; and

(i) The bidder's efforts to obtain minority and women business enterprise participation were reasonably expected to produce a level of participation sufficient to meet the goals or requirement of the commission.

(3) If a bidder has not met the minority business enterprise or women business enterprise goal established by the commission, the commission shall evaluate the good faith effort of the bidder consistent with subsection (2) of this section. It shall be a rebuttable presumption that a bidder has made a good faith effort to comply with the requirement for subcontracting or material supply described in subsection (1) of this section if the bidder has acted consistently with the actions described in subsection (2) of this section. It shall be a rebuttable presumption that the bidder did not make a good faith effort if the bidder has not acted consistently with the actions described in subsection (2) of this section.

(4) For purposes of this section and for purposes of certification of minority or women business enterprises by the commission:

(a) "Minority or women business enterprise" means a business concern which is a least 51 percent owned by one or more minorities or women, as the case may be, or in the case of a corporation, at least 51 percent of the stock of which is owned by one or more minorities or

women, and whose management and daily business operations are controlled by one or more of the minority or women stockholders.

(b) "Minority individual" is a person who is a citizen or lawful permanent resident of the United States, who is a:

(A) Black American or person having origins in any of the Black racial groups of Africa.

(B) Hispanic American or person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

(C) Native American or person who is an American Indian, Eskimo, Aleut or Native Hawaiian.

(D) Asian-Pacific American or person whose origin is from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific or the Northern Marianas.

(E) Asian-Indian American or person whose origin is from India, Pakistan or Bangladesh.

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.

350-15-025 It is the intent of these rules to establish a policy of open competition for all personal service contracts entered into by the commission, unless specifically exempted under these rules.

(1) "Commission" or agency means the Columbia River Gorge Commission.

(2) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(3) "Consultant" means an independent individual or firm contracting with the commission to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the commission except as to the result of the work. The commission monitors progress under the contract and authorizes payment.

(4) "Emergency" means a set of unforeseen circumstances beyond the control of the commission that either:

(a) Present a real, immediate threat to the proper performance of essential functions; or

(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(5) "Evidence of competition" means documentation demonstrating that the commission has solicited responses from multiple firms in selecting a consultant.

(6) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement. This term does not include purchased services as defined under subsection (8) of this section.

(7) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the commission.

(8) "Purchased services" means services provided by a vendor to accomplish routine, continuing and necessary functions. This term includes, but is not limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

(9) "Sole Source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on either the uniqueness of the service or sole availability at the location required.

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.

350-15-026 All personal service contracts shall be entered into pursuant to competitive solicitation, except for:

(1) Emergency contracts;

(2) Sole source contracts;

(3) Contract amendments;

(4) Contracts between a consultant and the commission of less than ten thousand dollars. However, contracts of two thousand five hundred dollars or greater, but less than ten thousand dollars, shall have documented evidence of competition. The commission shall not structure contracts to evade these requirements; and

(5) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the commission when it has been determined that a competitive solicitation process is not appropriate or cost effective.

350-15-027 No officer or activity of the commission subject to these rules shall expend any funds for personal service contracts unless the agency has complied with the competitive procurement and other requirements of these rules.

350-15-028 These rules do not apply to:

(1) Contracts specifying a fee of less than two thousand five hundred dollars if the total of the contracts with the contractor within a fiscal year does not exceed two thousand five hundred dollars;

(2) Contracts awarded to companies that furnish a service where the tariff is established by a utilities and transportation commission or other public entity;

(3) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division or subdivision thereof;

(4) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other governmental entity and a like contract is available to all qualified applicants;

(5) Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source;

(6) Contracts for the employment of expert witnesses for the purposes of litigation.

CHAPTER 350-16 ADMINISTRATIVE PROCEDURES

350-16-001 Commission required to prepare public writings in readable form.

(1) The commission shall when reasonable prepare its public writings in simple language with short, precise, affirmative, active-voice sentences.

(2) As used in this section, "public writing" means any rule, form, license or notice prepared by the commission.

350-16-002 Definitions for 350-16-002 to 350-16-018.

(1) "Commission" means the Columbia River Gorge Commission or any officer authorized by the commission to make rules or to issue orders.

(2)(a) "Contested case" means a proceeding before the commission:

(A) In which the individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after a hearing at which such specific parties are entitled to appear and be heard;

(B) Where the commission has discretion to suspend or revoke a right or privilege of a person;

(C) For the suspension, revocation or refusal to renew or issue a license where the licensee or applicant for a license demands such hearing.

(b) "Contested case" does not include proceedings in which any commission decision rests solely on the result of a test.

(3) "Economic effect" means the costs of compliance with a rule for businesses including but not limited to the costs of equipment, supplies, labor and administration.

(4) "License" includes the whole or part of any commission permit, certificate, approval, registration or similar form of permission required by law to pursue any commercial activity, trade, occupation or profession.

(5)(a) "Order" means any commission action expressed orally or in writing directed to a named person or named persons, other than employes, officers or members of the commission. "Order" includes any commission determination or decisions issued in connection with a contested case proceeding.

(b) "Final order" means final commission action expressed in writing. "Final order" does not include any tentative or preliminary commission declaration or statement that:

(A) Precedes final commission action; or

(B) Does not preclude further commission consideration of the subject matter of the statement or declaration.

(6) "Party" means:

(a) Each person or agency entitled as of right to a hearing before the commission;

(b) Each person or agency named by the commission to be a party; or

(c) Any person requesting to participate before the commission as a party or in a limited party status which the commission determines either has an interest in the outcome of the commission's proceeding or represents a public interest in such result.

(7) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the commission.

(8) "Rule" means any commission directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of the commission. The term includes the amendment or repeal of a prior rule, but does not include:

(a) Unless a hearing is required by statute, internal management directives, regulations or statements which do not substantially affect the interests of the public:

(A) Between agencies, or their officers or their employes; or

(B) Within the commission, between its officers or between employes.

(b) Action by commission directed to other agencies or other units of government which do not substantially affect the interests of the public.

(c) Declaratory rulings.

(d) Intra-agency memoranda.

(9) "Small business" means a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses which has 50 or fewer employes.

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.

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350-16-003 Description of organization; service of order; effect of not putting order in writing.

(1) In addition to other rulemaking requirements imposed by law, the commission shall publish a description of its organization and the methods whereby the public may obtain information or make submissions or requests.

(2) An order shall not be effective as to a person or party unless it is served upon him either personally or by mail. This subsection is not applicable in favor of any person or party who has actual knowledge of the order.

(3) An order is not final until it is reduced to writing.

350-16-004 Notice requirements for rule adoption; temporary rule adoption, or amendment; substantial compliance required.

(1) Prior to the adoption, amendment or repeal of any rule, the commission shall give notice of its intended action:

(a) In the manner established by rule adopted by the commission, which provides a reasonable opportunity for

interested persons to be notified of the agency's proposed action;

(b) In the Oregon bulletin and Washington register at least 20 days prior to the commencement of any commission action; and

(c) To persons who have requested notice pursuant to subsection (7) of this section.

(2)(a) The notice required by subsection (1) of this section shall state the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The commission shall include with the notice of intended action given under subsection (1) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(C) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for an in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list; and

(D) A statement of fiscal impact identifying state agencies, units of local government and the public which may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected.

(3) When the commission proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon request received from 10 persons or from an association having not less than 10 members within 15 days after commission notice. The commission holding a hearing upon a request made under this subsection is not required to give additional notice of the hearing in the Oregon bulletin or Washington register if the commission gives notice in compliance with its rules of practice and procedure other than a requirement that notice be given in the bulletin. The commission shall consider fully any written or oral submission.

(4) Upon request of an interested person received within 15 days after commission notice pursuant to subsection (1) of this section, the commission shall postpone the date of its intended action no less than 10 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude the commission from adopting a temporary rule pursuant to subsection (5) of this section.

(5) Notwithstanding subsections (1) to (4) of this section, the commission may adopt or amend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the commission prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the commission in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection.

(6) A rule adopted or amended under subsection (5) of this section is temporary and may be effective for a period of not longer than 90 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

(7) Any person may request in writing that the commission mail to the person copies of its notice of intended action given pursuant to subsection (1) of this section. Upon receipt of any request the commission shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. The commission may establish procedures for establishing and maintaining the mailing lists current and, by rule, establish fees necessary to defray the costs of mailings and maintenance of the lists.

(8) This section does not apply to public contracts and purchasing.

(9) No rule is valid unless adopted in substantial compliance with the provisions of this section in effect on the date the rule is adopted.

(10) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

350-16-005 Procedure for commission adoption of federal rules.

(1) Notwithstanding 350-16-004, when the commission is required to adopt rules or regulations promulgated by an agency of the Federal Government and the agency has no authority to alter or amend the content or language of those rules or regulations prior to their adoption, the agency may adopt those rules or regulations under the procedure prescribed in this section.

(2) Prior to the adoption of a federal rule or regulation under subsection (1) of this section, the commission shall give notice of the adoption of the rule or regulation, the effective date of the rule or regulation and the subject matter of the rule or regulation in the manner established in 350-16-004(1).

(3) After giving notice the commission may add to the rule or regulation by filing a copy with the Oregon Secretary of State and the Washington Code Reviser. The

commission is not required to conduct public hearings concerning the adoption of the rule or regulation.

(4) Nothing in this section authorizes the commission to amend federal rules or regulations or adopt rules in accordance with federal requirements without giving an opportunity for hearings as required by 350-16-004.

350-16-006 Filing and taking effect of rules; filing of executive orders; copies.

(1)(a) The commission shall file in the office of the Oregon Secretary of State and Washington Code Reviser a certified copy of each rule adopted by it.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the commission adopting a rule incorporating published standards of reference is not required to file a copy of those standards with the Oregon Secretary of State or the Washington Code Reviser if:

(A) The standards adopted are unusually voluminous and costly to reproduce; and

(B) The rule filed identifies the location of the standards so incorporated and the conditions of their availability to the public.

(2) Each rule is effective upon filing as required by subsection (1) of this section, except that:

(a) If a later effective date is required by statute or specified in the rule, the later date is the effective date.

(b) A temporary rule becomes effective upon filing with the Oregon Secretary of State and Washington Code Reviser, or at a designated later date, only if the statement required by 350-16-004(5) is filed with the rule. The commission shall take appropriate measures to make temporary rules known to the persons who may be affected by them.

(3) When a rule is amended or repealed by the commission, the commission shall file a certified copy of the amendment or notice of repeal with the Oregon Secretary of State and Washington Code Reviser.

(4) No rule of which a certified copy is required to be filed shall be valid or effective against any person or party until a certified copy is filed in accordance with this section. However, if the commission, in disposing of a contested case, announces in its decision the adoption of a general policy applicable to such case and subsequent cases of like nature the commission may rely upon such decision in disposition of later cases.

350-16-008 Petitions requesting adopting of rules.

An interested person may petition the commission requesting the promulgation, amendment or repeal of a rule. The commission shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition. Not later than 30 days after the date of submission of a petition, the commission either shall deny the petition in writing or shall initiate rulemaking proceedings.

350-16-009 Contested cases.

Notice to party before hearing of rights and procedure; legislative findings; failure to provide notice.

(1) Citizens have a right to be informed as to the procedures by which contested cases are heard by the

commission, their rights in hearings before the commission, the import and effect of hearings before the commission and their rights and remedies with respect to actions taken by the commission. Accordingly, it is the purpose of subsections (2) to (4) of this section to set forth certain requirements of the commission so that citizens shall be fully informed as to these matters when exercising their rights before the commission.

(2) Prior to the commencement of a contested case hearing before the commission, the commission shall inform each party to the hearing of the following matters:

(a) If a party is not represented by an attorney, a general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with the evidence.

(b) The manner of making the record and its availability to the parties.

(c) The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the commission.

(d) Whether an attorney will represent the commission in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.

(e) The title and function of the person presiding at the hearing with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, who makes the final determination on behalf of the commission, whether the person presiding at the hearing is or is not an employe, officer or other representative of the commission and whether that person has the authority to make a final independent determination.

(f) In the event a party is not represented by an attorney, whether the party may during the course of proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.

(g) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the commission and the hearing reopened.

(h) Whether there exists an opportunity after the hearing and prior to the final determination or order of the commission to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing.

(i) A description of the appeal process from the determination or order of the commission.

(3) The information required to be given to a party to a hearing under subsections (2) and (3) of this section may be given in writing or orally before commencement of the hearing.

(4) The failure of the commission to give notice of any item specified in subsections (2) and (3) of this section,

shall not invalidate any determination or order of the commission unless upon an appeal from or review of the determination or order a court finds that the failure affects the substantial rights of the complaining party. In the event of such a finding, the court shall remand the matter to the commission for a reopening of the hearing and shall direct the commission as to what steps it shall take to remedy the prejudice to the rights of the complaining party.

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.

350-16-010 Notice, hearing and record in contested cases; informal disposition; hearings officer; statement of ex parte communications.

(1) In a contested case, all parties shall be afforded an opportunity for hearing after notice of not less than 20 days, served personally or by registered or certified mail.

(2) The notice shall include:

(a) A statement of the party's right to hearing, or a statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved; and

(d) A short and plain statement of the matters asserted or charged.

(3) Parties may elect to be represented by counsel and to respond and present evidence and argument on all issues involved.

(4) The commission may adopt rules of procedure governing participation in contested cases by person appearing as limited parties.

(5) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

(6) An order adverse to a party may be issued upon default only upon prima facie case made on the record of the commission. When an order is effective only if a request for hearing is not made by the party, the record may be made at the time of issuance of the order, and if the order is based only on material included in the application or other submissions of the party, the commission may so certify and so notify the party, and such material shall constitute the evidentiary record of the proceeding if hearing is not requested.

(7) At the commencement of the hearing, the officer presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove.

(8) Testimony shall be taken upon oath or affirmation of the witness form when received. The officer presiding at the hearing shall administer oaths or affirmations to witnesses.

(9) The officer presiding at the hearing shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to the officer during the pendency of the proceeding and notify the parties of the communication and of their right to rebut such communications.

(10) The officer presiding at the hearing shall insure that the record developed at the hearing shows a full and fair inquiry into the facts necessary for consideration of all issues properly before the presiding officer in the case.

(11) The record in a contested case shall include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Stipulations.

(d) A statement of matters officially noticed.

(e) Questions and offers of proof, objections and rulings thereon.

(f) A statement of any ex parte communications on a fact in issue made to the officer presiding at the hearing.

(g) Proposed findings and exceptions.

(h) Any proposed, intermediate or final order prepared by the commission or a hearings officer.

(12) A verbatim oral, written or mechanical record shall be made of all motions, rulings and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The commission may charge the party requesting transcription, unless the party files an appropriate affidavit of indigency.

350-16-011 Interpreter for handicapped person in contested case.

(1) When a handicapped person is a party to a contested case, the handicapped person is entitled to a qualified interpreter to interpret the proceedings to the handicapped person and to interpret the testimony of the handicapped person to the commission.

(2)(a) Except as provided in paragraph (b) of this subsection, the commission shall appoint the qualified interpreter for the handicapped person; and the commission shall fix and pay the fees and expenses of the qualified interpreter if:

(A) The handicapped person makes a verified statement and provides other information in writing under oath showing the inability of the handicapped person to obtain a qualified interpreter, and provides any other information required by the commission concerning the inability of the handicapped person to obtain such an interpreter; and

(B) It appears to the commission that the handicapped person is without means and is unable to obtain a qualified interpreter.

(b) If the handicapped person knowingly and voluntarily files with the commission a written statement that the handicapped person does not desire a qualified interpreter to be appointed for the handicapped person, the commission shall not appoint such an interpreter for the handicapped person.

(3) As used in this section:

(a) "Handicapped person" means a person who cannot readily understand or communicate the English language, or cannot understand the proceedings or a charge made against the handicapped person, or is incapable of presenting or assisting in the presentation of the defense of the handicapped person, because the handicapped person is deaf, or because the handicapped person has a physical hearing impairment or physical speaking impairment.

(b) "Qualified interpreter" means a person who is readily able to communicate with the handicapped person, translate the proceedings for the handicapped person, and accurately repeat and translate the statements of the handicapped person to the commission.

350-16-012 Depositions or subpoena of material witness; discovery.

(1) On petition of any party to a contested case, the commission may order that the testimony of any material witness may be taken by deposition in the manner prescribed by law for depositions in civil actions. Depositions may also be taken by the use of audio or audio-visual records. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of the testimony of the witness, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides in Oregon or Washington and is unwilling to appear, the commission may issue a subpoena, requiring his appearance before such officer.

(2) The commission may, by rule, prescribe other methods of discovery which may be used in proceedings before the commission.

350-16-013 Subpoenas in contested cases.

(1) The commission shall issue subpoenas to any party to a contested case upon request upon a showing of general relevance and reasonable scope of the evidence sought. A party, other than the commission, entitled to have witnesses on behalf of the party may have subpoenas issued by an attorney of record of the party, subscribed by the signature of the attorney. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the commission, shall receive fees and mileage as prescribed by law for witnesses in civil actions.

(2) If any person fails to comply with any subpoena so issued or any party or witness refuses to testify on any matters on which the party or witness may be lawfully interrogated, the judge of the circuit court or superior court of any county, on the application of the commission or of a designated representative of the commission or of the party requesting the issuance of or issuing the subpoena, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

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.

350-16-014 Evidence in contested cases.

In contested cases:

(1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude commission action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible. The commission shall

give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

(2) All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to and except as provided in subsection (4) of this section no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

(3) Every party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence. Persons appearing in a limited party status shall participate in the manner and to the extent prescribed by rule of the commission.

(4) The commission may take notice of judicially cognizable facts, and they may take official notice of general, technical or scientific facts within its specialized knowledge. Parties shall be notified at any time during the proceeding but in any event prior to the final decision of material officially noticed and they shall be afforded an opportunity to contest the facts so noticed. The commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

(5) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative and substantial evidence.

(6) The commission may, at its discretion, be represented at hearings by the Attorney General of Washington or Oregon.

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.

350-16-015 Examination of evidence by agency in contested cases.

Whenever in a contested case a majority of the officials of the commission who are to render the final order have not heard the case or considered the record, the order, if adverse to a party other than the commission itself, shall not be made until a proposed order, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the officials who are to render the decision.

350-16-016 Commission statement of ex parte communications; notice.

The commission shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to the commission during its review of a contested case. The commission shall notify all parties of such communications and of their

right to rebut the substance of the ex parte communications on the record.

350-16-017 Proposed order by hearings officer; amendment by commission; exemptions.

(1) Except as otherwise provided in subsections (1) to (3) of this section, unless a hearings officer is authorized or required by law or commission rule to issue a final order, the hearings officer shall prepare and serve on the commission and all parties to a contested case hearing a proposed order, including recommended findings of fact and conclusions of law. The proposed order shall become final after the 30th day following the date of service of the proposed order, unless the commission within that period issues an amended order.

(2) The commission may by rule specify a period of time after which a proposed order will become final that is different from that specified in subsection (1) of this section.

(3) If the commission determines that additional time will be necessary to allow the commission adequately to review a proposed order in a contested case, the commission may extend the time after which the proposed order will become final by a specified period of time. The commission shall notify the parties to the hearing of the period of extension.

350-16-018 Orders in contested cases.

In a contested case:

(1) Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.

(2) A final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the commission's order.

(3) The commission shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

(4) Every final order shall include a citation of the statutes under which the order may be appealed.

CHAPTER 350-20

Review and Approval of Major Development Actions and New Residential Development

350-20-001 Purpose and Scope.

(1) The purpose of this division is to define the procedures and guidelines to be used by the Columbia River Gorge Commission in reviewing and approving major development actions and new residential development pursuant to the section 10(c) of the Columbia River Gorge National Scenic Area act (PL 99-663).

(2) Prior to the effective date of a county's land use ordinance adopted and approved pursuant to sections 7 and 8 of PL 99-663, the Commission shall review all

major development actions and new residential development within that county which are located in the National Scenic Area, but outside Urban Areas. Only major development actions and new residential development found to be consistent with the standards of section 6 and the purposes of PL 99-663 shall be allowed.

350-20-002 Definitions.

For the purpose of this division, the following definitions shall apply:

(1) "Counties" means Multnomah, Hood River, and Wasco Counties, Oregon; and Clark, Skamania, and Klickitat Counties, Washington.

(2) "General Management Areas (GMAs)" means those lands within the boundaries of the National Scenic Area except for those areas designated as Special Management Areas (SMAs) or Urban Areas (UAs).

(3) "Major Development Action" means any of the following:

(a) subdivisions, partitions, and short plat proposals;

(b) Any permit for siting or constructing outside urban areas of multifamily residential, industrial, or commercial facilities, except such facilities as are included in the recreation assessment prepared pursuant section 6 of PL 99-663;

(c) the exploration, development, and production of mineral resources unless such exploration, development, or production can be conducted without disturbing the surface of any land within the boundaries of a special management area or is for sand, gravel, and crushed rock used for the construction, maintenance or reconstruction of roads within the special management areas used for the production of forest products; and

(d) permits for siting or construction within the special management areas any residence or other related major structure on any parcel less forty acres in size.

(4) "National Scenic Area" or "Scenic Area" means the Columbia River Gorge National Scenic Area established pursuant to section 4 of PL 99-663.

(5) "Residential Development" means the permitting for siting or construction of any residence or other related major structure.

(6) "Special Management Areas (SMAs)" means areas within the National Scenic Area established pursuant to section 4 of PL 99-663.

(7) "Urban Areas" means those areas within the scenic area identified as urban areas on the map referred to in section 4(e) of PL 99-663 or within the the boundaries of an urban area as revised pursuant to section 4(f).

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.

350-20-003 Review Standards and Guidelines.

In reviewing major development actions and new residential development for consistency with the standards of section 6 and the purposes of PL 99-663, the guidelines contained in Chapter 3 of the Columbia River Gorge National Scenic Area Final Interim Guidelines, published by the USDA Forest Service and dated June 30, 1987, as amended below shall be utilized:

(1) The definition of agricultural lands shall be revised to read as follows: "Agricultural lands are those lands which are primarily used or are suitable for the production of farm commodities including the growing of crops, fruits or Christmas trees or the pasturing, grazing or feeding of livestock. Lands designated as open space or committed to non-farm uses shall not be considered agricultural lands."

(2) The definition of forest land shall be revised to read as follows: "Forest lands are those lands which are used for growing forest products or are capable of producing in excess of twenty (20) cubic feet per acre per year of Douglas fir, Ponderosa pine or other merchantable tree species. Lands designated as open space or committed to non-forest uses shall not be considered forest land."

WSR 87-19-018
RULES OF COURT
STATE SUPREME COURT
[September 3, 1987]

IN THE MATTER OF THE ADOPTION NO. 25700-A-406
OF RLD 12.17; and AMENDMENTS
TO RLD 12.11 ORDER

The Board of Governors of the Washington State Bar Association having proposed the adoption of RLD 12.17 and amendments to RLD 12.17 and the Court having determined that the proposed Rule and amendments will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption; Now, therefore, it is hereby

ORDERED:

(a) That the Rule and amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the Rule will be published expeditiously in the Washington Reports and will become effective September 3, 1987.

DATED at Olympia, Washington this 3rd day of September, 1987.

Vernon R. Pearson

Robert F. Utter

James A. Andersen

Robert F. Brachtenbach

Keith M. Callow

James M. Dolliver

Wm. C. Goodloe

Fred H. Dore

B. Durham

GR 9 COVER SHEET

Proposed New Rule

Rules for Lawyer Discipline (RLD)

Rule 12.17

**LAWYER'S ASSISTANCE PROGRAM;
CONFIDENTIALITY**

(1) Background. The rule change was initiated in the course of drafting policies and procedures for the Lawyers' Assistance Program of the Washington State Bar Association.

(2) Purpose. The purpose of this rule is make sure that the confidentiality guaranteed to lawyers in providing information to the staff of the Lawyers' Assistance Program is also guaranteed to lawyers who deal with peer counselors in the same program. Communications to the Program Director or persons working directly under him or her would be privileged by statute, RCW 18.83.110, providing that the psychologist/client privilege shall be coextensive with the attorney/client privilege. The Board of Governors wished to make certain that communications to peer counselors working in the field to assist lawyers would also be assured of confidentiality.

(3) Washington State Bar Association Action. At its meeting on April 17, 1987, the discussion of the Board of Governors clearly indicated a desire to bring the peer counselors of the Lawyers' Assistance Program within the protection of rules limiting liability and preserving confidentiality. This specific new rule was not before the Board at that time, however, but was drafted because the proposed amendments to RLD 12.11(a) and (b) do not in themselves prohibit disclosure of information provided to peer counselors, but rather limit the liability of the peer counselors and of persons providing information.

(4) Supporting Material. See the attached materials regarding the purposes and proposed program of the Lawyers' Assistance Program.

(5) Spokesperson. John J. Michalik, Executive Director, Washington State Bar Association.

(6) Hearing. A hearing is not recommended.

PROPOSED NEW RULE

Rules for Lawyer Discipline (RLD)

Rule 12.17

**LAWYERS' ASSISTANCE PROGRAM;
CONFIDENTIALITY**

Confidential communications between a lawyer and staff or peer counselors of the Lawyers' Assistance Program shall be privileged against disclosure without the consent of the client to the same extent and subject to the same conditions as confidential communications between a client and psychologist.

GR 9 COVER SHEET

Proposed Amendment

Rules for Lawyer Discipline (RLD)

Rule 12.11

EXONERATION FROM LIABILITY

(1) Background. The rule change was initiated in the course of drafting policies and procedures for the Lawyers' Assistance Program of the Washington State Bar Association.

(2) Purpose. The amendment to subparagraph (a) of this rule simply adds staff and peer counselors of the Lawyers' Assistance Program to the list of Bar Association agents who should not be subject to liability for performing their duties, so long as they act in good faith.

Subparagraph (b) similarly adds staff and peer counselors of the Lawyers' Assistance Program to those persons who may receive communications from any party in order to fulfill their responsibilities, without subjecting the person providing that information to liability.

(3) Washington State Bar Association Action. At its meeting on April 17, 1987, the Board of Governors of the Washington State Bar Association approved without dissent the concept of extending the exonerations from liability/privilege embodied in RLD 12.11(a) to peer counselors in the Lawyers' Assistance Program. The parallel extension of freedom from liability for persons providing information to the program, as embodied in the proposed amendment to RLD 12.11(b), was not specifically discussed by the Board at that time.

(4) Supporting Material. See the attached materials regarding the purposes and proposed program of the Lawyers' Assistance Program.

(5) Spokesperson. John J. Michalik, Executive Director, Washington State Bar Association.

(6) Hearing. A hearing is not recommended.

PROPOSED AMENDMENT

Rules of Lawyer Discipline

Rule 12.11

EXONERATION FROM LIABILITY

(a) Association and Its Agents. No cause of action shall accrue in favor of a respondent lawyer or any other person, arising from an investigation or proceeding pursuant to these rules, against the Association, or its officers or agents (including but not limited to its staff, members of the Board of Governors, the Disciplinary Board, review committees, hearing panels, hearing officers, state bar counsel, special district counsel, a lawyer appointed pursuant to rule 8.6 or 10.2(d), probation officers appointed pursuant to rule 5.2, staff and peer counselors of the Lawyers' Assistance Program, or any other individual acting under authority of these rules) provided only that the Association or individual shall have acted in good faith. The burden of proving bad faith in this context shall be upon the party asserting it. The Association shall provide defense to any action brought against an officer or agent of the Association for actions taken in good faith under these rules and shall bear the costs of that defense.

(b) Complainants and Witnesses. Communications to the Association, Board of Governors, Disciplinary Board, review committee, hearing officer or panel, state bar counsel, special district counsel, Association staff, staff and peer counselors of the Lawyers' Assistance Program, or any other individual acting under authority of these rules, are absolutely privileged, and no lawsuit predicated thereon may be instituted against any complainant, witness or other person providing information.

WSR 87-19-019 NOTICE OF PUBLIC MEETINGS INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

[Memorandum—September 11, 1987]

The November 5-6, 1987, regular meeting of the Interagency Committee for Outdoor Recreation will be held at the Rivershore Motor Inn, 50 Comstock Street, Richland, Washington, beginning at 9:00 a.m. on November 5th and continuing the following day at the same time.

This meeting is a funding session for both local agencies' grant-in-aid projects and nonhighway and off-road vehicle activities projects. Local agencies' projects consideration is scheduled to begin at 10:00, Thursday, November 5th; nonhighway and off-road vehicles projects on Friday, November 6th, at 9:00 a.m.

The meeting site is barrier free.

WSR 87-19-020 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed September 10, 1987]

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 case management services, new WAC 388-86-017;

that the agency will at 10:00 a.m., Friday, October 30, 1987, in the OB-2 Auditorium, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 2, 1987.

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 October 30, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 16, 1987. The meeting site is in a location which is barrier free.

Dated: September 10, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Re: New section WAC 388-86-017.
Purpose: To provide for case management services.
Reason: Local funds are available for case management services. Federal matching becomes available when the department provides the services.

Statutory Authority: RCW 74.08.090.
Summary: The department will provide case management to specific target groups. The regulations are being filed for emergency adoption as they will result in substantial benefits for clients.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.
These rules not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

NEW SECTION

WAC 388-86-017 CASE MANAGEMENT SERVICES. (1) The department shall provide case management services to medical assistance recipients:
(a) By contract with providers of case management services.
(b) Limited to target groups of clients as determined by the contract.
(c) Limited to services as determined by the contract.
(2) Case management services are services which will assist clients in gaining access to needed medical, social, educational, and other services.

**WSR 87-19-021
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2533—Filed September 10, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to case management services, new WAC 388-86-017.

I, Leslie F. James, 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 provide case management services to medical assistance recipients.

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 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 September 10, 1987.
By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-86-017 CASE MANAGEMENT SERVICES. (1) The department shall provide case management services to medical assistance recipients:

- (a) By contract with providers of case management services.
- (b) Limited to target groups of clients as determined by the contract.
- (c) Limited to services as determined by the contract.
- (2) Case management services are services which will assist clients in gaining access to needed medical, social, educational, and other services.

**WSR 87-19-022
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed September 10, 1987]**

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 scope of care for medically needy, amending WAC 388-99-060;

that the agency will at 10:00 a.m., Friday, October 30, 1987, in the OB-2 Auditorium, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 2, 1987.

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 October 30, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by

October 16, 1987. The meeting site is in a location which is barrier free.

Dated: September 10, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-99-060.

Purpose: To provide for case management services.

Reason: Local funds are available for case management services. Federal matching becomes available when the department provides the services.

Statutory Authority: RCW 74.08.090.

Summary: The department will provide case management services to specific target groups. The regulations are being filed for emergency adoption as they will result in substantial benefits for clients. Limitations in proposed WAC 388-86-017 will apply. Subsections (2) and (3) are being rewritten for readability, no change in policy.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.

These rules not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2268, filed 8/15/85)

WAC 388-99-060 SCOPE OF CARE FOR MEDICALLY NEEDY. (1) The medical coverage under the limited casualty-medically needy program (~~with~~) shall include case management services; early and periodic screening(;;); diagnosis and treatment (EPSDT) services; family planning clinic services; inpatient hospital services; outpatient hospital and rural health clinic services; physical medicine and rehabilitation services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses; skilled nursing facility services; intermediate care facility services; intermediate care facility services for the mentally retarded; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) (~~For other~~) Conditions and limitations ((under which these services may be provided, refer to appropriate service)) in chapter 388-86 WAC shall apply to the limited casualty-medically needy program.

(3) A request for an exception to policy shall (~~not be approved without~~) require a review by the division of medical assistance.

WSR 87-19-023
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2534—Filed September 10, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to scope of care for medically needy, amending WAC 388-99-060.

I, Leslie F. James, 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 provide case management services to medical assistance recipients.

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 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 September 10, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2268, filed 8/15/85)

WAC 388-99-060 SCOPE OF CARE FOR MEDICALLY NEEDY. (1) The medical coverage under the limited casualty-medically needy program (~~with~~) shall include case management services; early and periodic screening(;;); diagnosis and treatment (EPSDT) services; family planning clinic services; inpatient hospital services; outpatient hospital and rural health clinic services; physical medicine and rehabilitation services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses; skilled nursing facility services; intermediate care facility services; intermediate care facility services for the mentally retarded; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) (~~For other~~) Conditions and limitations ((under which these services may be provided, refer to appropriate service)) in chapter 388-86 WAC shall apply to the limited casualty-medically needy program.

(3) A request for an exception to policy shall (~~not be approved without~~) require a review by the division of medical assistance.

WSR 87-19-024
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed September 10, 1987]

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 Kitsap Physicians Service—Sound Care Plan, amending WAC 388-86-00901;

that the agency will at 10:00 a.m., Friday, October 30, 1987, in the OB-2 Auditorium, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 2, 1987.

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 October 30, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 16, 1987. The meeting site is in a location which is barrier free.

Dated: September 9, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-00901.

Purpose: To implement current policy on physician selection, second opinions, physician referral, and program administration under the Sound Care Plan.

Reason: Current policy is only in the provider contract.

Statutory Authority: RCW 74.08.090.

Summary: Clients in the Sound Care Plan shall be given the opportunity to choose or change a primary care physician. They have a right to a second physician's opinion and a prompt referral for medically necessary care. Program administration of the plan provides for quality assurance and review of grievances.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.

These rules not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2471, filed 2/19/87)

WAC 388-86-00901 KITSAP PHYSICIANS SERVICE—SOUND CARE PLAN. (1) All AFDC-R recipients who live in Kitsap or Mason counties shall be enrolled in the Kitsap Physicians Service Sound Care Plan (plan), except as provided in subsection (3) of this section.

(2) Timely provision of services: The recipient shall have the right to receive medically necessary care without unreasonable delay.

(3) Exemptions and disenrollment: The following have the right to be exempt from enrollment in the plan or to disenroll from the plan:

(a) Clients for whom medically necessary care that the plan is obligated by contract to provide cannot be made reasonably available. In making the determination, consideration shall include, but not be limited to:

(i) Whether distance or transportation problems make it unreasonably difficult for the recipient to obtain services; or

(ii) Whether the absence of translators or of services accessible to disabled persons makes it unreasonably difficult for the recipient to obtain services.

(b) Indians eligible to receive health services through the Indian Health Service Clinics.

(4) Emergencies: "Emergency" is defined as a situation in which medical services are immediately required to avoid placing an individual's health in serious jeopardy or to alleviate a condition manifesting itself by acute symptoms, including severe pain or discomfort, or active labor. Emergencies and emergency transportation services are exempt from routine medical care authorization procedures.

(a) The recipient is not responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the recipient is not financially responsible for any services rendered.

(c) If an emergency does not exist, and the plan will not authorize further services, the recipient is financially responsible for any further services received only if informed of his/her responsibility prior to the receipt of the services.

(5) Fair hearings: Any applicant or recipient aggrieved by a decision of the plan or the department has the right to a fair hearing as provided in chapter 388-08 WAC.

(a) Except as provided in (b) and (c) of this subsection, a recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date the plan received the grievance.

(b) In any case in which urgently needed medical services are being denied a recipient by the plan, a recipient is only required to provide a written grievance to the plan prior to or at the time of requesting a fair hearing.

(c) An applicant or recipient requesting exemption from enrollment in the plan is not required to file a formal grievance with the plan prior to requesting a fair hearing. The plan may be a party to any such fair hearing.

(6) Primary care physicians (PCP):

(a) All clients shall have an opportunity to choose a PCP from current plan providers. The plan shall assign a PCP to those clients who do not choose an enrolled provider.

(b) A client shall have the right to change their PCP:

(i) One time during a twelve-month period for any reason,

(ii) For any subsequent change during the twelve-month period the client shall first show good cause.

(c) When requesting a change in their PCP the client shall notify the plan of:

(i) The desired change including the name of the new PCP, and

(ii) The reason for the desired change.

(7) Second opinions: The client shall have the right to a second opinion by another participating physician or specialist:

(a) When the client needs more information as to the medical necessity of medical treatment recommended by the PCP, or

(b) If the client believes that the PCP is not authorizing medically necessary care.

(8) Physician referral: When medically necessary, the PCP shall make a prompt referral to another participating physician or specialist.

(9) Program administration:

(a) A medical director appointed by the plan shall:

(i) Be responsible for the plan's quality assurance program and shall review all plan grievances,

(ii) Furnish the division of medical assistance with a copy of and the plan's response to all written grievances.

(b) An independent, external review of the quality of services provided or arranged by the plan for clients shall be conducted on an annual basis.

WSR 87-19-025
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2532—Filed September 10, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 248-15-020 Definitions.
 New WAC 248-15-025 Medical program director.

This action is taken pursuant to Notice No. WSR 87-16-085 filed with the code reviser on August 5, 1987. 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 18.71.205 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 18.71.212 and 18.71.213.

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 9, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2137, filed 8/10/84)

WAC 248-15-020 DEFINITIONS. For the purpose of these rules and regulations, the following words, phrases, and abbreviations shall have the following meanings unless the context clearly indicates otherwise (also see WAC 248-17-020 for additional abbreviations and definitions applicable to this chapter).

(1) "Department" (~~shall mean~~) means the department of social and health services.

(2) "~~Approved emergency medical services (EMS) medical program director~~) Secretary" (~~shall mean a doctor of medicine or osteopathy who has been approved by the department under RCW 18.71.205, and who:~~

(a) ~~Is licensed to practice medicine and surgery in the state of Washington in accordance with chapter 18.57 or 18.71 RCW, and~~

(b) ~~Is qualified and knowledgeable in the administration and management of emergency care and services including current certification as an advanced cardiac life support provider or equivalent; and~~

(c) ~~Is responsible for the supervision of, or delegation of supervision of training of advanced life support mobile intravenous therapy technicians, mobile airway management technicians, and mobile intensive care paramedics; and~~

(d) ~~Is responsible for the delegation of an advanced life support supervising physician(s) who is responsible~~

~~for control and direction of certified advanced life support personnel in their duties and who directs such advanced life support personnel by verbal communication or by standing orders; and~~

(e) ~~Is responsible for medical matters, training and medical control of basic life support personnel, as defined in chapter 18.73 RCW and chapter 248-17 WAC; and~~

(f) ~~Is certified as the approved EMS medical program director by the department for a county or group of counties in coordination with recommendations by the local medical community and the local EMS council))~~ means the secretary of the department of social and health services.

(3) "Emergency medical services committee" (~~shall mean that~~) means the committee appointed by the governor under RCW 18.73.040 ((which is) responsible for advising and assisting the secretary ((or)) in the identification of the requirements for prehospital emergency medical ((and ambulance)) services ((and practices)) and the formulation of ((implementation)) planning for emergency medical services (EMS) systems.

(4) "Emergency medical ((technician)) services council" (~~((abbr. EMT) shall mean an individual who is certified according to chapter 18.73 RCW))~~ means an organized council of EMS providers recognized by the department of social and health services. The council may represent a county or multicounty area.

(5) "~~((Physician's trained mobile intravenous therapy technician))~~ Emergency medical services medical program director" (~~((abbr. IV therapy technician) shall mean an individual who has successfully completed an EMT training course; has been trained under the supervision of an approved EMS medical program director to administer intravenous solutions under written or oral authorization of a delegated advanced life support supervising physician and has been examined and certified as an IV therapy technician by the department or the University of Washington's school of medicine))~~ means a doctor of medicine or osteopathy having been approved by the department under RCW 18.71.205 and is:

(a) Licensed to practice medicine and surgery in the state of Washington in accordance with chapter 18.57 or 18.71 RCW; and

(b) Qualified and knowledgeable in the administration and management of emergency medical care and services.

(6) "~~((Physician's trained mobile airway management technician))~~ Local medical community" (~~((abbr. airway management technician) shall mean an individual who has successfully completed an emergency medical technician training course; has been trained under the supervision of an approved EMS medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of a delegated supervising physician(s) and has been examined and certified as an airway management technician by the department or the University of Washington's school of medicine))~~ means the organized local medical society existing in the general geographic area where:

(a) The advanced life support program is maintained or proposed, or

(b) In the absence of an organized medical society, majority physician consensus in the county or counties is served by the advanced life support program.

(7) "((Physician's trained mobile intensive care paramedic)) Medical control" ((abbr. paramedic) shall mean an individual who has successfully completed an EMT training course, has been trained under the supervision of an approved EMS medical program director to carry out all phases of prehospital advanced life support under written or oral authorization of a delegated supervising physician(s) and has been examined and certified as a paramedic by the department or the University of Washington's school of medicine)) means medical program director authority to direct the medical care provided by all persons involved in patient care in the pre-hospital EMS system including, but not limited to:

(a) Responsibility for supervision of training programs,

(b) The establishment of patient care protocols, and

(c) The recommendation for certification and decertification of individuals certified under this chapter.

(8) "((Secretary)) Emergency medical technician" ((shall mean the secretary of the department of social and health services)) (EMT) means an individual certified according to chapter 18.73 RCW.

(9) "((Emergency medical services council)) Advanced life support technician" ((shall mean an organized council of emergency medical services providers recognized by the department of social and health services. The council may represent county or multicounty area)) means any level of technician certified under RCW 18.71.200.

(10) "((Advanced life support)) Physician's trained mobile intravenous therapy technician" ((shall mean any level of technician certified under RCW 18.71.200)) (IV technician) means an individual having:

(a) Successfully completed an EMT training course;

(b) Been trained under the supervision of an approved EMS medical program director to administer intravenous solutions under written or oral authorization of a delegated advanced life support supervising physician, and

(c) Been examined and certified as an IV technician by the department or the University of Washington's school of medicine.

(11) ((Local medical community shall mean the organized local medical society which exists in the general geographic area in which the advanced life support program is maintained or proposed or, in the absence of an organized medical society, majority physician consensus in the county or counties served by the advanced life support program)) "Physician's trained mobile airway management technician" (airway technician) means an individual having:

(a) Successfully completed an EMT training course;

(b) Been trained under the supervision of an approved EMS medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of a delegated supervising physician, and

(c) Been examined and certified as an airway technician by the department or the University of Washington's school of medicine.

(12) "((Medical control)) Physician's trained mobile intensive care paramedic" ((shall mean physician direction of medical matters that are involved in patient care, including responsibility for supervision of training programs, the establishment of field protocols, and the recommendation for certification, recertification and decertification of individuals certified under this chapter)) (paramedic) means an individual having:

(a) Successfully completed an EMT training course;

(b) Been trained under the supervision of an approved EMS medical program director to carry out all phases of advanced life support under written or oral authorization of a delegated supervising physician, and

(c) Been examined and certified as a paramedic by the department or the University of Washington's school of medicine.

NEW SECTION

WAC 248-15-025 MEDICAL PROGRAM DIRECTOR. Listed are the duties and responsibilities, performance of duties and responsibilities, certification, termination of certification and evaluation:

(1) The medical program director is responsible for:

(a) Medical control as defined in WAC 248-15-020;

(b) Training or supervision of training of all advanced life support technicians;

(c) Control and direction of certified advanced life support technicians in their duties by oral or written communication; and

(d) Medical matters, training, and medical control of EMTs as defined in chapter 18.73 RCW and chapter 248-17 WAC.

(2) In the performance of their duties medical program directors are responsible for:

(a) Developing EMS system treatment, triage, and transfer protocols;

(b) Providing medical control of EMS personnel utilizing written or voice communications and run reviews of the services provided;

(c) Identifying and defining the medically-related duties and responsibilities of EMS system providers;

(d) Establishing and coordinating the development and implementation of education programs and clinical facilities for EMS training; and

(e) Periodic audit of educational performance and skill maintenance of field personnel.

(3) The medical program director may delegate, in writing, duties and responsibilities to other physicians as needed for performance of duties and responsibilities, except he or she may not delegate the following:

(a) Recommending certification, recertification, or decertification of personnel certified under chapter 18.71 RCW; and

(b) Formal adoption of treatment, transfer, and triage protocols in the county or counties.

(4) Certification and recertification of a medical program director by the department shall be done biennially. The department may approve and certify each EMS

medical program director for a county or group of counties upon considering recommendations from:

- (a) Local medical community, and
- (b) Local EMS council.

(5) Prior to certification and/or recertification, the department shall evaluate each medical program director to determine eligibility. An evaluation format shall be developed by the department and will be completed by the medical program director and a representative of the department. The period between evaluations shall not exceed two years. Re-appointments shall be re-affirmed every two years.

(6) Certification of a medical program director shall be terminated when:

- (a) The medical program director requests termination by resignation, or
- (b) The department, after considering recommendations from the local medical community and the local EMS council, determines termination of certification is necessary for maintenance of patient care standards in the county or counties.

(7) Grounds for termination of certification of the medical program director shall include, but not be limited to, proof the medical program director has not performed duties, such as:

- (a) Failure to supervise training programs,
- (b) Failure to adopt written patient care protocols,
- (c) Failure to provide medical control, and
- (d) Failure to audit performance of prehospital personnel.

(8) No certification of a medical program director shall be terminated without written notification to the respondent from the department. Such written notification shall state the reason for the termination, and advise the respondent of the right of appeal.

(9) Termination of certification of a medical program director shall become final thirty days after the date of mailing: PROVIDED, That within thirty days the medical program director may make written application to the department for a hearing. Upon receipt of a request for hearing, the department shall conduct a hearing in accordance with requirements in the Administrative Procedures Act, chapter 34.04 RCW.

WSR 87-19-026
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2531—Filed September 10, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of charges, amending WAC 275-16-030.

This action is taken pursuant to Notice No. WSR 87-15-133 filed with the code reviser on July 22, 1987. 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 71.02.412 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 71.02.410 through 71.20.417 [71.02.417].

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 9, 1987.
 By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2414, filed 8/19/86)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	\$(124.58)	\$212.06	\$145.21)
	132.07	208.02	156.00
Physician Costs	*	((7-14))	*
		7.15	
*Physician costs will be billed on a fee for service basis			
(b) OUTPATIENT SERVICES -			
Per diem			
Outpatient	—	—	—
Day Care Per Day	—	((7-17))	—
		69.89	
Per Hour	—	((1-86))	—
		11.65	
(c) ANCILLARY SERVICES -			
Per relative value unit ¹ / ₁			
Radiology	((4-91	4-91	3-99))
	4.64	4.64	2.24
Pathology	((-35	-35	-36))
	.42	.42	.23
Medical Clinics	((2-60	2-64	2-05))
	2.38	2.38	3.12
((Electroencephalogram			1-00))
Electrocardiogram	((—		
	.24	.24	.44
((Inhalation Therapy			—))
Physical Therapy	((1-85	1-85	2-29))
	2.19	2.19	2.99
Occupational Therapy	—	—	((21-27))
			11.42
Speech Therapy	—	—	((15-53))
			11.35
Dental	((22-95	22-95	37-66))
	22.54	22.54	27.16
Podiatry	((-92	-92))	1.00
	1.28	1.28	
((Optometry			1-00))

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹/California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 87-19-027

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)
[Memorandum—September 10, 1987]**

The regular meeting of the Board of Natural Resources, Department of Natural Resources, scheduled for October 6, 1987, has been rescheduled to be held on Friday, October 9, 1987, House Hearing Room A, House Office Building, Olympia, Washington at 10:00 a.m.

WSR 87-19-028

**EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-117—Filed September 11, 1987]**

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

I, Joseph R. Blum, 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 Area 7B provide opportunity to harvest non-Indian allocation of coho and chinook. Openings in Area 8 provide opportunity to harvest non-Indian pink allocation as per state tribal agreement. Purse seine presence in Area 8 and extension into the weekend required to minimize wastage of non-Indian pink salmon allocation. Areas 12, 12A and 12B originally scheduled in the permanent regulations will remain closed to prevent overharvest. All other areas 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 September 11, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-47-809 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective September 11, 1987, 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 4B – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 5, 6C – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 6, 6A, 7, 7A – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

***Area 7B – Closed except gill nets using 5-inch minimum mesh may fish continuously until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.**

***Area 8 (excluding that portion south and west of a line projected from Polnell Point to Rocky Point) – Closed except gill nets using 5-inch minimum/6-inch maximum mesh not more than 60 meshes in depth may fish from 6:00 PM September 11 to 9:00 AM September 12, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 11. Those waters south and west of a line projected from Polnell Point to Rocky Point remain closed to all commercial fishing.**

Areas 6B, 6D, 7C, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 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 September 11, 1987.

WAC 220-47-808 Puget Sound Commercial Salmon Fishing Restrictions Order No. 87-115

WSR 87-19-029

**EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-116—Filed September 11, 1987]**

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 Naselle River salmon stocks are in need of protection.

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 September 10, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-57-33500B NASELLE RIVER. Notwithstanding the provisions of WAC 220-57-335, effective 12:01 a.m. September 12, 1987 until further notice it is unlawful to fish for or possess salmon taken for personal use from those waters of the Naselle River upstream from the Highway 4 Bridge.

WSR 87-19-030
PROPOSED RULES
HOSPITAL COMMISSION
[Filed September 11, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges, and changes therein, WAC 261-40-150;

that the agency will at 11:00 a.m., Thursday, October 1, 1987, in the Peninsula Room, Seattle Airport Hilton, 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 RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is RCW 70.39.140.

This notice is connected to and continues the matter in Notice No. WSR 87-16-076 filed with the code reviser's office on August 4, 1987.

Dated: September 11, 1987
By: Maurice A. Click
Executive Director

WSR 87-19-031
PROPOSED RULES
STATE EMPLOYEES INSURANCE BOARD
[Filed September 11, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning the repeal of WAC 182-12-126; new section WAC 182-12-127; and amending WAC 182-08-060;

that the agency will at 9:15 a.m., Friday, October 16, 1987, in the Department of Transportation, Materials Lab Building, Tumwater, 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 41.05 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 2, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-15-025 filed with the code reviser's office on July 9, 1987.

Dated: September 11, 1987
By: C. H. Shay
Assistant Benefits Manager

STATEMENT OF PURPOSE

WAC 182-12-126 Extension of retiree dependents eligibility; 182-12-127 Extension of retiree dependents eligibility; and 182-08-060 Approval of health maintenance organization plans.

Statutory Authority: Chapter 41.05 RCW.

WAC 182-12-127 replaces WAC 182-12-126 and sets forth required provisions of federal law, P.L. 99-272, which allows continuation of medical and dental coverage on a self-pay basis. The amendments to WAC 182-08-060 modify the language to allow the board to approve more than one health maintenance organization within a given service area.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Assistant Benefits Manager, Department of Personnel, Insurance Benefits Division, 1400 Evergreen Park Drive S.W., Olympia, WA 98504, mailstop FX-11, phone 753-2364, scan 234-2364.

Proposed by: State Employees Insurance Board.

Agency Comments: None.

WAC 182-12-127 is necessary due to federal law. Amendment to WAC 182-08-060 is not due to change in federal law.

REPEALER

The following section of Washington Administrative Code is repealed:

WAC 182-12-126 Extension of retiree dependents' eligibility.

NEW SECTION

WAC 182-12-127 EXTENSION OF RETIREE DEPENDENTS' ELIGIBILITY. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), covered dependents of retirees not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB retiree medical and dental coverage by self-payment of premium according to the following guidelines:

(1) In addition to coverage extended to surviving dependents under WAC 182-12-122, enrolled dependents of retirees may continue their coverage for up to thirty-six months following the month in which one of the following qualifying events occur: (a) The retiree becomes divorced, or (b) a child ceases to be a dependent child under the requirements of the plan.

(2) Continuation of coverage may be for medical only or for medical and dental, but not dental only, and each enrolled family member is entitled to make a separate election of these options.

(3) Coverage continued under this section shall be secondary to any other employer group coverage the person may have.

(4) Continued coverage will be terminated when (a) the plan terminates, (b) premium is not paid within the grace period stated in subsection (7) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(5) NOTICE REQUIREMENTS:

(a) At the time their coverage commences under the retiree plan, the employer shall provide to each new retiree written notice of the option to continue coverage as stated in this section.

(b) It is the retiree's or dependent's responsibility to notify the employer of the retiree's death, divorce or of a child ceasing to be an eligible dependent within sixty days of the qualifying event.

(c) When the employer learns of any qualifying event the employer must notify the retiree (or surviving dependent) of the rights of this section within fourteen days of the receipt of this information.

(6) ELECTION TO CONTINUE COVERAGE: Enrolled persons must make their election to continue coverage within a period of sixty days following a qualifying event or following the date notice is received from the employer, whichever is later.

(7) PREMIUM REQUIREMENTS: Payment of premium for continued coverage must be made within forty-five days of the date of election. Premium must be paid retroactive to the first of the month following the qualifying event. Thereafter, premiums are due on the first of each month, subject to a thirty-day grace period.

(8) CONVERSION OPTION: Within a period of thirty-one days following the expiration of a person's continued coverage, the person may purchase an individual conversion policy.

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-08-060 APPROVAL OF HEALTH MAINTENANCE ORGANIZATION ((OR PANEL)) PLANS. In the absence of any federal or state statute to the contrary, the board may approve one ((individual practice and one group practice and one health maintenance operator or panel plan;)) or more state certified health maintenance organizations within a service area, during a contract term. Where more than one ((health care service contractor)) such organization seeks approval within the same service area, the board shall approve ((the health care service contractor)) those which will best serve the total needs and have the ability to service the proposed benefits with a direct ratio of benefits to premium advantage.

WSR 87-19-032**EMERGENCY RULES****DEPARTMENT OF WILDLIFE
(Wildlife Commission)**

[Order 329—Filed September 11, 1987]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to 1987-88 Washington game fish regulations—Skagit River, WAC 232-28-61611.

We, the State Wildlife 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. A statement of the facts constituting the emergency is this regulation was requested by Washington Department of Fisheries to assist in conservation of depressed wild coho runs.

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

This rule is promulgated pursuant to RCW 77.12.040 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 9, 1987.

By Dr. James M. Walton
Chairman, Wildlife Commission**NEW SECTION**

WAC 232-28-61611 AMENDMENT TO 1987-88 WASHINGTON GAME FISH REGULATIONS—SKAGIT RIVER. Notwithstanding the provisions of WAC 232-28-616, effective at 12:01 a.m. on September 14, 1987 through 11:59 p.m. on October 30, 1987, the Skagit River from its mouth to Gorge Dam and all tributaries entering that area, except Baker Lake above Baker Dam, are closed to the taking of game fish from one hour after official sunset to one hour before official sunrise. The regulations for Baker Lake shall remain as provided in WAC 232-28-616.

In addition, the following fishing gear restrictions apply during the above specified time period in the above specified area (excluding Baker Lake):

- It is unlawful to fish with barbed hooks.
- It is unlawful to fish with more than one single-pointed hook on artificial lures that sink in fresh water. (Treble hooks are legal on lures that float).
- It is unlawful to fish with more than two single-pointed hooks when using bait.
- It is unlawful to fish with single-pointed hooks that measure 3/4 of an inch or more between shank and point.

WSR 87-19-033**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1951—Filed September 11, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to certified seed potato, chapter 16-324 WAC.

This action is taken pursuant to Notice No. WSR 87-15-070 filed with the code reviser on July 17, 1987.

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 15.14 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 11, 1987.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1199, filed 5/5/71, effective 6/7/71)

WAC 16-324-360 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Potatoes" mean Irish potatoes that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington.

(4) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, *Erwina carotovora carotovora*, *Erwina carotovora atroseptica* and *Corynebacterium sepedonicum*.

(5) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to *Ditylenchus*, *Pratylenchus*, and *Meloidogyne* genera.

(6) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(7) "In vitro" means in an artificial environment outside the living organism.

(8) "Prenuclear" means micropropagated plants in vitro or tubers in vitro. Also included are micropropagated plants or microtubers produced in a greenhouse.

(9) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock.

(10) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(11) "Minitubers" means tubers produced under controlled greenhouse conditions.

(12) "Tuber unit" means a method of planting whereby cut seed pieces from one tuber are dropped consecutively in a row.

(13) "Hill unit" means a method of planting whereby all tubers from one plant are dropped consecutively in a row.

(14) "Family unit" means a method of planting whereby pre-nuclear stock made up of various family lines are mass planted in recognizably separate plots limited to the size and number of plants per plot.

(15) "Cull" means any lot of potatoes rejected for certification for any reason. Seed lots failing to meet the minimum requirements of Washington state's rules and standards for certification shall be considered as culls.

(16) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.00 percent.

(17) "Rogue" means a method of removing undesired plant specimens from a lot whereby all plant parts including vines, tubers, and seed piece are completely removed from a field. Proper roguing for plant disease shall also include removing all plants and their parts immediately adjacent to the diseased suspect plant.

AMENDATORY SECTION (Amending Order 1825, filed 5/17/84)

WAC 16-324-380 CERTIFIED SEED POTATO STOCK—FEES. (1) Potato certification fees shall be ~~((twenty-three))~~ twenty-seven dollars per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year: PROVIDED, That

(a) Fees for five acres or less must be paid in full at the time of application.

(b) Fee for two acres or less is forty dollars minimum to be paid in full at time of application.

(c) No fees ~~((with))~~ may be charged, up to five acres, for regularly enrolled high school 4-H or FFA projects.

(3) Refunds of the application fee ~~((with))~~ may be made only if the withdrawal form is received by the department prior to the first field inspection.

(4) Lots rejected on or before October 1 ~~((with))~~ shall not be subject to final fees.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees ~~((with))~~ may be considered.

AMENDATORY SECTION (Amending Order 1897, filed 7/17/86)

WAC 16-324-390 REQUIREMENTS FOR PRODUCTION OF FOUNDATION AND/OR CERTIFIED SEED POTATO STOCK. (1) Land requirements.

(a) Potatoes shall not be eligible for certified class if planted on land on which potatoes were grown in either of the previous two years unless the prior crops were entered for and passed certification. Potatoes shall not be eligible for foundation class if planted on land on which potatoes were grown in any of the previous three years unless the prior crops are of the same variety that were entered for and passed certification.

(b) Any land known to be infested with parasitic potato nematode shall not be accepted.

(c) Any land planted with potatoes found to have ring rot shall not be eligible for planting for certified seed potato production for at least three years. Volunteers in a field with ring rot history shall disqualify the field for

certification, modification of land history may be approved by the department when a cultural practice has been proven to be successful. Cultural practices may include, but is not limited to, mechanical means (such as deep plowing) and/or chemical means (such as fumigants or other material) for seed bed preparation. Materials and methods shall be a matter of record with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity. Plants outside of the defined row shall be construed as volunteers.

(2) Isolation requirements.

(a) Potatoes intended for certification shall be isolated by at least one hundred feet from other potatoes except potatoes entered for certification.

(b) A distinct separation of at least six feet shall be left unplanted or planted to some other crop between different lots of foundation class seed potatoes or varieties of potatoes that have so similar tuber type, color, skin, or shape characteristics that varietal mixture is not readily identifiable during the storage, sorting, and grading process. No separation shall be required between lots of a red variety and another variety with obviously different skin color. When more than one lot of seed potatoes are planted in the same field, each lot shall be so marked that any inspector not previously having been at the location can identify each lot.

(c) When ring rot is found in a field planted with more than one lot of seed, the entire field shall be rejected unless at least six feet has been left unplanted or planted to some other crop between lots.

(d) In the suspected presence of bacterial ring rot disease in plants and tubers, or nematode infestation of tubers, samples shall be submitted to a Washington state department of agriculture approved laboratory for testing. Samples may be sent to more than one laboratory to determine the presence or absence of bacterial ring rot disease and nematode infestation.

(3) Planting stock. Eligible planting stock shall consist of foundation seed potatoes or seed stock approved by the department.

(a) Foundation seed is tubers that have met field standards and winter test standards for foundation seed.

(b) Desirable planting stock of known history and varietal purity may be accepted. This stock shall have been produced the preceding year under the special observation of the department. Stock under observation by the department shall pay the usual certification fees.

(c) Planting stock from other states or countries is eligible for certification if the planting stock has met the requirements for foundation standards of their program.

(d) A seed stock or lot shall not be eligible for foundation classification if blending two different sources of seed.

(e) A seed stock or lot shall not be eligible for certification if planted with culls.

(4) Field inspections. Each lot shall be visually inspected on a sample basis. Lots shall be subjected to at least two inspections. The first inspection shall be made before the rows have filled in or the vines touch in the row. The lots shall be traversed sufficiently to accurately evaluate the factors to be considered with a minimum

sample of one hundred plants per acre. Lots shall be considered ready for inspection at all times. Notification shall be given to grower or grower representative when inspection is to be performed. A second inspection shall be performed and the time of the inspection shall be determined by the variety and growing season. Additional inspections shall be made when deemed necessary. The grower shall be responsible for notifying the department of unusual field conditions which reflect premature dying, from any cause, prior to the final reading of the field.

(5) Russet Burbank/Netted Gem potatoes to be eligible for certification shall be within the field tolerances and the winter test tolerances set for certified seed potatoes. Shipments for export prior to January 15 may be certified based on field readings only.

(6) Miscellaneous requirements. Prospective growers entering the certification program for the first time shall be interviewed by the department before applications are processed. This is in order that the applicant knows what is expected and what may be expected from the certifying agency.

(7) Sanitation requirements. All equipment used in the cutting, planting, digging, storage, and grading process shall be sanitized between each lot and variety. Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter followed by an application of an approved chemical to kill bacteria.

AMENDATORY SECTION (Amending Order 1897, filed 7/17/86)

WAC 16-324-430 CERTIFIED SEED POTATO—DIGGING, STORAGE AND PREMARKETING. Specific requirements.

(1) Stored so as to maintain each lot's identity. Storage bin or room (an area with a controlled access and enclosed by solid barriers) to be so marked that any inspector not previously having been in the room or storage bin could identify the lot:

(a) Each storage or room containing more than one lot shall have a solid barrier between each lot that is not of the same seed source, variety or classification. The presence of ring rot or nematode in a lot that is stored with other lots shall be cause for rejection of all lots that are not isolated or separated by a solid barrier.

(b) Lots previously known or found to be infected with bacterial ring rot disease at time of storage or non-certified potatoes shall not be stored within the same storage with certified seed potatoes. Known infected seed lots stored with certified seed lots shall be cause for rejection of all lots in the same storage.

(2) The applicant shall notify in writing receivers of a seed stock or receivers of a lot associated with a seed stock that has been found to be infected with bacterial ring rot. The applicant shall provide the department with a copy of this notification sent to the receiver.

(3) Graded according to state of Washington standards for seed potatoes.

~~((3))~~ (4) Placed in new sacks when tagging is requested, identified with the official Washington seed potato tags which shall show the grower's name, address

~~((and))~~, lot number and variety unless such information is printed on the sacks together with the usual net weight.

~~((4))~~ (5) Tags may be issued to the grower who shall:

- (a) Tag the bags as the potatoes are sorted.
- (b) Allow inspection of graded potatoes at any time.
- (c) If the potatoes are out-of-grade, remove the tags under the supervision of the inspector.
- (d) Return all unused tags to the inspector.

Failure to observe any of the above provisions is sufficient cause for the inspector to withhold the privilege of permitting the grower to tag at his convenience. The deliberate disregard for subsection ~~((4))~~ (5)(b) and (c) of this section shall be just cause to eject a grower from the certification program.

~~((5))~~ (6) Bulk lots, properly identified, may be moved under certification.

AMENDATORY SECTION (Amending Order 1587, filed 11/21/78)

WAC 16-324-450 CERTIFIED SEED POTATO—SPECIFIC REQUIREMENTS. The diseases tolerated ~~((with))~~ shall be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Disease or Defects	Foundation	Certified
Bacterial ring rot, powdery scab, black wart, tuber moth, nematodes	0.00 %	0.00 %
Net necrosis associated with leaf roll	0.25 %	1.00 %
Scab (deep pitted)	1.00 %	3.00 %
Variety mixture	0.00 %	0.25 %

NEW SECTION

WAC 16-324-600 LIMITED GENERATION (L.G.) CERTIFIED SEED POTATO PRODUCTION.

(1) The limited generation (L.G.) program is offered as an alternative to the current program for certification of seed potatoes. This L.G. program is not intended to supersede or replace existing rules and standards for certified seed potato production. Limited generation certified seed potato production shall comply with current standards, where applicable, in addition to the following rules. The purpose of the program is to provide certification for additional kinds of propagative stock now being produced by tissue culture and/or stem cutting techniques.

(2) Eligibility – to be accepted for certification, seed stocks shall be derived from seed stocks that have been disease tested, certified by an official seed certifying agency and continued identity maintained in an approved manner.

(a) To be eligible for recertification, a seed stock shall meet or exceed minimum requirements for field inspection, latent virus testing and winter testing as prescribed in WAC 16-324-630 and 16-324-640.

(b) Applications for all lots planted for certification shall be accompanied by an eligible tag or inspection certificate in addition to winter test results and a signed grower affidavit.

NEW SECTION

WAC 16-324-605 LIMITED GENERATION CERTIFIED SEED POTATO—REQUIREMENTS FOR PRODUCTION AND ELIGIBILITY OF PRE-NUCLEAR STOCK. Requirements for production and eligibility of prenuclear seed potato stock are as follows:

(1) Basic requirements for plant material increase:

(a) All micropropagation facilities shall be approved by the department.

(b) All material shall be documented as to source of variety and shall be a variety approved by the department.

(c) All tests required shall be conducted by a third party laboratory approved by the department.

(d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants for the following pathogens shall be required as follows:

(a) *Corynebacterium sepedonicum* by gram stain and immunofluorescent antibody stain and Richardsons Media. The eggplant bioassay may be substituted for Richardsons Media.

(b) *Erwinia* species by crystal violet pectate.

(c) Potato viruses – X, Y, S, M, A, and leafroll by ELISA, radioimmuno assay and nonspecific viral assay by electron microscopy or dsRNA hybridization.

(d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above.

(3) Sampling requirements for mass propagated plants or tubers.

(a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (no less than twenty samples) of the plants or tuber population shall be disease tested in the manner described for testing requirements for mother plants. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

(4) Private micropropagation labs shall make samples of propagation material available to the department for further testing when requested.

(5) Propagators shall select tubers or mother plants that are true-to-type. Such material shall be derived from more than a single tuber; ten to twenty tubers shall be selected to maximize the genetic base of each line and to avoid selecting a tuber or mother plant that may carry a genetic mutation uncharacteristic of the variety. Micropropagated plants shall not be derived from callus

culture due to the possibility of somatic mutations or variants.

(6) Detailed records of the progress of all increases shall be maintained by the agency or private labs engaged in the production of "prenuclear" material. These records shall include:

(a) A numbering code or system used to identify the explants or clones and their origins;

(b) The amount of time this material has been in tissue culture, and the dates and numbers of transfers that have occurred since initiation or selection;

(c) The testing/inspection history of all such material.

(7) Material planted for recertification at a nuclear level shall be produced either under standard aseptic microbiological techniques (i.e., in vitro micropropagation) or in an insect proofed greenhouse using sterilized potting media, and water known to be free of bacterial potato pathogens. Material shall be produced under phyto-sanitary standards established in this chapter.

(8) The laboratory and/or greenhouses used to produce material to be accepted as prenuclear shall be open to inspection by department personnel on a periodic basis, and contain only material that has satisfied initial testing requirements.

(9) All greenhouse-produced material shall be inspected by the certification agency in the state of origin for disease and off-types during the growing cycle. One inspection shall be performed for transplant material and at least two inspections shall be performed for tuber-producing plants.

(10) The tubers and tuber storage facilities shall be inspected by the certification agency in the state of origin and satisfy the requirements for sanitation and proper storage as approved by the department.

(11) All lines used in the production of prenuclear material shall be field-plot tested on at least an annual basis with particular emphasis on the evaluation of the phenotype (trueness-to-type), yield ability, and freedom from disease symptoms. Such testing shall be the responsibility of the participant and the certification agency in the state of origin.

NEW SECTION

WAC 16-324-610 LIMITED GENERATION CERTIFIED SEED POTATO—LAND REQUIREMENTS. Land requirements in the L.G. certified seed potato program are as follows:

(1) Well water shall be the source of irrigation.

(2) Class Produced Years out of Potatoes
 (Unless prior crop was a higher class—same variety)

Prenuclear	Approved laboratory (greenhouse)
Nuclear	Six years (new ground preferred, fumigation required)
Generation I	Four years
Generation II	Three years
Generation III	Two years
Generation IV	Two years.

NEW SECTION

WAC 16-324-620 LIMITED GENERATION CERTIFIED SEED POTATO—ISOLATION REQUIREMENTS. Isolation required for limited generation seed potato are as follows:

(1) Prenuclear – approved laboratory (greenhouse).

(2) Nuclear – Generation I: Location of field approved by the department.

(3) Generation II – three hundred feet from potatoes not classified as virus tested.

(4) Generation III and Generation IV – six feet minimum space between lots of a different class and variety.

(5) Each lot shall remain distinctly separated in the field and in storage.

(6) Fields shall be staked or marked so that varieties, lots, unit plantings, single drop plantings, and different seed sources can be identified.

(7) Access to fields shall be severely restricted. Entrance shall only be allowed in the presence of the grower.

(8) Nuclear and Generation I stocks are to be planted by a unit method. Cut seed and single drop seed shall be sorted and planted separately within the unit plot, with single drop seed identified.

(9) Nuclear units shall be planted with a one row skip between every two rows. If a ground rig is used for spraying, a wide enough spray row shall be allowed so tires will not touch plants during the growing season.

NEW SECTION

WAC 16-324-630 LIMITED GENERATION CERTIFIED SEED POTATO—FIELD INSPECTION TOLERANCES.

FIELD INSPECTION TOLERANCES: PERCENT DISEASES

Factor	NUCLEAR		GEN. I		GEN. II		GEN. III		GEN. IV	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.01	0.08	0.05
Pvy mosaic	0.00	0.00	0.00	0.00	0.01	TR	0.50	0.25	0.50	0.25
Leafroll	0.00	0.00	0.00	0.00	0.01	TR	0.03	.010	.080	0.05
Blackleg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total visible virus	0.00	0.00	0.10	0.00	0.20	0.10	2.00	1.00	2.00	1.00
PVX	0.00		0.50		1.00		3.00		4.00	

(1) Two or more visual inspections shall be made of each lot by the department. Fields shall be considered ready for inspection at all times.

(2) Leaf samples shall be submitted in late August for virus determination to an independent testing laboratory approved by the department. All classes entered for certification shall be PVX tested.

(a) The minimum number of plants per lot to be sampled for latent virus determination shall be one hundred; nuclear stock ten percent of the total number of plants per lot; Generation I two percent of the total number of plants per lot; Generation II fifty leaves per acre; Generation III and IV twenty leaves per acre. No more than ten plants shall be bulked per sample. The

department may require additional testing when deemed necessary.

(b) Samples shall be labeled as to row and location within the row.

(c) If a positive test results on a virus sample, a retest of every plant after rouging infected area is acceptable.

(d) Any plant rogued and suspected of being contaminated with virus, *Erwinia carotavora* or *Corynebacterium sepedonicum* shall be submitted for testing.

(e) Bacterial ring rot found in a seed lot of a seed operation shall be cause for removing the lot from certification. A third or additional inspections shall be required on remaining seed lots. All other seed lots associated with or planted after the rejected lot shall not be eligible for recertification.

(3) A limited generation growers list shall be published annually after final field inspection showing the results, including bacterial ring rot.

(4) All seed sources entered for certification shall be represented in a Washington seed lot source trial. At the option of the grower, seed sources shall be represented in a seed lot source trial. The presence of bacterial ring rot in the sample shall be cause for rejection of seed lots planted from the same seed source by the grower submitting the sample.

NEW SECTION

WAC 16-324-640 LIMITED GENERATION CERTIFIED SEED POTATO—WINTER TEST TOLERANCE.

WINTER GREENHOUSE TEST TOLERANCE (PERCENT)

Factor	NUCLEAR	GEN. I	GEN. II	GEN. III	GEN. IV
Leafroll	0	0.25	0.3	0.75	1
Mosaic	0	0.25	0.5	1	2
Spindle Tuber	0	0	0	0	0
Other virus	0	0.25	0.75	2	2
Total virus	0	0.50	0.75	2	2

(1) Each lot shall be represented in a winter greenhouse test or be entered in a southern grown winter test.

(2) Certification on seed potatoes graded before the results of the winter test reading shall be based on field readings.

(3) Minimum sample size:

(a) Winter test samples shall be submitted in new bags weighing no more than approximately fifty pounds;

(b) Fifty tubers or four tubers per hundred weight from small lots up to fifty-five hundred weight shall be submitted;

(c) Larger lots:

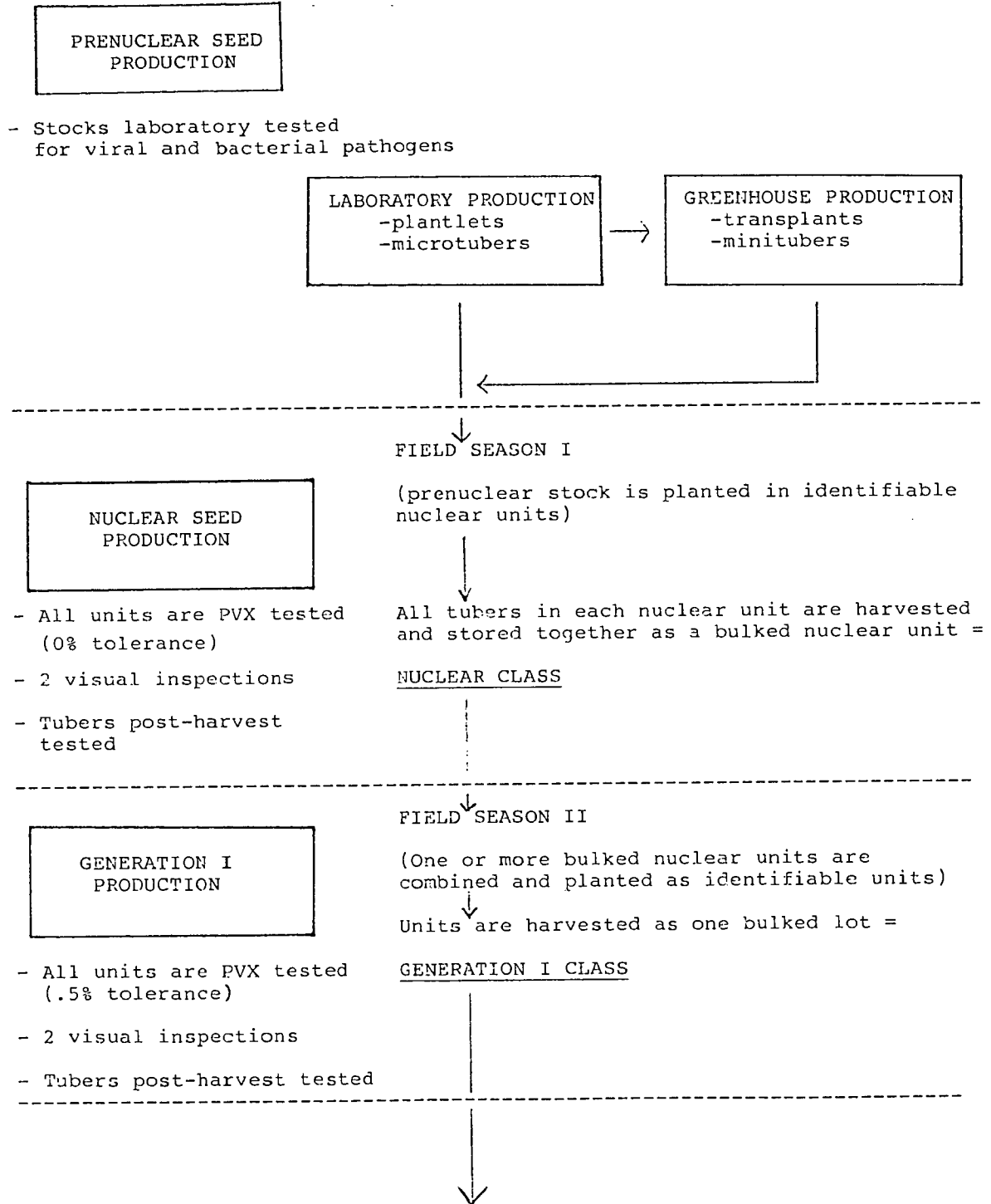
ACRES	TUBERS	ACRES	TUBERS
0.5-1 at least	220	6-10 at least	420
2-5 at least	320	11-20 at least	620

For lots over twenty acres submit six hundred and twenty tubers, plus twenty tubers for each additional acre over twenty acres.

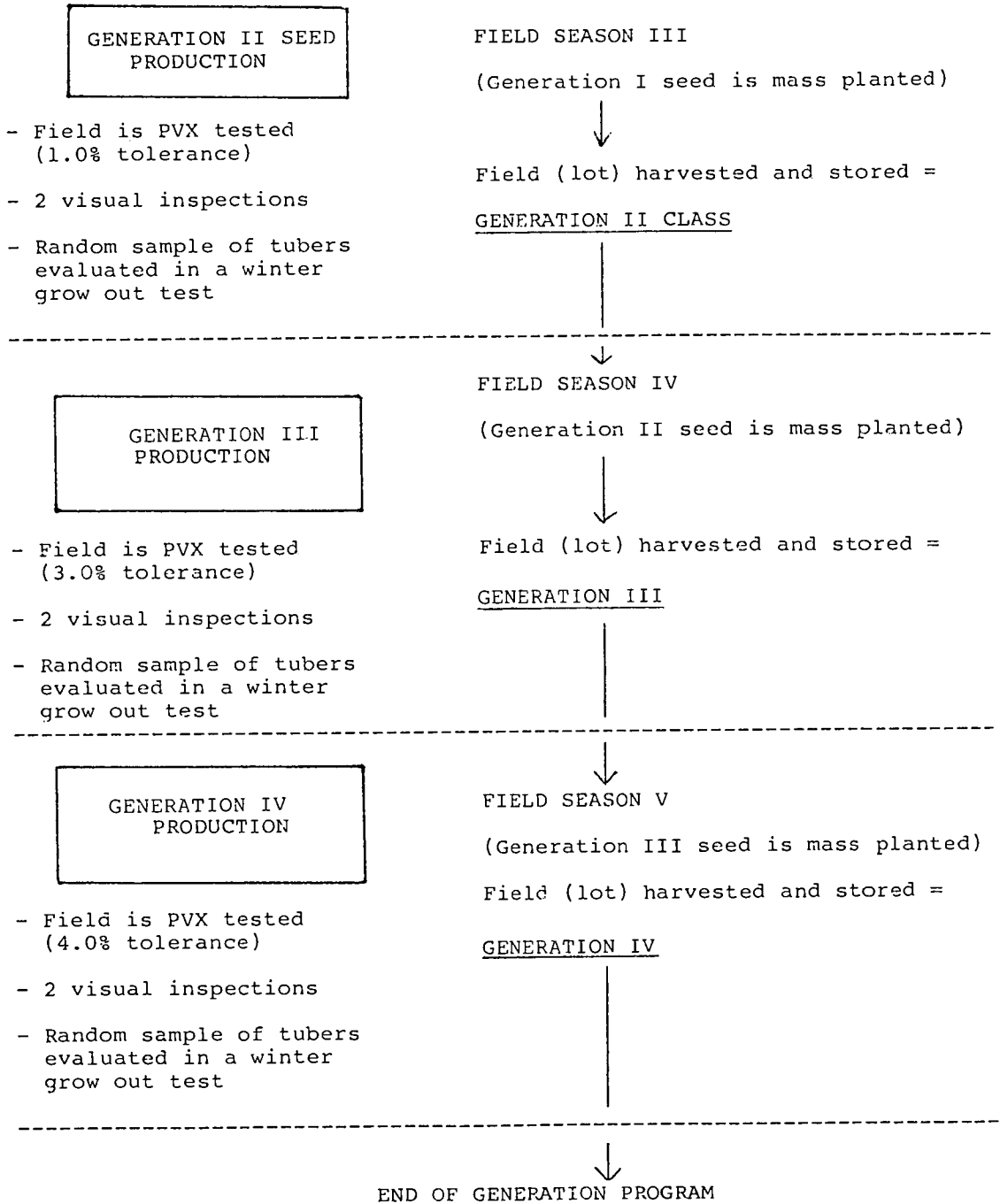
(4) Results of winter testing will be published upon completion of testing. Only seed lots meeting the minimum requirements shall be listed.

NEW SECTION

WAC 16-324-650 LIMITED GENERATION CERTIFIED SEED POTATO—PRODUCTION PHASES. (1)
Prenuclear seed production phases:



(2) Generation II seed production phases:



NEW SECTION

WAC 16-324-660 LIMITED GENERATION CERTIFIED SEED POTATO—SANITATION. Requirements for sanitation in the limited generation certified seed program are as follows:

(1) Chemicals used in the sanitation of equipment shall be those recommended by the "Pacific Northwest Plant Disease Control Handbook." Vector control shall be maintained throughout the growing season as prescribed by the "Pacific Northwest Plant Disease Control Handbook."

(2) Seed stocks in a limited generation program shall be planted and harvested prior to handling any other seed stock. The highest generation shall be handled prior to lower classes within the program. All equipment used in the cutting, planting, digging, storage, and sorting process shall be sanitized between lots and varieties. When cutting nuclear stock, gloves and knives shall be sanitized between each tuber cut.

(3) Precautions shall be taken when roguing, irrigating, or cultivating to prevent the spread of potato pathogens. Only sanitized footwear shall be allowed in the field.

(4) To produce nuclear, Generation I and Generation II stock, a grower shall have successfully produced certified seed potatoes the previous two years with no bacterial ring rot disease during this period. Exceptions to this subsection are possible on approval by the department.

(5) Only department approved containers shall be used during the digging, storage, and packing process. Approved containers shall be new sacks or bags. Wood containers shall be painted with no bare wood exposed.

(6) Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter, followed by steam cleaning, followed by application of an approved chemical to kill bacteria.

NEW SECTION

WAC 16-324-670 LIMITED GENERATION CERTIFIED SEED POTATO—TAGS. All lots shipped outside of the immediate area of production shall be tagged and accompanied by shipping permit. Permits and tags shall only be issued for Generation II, III, or IV seed stocks.

(1) In addition to meeting the requirements of WAC 16-324-430(3), tags shall identify seed class and percent of PVX.

(2) Two colors of tags shall be available for use in Limited Generation seed potatoes. The color of tag designates grade only.

(a) Blue tags shall meet or exceed minimum requirements of United States Standards for U.S. No. 1 Seed Potatoes.

(b) Yellow tags shall indicate a Contract Grade between buyer and seller and shall meet or exceed minimum requirements of WAC 16-324-490.

(c) Tags shall not be issued for culls.

NEW SECTION

WAC 16-324-680 LIMITED GENERATION CERTIFIED SEED POTATO—STORAGE. In addition to meeting the requirements in WAC 16-324-430 (1) (a) and (b), all tubers harvested from unit plantings shall be numbered and stored as an identifiable unit for the next year's planting of prenuclear stock.

WSR 87-19-034**EMERGENCY RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 87-10—Filed September 11, 1987]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, the annexed rules relating to Special services program—The student retention and retrieval program, chapter 392-166 WAC.

I, Frank B. Brouillet, 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 chapter 518, Laws of 1987, appropriates money for a dropout prevention program. The moneys cannot be granted until implementing rules have been promulgated. It is imperative to qualifying school districts to make the moneys available for planning, development and implementation in the current school year.

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

This rule is promulgated pursuant to section 217, chapter 518, Laws of 1987, which directs that the Superintendent of Public Instruction has authority to implement the provisions of the student retention and retrieval program.

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 11, 1987.

By Frank B. Brouillet
Superintendent of Public Instruction

*Chapter 392-166 WAC***SPECIAL SERVICES PROGRAM—STUDENT RETENTION AND RETRIEVAL PROGRAM****WAC**

392-166-100	Authority.
392-166-105	Purpose.
392-166-110	Student retention and retrieval program—Definition.
392-166-115	Qualifying school districts—Definition.
392-166-120	Students at risk—Definition.

- 392-166-125 *Supplant—Definition.*
- 392-166-130 *Definition—Direct expenditure.*
- 392-166-135 *Applicable financial rules.*
- 392-166-140 *Qualifying school district—Option to participate.*
- 392-166-145 *Priority for funding.*
- 392-166-150 *District application required.*
- 392-166-155 *Cooperative applications.*
- 392-166-160 *Substance of school district application.*
- 392-166-165 *Assurances.*
- 392-166-170 *Board approval.*
- 392-166-175 *Application update.*
- 392-166-180 *Criteria for identifying students at risk.*
- 392-166-185 *Distribution of funds.*
- 392-166-190 *Issuance of grant award.*
- 392-166-195 *Supplant prohibition.*
- 392-166-200 *Twenty percent requirement for elementary and middle schools.*
- 392-166-205 *Supervisory expenditures.*
- 392-166-210 *Program requirement—Allowable expenditures.*
- 392-166-215 *Budget revisions—Twenty percent allowed.*
- 392-166-220 *Budget revisions—Updating planned expenditures.*
- 392-166-225 *Budget revision—Approval.*
- 392-166-230 *Acquisition, control and disposition of property.*
- 392-166-235 *District records.*
- 392-166-240 *End of year report.*
- 392-166-245 *End of year evaluation.*
- 392-166-250 *Basic education allocation.*
- 392-166-255 *Program audit.*
- 392-166-260 *Dissemination.*
- 392-166-265 *Notification of parents.*
- 392-166-270 *Encumbrance period.*
- 392-166-275 *Subsequent grants.*

NEW SECTION

WAC 392-166-100 **AUTHORITY.** The authority for this chapter is chapter 518, section 217, Laws of 1987 which authorizes the superintendent of public instruction to promulgate rules to carry out the purposes of sections 214 through 219 of the act.

NEW SECTION

WAC 392-166-105 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures for implementation of educational programs designed to motivate, retain, and retrieve students.

NEW SECTION

WAC 392-166-110 **STUDENT RETENTION AND RETRIEVAL PROGRAM—DEFINITION.** As used in this chapter, the term "student retention and retrieval program" means a program in qualifying school districts planned, developed, and implemented to identify, motivate, retain, and retrieve students who are at risk

of dropping out of school or who have dropped out of school.

NEW SECTION

WAC 392-166-115 **QUALIFYING SCHOOL DISTRICTS—DEFINITION.** As used in this chapter, the term "qualifying school districts" means those school districts, based on drop-out statistics submitted to the superintendent of public instruction pursuant to RCW 28A.58.087, with a drop-out rate in the top twenty-five percent of all districts reporting such information: **PROVIDED,** That the rate may be an average of such data available for a period not to exceed the immediately preceding five school years.

NEW SECTION

WAC 392-166-120 **STUDENTS AT RISK—DEFINITION.** As used in this chapter, the term "students at risk" means those students in elementary, middle or secondary school who are identified using the criteria outlined in WAC 392-166-180 as not succeeding in school, considering dropping out of school, or who have dropped out of school.

NEW SECTION

WAC 392-166-125 **SUPLANT—DEFINITION.** As used in this chapter, the term "supplant" means using funds made available under this chapter to replace funds currently supporting a particular program or activity intended to address the student drop out problem.

NEW SECTION

WAC 392-166-130 **DEFINITION—DIRECT EXPENDITURE.** As used in this chapter the term "direct expenditure" means that part of program-allowed expenditures that appear on the program-approved budget matrix under allowed combinations of activities and objects of expenditure.

NEW SECTION

WAC 392-166-135 **APPLICABLE FINANCIAL RULES.** Moneys granted under this chapter shall be subject to chapter 392-122 WAC, Finance—Categorical apportionment.

NEW SECTION

WAC 392-166-140 **QUALIFYING SCHOOL DISTRICT—OPTION TO PARTICIPATE.** A qualifying school district shall not be required to apply for a grant under the student retention and retrieval program: **PROVIDED,** That if such district does apply and receive moneys appropriated for such purposes, the receiving district shall comply with this chapter.

NEW SECTION

WAC 392-166-145 **PRIORITY FOR FUNDING.** Priority for awarding grant funds made available under this chapter shall be as follows:

(1) The superintendent of public instruction shall give first priority to qualifying school districts where no student motivation, retention, and/or retrieval programs currently exist;

(2) Second priority shall be those qualifying school districts which currently have a student motivation, retention, and/or retrieval program and who apply for funds made available under this chapter to expand the existing program to additional grade levels, or to another school, or to initiate a new student motivation, retention, and/or retrieval program; and

(3) Third priority shall be those school district cooperatives which include at least one qualifying district among the members of the cooperative.

NEW SECTION

WAC 392-166-150 DISTRICT APPLICATION REQUIRED. Each school district that seeks a grant of state funds for a student retention and retrieval program must submit a biennial application on forms provided by the superintendent of public instruction within sixty days of the date such forms are mailed by the superintendent of public instruction. No expenditures for program costs shall be made until the application has been approved by the superintendent of public instruction.

NEW SECTION

WAC 392-166-155 COOPERATIVE APPLICATIONS. Cooperatives of districts may apply for grant funds if one or more districts in the cooperative are qualifying districts. Application may be submitted by any member of the cooperative: **PROVIDED,** That the signature of the superintendent of each school district in the cooperative shall be included on the application forms: **PROVIDED FURTHER,** That the maximum grant for which a cooperative is eligible shall be the sum of the maximum amount for which qualifying district(s) within the cooperative are eligible.

NEW SECTION

WAC 392-166-160 SUBSTANCE OF SCHOOL DISTRICT APPLICATION. The school district's biennial application shall contain the following information on forms provided by the superintendent of public instruction:

(1) Description of proposed year one and year two activities for initial planning, development, and/or implementation of educational programs designed to motivate, retain, and/or retrieve students;

(2) Summary of district need for such program(s);

(3) Procedure for identifying and selecting students to participate in the program;

(4) Program goals and objectives;

(5) Areas of proposed direct expenditures by object and activity on SPI Form 1000-B, listed separately for year one and year two for (a) elementary and middle schools, if appropriate, and (b) secondary schools, if appropriate;

(6) Description of annual evaluation method;

(7) Assurances pursuant to WAC 392-166-165 signed by the school district's authorized representative:

PROVIDED, That applications for planning and development grants shall not include numbers three and six above.

NEW SECTION

WAC 392-166-165 ASSURANCES. Each school district that applies for a grant under this chapter shall assure the superintendent of public instruction that:

(1) The school district shall comply with chapter 518, Laws of 1987 and with chapter 392-166 WAC;

(2) Funds received under the student retention and retrieval program shall not supplant funds of an existing motivation, retention, or retrieval program;

(3) The school district shall keep records and provide information to the superintendent of public instruction regarding the student retention and retrieval program in such manner as required by the superintendent of public instruction.

NEW SECTION

WAC 392-166-170 BOARD APPROVAL. The school district's application shall be reviewed and approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-166-175 APPLICATION UPDATE. A district requesting approval to change its student retention and retrieval program for the second year of the biennium, including moving from a planning and development phase to actual program implementation, shall submit an application update to the superintendent of public instruction for approval.

NEW SECTION

WAC 392-166-180 CRITERIA FOR IDENTIFYING STUDENTS AT RISK. School district criteria for identifying students at risk shall include, at a minimum:

(1) Poor, irregular and/or deteriorating attendance patterns;

(2) Poor, irregular, and/or deteriorating work habits and achievement as indicated on periodic reports to parents;

(3) Frequent, regular, or increasing conflict with peers, teachers, or other school authorities;

(4) Other behavior or indicators apparent in an elementary school child who is not succeeding in school, e.g., withdrawal from normal, daily academic and social activities; apathy toward the school environment and so forth.

NEW SECTION

WAC 392-166-185 DISTRIBUTION OF FUNDS. Funds made available under this chapter shall be distributed on a per pupil basis among qualifying school districts. The per pupil amount shall be determined by dividing the total available appropriation by the total K-12 student population of all qualifying districts as determined on October 1, 1987. The maximum amount any district shall be eligible to receive shall be

such per pupil amount multiplied by the total student population of the school district: **PROVIDED**, That no district shall receive more than is required for planning and implementation activities outlined in the district's grant application.

NEW SECTION

WAC 392-166-190 ISSUANCE OF GRANT AWARD. Funds made available under this chapter shall be granted separately for each year of the biennium, based on the amount for which the district has applied for each year: **PROVIDED**, That such amount shall in no case exceed the maximum amount for which a district is eligible under the statute.

NEW SECTION

WAC 392-166-195 SUPPLANT PROHIBITION. Grants may not supplant funds of existing motivation, retention, and/or retrieval programs.

NEW SECTION

WAC 392-166-200 TWENTY PERCENT REQUIREMENT FOR ELEMENTARY AND MIDDLE SCHOOLS. No less than twenty percent of the funds granted under this chapter shall be used for identification and intervention programs in elementary and middle schools.

NEW SECTION

WAC 392-166-205 SUPERVISORY EXPENDITURES. A school district that charges any portion of supervisory time as a direct expenditure against the student retention and retrieval program shall maintain records documenting the amount of supervisory FTE funded by such program.

NEW SECTION

WAC 392-166-210 PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURES. Funds granted to school districts pursuant to this chapter shall be used only for expenditures approved on the program budget document included in the approved application. If a district incurs an expenditure with state moneys for a student retention and retrieval program in a nonallowable object(s) or activity(ies), the amount of such nonallowable expenditure shall be recovered by the superintendent of public instruction after the end of the school fiscal year.

NEW SECTION

WAC 392-166-215 BUDGET REVISIONS—TWENTY PERCENT ALLOWED. Using the subtotal from Form SPI F-1000-B as a base, school districts may make annual expenditure adjustments not to exceed twenty percent of that total in any of the previously budgeted activities within the approved elementary and middle school budget or secondary budget without filing a request for budget revision with the superintendent of public instruction.

NEW SECTION

WAC 392-166-220 BUDGET REVISIONS—UPDATING PLANNED EXPENDITURES. Except as provided in WAC 392-166-215, each school district shall expend the student retention and retrieval program moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to:

(1) Change by more than twenty percent of the subtotal identified in WAC 392-166-215 the expenditures among activity or object totals; or

(2) Expend money in any object or activity where no moneys were budgeted in the original application.

NEW SECTION

WAC 392-166-225 BUDGET REVISION—APPROVAL. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions in WAC 392-166-150 for approval by the superintendent of public instruction of the biennial application.

NEW SECTION

WAC 392-166-230 ACQUISITION, CONTROL AND DISPOSITION OF PROPERTY. Acquisition, control and disposition of property purchased with student retention and retrieval program moneys shall be consistent with state school accounting procedures.

NEW SECTION

WAC 392-166-235 DISTRICT RECORDS. School districts receiving funds under this chapter shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel upon request.

NEW SECTION

WAC 392-166-240 END OF YEAR REPORT. Participating school districts shall submit an end of year report on forms provided by the superintendent of public instruction. Such report shall include the number and grade level of students served, gender and ethnicity of such students, number of certificated and classified staff involved, actual expenditures by object and activity, and other information required by the superintendent of public instruction consistent with his responsibility for administering the student retention and retrieval program.

NEW SECTION

WAC 392-166-245 END OF YEAR EVALUATION. Participating school districts shall provide an annual evaluation of the effectiveness of the student retention and retrieval program, including the degree to which goals and objectives were met and, as applicable, former and current absentee rates, subjects passed, and

improved achievement, on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-166-250 BASIC EDUCATION ALLOCATION. Districts may claim basic education allocation funds for students attending programs conducted pursuant to this chapter outside the regular school year calendar, to the extent such attendance is in lieu of attendance within the regular school year calendar as specified in WAC 392-121-123.

NEW SECTION

WAC 392-166-255 PROGRAM AUDIT. Audit of student retention and retrieval programs shall be conducted in compliance with state audit requirements for school districts.

NEW SECTION

WAC 392-166-260 DISSEMINATION. The superintendent of public instruction shall collect and disseminate to all school districts and interested parties information about effective motivation, retention, and retrieval programs through the clearinghouse for education information and other appropriate channels.

NEW SECTION

WAC 392-166-265 NOTIFICATION OF PARENTS. Each participating district shall notify parents of participating children of their child's involvement in the district's program for student retention and retrieval.

NEW SECTION

WAC 392-166-270 ENCUMBRANCE PERIOD. Grant funds not expended in the first year of the biennium shall remain available to be granted to qualifying school districts for the second year of the biennium: **PROVIDED,** That any grant funds not expended by June 30 of the second year of the biennium shall revert to the state treasury.

NEW SECTION

WAC 392-166-275 SUBSEQUENT GRANTS. If funds are available for purposes of this chapter in future bienniums, subsequent implementation grants shall be awarded to school districts by the superintendent of public instruction only if those grants expand the existing program to additional grades, another school, or initiate a new student retention and/or retrieval program: **PROVIDED,** That the superintendent shall give priority to plans and programs of proven effectiveness.

WSR 87-19-035

NOTICE OF PUBLIC MEETINGS

**DEPARTMENT OF COMMUNITY DEVELOPMENT
(Public Works Board)**

[Memorandum—September 11, 1987]

The Public Works Board, by motion at its regular meeting on Tuesday, September 1, 1987, has taken the following actions:

The Public Works Board will hold the next regular meeting beginning at 8:30 a.m. on Tuesday, September 15, 1987, Sea-Tac Airport Hilton, 17620 Pacific Highway South, Seattle, (206) 244-4800.

The Public Works Board will hold a regular meeting beginning at 8:30 a.m. on Tuesday, October 6, 1987, Sea-Tac Red Lion Inn, 18740 Pacific Highway South, Seattle, (206) 246-8600.

WSR 87-19-036

NOTICE OF PUBLIC MEETINGS

CONVENTION AND TRADE CENTER

[Memorandum—September 10, 1987]

The September 17, 1987, regular meeting of the board of directors of the Washington State Convention and Trade Center has been cancelled.

WSR 87-19-037

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-118—Filed September 11, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 in the Skagit River, and chinook have cleared Elliott Bay, allowing for an Elliott Bay coho salmon fishery.

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 September 11, 1987.
By Judith Merchant
for Joseph R. Blum
Director

WSR 87-19-038
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-119—Filed September 11, 1987]

NEW SECTION

WAC 220-56-19000T SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice:

(1) It is unlawful to fish for or possess salmon taken for personal use in Puget Sound waters west of the mouth of the Sekiu River, Pacific Ocean waters, and Washington waters west of the Buoy 10 line.

(2) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(3) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length.

(4) In those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling, except that it is lawful to fish for and possess pink salmon taken from these waters during the period August 22 through September 13, 1987. The special daily bag limit is two pink salmon. Barbless hooks are required and any salmon other than pink salmon must be released immediately.

NEW SECTION

WAC 220-57-42500L SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the waters of the Skagit River, except that it is lawful to fish for and possess pink salmon taken downstream from the mouth of Gilligan Creek until 11:59 p.m. September 13, 1987. The special daily bag limit is six pink salmon. Barbless hooks are required, and any salmon other than pink salmon must be returned to the water immediately.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-19000S SALTWATER SEASONS AND BAG LIMITS. (87-103)

WAC 220-57-42500K SKAGIT RIVER. (87-109)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 11, 1987:

WAC 220-56-19500F CLOSED AREA—SALMON FISHING—ELLIOTT BAY. (87-70)

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

I, Joseph R. Blum, 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 Area 7B provide opportunity to harvest non-Indian allocation of coho. Openings in Area 8 provide opportunity to harvest non-Indian pink allocation as per tribal agreement. Purse seine presence in Area 8 and extension into weekend required to minimize wastage of non-Indian pink salmon allocation. Openings in Areas 8A, 10, 11, 12 and 12A provide opportunity to harvest non-Indian allocation of coho salmon. Area 12B originally scheduled in the permanent regulations remains closed to protect milling pink salmon.

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 September 11, 1987.

By Robert Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-810 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective September 11, 1987, 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 4B – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 5, 6C – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 6, 7, 7A – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

*Area 7B – Closed except gill nets using 5-inch minimum mesh may fish continuously until further notice; and purse seines may

fish from 12:01 AM September 14 until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

Area 8 (excluding that portion south and west of a line projected from Polnell Point to Rocky Point) – Closed except gill nets using 5-inch minimum/6-inch maximum mesh not more than 60 meshes in depth may fish from 6:00 PM September 11 to 9:00 AM September 12, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 11. Those waters south and west of a line projected from Polnell Point to Rocky Point remain closed to all commercial fishing.

*Area 8A (excluding those waters north of a line projected from Camano Head to the northern boundary of Area 8D) – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM September 14 to 9:00 AM September 15; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 14. Those waters north of a line projected from Camano Head to the northern boundary of Area 8D are closed to all commercial fishing. Fishery exclusion zones applicable to Area 8A commercial fisheries are described in WAC 220-47-307.

*Areas 10 and 11 – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM September 14 to 9:00 AM September 15; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 14. Fishery exclusion zones applicable to Areas 10 and 11 commercial fisheries are described in WAC 220-47-307.

*Area 12 (excluding those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek) – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly September 14 through the morning of September 16; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily September 14 and September 15. Those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek are closed to all commercial fishing.

*Area 12A (excluding those waters north of a line projected true east from Broad Spit) – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly September 14 through the morning of September 16; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily September 14 and

September 15. Those waters north of a line projected true east from Broad Spit are closed to all commercial fishing. Fishery exclusion zones applicable to Area 12A commercial fishing are described in WAC 220-47-307.

Areas 6A, 6B, 6D, 7C, 7D, 7E, 8D, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12B, 12C, 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 September 11, 1987.

WAC 220-47-809 Puget Sound Commercial Salmon Fishing Restrictions Order No. 87-117

WSR 87-19-039

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-120—Filed September 11, 1987]

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

I, Joseph R. Blum, 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.

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 September 11, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-40-02100U WILLAPA HARBOR GILLNET SEASON. Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from the waters of Willapa Harbor except as provided for in this section:

(1) The following Willapa Harbor Salmon Management and Catch Reporting Areas are open during the times indicated:

Those waters of Area 2G west of a line from Toke Point to Willapa River Channel Marker 2 to Goose Point, and north of a line east-west through Nahcotta Channel Marker 7 - Open 6:00 p.m. September 13 to 6:00 p.m. September 14, 1987

(2) Lawful gear is limited to gill nets no longer than 1,500 feet; 5 inch minimum to 6-1/2 inch maximum mesh restriction.

WSR 87-19-040

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-121—Filed September 11, 1987]

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

I, Joseph R. Blum, 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 regulations 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 September 11, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-03000J COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WAC 220-32-030 and WAC 220-32-031, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except as provided for in this section:

(1) The following areas are open during the time indicated:

Areas 1A, 1B, 1C, 1D - Open 6:00 p.m. September 13 to 6:00 a.m. September 14, 1987.

Areas 1A, 1B, 1C, 1D, 1E - Open 12:00 noon September 15 to 6:00 p.m. September 18, 1987.

(2) It is unlawful to fish for salmon with monofilament gill-net webbing or to have on the boat monofilament gill-net webbing while fishing for salmon in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E.

(3) Notwithstanding the provisions of WAC 220-32-036 the closed river mouth areas within Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E are:

(a) All tributaries flowing into the Columbia River.

(b) Cowlitz River - those waters between points one mile below and one-half mile above the mouth of the Cowlitz River and lying within one-quarter mile of the Washington shore.

(c) Kalama River - those waters between points one mile downstream and one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting 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.

(d) Lewis River - those waters near the mouth of the Lewis River lying easterly of lines projected from flashing green light "79" to the Red Buoy #4 thence to a fishing boundary marker on Bachelor Island.

(e) Elokomina River - those waters of Elokomina Slough, Steamboat 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, and northerly and easterly of a line between flashing light "33" on Price Island to quick flashing green light "31" on the Washington shore.

(f) Abernathy Creek - those waters near the mouth of Abernathy Creek between a point one-half mile upstream to a point 1,300 yards downstream from Abernathy Creek at the flashing white 4-second light No. 81 and extending to midstream of the Columbia River.

(g) Grays River - those waters of Grays Bay and the Columbia River lying north of a line projected from Rocky Point Light (flashing white 4-second) easterly to Harrington Point.

(h) Washougal River - those waters of the Columbia River Slough lying upstream from a line projected true north from the most western tip of Lady Island to the mainland.

(i) Sandy River - those waters of the Columbia River lying within one-quarter mile from shore between a point one mile below the mouth of the Sandy River and a point at the upper easterly bank at the mouth of the Sandy River.

(j) Big Creek - those waters at the mouth of Big Creek from the Oregon Bank across Knappa Slough to Karlson Island about one-quarter mile above the easterly bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about 3/4 mile below the west bank at the mouth of Big Creek.

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 220-32-05100R COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except:

(a) that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:

12:00 noon September 14 to 12:00 noon
September 15, 1987, in those waters up-
stream from the Hood River Bridge.
12:00 noon September 15 to 12:00 noon
September 19, 1987.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(f) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(g) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(h) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half

mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(i) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-32-03000I COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (87-94)

WAC 220-32-05100Q COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (87-112)

WSR 87-19-041

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed September 14, 1987]

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:

Rep	WAC 356-05-450	Union shop.
Rep	WAC 356-05-455	Union shop fee.
Rep	WAC 356-05-460	Union shop representative.
New	WAC 356-05-451	Agency shop.
New	WAC 356-05-452	Agency shop representative.
New	WAC 356-05-456	Agency shop nonassociation fee.
New	WAC 356-05-461	Agency shop representation fee.
Amd	WAC 356-42-010	Membership in employee organization.
Amd	WAC 356-42-043	Union shop requirements.
Amd	WAC 356-42-045	Union shop elections.
Amd	WAC 356-42-047	Union shop decertification.
Amd	WAC 356-42-050	Contents of written agreements.
Amd	WAC 356-42-060	Unfair labor practices for management.
Amd	WAC 356-42-070	Unfair labor practices for employee organizations;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-16-072 filed with the code reviser's office on August 3, 1987.

Dated: September 11, 1987
By: Leonard Nord
Secretary

WSR 87-19-042
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed September 14, 1987]

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 Exemptions—Exceptions, amending WAC 356-06-020;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-16-064 filed with the code reviser's office on July 31, 1987.

Dated: September 11, 1987
By: Leonard Nord
Secretary

WSR 87-19-043
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed September 14, 1987]

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 Employee appointment status—Upward reallocation, amending WAC 356-10-050;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-15-092 filed with the code reviser's office on July 21, 1987.

Dated: September 11, 1987
By: Leonard Nord
Secretary

WSR 87-19-044
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed September 14, 1987]

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 work period designations, amending WAC 356-15-020;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-15-074 filed with the code reviser's office on July 17, 1987.

Dated: September 11, 1987
By: Leonard Nord
Secretary

WSR 87-19-045
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed September 14, 1987]

Dated: September 11, 1987
 By: Leonard Nord
 Secretary

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 356-15-090 Schedule change and compensation.
- Amd WAC 356-15-030 Overtime provisions and compensation;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-15-129 filed with the code reviser's office on July 22, 1987.

Dated: September 11, 1987
 By: Leonard Nord
 Secretary

WSR 87-19-046
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed September 14, 1987]

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 Applications—Disqualification, amending WAC 356-22-070;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-15-128 filed with the code reviser's office on July 22, 1987.

WSR 87-19-047
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed September 14, 1987]

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 Certification—General methods, amending WAC 356-26-060;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-15-073 filed with the code reviser's office on July 17, 1987.

Dated: September 11, 1987
 By: Leonard Nord
 Secretary

WSR 87-19-048
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed September 14, 1987]

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 356-30-180 Transfer—Domiciliary movement.
- Amd WAC 356-30-190 Transfer—Within class—Agency—Permitted—Report.
- Amd WAC 356-30-230 Demotion—Voluntary;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-16-070 filed with the code reviser's office on August 3, 1987.

Dated: September 11, 1987
By: Leonard Nord
Secretary

WSR 87-19-049
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed September 14, 1987]

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 356-42-020	Determination of bargaining unit.
New	WAC 356-42-042	Election provision—General.
Amd	WAC 356-42-043	Union shop requirements.
Amd	WAC 356-42-045	Union shop elections.
New	WAC 356-42-049	Disclaimer of interest petition—Decertification of exclusive representative.
Amd	WAC 356-42-055	Arbitration—Grievance—Procedure.
Amd	WAC 356-42-082	Filing unfair labor practice charge.
Amd	WAC 356-42-084	Answer to complaint—Unfair labor practice.
New	WAC 356-42-105	Requests for mediation and arbitration.
Amd	WAC 356-42-020	Determination of bargaining unit.
Amd	WAC 356-42-082	Filing unfair labor practice charge.
Amd	WAC 356-42-084	Answer to complaint—Unfair labor practice;

that the agency will at 10:00 a.m., Thursday, November 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, 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 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 November 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-15-044 filed with the code reviser's office on July 13, 1987.

Dated: September 11, 1987
By: Leonard Nord
Secretary

WSR 87-19-050
ADOPTED RULES
WENATCHEE VALLEY COLLEGE
[Resolution No. 87-126—Filed September 14, 1987]

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 bylaws and standing orders of the board of trustees, chapter 132W-104 WAC.

This action is taken pursuant to Notice No. WSR 87-16-069 filed with the code reviser on August 3, 1987. 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 RCW 28B.50.140 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 9, 1987.

By Arnie H. Heuchert
President

AMENDATORY SECTION (Amending Order 80-87, filed 5/5/80)

WAC 132W-104-040 MEETINGS OF THE BOARD OF TRUSTEES. (1) Regular meetings. A regular meeting of the board of trustees shall be held once each month on the second Wednesday of each month in Room 230 of Anderson Hall, Wenatchee Valley College at ((+30)) 7:00 p.m., unless dispensed with by the board of trustees, at such time and place as the board of trustees by motion from time to time may direct.

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

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

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

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

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

(7) Executive sessions. The board of trustees may convene in executive sessions during a regular or special meeting to consider ~~((and act upon matters affecting national security, the selection of a site or the purchase~~

~~of real estate, when publicity regarding such consideration would cause a likelihood of increased price; to discuss with their attorney sensitive areas of legal advice; the appointment, employment or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing)) matters previously announced, limited to issues affecting national security; the selection of a site or the acquisition of real estate by lease or purchase; the minimum price at which real estate will be offered for sale or lease; the negotiation of a publicly bid contract; the receipt and evaluation of complaints against public officers or employees; the evaluation of an applicant for public employment or the review of the performance of a public employee; instructions by the governing body to legal counsel relating to enforcement actions, litigation, or pending litigation. Final action on any such matters must be taken in open session.~~ The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

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

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

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

WAC 132W-104-050 ORDER OF AGENDA. (1) The order of the agenda governing all regular meetings of the board of trustees shall be as follows:

- (a) Approval of minutes.
- (b) ~~((Unfinished business))~~ Curriculum.
- (c) ~~((New business))~~ Student services.
- (d) ~~((Reports and announcements))~~ Personnel.
- (e) Policy.
- (f) Finance.
- (g) Buildings and grounds.
- (h) Other.

(2) The order of the agenda may be changed by the chairman with the consent of the board members present.

WSR 87-19-051

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—September 14, 1987]

September 15, 1987

Tuesday, 5:00 p.m.

Board of Trustees Meeting
Lynnwood Hall, Room 424

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 87-19-052

**NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE**

[Memorandum—September 10, 1987]

By formal action of the Community College District 9 board of trustees at their September 10, 1987, meeting, the date of the October 1987 board meeting was changed from October 8, 1987, to October 15, 1987. The time and location of the meeting remain the same.

WSR 87-19-053

**EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES**

[Order 518—Filed September 14, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the suspension of outdoor rule burns and the use of burning barrels on lands protected by the Department of Natural Resources in some counties of the state.

I, Brian J. Boyle, 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 current fire danger requires the extension of burning restrictions in some areas of the state. These restrictions are necessary to prevent a wildfire from occurring where by life and property would be threatened.

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

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.315 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 August 14, 1987.
By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-101e **OUTDOOR BURNING RESTRICTIONS.** Effective immediately, Monday, September 14, 1987, through midnight Wednesday, September 30, 1987, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-211, on lands protected by the department in King, Pierce, Kitsap, Mason, Snohomish, Whatcom, Skagit, Island, San Juan, Thurston, Pacific, Lewis, Clark, Cowlitz, Skamania, Wahkiakum, Chelan, Kitittas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln and Grays Harbor counties are suspended.

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

NEW SECTION

WAC 332-26-102e **BURNING BARREL RESTRICTIONS.** Effective immediately, Monday, September 14, 1987, through midnight, Wednesday, September 30, 1987, privileges to burn in a burning barrel, as allowed by WAC 332-24-201 and described in WAC 332-24-225, on lands protected by the department in King, Pierce, Kitsap, Mason, Snohomish, Whatcom, Skagit, Island, San Juan, Thurston, Pacific, Lewis, Clark, Cowlitz, Skamania, Wahkiakum, Chelan, Kitittas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln and Grays Harbor counties are suspended.

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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 1) WAC 332-26-101d *Outdoor Burning Restrictions.*
- 2) WAC 332-26-102d *Burning Barrel Restrictions.*

WSR 87-19-054

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1954—Filed September 14, 1987]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of laboratory fees, WAC 16-32-010.

This action is taken pursuant to Notice No. WSR 87-15-107 filed with the code reviser on July 22, 1987. 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 16.38.060 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 14, 1987.
By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1928, filed 5/8/87)

WAC 16-32-010 **SCHEDULE OF LABORATORY FEES.** (1) The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for Washington residents:

Bacteriology:

Aerobic culture (1-3 tissues).....	\$ 7.00
each additional culture.....	2.00
Antibiotic sensitivity tests.....	3.00
Anaerobic culture.....	10.00
Paratuberculosis (Johne's disease).....	10.00
each additional sample in herd.....	3.00
Milk culture—per animal.....	7.00
each additional ((sample)) animal in herd.....	2.00
Mycology.....	10.00
Trichomoniasis and Campylobacteriosis.....	5.00

Serology:

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

Food animal:

Single virus or bacteria	
1st animal.....	5.00
each additional animal in herd.....	((+00))
	<u>2.00</u>

Combination tests:

Abortion screen, <u>diagnostic only</u> (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)	
1st animal.....	15.00
each additional animal in herd.....	((+00))
	<u>2.00</u>

Companion animals:

Viral - 1st animal (EIA).....	10.00
((each additional animal, same case.....	1.00))
Bacterial (Brucella canis, Leptospirosis)	
1st animal.....	((+5.00))
	<u>10.00</u>
each additional animal, same case.....	1.00

(2) The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for persons residing outside of the state of Washington:

Bacteriology:

Aerobic culture (1-3 tissues).....	\$ 10.00
each additional culture.....	3.00
Antibiotic sensitivity tests.....	4.00
Anaerobic culture.....	15.00
Paratuberculosis (Johne's disease).....	15.00
each additional sample in herd.....	4.00
Milk culture—per animal.....	10.00
each additional ((sample)) <u>animal</u> in herd.....	3.00
Mycology.....	15.00
Trichomoniasis and Campylobacteriosis.....	((2.00))
	<u>7.00</u>

Serology:

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

Food animal:

Single virus or bacteria	
1st animal.....	8.00
each additional animal in herd.....	2.00

Combination tests:

Abortion screen, <u>diagnostic only</u> (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)	
1st animal.....	30.00
each additional animal in herd.....	3.00

Viral – 1st animal (EIA).....	15.00
((each additional animal, same case.....	3.00))

Bacterial (Brucella canis, Leptospirosis)	
1st animal.....	((23.00))
	<u>15.00</u>
each additional animal, same case.....	3.00

**WSR 87-19-055
PROPOSED RULES
GAMBLING COMMISSION
[Filed September 14, 1987]**

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 230-30-055 and amendatory section WAC 230-30-106;

that the agency will at 10:00 a.m., Friday, November 20, 1987, in the Meany Towers, 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 RCW 9.46.070 (11) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 20, 1987.

Dated: September 14, 1987

By: Frank L. Miller
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 230-30-106 Standards for flares, made by manufacturer; distributor; operators; and 230-30-055 Standards for construction of punchboards.

Description of Purpose: Clarification of who can change flares; and creates uniform standards for all punchboards sold in this state.

Statutory Authority: RCW 9.46.070 (11) and (14).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-30-106 creates standards for all flares, limits operator and distributor use of flares; and 230-30-055 creates standards for all punchboards made for sale in Washington, better protect operators and players from defective boards.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Ronald O. Bailey, Director, and Frank L. Miller, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-1075 scan, 753-1075 comm.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment and new rule.

Agency Comments: The agency believes the proposed amendment and new rule are self-explanatory and need no further comment.

This amendment and new rule 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 there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment or new rule.

NEW SECTION

WAC 230-30-055 STANDARDS FOR CONSTRUCTION OF PUNCHBOARDS. All punchboards sold for use in the State of Washington must comply with the following standards:

(1) PATTERNS: The punchboard shall be manufactured with special care so as to eliminate any patterns between punchboards, or portions of punchboards, from which the location or approximate location of winning punches may be determined. Manufacturers shall employ at least the following steps to insure that no pattern exists.

(a) The form or permanent number sheets shall be mixed prior to cutting;

(b) After the strips (straws) have been crimped, all strips shall be thoroughly mixed prior to insertion in punchboards;

(c) When filling punchboards, workers shall alter the procedures for filling sets of punchboards; and

(d) No more than five (5) punchboards from any one set of boards shall be included in any case of punchboards for shipment to Washington.

(2) SERIAL NUMBERS: Serial numbers set forth on the form or permanent number sheets shall be non-sequential so as to ensure that no pattern is created which would permit the tracking of boards through the serial number.

(3) GUARANTEED NUMBERS: All numbers or symbols designated as winners on the flare must be guaranteed by the manufacturer as being present in the board. The manufacturer may at their option place a sticker or equivalent on the back of each punchboard setting forth additional numbers or symbols that are guaranteed to be in the

board. The additional numbers or symbols on the back of the board shall not exceed 5% of the total punches in the board without the written permission of the commission.

(4) SECURITY: All punchboards must be sealed so it is impossible to determine the number or symbol of any punch prior to being punched out of the board by any method or device including but not limited to the use of markings or light.

(5) STEP-UP BOARDS: (a) All cards, straws, or punches that contain the winners in the step-up portion of any punchboard shall be completely sealed so as to prevent premature winner identification and such items shall be thoroughly mixed so as to ensure that no pattern of winners exists.

(b) Step-up boards that contain winners covered by seals must have at least twenty-five different face sheets for use on that specific step-up board. Face sheets shall be utilized in such a manner so as to ensure random distribution during the manufacturing process.

AMENDATORY SECTION (Amending Order 91, filed 8/14/79)

WAC 230-30-106 STANDARDS FOR FLARES, MADE BY MANUFACTURERS; DISTRIBUTORS; OPERATORS. (1) Except as set forth in paragraph (2) below, ((F))the flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall be made by the manufacturer only, shall not be altered by any operator or distributor, and shall:

((H)) (a) 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

((Z)) (b) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

((T)) (c) 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 therefore by the licensed operator plus 50 percent of that actual cost.

(2) Distributors and operators that make merchandise packages and merchandise-cash combination packages may make and use substitute flares in accordance with WAC 230-30-015 as long as the following conditions are satisfied:

(a) The substitute flare complies with the requirements of 1(a), (b), and (c) of this section;

(b) The winning numbers or symbols on the substitute flare are selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer; and

(c) The substitute flare is stapled to the manufacturer's flare.

(3) Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(8) are exempt from this section.

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

WSR 87-19-056

**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Memorandum—September 14, 1987]

Proposed schedule of board of trustee meetings for 1988

February 4, 1988	Bellingham	Old Main 340, WWU
March 3, 1988	Bellingham	Old Main 340, WWU
April 7, 1988	Out of town	
May 5, 1988	Bellingham	Old Main 340, WWU
June 2, 1988	Bellingham	Old Main 340, WWU
August 4, 1988	Bellingham	Old Main 340, WWU
September 1, 1988	Out of town	
October 6, 1988	Bellingham	Old Main 340, WWU
November 3, 1988	Bellingham	Old Main 340, WWU
December 1, 1988	Out of town	

WSR 87-19-057

**NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE**

[Memorandum—September 10, 1987]

**BOARD OF TRUSTEES
1988 MEETING SCHEDULE**

The board of trustees of Community College District Number Eleven will hold their regular meetings on the second Wednesday of each month. These meetings will be open to the public and advertised accordingly (RCW 42.30.075).

DATE	TIME	LOCATION PIERCE COLLEGE 9401 FARWEST DRIVE S.W. TACOMA, WASHINGTON 98498-1999
January 13	12:30 p.m.	Board Room #325 H, Administrative Wing
February 10	12:30 p.m.	Board Room #325 H, Administrative Wing
March 9	12:30 p.m.	Board Room #325 H, Administrative Wing
April 13	12:30 p.m.	Board Room #325 H, Administrative Wing
May 11	12:30 p.m.	Board Room #325 H, Administrative Wing
June 8	12:30 p.m.	Board Room #325 H, Administrative Wing
July 13	12:30 p.m.	Board Room #325 H, Administrative Wing
AUGUST (No meeting is scheduled for this month.)		
September 14	12:30 p.m.	Board Room #325 H, Administrative Wing
October 12	12:30 p.m.	Board Room #325 H, Administrative Wing
November 9	12:30 p.m.	Board Room #325 H, Administrative Wing
December 14	12:30 p.m.	Board Room #325 H, Administrative Wing

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 87-19-058

**EMERGENCY RULES
DEPARTMENT OF ECOLOGY**

[Order DE 87-41—Filed September 14, 1987]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to determination of rate, amending WAC 173-164-050.

I, Phillip C. Johnson, 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 amendment raises the rate of charges for water sold from the Prosser irrigation well which is owned, operated, and maintained by the Department of Ecology and Washington State University, so that the department may provide water for sale to help alleviate the potential for a water shortage in the surrounding farming area.

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

This rule is promulgated pursuant to RCW 43.83B-.345 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 14, 1987.

By Marc A. Horton
for Phillip C. Johnson
Deputy Director

AMENDATORY SECTION (Amending Order DE 80-28 [81-5], filed 7/14/80 [3/13/81])

WAC 173-164-050 DETERMINATION OF RATE. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. For the (~~remaining 1980~~) 1987 irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T. 9 N., R. 25 E. W.M., shall be (~~forty~~) sixty four dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from the pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

Discharge Head from pump (feet)	Price per acre-foot
0 to 10	(\$0.65) \$ <u>1.06</u>
10 to 20	(1.30) <u>2.12</u>
20 to 30	(1.95) <u>3.18</u>
30 to 40	(2.60) <u>4.24</u>
40 to 50	(3.25) <u>5.30</u>
50 to 60	(3.95) <u>6.36</u>
60 to 70	(4.65) <u>7.42</u>
70 to 80	(5.35) <u>8.48</u>
80 to 90	(6.05) <u>9.54</u>
90 to 100	(6.75) <u>10.60</u>
100 to 110	(7.50) <u>11.66</u>
110 to 120	(8.25) <u>12.72</u>
120 to 130	(9.00) <u>13.78</u>
130 to 140	(9.75) <u>14.84</u>
140 to 150	(10.50) <u>15.90</u>

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 87-19-059
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 87-10]

ALLOCATION OF FEDERAL LOW INCOME HOUSING TAX CREDIT

The Internal Revenue Code of 1986 (the "Code") provides for the allocation by states of low income housing tax credits for the purpose of facilitating the development of rental housing for low income individuals and families. The Code and regulations interpreting the Code require that a state agency allocating low income housing credits on behalf of a state be specifically authorized by gubernatorial act or state statute to make housing credit allocations on behalf of the state and to carry out the related provisions of Section 42(h) of the Code. The Washington State Housing Finance Commission, in accordance with and pursuant to RCW 43.180 et. seq., is able to immediately begin allocations of the low income housing credit and thereby take advantage of the provisions of the Code for the benefit of the citizens of the State of Washington.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby order and direct the following:

- The Washington State Housing Finance Commission (the "Commission") is hereby specifically authorized to make all low income housing credit allocations under Section 42 of the Code on behalf of the State of Washington and to carry out the provisions of Section 42(h) of the Code.
- The Commission shall be authorized to allocate all of the State of Washington's low income housing credit ceiling under Section 42 of the Code, subject to the following limitations and conditions:
 - The Commission shall make allocations of low income housing credits for calendar years 1987, 1988, and 1989;
 - There will be a review of the administration of the low income housing credit program in 1988, and if it is decided that a change in the allocating agency is required, the Commission will be provided with ninety (90) days advance notice; provided, that all commitments for low income housing credit made by the Commission will be honored in full;
 - The Commission shall establish general policies governing allocation of the low income housing credit, including a policy regarding sub-allocations, if appropriate;
 - The Commission shall establish criteria governing the allocation of low income housing credits to specific projects, including the percentage of credit to be allocated;

e. The Commission shall report to the Governor and the Legislature annually on or before January 15, 1988, 1989, and 1990, on the use of the low income housing credits and include the following information as it relates to the availability and use of such credits in the State of Washington in such reports: low income housing credits available; low income housing credits used; the general pattern of usage; the use of sub-allocations; the percentage of dollar value of credit allocated to specific users; the use by type of financing; and the relationship between the use of low income housing credits and state low income housing needs and priorities.

3. This Executive Order supersedes my letter of February 20, 1987, designating the Commission to administer the low income housing tax credits under the federal law.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the state of Washington to
be affixed at Olympia this
4th day of September, A.D.,
nineteen hundred and
eighty-seven.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 87-19-060

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 87-11—Filed September 15, 1987]

I, Frank B. Brouillet, the Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to authority, WAC 392-129-003.

This action is taken pursuant to Notice No. WSR 87-15-099 filed with the code reviser on July 21, 1987. 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.41.170 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 14, 1987.

By Frank B. Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-129-003 AUTHORITY. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to establish the terms and conditions for allowing school districts to receive basic education moneys when said districts are unable, due to an unforeseen emergency, to fulfill the requirement of one hundred eighty days of operation or to meet the total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

WSR 87-19-061

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-123—Filed September 15, 1987]

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

I, Joseph R. Blum, 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 regulations 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 September 15, 1987.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100S COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except:

(a) that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:

12:00 noon September 15 to 12:00 noon September 16, 1987, in those waters upstream from the Hood River Bridge.

12:00 noon September 16 to 12:00 noon September 19, 1987.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(f) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(g) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(h) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(i) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of

the Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon September 15, 1987:

WAC 220-32-05100R COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (87-121)

WSR 87-19-062

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-124—Filed September 15, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 moving the Grays Harbor boundary to the west affords additional opportunity to harvest available salmon.

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 September 15, 1987.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000U SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) *Effective immediately until further notice:*

(a) *It is unlawful to fish for or possess salmon taken for personal use in Puget Sound waters west of the mouth of the Sekiu River, Pacific Ocean waters, and Washington waters west of the Buoy 10 line.*

(b) *In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.*

(c) *In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length.*

(d) *Those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling.*

(2) *Effective September 16 until November 30, 1987, Bag Limit A in those waters of Grays Harbor east of a line from the outermost tip of the north jetty to the outermost tip of the south jetty.*

REPEALER

The following section of the Washington Administrative Code is repealed effective September 16, 1987:

WAC 220-56-19000T SALTWATER SEASONS AND BAG LIMITS. (87-118)

WSR 87-19-063

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Podiatry Board)**

[Memorandum—September 14, 1987]

The Podiatry Board meeting scheduled for Friday, September 25, 1987, is cancelled. All business that was going to be addressed at this meeting will be addressed at the next regularly scheduled meeting on Wednesday, November 18, 1987.

WSR 87-19-064

**EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES**

[Order 519—Filed September 15, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the repeal of burning restrictions

and burning barrel restrictions in some counties of the state.

I, Brian J. Boyle, 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 changes in the weather conditions over the past 24 hours have allowed for the easing of outdoor burning and burning barrel restrictions in most westside counties of the state. Cooler temperatures and some precipitation warrant the lifting of these restrictions.

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

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.315 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 August 15, 1987.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-101f OUTDOOR BURNING RESTRICTIONS. *Effective midnight, Tuesday, September 15, 1987, through midnight, Wednesday, September 30, 1987, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-211, on lands protected by the department in King, Pierce, Kitsap, Mason, Chelan, Kitittas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Lewis, Thurston, Pacific and that portion of Grays Harbor county lying south of SR 12 and east of the Wynoochee River are suspended.*

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

NEW SECTION

WAC 332-26-102f BURNING BARREL RESTRICTIONS. *Effective midnight, Tuesday, September 15, 1987, through midnight, Wednesday, September 30, 1987, privileges to burn in a burning barrel, as allowed by WAC 332-24-201 and described in WAC 332-26-225, on lands protected by the department in King, Pierce, Kitsap, Mason, Chelan, Kitittas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Lewis, Thurston, Pacific and that portion of Grays Harbor county lying south of SR 12 and east of the Wynoochee River are suspended.*

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.

REPEALER

The following sections of the Washington Administrative Code are suspended:

- 1) WAC 332-26-101e Outdoor Burning Restrictions.
- 2) WAC 332-26-102e Burning Barrel Restrictions.

WSR 87-19-065**ADOPTED RULES****DEPARTMENT OF TRANSPORTATION**

[Order 110—Filed September 16, 1987]

I, Duane Berentson, secretary of the Department of Transportation, do promulgate and adopt at 1D-9, Transportation Building, Olympia, Washington, the annexed rules relating to manual on uniform traffic control devices for streets and highways (MUTCD), chapter 468-95 WAC.

This action is taken pursuant to Notice No. WSR 87-16-054 filed with the code reviser on July 30, 1987. 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 47.36 RCW, traffic control devices, chapter 469, Laws of 1987, 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 15, 1987.

By A. D. Andreas
Deputy Secretary

NEW SECTION

WAC 468-95-025 SIGNING TO REGIONAL SHOPPING CENTERS. Pursuant to section 1, chapter 469, Laws of 1987, a regional shopping center may be signed as a guide sign destination from state highways in accordance with the applicable sections of MUTCD Part II-D, Guide Signs - Conventional Roads, Part II-E, Guide Signs - Expressways, and Part II-F, Guide Signs - Freeways, and in accordance with subsections (1) through (8) of this section.

(1) There shall be at least five hundred thousand square feet of leasable retail floor space;

(2) There shall be at least three major department stores owned by national or regional retail chain organizations;

(3) The center shall be located within one highway mile of the state highway;

(4) The center shall generate at least nine thousand daily one-way vehicle trips to the center;

(5) Sufficient sign space shall be available for installation as specified in the MUTCD;

(6) Supplemental follow-through directional signing is required on county roads or city streets at key motorist decision points if the center is not clearly visible from the point of exit from the state highway and shall be installed by the city or county prior to installation of signs on the state highway;

(7) Signing on the state highway to a county road or city street that bears the name of the regional shopping center fulfills the statutory requirements for signing to those centers. Signing to shopping centers not having such signing shall be supplementary guide signs that are post mounted on the roadside;

(8) The costs of materials and labor for fabricating, installing, and maintaining regional shopping center signs shall be borne by the center.

WSR 87-19-066**ADOPTED RULES****DEPARTMENT OF PERSONNEL****(Personnel Board)**

[Order 282—Filed September 16, 1987—Eff. November 1, 1987]

Be it resolved by the State Personnel Board, acting at the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA, that it does adopt the annexed rules relating to overtime provisions and compensation, WAC 356-15-030.

This action is taken pursuant to Notice No. WSR 87-15-129 filed with the code reviser on July 22, 1987. These rules shall take effect at a later date, such date being November 1, 1987.

This rule is promulgated pursuant to RCW 41.06.150 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 10, 1987.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 274, filed 5/1/87, effective 6/1/87)

WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp

supervisor only may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7)(a) Part time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

(b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 non-overtime hours in a workweek.

WSR 87-19-067

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 520—Filed September 16, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the lifting of outdoor burning and burning barrel restrictions in some counties of the state.

I, Brian J. Boyle, 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 changes in the weather conditions over the past 24 hours have allowed for the easing of burning restrictions in some counties of Western Washington.

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

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.315 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 16, 1987.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-101g OUTDOOR BURNING RESTRICTIONS. Effective midnight, Tuesday, September 15, 1987, through midnight, Wednesday, September 30, 1987, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-211, on lands protected by the department in King, Pierce, Kitsap, Mason, Chelan, Kitittas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane and Lincoln counties are suspended.

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

NEW SECTION

WAC 332-26-102g BURNING BARREL RESTRICTIONS. Effective midnight, Tuesday, September 15, 1987, through midnight, Wednesday, September 30, 1987, privileges to burn in a burning barrel, as allowed by WAC 332-24-201 and described in WAC 332-26-225, on lands protected by the department in King, Pierce, Kitsap, Mason, Chelan, Kitittas, Yakima, Klickitat, Garfield, Asotin, Columbia, Walla Walla, Okanogan, Ferry, Stevens, Pend Oreille, Spokane and Lincoln counties are suspended.

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.

REPEALER

The following sections of the Washington Administrative Code are suspended:

- 1) WAC 332-26-101f Outdoor Burning Restrictions.
- 2) WAC 332-26-102f Burning Barrel Restrictions.

**WSR 87-19-068
EMERGENCY RULES
BOARD OF HEALTH**

[Order 305—Filed September 16, 1987]

Be it resolved by the Washington State Board of Health, acting at the Spokane County Health District, West 1101 College Avenue, Spokane, WA, that it does

adopt the annexed rules relating to new WAC 248-148-021, 248-148-031, 248-148-035, 248-148-091, 248-148-101, 248-148-121, 248-148-123 and 248-148-131, school districts, visual and auditory screening of pupils, repealing WAC 248-148-020, 248-148-030, 248-148-040, 248-148-050, 248-148-060, 248-148-070, 248-148-080, 248-148-090, 248-148-100, 248-148-110, 248-148-120, 248-148-130 and 248-148-140.

We, the Washington State Board of Health, 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 vision and auditory screening should occur during the first week of school. School begins September 8, 1987. Regular adoption entails a 30-day delay.

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

This rule is promulgated pursuant to RCW 28A.31-.030 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 9, 1987.

By John A. Beare, MD, MPH
Secretary

NEW SECTION

WAC 248-148-021 CRITERIA FOR SELECTION OF CHILDREN FOR SCREENING. Boards of school directors shall require auditory and visual screening of children as follows:

(1) Schools shall screen all children in kindergarten and grades one, two, three, five, and seven.

(2) Schools shall promptly screen all children having a possible loss in auditory or visual acuity referred to the district by parents, guardians, or school staff.

(3) If manpower resources permit, schools shall annually screen children at other grade levels.

NEW SECTION

WAC 248-148-031 AUDITORY ACUITY SCREENING STANDARDS—SCREENING EQUIPMENT AND PROCEDURES. (1) Schools shall use auditory screening equipment providing tonal stimuli at frequencies at one thousand, two thousand, and four thousand herz (Hz) at hearing levels of twenty or twenty-five decibels (dB), as measured at the earphones, in reference to American National Standards Institute (ANSI) 1969 standards.

(2) Qualified persons shall check the calibration of said frequencies and intensity at least every twelve months, at the earphones, using equipment designed for audiometer calibration.

NEW SECTION

WAC 248-148-035 AUDITORY ACUITY SCREENING PROCEDURES. (1) Schools shall screen all children referenced in WAC 248-148-021 on an individual basis at one thousand, two thousand, and four thousand Hz.

(2) The screener shall:

(a) Present each of the tonal stimuli at a hearing level of twenty or twenty-five dB based on the ANSI 1969 standards;

(b) Conduct screenings in an environment free of extraneous noise;

(c) If at all possible, complete screening within the first semester of each school year;

(d) Place the results of screenings, any referrals, and results of such referrals in each student's health and/or school record; and

(e) Forward the results to the student's new school if the student transfers.

NEW SECTION

WAC 248-148-091 AUDITORY ACUITY SCREENING FAILURE—REFERRAL PROCEDURES. Boards of school directors shall establish procedures requiring school districts:

(1) Rescreen students not responding to one or more frequencies in either ear in three to six weeks after the initial screening, and notify their teachers of the need for preferential positioning in class because of the possibility of decreased hearing.

(2) Notify parents of the need for audiological evaluation if the student fails the second screening.

(3) Schools shall notify parents of the need for medical evaluation if:

(a) Indicated by audiological evaluation, or

(b) Audiological evaluation is not available.

NEW SECTION

WAC 248-148-101 AUDITORY ACUITY SCREENING—QUALIFICATION OF PERSONNEL. Each school district shall designate a district audiologist or district staff member having:

(1) Responsibility for the administration of the auditory screening program in conformity with these regulations, and

(2) Training and experience appropriate to:

(a) Develop an administrative plan for conducting auditory screening in cooperation with the appropriate school personnel in order to ensure the program can be carried out efficiently and effectively;

(b) Obtain the necessary instrumentation for carrying out the screening program, and ensuring the equipment is in proper working order and calibration; and

(c) Secure appropriate personnel for carrying out the screening program, if such assistance is necessary, and for assuring such personnel are sufficiently trained to:

(i) Understand the purposes and regulations involved in the auditory screening programs; and

(ii) Utilize the screening equipment in an appropriate manner to ensure maximum accuracy.

(d) Ensure records are made and distributed as appropriate; and

(e) Disseminate information to other school personnel acquainting them with aspects of a child's behavior denoting the need for referral for auditory screening.

NEW SECTION

WAC 248-148-121 VISUAL ACUITY SCREENING EQUIPMENT. Boards of school districts shall require personnel conducting the screening use a Snellen test chart for screening for distance central vision acuity: PROVIDED, That either the Snellen E chart or the standard Snellen distance acuity chart may be used as appropriate to the child's age and abilities. The test chart shall be properly illuminated and glare free.

Other screening procedures equivalent to the Snellen test may be used only if approved by the state board of health.

NEW SECTION

WAC 248-148-123 VISUAL ACUITY SCREENING PROCEDURES. (1) Schools shall:

(a) Screen children wearing glasses for distance viewing with their glasses on;

(b) Place the results of screening, any referrals, and results of such referrals in each student's health and/or school record; and

(c) Forward the results to the student's new school if the student transfers.

(2) When a child is observed by school personnel to demonstrate other signs or symptoms related to eye problems to the extent such signs or symptoms negatively influence the child in his or her studies, school personnel shall refer the child to the parents or guardians for professional care.

NEW SECTION

WAC 248-148-131 VISUAL ACUITY SCREENING FAILURE—REFERRAL PROCEDURES. Boards of school directors shall require schools rescreen students having a visual acuity of 20/40 or less in either eye as determined by the Snellen test or its approved equivalent within two weeks or as soon as possible after the original screening. Failure is indicated by the inability to identify the majority of letters or symbols on the thirty foot line of the test chart at a distance of twenty feet.

Schools shall inform parents or guardians of students failing the second screening, in writing, of the need and importance of the child receiving professional care.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-148-020 CRITERIA FOR SELECTION OF CHILDREN FOR SCREENING.

WAC 248-148-030 EQUIPMENT FOR SCREENING.

WAC 248-148-040 SCREENING METHOD.

- WAC 248-148-050 SCREENING FREQUENCIES.
- WAC 248-148-060 SCREENING LEVELS.
- WAC 248-148-070 SCREENING ENVIRONMENT.
- WAC 248-148-080 CALIBRATION.
- WAC 248-148-090 SCREENING FAILURE.
- WAC 248-148-100 QUALIFICATION OF PERSONNEL.
- WAC 248-148-110 FREQUENCY OF SCREENING.
- WAC 248-148-120 SCREENING PROCEDURES.
- WAC 248-148-130 STUDENTS WITH SCREENING FAILURE.
- WAC 248-148-140 SCREENING FAILURE—REFERRAL PROCEDURES.

WSR 87-19-069
ADOPTED RULES
BOARD OF HEALTH
 [Order 346—Filed September 16, 1987]

Be it resolved by the Washington State Board of Health, acting at the Spokane County Health District Office, West 1101 College, Spokane, WA, that it does adopt the annexed rules relating to Form of permits—Fees, WAC 248-86-010.

This action is taken pursuant to Notice No. WSR 87-16-087 filed with the code reviser on August 5, 1987. 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 69.06 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 9, 1987.
 By John A. Beare, MD, MPH
 Secretary

AMENDATORY SECTION (Amending Regulation .86.010, filed [effective] 3/11/60)

WAC 248-86-010 FORM OF PERMITS—FEES.

(1) All permits required by this act shall be issued by the jurisdictional health department and signed by the local health officer or his authorized representative.

(2) All applicants for a permit or renewal of a permit shall pay to the jurisdictional health department a fee in the amount of (~~(\$2.00)~~) five dollars. Such fee shall be used by the jurisdictional health department to defray the expenses arising out of the administration of this act.

(3) The permit shall conform to the following specifications:

(a) The permit shall be (~~(6" x 5")~~) six inches by five inches in size and shall consist of two sections titled as follows:

(~~(1)~~) (i) Food and beverage service worker's permit, and

(~~(2)~~) (ii) Food and beverage service worker's health record.

(b) The permit is given to the worker and the health record is kept on file in the health department.

(4) The permit shall contain the following information:

(~~(1)~~) (a) Number of the permit;

(~~(2)~~) (b) Signature of the worker;

(~~(3)~~) (c) Occupation;

(~~(4)~~) (d) Home address;

(~~(5)~~) (e) The statement, "THIS CERTIFIES THAT has satisfied the requirements of chapter 197, Laws of 1957, and the state board of health for issuance of permit;"

(~~(6)~~) (f) Manual chapters covered in test shall be noted;

(~~(7)~~) (g) Permit expiration date; and

(~~(8)~~) (h) Signature of health officer.

(5) On the reverse side of the permit there shall be noted the following:

"Please note: This card is valid only to the employee whose signature appears on the reverse side. It must be filed at place of employment and shown upon request to sanitarian, health officer, or deputy. (~~(a)~~)"

(~~(1)~~) **INSTRUCTIONS GOVERNING PERSONAL HYGIENE AND SANITATION**(~~(a)~~)

1. Do not work if you are ill with a "catching" sickness, such as sore throat, common cold, diarrhea, or other contagious disease.
2. Notify the health department if you, (~~(or)~~) any person in your home, or your place of business has a contagious disease or a disease suspected of being contagious.
3. Keep your hands and fingernails clean. Wash your hands frequently, particularly every time after going to the toilet, blowing the nose, or handling soiled objects.
4. Use disposal tissue for blowing the nose or spitting. Spitting can be a dangerous habit.
5. Do not pick pimples, boils, or your nose. This is a dangerous source of infection. If you have sores of this kind, keep them covered with a dressing.
6. Handle foods with your fingers as little as possible. Use utensils whenever you can, as in picking up butter, etc.
7. Avoid handling rims of glasses, cups, soup bowls, and eating surfaces of silver.
8. Protect food by keeping it covered from flies, keeping perishable foods and cream-filled pastries properly refrigerated."

(6) The food and beverage service worker's health record shall contain the following information:

- ((1)) (a) Date issued;
- ((2)) (b) Number;
- ((3)) (c) Name;
- ((4)) (d) Age;
- ((5)) (e) Sex;
- ((6)) (f) Home address;
- ((7)) (g) Occupation;
- ((8)) (h) Where employed;
- ((9)) (i) City;
- ((10)) (j) Typhoid fever No () Yes () Date
- ((11)) (k) Amoebic dysentery No () Yes () Date
- ((12)) (l) Laboratory examinations, x-rays, or skin tests:
- ((13)) (i) Test Result Date
- ((14)) (ii) Test Result Date
- ((15)) (iii) Test Result Date
- ((16)) (m) Manual chapters covered in test shall be noted.

(7) The reverse side of the health record shall contain: "Follow-up remarks."

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 87-19-070
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2535—Filed September 16, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to certification standards for evaluation and treatment program for minors; and outpatient, emergency and inpatient components, amending chapter 275-54 WAC.

This action is taken pursuant to Notice No. WSR 87-15-135 filed with the code reviser on July 22, 1987. 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 34.04.020.

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 September 11, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-170 CERTIFICATION STANDARDS FOR EVALUATION AND TREATMENT PROGRAM FOR MINORS. (1) The following general requirements shall apply to any agency desiring certification as a component or components of the evaluation and treatment program:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following:

- (i) Outpatient.
- (ii) Emergency.
- (iii) Inpatient.

(b) The agency may directly provide one or more of the components specified in subsection (1)(a) of this section, or may indirectly provide one or more through contractual arrangement or agreements with other agencies. Such arrangements shall be set forth in WAC 275-54-160.

(c) The agency shall maintain a written statement describing the organizational structure(;) and objectives(, and the philosophy of the therapeutic program, such). The statement ((to)) shall include contractual affiliates (if any).

(d) The agency shall document and otherwise ensure ((that)):

- (i) Care for patients is provided in a therapeutic environment.
- (ii) Patient rights as described in WAC 275-54-290 is incorporated into this environment.
- (iii) The use of ((the least)) a less restrictive treatment alternative is considered for each patient ((and such consideration is documented in each patient's clinical record)) at the time of detention, admission, discharge, and development of fourteen- and one hundred eighty-day petitions.

(iv) Continuity of care, coordination, and integration of services is provided.

(v) ((Immediate transfer from the outpatient component to the inpatient or emergency component of the agency or of the evaluation and treatment program is provided for a patient when a change in the patient's condition necessitates such transfer. In the case of the involuntary patient, such transfer shall be made pursuant to WAC 275-54-150. Patients within any component can and will be transferred without unreasonable delay to any other component, and the patient's necessary clinical information will be made available to persons responsible for the patient's treatment within any other component. In the event of a referral, the original agency will maintain responsibility for follow-up of the patient until such time as the receiving agency may assume primary service responsibility.

((vi)) Referral services and assistance in obtaining supportive services appropriate to treatment ((including, but not limited to, community support services, vocational rehabilitation, and legal services;)) are provided to each patient.

(e) The agency desiring certification of the agency's component or components shall make application for such certification pursuant to WAC 275-54-160.

(2) In addition to the requirements specified for each in WAC 275-54-180, 275-54-190, and 275-54-200, the following general requirements shall apply to all facilities:

(a) ((Admissions. Admission to the inpatient component shall not be denied except under the following circumstances:

~~(i) There is a determination the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care.~~

~~(ii) The person requires specialized medical care and support services of a type not provided by the facility.~~

~~(iii) A greater degree of control is required than can be provided by the facility.~~

~~(iv) No treatment space is available and is so documented.~~

~~(v) A less restrictive alternative provided by another facility is more appropriate and available.~~

~~(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section in the case of a seventy-two-hour detention, the county-designated mental health professional shall make arrangements for the most appropriate placement available.~~

~~(b))~~ In general, adults and minors shall be provided services separate from one another, wherever possible. Joint use by adults and minors of a facility's inpatient services is permitted only if the minor's clinical record contains documentation that:

(i) The anticipated effects of such joint use on the minor have been considered by the professional staff, and

(ii) A professional judgment has been made that such joint use will not be deleterious to the minor. No minor shall be placed on an adult inpatient unit unless no other alternative is available, or an emergency exists, and documentation has been made pursuant to subsection (2) of this section.

~~((c) Admission evaluations. Within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, evaluations shall be conducted to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:~~

~~(i) Medical evaluation by a licensed physician.~~

~~(ii) Psychosocial evaluation by a mental health professional to include at least an assessment of family dynamics, interaction with other persons, educational, developmental, legal, and other social service needs of the minor.~~

~~(d))~~ (b) Treatment plan and clinical record. All components shall:

(i) Maintain, for each patient, a plan of treatment, and a plan for discharge including a plan for follow-up where appropriate. The treatment plan shall address the needs identified in the admission evaluation of the minor. Such treatment and discharge plans shall be entered in the patient's clinical record ~~((and shall be revised periodically))~~ as appropriate.

(ii) Maintain, for each patient, a clinical record containing sufficient information to justify the diagnosis, delineate the individual treatment plan, and document the course of treatment. The responsibility of the agency is to safeguard the record against loss, defacement, tampering, or use by unauthorized persons.

~~((e))~~ (c) Evaluation and treatment services provided to minors shall be provided by:

(i) A child mental health specialist, as defined by WAC 275-54-020(2), or

(ii) A mental health professional, as defined by WAC 275-54-020(14) directly supervised by a child mental health specialist, or

(iii) A mental health professional receiving at least one hour per week of clinical consultation from a child mental health specialist for each involuntarily detained minor provided direct client services during the week.

~~((f))~~ (d) Treatment. The evaluation and treatment program shall:

(i) Provide family therapy as needed.

(ii) Have available, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional ~~((skilled in crisis intervention))~~.

(iii) Ensure each patient has access to necessary medical treatment ~~((and support services and access to))~~ emergency life-sustaining treatment, and medication.

(iv) Have psychiatric consultation available to other physicians or mental health professionals when treatment is not provided by or under the supervision of a psychiatrist.

~~((g))~~ (e) Use of restraints and seclusion. The use of medication, physical restraints, or locked seclusion rooms in response to assaultive, self-destructive, or unruly patient behavior shall occur only to the extent necessary to ensure the safety of patients and staff, and subject to the following conditions:

(i) In the event of an emergency use of restraints or seclusion, a licensed physician must be ~~((immediately))~~ notified within one hour and shall authorize the restraints or seclusion.

(ii) No patient ~~((may))~~ shall be restrained or secluded for a period in excess of ~~((four))~~ two hours without having been ~~((examined))~~ evaluated by a mental health professional. Such patient must be directly observed every ~~((thirty))~~ fifteen minutes and the observation recorded in the patient's clinical record.

(iii) If restraint or seclusion exceeds twenty-four hours, patient shall be examined by a licensed physician. The facts determined by his or her examination and any resultant decision to continue restraint or seclusion over twenty-four hours shall be recorded in the patient's clinical record over the signature of the authorizing physician. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

~~((h))~~ (f) Periodic evaluation. Each involuntary patient shall be evaluated periodically for release from commitment~~((, and))~~. Such evaluation ((will be)) shall occur at least weekly for fourteen-day commitments, at least monthly for one hundred eighty-day commitments, and documented in each involuntary patient's clinical record.

~~((i))~~ (g) Training. All components shall develop an inservice training plan and provide regular training to all clinical personnel having responsibility for any aspect of patient care. Documentation of the type and amount of training received by staff members shall be maintained. Such training shall include information about:

(i) The availability and utilization of less restrictive alternatives.

(ii) ~~((Approved))~~ Methods of patient care.

(iii) Managing assaultive and ~~((or))~~ self-destructive behavior.

~~((iv))~~ ~~((Related services, including, but not limited to, transportation, law enforcement, courts, prosecutors, caseworkers, family support systems, advocacy, pharmacotherapy, and hospitals.~~

~~((v))~~ The provisions and requirements of this chapter and chapter 354, Laws of 1985 and standards and guidelines promulgated by the department.

~~((vi))~~ (v) Other appropriate subject matter.

~~((j))~~ (h) Administration. All components shall:

(i) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and assure staff has access to and are familiar with these procedures.

(ii) Maintain adequate fiscal accounting records.

(iii) Prepare and submit such reports as are required by the secretary.

(iv) Maintain a procedure for collection of fees and third-party payments.

(3) Whenever a component is also subject to licensure under other federal or state statutes or regulations, the more ~~((limiting or more specific))~~ restrictive standard shall apply.

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-180 OUTPATIENT COMPONENT. (1) The outpatient component is defined as a setting where evaluation and treatment services are provided on a regular basis to patients ~~((not in residence in the component))~~. These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her living setting. Services ~~((may include, but are not limited to, day treatment and community support services))~~ shall be provided directly by a licensed physician licensed pursuant to chapter 18.57 or 18.71 RCW, a psychologist licensed pursuant to chapter 18.83 RCW, a psychiatric nurse licensed pursuant to chapter 18.88 RCW, or by an agency licensed pursuant to chapter 71.24 RCW and chapter 275-54 WAC.

(2) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all outpatient components:

(a) Such component shall provide a therapeutic program including, but not limited to, ~~((generally accepted treatment modalities such as))~~ at least one of the following:

(i) Individual therapy.

(ii) Group therapy.

(iii) Family/marital therapy.

(iv) ~~((Pharmacotherapy))~~ Medication management.

(v) Case management.

(b) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(c) Each patient ~~((must))~~ should be seen at least weekly by assigned staff during the period of involuntary treatment. A mental health professional must review each outpatient case at least ~~((weekly))~~ monthly to ensure updating of the treatment plan and such review

must be recorded in the patient's clinical record. The frequency of patient contact and case review may be modified if in the opinion of a mental health professional such is warranted and the reasons for so doing are recorded in the patient's clinical record.

(d) Such component must have access to consultation by a psychiatrist or a physician with at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons ~~((, such access to be a minimum of one hour per week for each forty hours of direct client services provided by nonmedical staff))~~.

(e) Such component shall include medical consultation with the involuntary patient to assess and prescribe psychotropic medication to meet the needs of the patient. Such consultation shall occur at least weekly during the fourteen-day period, and monthly during the ~~((ninety-day period and the))~~ one hundred eighty-day period of involuntary treatment unless determined otherwise by the attending physician and the reasons for so doing are recorded in the patient's clinical record.

~~((f))~~ ~~Whenever possible, medication should be made available to the patient at a reduced rate through a state medication purchase contract or through the state hospital pharmacy.)~~

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-190 EMERGENCY COMPONENT. (1) The emergency component is defined as a ~~((hospital emergency room or another setting where prompt therapeutic intervention occurs. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social))~~ public or private agency or hospital having the capacity to detain a person posing an imminent threat to the safety and/or well-being of ((the patient)) himself, herself, or others, or is gravely disabled.

(2) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all emergency components:

(a) Such component shall ~~((have the ability to respond promptly to individual crisis situations and to arrange for admission to an inpatient component on a))~~ be available twenty-four(=) hour(=) per(=) day, seven(=) day(=) per(=) week ((basis)).

(b) Such component shall ~~((have the capability to detain persons dangerous to self, dangerous to others, or gravely disabled))~~ follow a written protocol for detaining an individual and contacting the county designated mental health professional.

(c) Such component shall provide or have ((immediate)) access to ~~((life support systems and emergency))~~ medical services. ~~((A mental health professional and/or licensed physician shall be available for consultation and communication with the patient and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis))~~

(d) Such component shall have a written agreement with a certified short-term inpatient component for admission on a seven-day-per-week, twenty-four-hour-per-day basis.

(e) Such component shall follow a written protocol for transporting individuals to short-term inpatient components.

AMENDATORY SECTION (Amending Order 2323, filed 12/23/85)

WAC 275-54-200 INPATIENT COMPONENT.

(1) The inpatient component is a hospital or residential setting where ~~((an array of))~~ treatment services ~~((is))~~ are provided on a twenty-four-hour-per-day basis for patients on seventy-two-hour detentions, or fourteen-day commitments, or one hundred eighty-day commitments.

(2) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all inpatient components:

(a) The inpatient component shall meet the standards required for state licensing as a psychiatric hospital, general medical hospital, skilled nursing facility, intermediate care facility, or residential treatment facility.

(b) Such component shall have the capability to admit the patient on a twenty-four-hour-per-day, seven-day-per-week basis.

(c) Such component shall not deny admission except under the following circumstances:

(i) After a psychosocial evaluation, there is a determination by a mental health professional that the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.34.170 for necessary action in this case.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.

(iii) A greater degree of control is required than can be provided by the facility.

(iv) No treatment space is available and is so documented.

(v) A less restrictive alternative provided by another facility is more appropriate and available.

(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for the most appropriate placement available.

(d) Such component shall within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, conduct evaluations to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:

(i) medical evaluation by a licensed physician,

(ii) Psychosocial evaluation by a mental health professional.

(e) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall provide or have access to at least one seclusion room meeting the requirements of WAC 248-18-001 now or as hereafter amended.

~~((d))~~ (f) Such component shall provide ((a)) therapeutic ((program)) services including((-but not limited to;)) generally accepted treatment modalities such as:

(i) Individual therapy.

(ii) ~~((Group))~~ Family therapy.

(iii) ~~((Family/marital:~~

(iv) Pharmacotherapy)) Medication management.

~~((v) Therapeutic community:))~~

~~((e))~~ (g) Such component shall provide treatment to each patient under the supervision of the professional person in charge.

~~((f))~~ (h) A mental health professional must have contact with each involuntary patient daily for the purpose of observation, evaluation, and the provision of continuity of treatment.

~~((g))~~ (i) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the patient and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis.

~~((h) Such component shall periodically evaluate each involuntary patient for conditional release, and such evaluation shall be documented in each involuntary patient's clinical record:))~~

WSR 87-19-071

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 2536—Filed September 16, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to certification standards; and outpatient, emergency and long-term inpatient components, amending chapter 275-55 WAC.

This action is taken pursuant to Notice No. WSR 87-15-136 filed with the code reviser on July 22, 1987. 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 34.04.020.

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 September 11, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-263 CERTIFICATION STANDARDS FOR EVALUATION AND TREATMENT PROGRAM. (1) The following general requirements shall apply to any agency desiring certification as a component or components of the evaluation and treatment program:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following:

- (i) Outpatient.
- (ii) Emergency.
- (iii) Short-term inpatient.

(b) The agency may directly provide one or more of the components specified in subsection (1)(a) of this section, or may indirectly provide one or more through contractual arrangement or agreements with other agencies. Such arrangements shall be set forth in WAC 275-55-261(1).

~~(c) ((One or more of the components specified in subsection (1)(a) of this section may be provided to persons under the age of eighteen only when the providing agency is in compliance with the provisions of WAC 275-55-331.~~

~~(d)) The agency shall maintain a written statement describing the organizational structure(;) and objectives(, and the philosophy of the therapeutic program, such). The statement ((to)) shall include contractual affiliates (if any).~~

~~((e)) (d) The agency shall document and otherwise ensure ((that)):~~

(i) Care for patients is provided in a therapeutic environment.

(ii) Patient rights as described in WAC 275-55-211 and 275-55-241 are incorporated into this environment.

(iii) The use of ~~((the least))~~ a less restrictive treatment alternative is considered for each patient ~~((and such consideration is documented in each patient's clinical record))~~ at the time of detention, admission, discharge, and development of fourteen, ninety, and one hundred eighty-day petitions.

(iv) Continuity of care, coordination, and integration of services is provided.

~~(v) ((Immediate transfer from the outpatient component to the inpatient or emergency component of the agency or of the evaluation and treatment program is provided for a patient when a change in the patient's condition necessitates such transfer. In the case of the involuntary patient, such transfer shall be made pursuant to RCW 71.05.340(3). Patients within any component can and will be transferred without unreasonable delay to any other component, and the patient's necessary clinical information will be made available to persons responsible for the patient's treatment within any other component. (Reference RCW 71.05.390.) In the event of a referral, the original agency will maintain responsibility for follow-up of the patient until such time as the receiving agency may assume primary service responsibility.~~

~~(vi)) Referral services and assistance in obtaining supportive services appropriate to treatment ((including, but not limited to, community support services, vocational rehabilitation, and legal services;)) are provided to each patient.~~

~~((f)) (e) The agency desiring certification of the agency's component or components shall make application for such certification pursuant to WAC 275-55-261(3).~~

(2) In addition to the requirements specified for each in WAC 275-55-271, 275-55-281, and 275-55-291, the following general requirements shall apply to all facilities:

~~(a) ((Admissions. Admission to the inpatient component shall not be denied except under the following circumstances:~~

~~(i) There is a determination the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case.~~

~~(ii) The person requires specialized medical care and support services of a type not provided by the facility.~~

~~(iii) A greater degree of control is required than can be provided by the facility.~~

~~(iv) No treatment space is available and is so documented.~~

~~(v) A less restrictive alternative provided by another facility is more appropriate and available.~~

~~(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for the most appropriate placement available.~~

~~(b) Admission evaluations. Within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, evaluations shall be conducted to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:~~

~~(i) Medical evaluation by a licensed physician.~~

~~(ii) Psychosocial evaluation by a mental health professional.~~

~~(e)) Treatment plan and clinical record. All components shall:~~

(i) Maintain, for each patient, a plan of treatment, and a plan for discharge including a plan for follow-up where appropriate. Such treatment and discharge plans shall be entered in the patient's clinical record ~~((and shall be revised periodically))~~, as appropriate.

(ii) Maintain, for each patient, a clinical record containing sufficient information to justify the diagnosis, delineate the individual treatment plan, and document the course of treatment. The responsibility of the agency is to safeguard the record against loss, defacement, tampering, or use by unauthorized persons.

~~((d)) (b) Treatment. The evaluation and treatment program shall:~~

(i) Have available, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional ~~((skilled in crisis intervention)).~~

(ii) Ensure each patient has access to necessary medical treatment ~~((and support services)), ((and access to))~~ emergency life-sustaining treatment, and medication.

(iii) Have psychiatric consultation available to other physicians or mental health professionals when treatment is not provided by or under the supervision of a psychiatrist.

~~((e)) (c) Use of restraints and seclusion. The use of medication, physical restraints, or locked seclusion~~

rooms in response to assaultive, self-destructive, or unruly patient behavior shall occur only to the extent necessary to ensure the safety of patients and staff, and subject to the following conditions:

(i) In the event of an emergency use of restraints or seclusion, a licensed physician must be ~~((immediately))~~ notified within one hour and shall authorize the restraints or seclusion.

(ii) No patient ~~((may))~~ shall be restrained or secluded for a period in excess of ~~((four))~~ two hours without having been ~~((examined))~~ evaluated by a mental health professional. Such patient must be directly observed every ~~((thirty))~~ fifteen minutes~~(;)~~ and the observation recorded in the patient's clinical record.

(iii) If restraint or seclusion exceeds twenty-four hours, the patient shall be examined by a licensed physician. The facts determined by his or her examination and any resultant decision to continue restraint or seclusion over twenty-four hours shall be recorded in the patient's clinical record over the signature of the authorizing physician. This procedure must be repeated for each subsequent twenty-four-hour period of restraint or seclusion.

~~((f))~~ (d) Periodic evaluation. Each involuntary patient shall be evaluated periodically for release from commitment~~((, and))~~. Such evaluation ~~((will be))~~ shall occur at least weekly for fourteen-day commitments, at least monthly for ninety and one hundred eighty-day commitments, and documented in each involuntary patient's clinical record.

~~((g))~~ (e) Training. All components shall develop an inservice training plan~~(;)~~ and provide regular training to all clinical personnel having responsibility for any aspect of patient care. Documentation of the type and amount of training received by staff members shall be maintained. Such training shall include information about:

(i) The availability and utilization of less restrictive alternatives.

(ii) ~~((Approved))~~ Methods of patient care.

(iii) Managing assaultive and~~((/or))~~ self-destructive behavior.

(iv) ~~((Related services, including, but not limited to, transportation, law enforcement, courts, prosecutors, caseworkers, family support systems, advocacy, pharmacotherapy, and hospitals.~~

~~((v))~~ The provisions and requirements of this chapter and chapter 71.05 RCW, and standards and guidelines promulgated by the department.

~~((vi))~~ (v) Other appropriate subject matter.

~~((h))~~ (f) Administration. All components shall:

(i) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and assure staff has access to and are familiar with these procedures.

(ii) Maintain adequate fiscal accounting records.

(iii) Prepare and submit such reports as are required by the secretary.

(iv) Maintain a procedure for collection of fees and third-party payments.

(3) Whenever a component is also subject to licensure under other federal or state statutes or regulations, the

more ~~((limiting or more specific))~~ restrictive standard shall apply.

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-271 OUTPATIENT COMPONENT. (1) The outpatient component is defined as a setting where evaluation and treatment services are provided on a regular basis to patients ~~((not in residence in the component))~~. These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her living setting. Services ~~((may include, but are not limited to, day treatment and community support services))~~ shall be provided directly by a licensed physician licensed pursuant to chapter 18.57 or 18.71 RCW, a psychologist licensed pursuant to chapter 18.83 RCW, a psychiatric nurse licensed pursuant to chapter 18.88 RCW, or by an agency licensed pursuant to chapter 71.24 RCW and chapter 275-56 WAC.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all outpatient components:

(a) Such component shall provide a therapeutic program ~~((including))~~ which may include, but is not limited to, ~~((generally accepted treatment modalities such as))~~ at least one of the following:

(i) Individual therapy.

(ii) Group therapy.

(iii) Family/marital therapy.

(iv) ~~((Pharmacotherapy))~~ Medication management.

(v) Case management.

(b) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(c) Each patient ~~((must))~~ should be seen at least weekly by assigned staff during the period of involuntary treatment. A mental health professional must review each outpatient case at least ~~((weekly))~~ monthly to ensure updating of the treatment plan and such review must be recorded in the patient's clinical record. The frequency of patient contact and case review may be modified if in the opinion of a mental health professional such is warranted and the reasons for so doing are recorded in the patient's clinical record.

(d) Such component must have access to consultation by a psychiatrist or a physician with at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons~~((, such access to be a minimum of one hour per week for each forty hours of direct client services provided by nonmedical staff))~~.

(e) Such component shall include medical consultation with the involuntary patient to assess and prescribe psychotropic medication to meet the needs of the patient. Such consultation shall occur at least weekly during the fourteen-day period, and monthly during the ninety-day period and the one hundred eighty-day period of involuntary treatment unless determined otherwise by the attending physician and the reasons for so doing are recorded in the patient's clinical record.

~~((f))~~ Whenever possible, medication should be made available to the patient at a reduced rate through a state

medication purchase contract, or through the state hospital pharmacy:))

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-281 EMERGENCY COMPONENT. (1) The emergency component is defined as a ((hospital emergency room or another setting where prompt therapeutic intervention occurs. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social))) public or private agency or hospital having the capacity to detain a person posing an imminent threat to the safety and/or well-being of ((the patient)) himself/herself or others, or is gravely disabled.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all emergency components:

(a) Such component shall ((have the ability to respond promptly to individual crisis situations, and to arrange for admission to an inpatient component on a twenty-four-hour-per-day, seven-day-per-week basis)) be available seven days per week, twenty-four hours per day.

(b) Such component shall ((have the capability to detain persons dangerous to self, dangerous to others, or gravely disabled)) follow a written protocol for detaining an individual and contacting the county designated mental health professional.

(c) Such component shall ((have immediate access to life support systems and emergency medical services. A mental health professional and/or licensed physician shall be available for consultation and communication with the patient and the component staff)) provide or have access to medical services.

(d) Such component shall have a written agreement with a certified short-term inpatient component for admission on a seven-day-per-week, twenty-four-hour-per-day((, seven-day-per-week)) basis.

(e) Such component shall follow a written protocol for transporting individuals to short-term inpatient components or state hospitals.

AMENDATORY SECTION (Amending Order 2065, filed 1/13/84)

WAC 275-55-291 SHORT-TERM INPATIENT COMPONENT. (1) The inpatient component is a hospital or residential setting where ((an array of)) treatment services ((is)) are provided on a twenty-four-hour-per-day basis for patients on seventy-two hour detentions or fourteen-day commitments.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all inpatient components:

(a) The inpatient component shall meet the standards required for state licensing as a psychiatric hospital, general medical hospital, skilled nursing facility, intermediate care facility, or residential treatment facility.

(b) Such component shall have the capability to admit the patient on a twenty-four-hour-per-day, seven-day-per-week basis.

(c) Such component shall not deny admission except under the following circumstances:

(i) After a psychosocial evaluation, there is a determination by a mental health professional that the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.

(iii) A greater degree of control is required than can be provided by the facility.

(iv) No treatment space is available and is so documented.

(v) A less restrictive alternative provided by another facility is more appropriate and available.

(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for the most appropriate placement available.

(d) Such component shall within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, conduct evaluations to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:

(i) Medical evaluation by a licensed physician.

(ii) Psychosocial evaluation by a mental health professional.

(e) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall provide or have access to at least one seclusion room meeting the requirements of WAC 248-18-001(65) now or as hereafter amended.

((f)) (f) Such component shall provide ((a)) therapeutic ((program)) services including((, but not limited to;)) generally accepted treatment modalities such as:

(i) Individual therapy.

(ii) Group:

(iii) Family/marital:

(iv) Pharmacotherapy)) Medication management.

((v) Therapeutic community:

((g)) (g) Such component shall provide treatment to each patient under the supervision of the professional person in charge.

((f)) (h) A mental health professional must have contact with each involuntary patient daily for the purpose of observation, evaluation, and the provision of continuity of treatment.

((g)) (i) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the patient and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis.

((h) Such component shall periodically evaluate each involuntary patient for conditional release, and such evaluation shall be documented in each involuntary patient's clinical record:))

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-55-021 APPLICATION OF RULES TO MINORS.

WAC 275-55-050 APPLICATION FOR ADMISSION—VOLUNTARY MINOR.

WAC 275-55-060 ADMISSION TO PUBLIC AGENCY—VOLUNTARY MINOR.

WAC 275-55-071 DISCHARGE—VOLUNTARY MINOR.

WAC 275-55-121 INVOLUNTARY DETENTION AND COMMITMENT—MINOR.

WAC 275-55-331 REQUIREMENTS FOR EVALUATION AND TREATMENT FACILITIES SERVING MINORS.

WSR 87-19-072
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2537—Filed September 16, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to facility services, amending chapter 275-19 WAC.

This action is taken pursuant to Notice No. WSR 87-15-134 filed with the code reviser on July 22, 1987. 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 chapters 406 and 410, Laws of 1987, 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 11, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-020 FACILITY SERVICES. (1) The department shall approve and accredit alcoholism, alcohol abuse, drug addiction, and drug abuse treatment facilities pursuant to these rules and regulations to provide the following services:

(a) Alcoholism and alcohol abuse detoxification: Provides care and treatment of persons intoxicated or incapacitated by alcohol during the period in which the person recovers from the transitory effects of acute intoxication.

(b) Drug addiction and drug abuse detoxification: Provides care and treatment of persons intoxicated or

incapacitated by drugs during the period in which the person recovers from the transitory effects of acute intoxication or withdrawal.

(c) Alcoholism intensive inpatient treatment: Provides a concentrated residential program consisting of a combination of education, individual therapy, group therapy, and related activities to detoxified alcoholics.

(d) Drug addiction intensive inpatient treatment: Provides a concentrated residential program consisting of a combination of education, individual therapy, group therapy, and related activities to detoxified addicts.

(e) Alcoholism long-term treatment: Provides care and treatment on a long-term basis (ninety days or more) in a residential setting with personal care services for alcoholics with impaired self-maintenance capabilities needing personal guidance and assistance to maintain abstinence and good health.

(f) Drug addiction long-term treatment: Provides care and treatment on a long-term basis (ninety days or more) in a residential setting with personal care services for drug addicts with impaired self-maintenance capabilities needing personal guidance and assistance to maintain abstinence and good health.

(g) Alcoholism recovery house: Provides care and treatment in a residential setting with social and recreational activities for detoxified alcoholics to aid their adjustment to abstinence and aid their engagement in occupational training, gainful employment, or other types of community service.

(h) Drug addiction recovery house: Provides care and treatment in a residential setting with social and recreational activities for detoxified addicts to aid their adjustment to abstinence and aid their engagement in occupational training, gainful employment, or other types of community activities.

(i) Alcoholism extended care recovery house: Provides care and treatment in a residential setting in excess of sixty days for clients needing prolonged treatment services.

(j) Drug addiction extended care recovery house: Provides care and treatment in a residential setting in excess of sixty days for clients needing prolonged treatment services.

(k) Alcoholism and alcohol abuse outpatient treatment: Provides alcoholism and alcohol abuse treatment services according to a prescribed plan in a nonresidential setting.

(l) Drug addiction and drug abuse outpatient treatment: Provides drug addiction and drug abuse treatment services according to a prescribed plan in a nonresidential setting.

(m) Alcoholism intensive outpatient treatment: Provides a concentrated, nonresidential program consisting of a combination of educational sessions, individual therapy, group therapy, and related activities to detoxified alcoholics and their families.

(n) Drug addiction intensive outpatient treatment: Provides a concentrated, nonresidential program consisting of a combination of educational sessions, individual therapy, group therapy, and related activities to detoxified addicts and their families.

(o) Crisis intervention facilities services: Provides services aimed at alleviating acute emotional, behavioral, and/or physical distress resulting from the individual's use of alcohol and/or drugs.

(p) DWI client assessment: A diagnostic service designed to evaluate and assess clients' involvement with alcohol and other drugs, and recommend an appropriate course of action.

(q) Alcohol information school: An educational program providing students with information regarding the use and abuse of alcohol. The goal of the school is to help students not currently presenting a significant alcohol problem to make informed decisions about the use of alcohol.

(r) Drug information school: An educational program providing students with information regarding the use and abuse of drugs. The goal of the school is to help students not currently presenting a significant drug problem to make informed decisions about the use of drugs.

(s) Emergency service patrol: Provides assistance in the streets and in other public places to persons who are intoxicated.

(t) Methadone treatment: Provides methadone (or other drugs approved by the department) as a substitute for opiates, in addition to counseling and other types of psychological or social therapy.

(u) Chemical dependency assessment centers: Contract agencies of the department of social and health services, bureau of alcohol and substance abuse, performing the following:

(i) Alcoholism and drug addiction assessments of a client seeking assistance from the department as a result of incapacity due to alcoholism and/or drug addiction,

(ii) Screening of an indigent client and referral of a client qualifying for supplemental social security income or general assistance-unemployable based on mental illness or physical disability to one of the department's community service offices, and

(iii) Case supervision of treatment and shelter services provided to indigent clients admitted to the ADATSA program.

(2) A facility may be approved for more than one service if the facility complies with the specific requirements for approval of each service provided.

AMENDATORY SECTION (Amending Order 2484, filed 4/13/87)

WAC 275-19-030 DEFINITIONS. For the purpose of these rules and regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) "Acute detoxification" means detoxification service provided to individuals for whom the consequences of withdrawal from alcohol or other drugs are so severe as to merit assistance from medical and/or nursing personnel.

(2) "ADATSA" means the Alcohol and Drug Addiction Treatment and Support Act.

(3) "ADATSA client" means an indigent client receiving services authorized under ADATSA.

(4) "Administrator" means the individual appointed as the chief executive officer by the operators of a facility to act in the facility's behalf in the overall management of the treatment facility.

~~((3))~~ (5) "Alcohol abuse" means use of alcohol in amounts hazardous to individual health or safety.

~~((4))~~ (6) "Alcoholic" means a person with alcoholism.

~~((5))~~ (7) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages or the consumption of alcoholic beverages to the extent a person's health is substantially impaired or endangered or his or her social and economic function is substantially disrupted.

~~((6))~~ (8) "Approved" means having met the standards of the department contained in these rules and regulations and having been approved pursuant to chapters 69.54 and/or 70.96A RCW.

~~((7))~~ (9) "Approved treatment facility" means a treatment facility, either public or private, profit or non-profit, approved by the department pursuant to these rules and regulations and chapters 69.54 and/or 70.96A RCW.

~~((8))~~ (10) "Authenticated" means written verification of any entry in a patient treatment record by means of a signature including minimally first initial and last name, or initials if the file includes an authentication record and the date of the entry.

~~((9))~~ (11) "Authentication record" means a document which is part of each patient treatment record and includes identification of all individuals initialing entries in the treatment record: Full printed name, signature including minimally first initial and last name, and initials that may appear after entries in the treatment record.

~~((10))~~ (12) "Bureau" means the Washington state department of social and health services bureau of alcohol and substance abuse.

~~((11))~~ (13) "Bureau of alcohol and substance abuse" means the Washington state department of social and health services bureau of alcohol and substance abuse.

~~((12))~~ (14) "Cancel" means a termination of the department's approval of a treatment service or facility.

~~((13))~~ (15) "Certified" means the approval of a treatment facility pursuant to chapters 69.54 and/or 70.96A RCW and these rules and regulations to provide one or more of the treatment services listed in WAC 275-19-020 and the issuing of a certificate of approval for those services by the bureau.

~~((14))~~ (16) "Chemical dependency" means having an alcohol and/or drug abuse or addiction problem.

(17) "Chemotherapy" means the use of prescribed medication to assist in client treatment for drug or alcohol dependency.

~~((15))~~ (18) "Compliance" means being in conformity with the requirements in chapters 69.54 and/or 70.96A RCW and chapter 275-19 WAC applying to the class or classes of treatment services for which a treatment facility is approved and/or has applied for approval.

~~((16))~~ (19) "Department" means the Washington state department of social and health services.

~~((17))~~ (20) "Department of licensing" means the Washington state department of licensing.

~~((18))~~ (21) "Detoxification" means care and treatment of a person during the period in which the person recovers from the transitory effects of acute intoxication or withdrawal.

~~((19))~~ (22) "Detoxified" means withdrawn from the consumption of alcohol, or other drugs, and recovered from the transitory effects of intoxication, or any associated acute physiological withdrawal reactions.

~~((20))~~ (23) "Discrete chemical dependency assessment center" means a center conducting assessments of ADATSA clients following the requirements in WAC 275-19-590.

(24) "Discrete treatment facility" means an alcoholism and/or drug treatment facility run by operators who:

(a) Receive their revenue from one or more of the following:

(i) Client fees or third-party payments on behalf of clients;

(ii) Federal, state, and county contracts for alcoholism and/or drug treatment services.

(b) Have provided separate supervisory staff and treatment personnel for the alcoholism and/or drug addiction treatment services separate from other services provided by the facility,

(c) Have provided a separate building or a separate area within a building for the approved alcoholism and/or drug addiction treatment services,

(d) Have separate accounting records and documents which identify the source and applications of all funds received in payment for alcoholism and/or drug addiction treatment services.

~~((21))~~ (25) "Drug abuse" means use of a drug in amounts hazardous to individual health or safety.

~~((22))~~ (26) "Drug addiction" means chronic, compulsive, or uncontrollable drug use to the extent a person cannot stop use of the drug. Drug addiction is usually characterized by a process including progressive use, development of tolerance, and a withdrawal syndrome if use of the drug is discontinued.

~~((23))~~ (27) "Face to face" means an individual or group therapeutic contact with a client not including educational sessions.

~~((24))~~ (28) "Facilities" means rooms, areas, and equipment.

~~((25))~~ (29) "Incapacitated by alcohol" means a person, as a result of the use of alcohol, has his or her judgment so impaired he or she is incapable of realizing and making a rational decision with respect to his or her need for treatment and constitutes a danger to himself or herself, to any other person, or to property.

~~((26))~~ (30) "Intoxication" means acute alcohol and/or drug poisoning or temporary impairment of a person's mental or physical functioning caused by alcohol and/or other drugs.

~~((27))~~ (31) "Licensed nurse" means either a registered nurse per chapter 18.88 RCW or a licensed practical nurse per chapter 18.78 RCW.

~~((28))~~ (32) "Negative urine" means the results of a urinalysis which do not confirm the presence of any controlled substances, other than drugs medically prescribed for the patient submitting the urine sample.

~~((29))~~ (33) "Operators" means the individual or group legally responsible for the treatment facility.

~~((30))~~ (34) "Physician" means a person duly licensed to practice medicine or osteopathic medicine in the state of Washington per chapter 18.57 or 18.71 RCW.

~~((31))~~ (35) "Positive urine" means the results of a urinalysis (~~which confirm~~) confirming the presence of one or more controlled substances, other than drugs legitimately prescribed for the patient submitting the urine sample.

~~((32))~~ (36) "Probation alcohol assessment facility" means a qualified probation department for a district or municipal court within the state of Washington meeting the standards contained in these rules and regulations governing the operation of a DWI client assessment service as described in WAC 275-19-020.

~~((33))~~ (37) "Residential facilities" means facilities providing board and room as part of the treatment program.

~~((34))~~ (38) "Revoke" means a termination of the department's approval of a treatment facility.

~~((35))~~ (39) "Secretary" means the secretary of the Washington state department of social and health services or his or her designee.

~~((36))~~ (40) "Shall" means compliance is mandatory.

~~((37))~~ (41) "Shelter" means sheltered living for qualified indigent alcoholics and/or drug addicts placed by chemical dependency assessment centers.

(42) "Sick physical" means an initial diagnostic examination of an applicant for admission to a treatment facility, for the purpose of determining whether the individual is currently physiologically dependent on opiates.

~~((38))~~ (43) "Stabilization" means a patient's condition:

(a) Where the program physician has determined that the currently prescribed dose of medication has suppressed physiological withdrawal signs, has not produced sedation, euphoria, or other signs of over-medication, and has provided reasonable comfort for the patient; and

(b) Where the program physician determines no future dose increases should be necessary. Stabilization is evidenced by constant dose levels for fourteen days or by a determination entered into the clinical record by the program physician.

~~((39))~~ (44) "Subacute detoxification" means detoxification service provided to individuals in a supportive, homelike environment where a person can recover from the effects of intoxication. Prescription medication is not provided for the management of withdrawal discomfort.

~~((40))~~ (45) "Suspend" means termination of the department's approval of a treatment facility for a specified period of less than one calendar year or until specific conditions have been met and the agency has been notified of reinstatement.

~~((41))~~ (46) "Take-home medication" means methadone dispensed for self-administration by the client off the premises of the treatment facility.

~~((42))~~ (47) "Transfer patient" means any patient transferring from one methadone program to another methadone program, with a maximum interruption in methadone medication of thirty days.

~~((43))~~ (48) "Urinalysis" means the qualitative analysis of a patient's urine sample for controlled substances.

AMENDATORY SECTION (Amending Order 2484, filed 4/13/87)

WAC 275-19-110 ALL FACILITIES—OPERATORS. (1) Treatment facilities shall be operated by one of the following:

(a) An Indian tribe or an Indian health board;
 (b) A unit of city, county, state, or federal government;

(c) A profit corporation~~((f))~~,~~((g))~~ nonprofit corporation, partnership, or an individual proprietor.

(2) Treatment facilities operated by a profit corporation, nonprofit corporation, partnership or an individual proprietor shall be discrete treatment facilities as defined in WAC 275-19-030.

(3) A facility providing treatment services shall have an operator or operators legally responsible for the conduct of the service or services provided. The legally responsible operator or operators shall as a minimum:

(a) Obtain all required state, county, and city licenses, permits, and approvals.

(b) Maintain a current job description for the position of administrator meeting the requirements set forth in WAC 275-19-140 (4)(b).

(c) Establish the philosophy and overall objectives for the treatment facility and each distinct part thereof.

(d) Provide for the personnel, facilities, equipment, and supplies necessary for the care of clients and the maintenance and operation of the facility in accordance with applicable laws and regulations.

(e) Review and approve written personnel policies.

(f) Ensure the administration and operation of the facility is in compliance with these rules and applicable federal, state, and local laws and regulations.

(4) The owners of a partnership shall have a written partnership agreement outlining all of the business elements of the partnership. The partnership agreement shall be signed and dated by each partner.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-140 ALL FACILITIES—PERSONNEL. (1) There shall be sufficient qualified counselors, clerical, and other support staff not currently clients to ensure the attainment of program service objectives and to properly maintain the treatment facility.

(2) Qualified counselors carrying a caseload shall not exceed one hundred hours of face-to-face client contact per full-time equivalent counselor per month. Residential treatment, excluding detoxification, shall in addition

maintain a client to staff ratio not to exceed fifteen clients for each counselor.

(3) Personnel employed as counselors shall be qualified counselors or counselor trainees as described in WAC 275-19-145.

(4) For each employee there shall be a current personnel file which includes the following:

(a) Verification (transcripts, certificates, licenses, resumes, etc.) of the employee's qualifications for the assigned position.

(b) A copy of the employee's current job description, signed and dated by the employee, which includes: The job title, a summary of the duties and responsibilities, the minimum qualifications, and the title of the immediate supervisor.

(c) A record of an orientation acquainting the person with the contents of the program manual, the disaster plan for the facility, and the confidentiality of client information.

(d) Written performance evaluations for each year of employment. The completed evaluation form shall be signed and dated by the evaluator and the employee.

(e) Evidence of a tuberculin skin test or chest x-ray~~((; as specified in chapter 248-26 WAC;))~~ and a record of any accidents occurring on duty.

(f) There shall be sufficient evidence in the records of the qualified counselors, assessment officers, and information school instructors to determine whether they have received the training and education necessary to meet and maintain the qualified status. The record shall include the date the person became a qualified counselor, assessment officer, or information school instructor.

(g) A signed and dated commitment to maintain confidentiality.

(h) Evidence employees providing client care in a detoxification center in the absence of licensed physicians or nurses have a valid and current red cross card or certificate for first-aid (or its equivalent) and annual training in cardiopulmonary resuscitation.

(5) Employees with a communicable disease in an infectious stage shall not be on duty.

(6) All approved treatment facilities shall adhere to written personnel policies covering the qualifications of staff, job descriptions, hours of work, personnel benefits, hiring practices, termination procedures, promotional requirements, leave days, employee evaluations, grievance procedures, and staff ethical standards.

(7) Approved treatment facilities shall comply with state statutory and regulatory provisions regarding non-discrimination and affirmative action in employment and client services.

(8) Employees who are or were clients of the approved treatment facility shall have personnel records separate from clinical records. No indication of current or previous client status or client activity, including urinalysis results, may be entered in the personnel record of such an employee.

(9) Work may be assigned to the client when the assignment is part of the client's treatment program, the client's work assignment has therapeutic value, and the client works under the immediate supervision of a member of the staff.

(10) Exclusion from employment shall not be based on former alcohol or drug use, former mental dysfunction, or former criminal convictions except as provided in chapters 9.96A and 49.60 RCW.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-170 ALL FACILITIES—RECORDS. (1) All treatment facilities shall have an accurate and complete record system:

(a) Providing for maintenance of a current and complete record for each client;

(b) Providing a systematic method of identifying and filing client's records so each record can be located readily;

(c) Ensuring confidentiality of patients' case records by storing and handling the records under conditions meeting all pertinent federal, state, and local regulations governing such records;

(d) Including all required state and county data; and

(e) Reflecting all financial transactions of the facility.

(2) Client file records required in this section shall be retained by the treatment facility for a minimum of five years following the discharge or transfer of the client.

In the event an approved treatment facility is closed, clinical records may be forwarded to any other approved treatment center with the client's consent. Clinical records still subject to minimum retention requirements, where client consent is not obtained, shall be sealed and labeled as follows: "Records of (insert name of approved treatment facility) required to be maintained pursuant to WAC 275-19-170, until a date not later than December 31, (insert year)." Sealed records shall be forwarded to the department, and shall be disclosed only under such circumstances and to such extent as would be permissible for the program in which they originated.

(3) Residential and outpatient facilities shall have individual case records including the following:

(a) An intake form including the client's full name; sex; birthdate; home address; date of admission; name, address, and telephone number of the client's next of kin or other responsible person; name and city of the client's personal physician, if any.

(b) A record of the assessment of the client's involvement with alcohol and/or drugs including the signs and symptoms.

(c) An individualized treatment plan as prescribed in WAC 275-19-165 (1)(c). Doctor's standing orders shall be considered as a treatment plan in inpatient detoxification facilities.

(d) Progress notes on the client's response to treatment relating to the treatment plan and noting all significant events occurring during treatment. At least one progress note every work shift must be entered in inpatient detoxification client's file.

(e) A record of the treatment plan review required by WAC 275-19-165(5).

(f) Each entry in a client's record shall be authenticated.

(g) A copy of any program rules signed and dated by the client.

(h) A voluntary consent to treatment form, signed and dated by the client.

(i) A properly completed authorization for release of information form.

(j) A copy of the client's aftercare plan.

(k) At completion of treatment, a discharge summary including the date of discharge, and a summary of the client's progress in meeting the objectives outlined in the treatment plan. In detoxification facilities, the summary shall outline the client's physical condition relating to detoxification or withdrawal.

(l) Medical records in accordance with chapter 248-26 WAC.

(4) DWI client assessment service facilities including probation assessment facilities shall have individual case records including at a minimum:

(a) An intake form including the client's full name, sex, birthdate, and home address.

(b) The dates of contacts.

(c) A copy of the completed Washington alcohol screening inventory showing the client's score.

(d) A copy of the client's driving record obtained from the department of licensing files.

(e) A record of the client's blood alcohol level at the time of arrest or documentation the information was not available.

(f) A record of the client's alcoholism and/or drug treatment history.

(g) The name of the court referring the client for assessment, including the name of the sentencing judge.

(h) A record of the evaluation and assessment of the client's involvement with alcohol and other drugs as required by WAC 275-19-185.

(i) A properly completed authorization for the release of information form.

(j) Copies of any assessment reports sent to the department of licensing, referring court, the client's attorney, or other person or agency.

(k) Copies of all correspondence relating to the client.

(l) Each entry in a client's record shall be authenticated.

(5) Alcohol information schools or drug information schools shall have individual case records including:

(a) An intake form, including the client's full name, sex, birthdate, and home address;

(b) Dates in attendance;

(c) Source of referral;

(d) Copies of all reports, letters, certificates, and other correspondence sent to attorneys, courts, department of licensing, or any other agency;

(e) A record of any referral of the client to other services;

(f) A properly completed authorization for release of information form;

(g) A copy of the completed post-test as written in An Instructor's Guide to Alcohol Information School, published January 1980, as now or hereafter amended.

(h) Each entry in a client's record shall be authenticated.

(6) Emergency service patrols shall maintain a log including:

(a) The time and origin of the call received,

- (b) The time of arrival at the scene,
 - (c) The location of the pickup,
 - (d) The name and sex of the person transported,
 - (e) The destination of transport (either home or inpatient detoxification facility), and
 - (f) The time of transport completion.
- (g) In nonpickup cases, notation shall be made of the reason why said pickup was not made.
- (h) Each entry in the log shall be dated and signed by the person making the entry.
- (7) ADATSA chemical dependency assessment centers shall have individual case records including, at a minimum:

- (a) An intake form including:
 - (i) Client's full name;
 - (ii) Address;
 - (iii) Sex;
 - (iv) Birthdate;
 - (v) Assessment date;
 - (vi) Address and telephone number of the client's next-of-kin, or other emergency contact; and
 - (vii) Name and city or telephone number of the client's physician, if any.
- (b) A properly completed assessment and case supervision form provided by the bureau;
- (c) A record of the assessment of the client's involvement with alcohol and drugs recording all of the information required by WAC 275-19-185(2);
- (d) A record of the client's own assessment of his or her involvement with alcohol and drugs;
- (e) A record of the client's own assessment of his or her mental health problems and any physical incapacity;
- (f) A properly completed authorization for release of confidential information form meeting all state and federal requirements;
- (g) A record of the placement of the client in each residential and outpatient ADATSA component including the date of the placement, the name of the treatment center or shelter, and the dates each phase of treatment or shelter will begin;
- (h) Copies of all reports and correspondence related to the client;
 - (i) Notes documenting contacts by telephone or in person concerning the client;
 - (j) A termination summary; and
 - (k) Each entry in the client's record shall be authenticated.
- (8) All residential treatment facilities shall have a permanent, current register of all persons admitted for care or treatment. This shall include at a minimum the date of admission, the client's name, and the date of discharge or transfer.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-185 ASSESSMENT PROCEDURES. (1) The procedures for assessing DWI client's involvement with alcohol and other drugs shall include, as a minimum, the following:

- (a) A written test of each client, using as a minimum, the Washington alcohol screening inventory((-));
- (b) A review of the following:

- (i) When available, the client's blood alcohol level at the time of arrest for any alcohol-related offense; and
- (ii) A copy of the client's driving record.
- (c) A diagnostic interview with each client which gathers as a minimum:
 - (i) A history of the client's involvement with alcohol and drugs, including frequency of use, volume, and type of substance used((-));
 - (ii) The client's statement concerning his or her current physical condition((-); and
 - (iii) Sociological data describing the client's most recent living situation (e.g., family, environment, employment, and school).

~~((2))~~ (d) A written assessment, based upon the information collected per WAC 275-19-185(1), shall be completed. It shall include as a minimum the following:

~~((a))~~ (i) The client's raw score and percentile score from the Washington alcohol screening inventory((-);

~~((b))~~ (ii) The client's own assessment of his or her involvement with alcohol or other drugs((-); and

~~((c))~~ (iii) The qualified counselor's or the qualified assessment officer's evaluation of the information required by WAC 275-19-185(2)(a) and (b), a diagnostic statement specifically describing the client's involvement with alcohol or other drugs, and the signs and symptoms leading to that assessment.

~~((3))~~ (e) Inform the client of the results of the assessment. If the assessment concludes the person has an alcohol or drug problem requiring treatment, the person shall be advised to seek appropriate, approved alcoholism or drug treatment. If the assessment concludes the person requires only alcohol or drug education, the person shall be advised to attend an approved alcohol or drug information school((-);

~~((4))~~ (f) All reports required by the courts and the department of licensing shall be properly completed and shall be submitted in a timely manner;

(2) The procedure for assessing ADATSA client's involvement with alcohol and other drugs shall include, at a minimum, the following:

(a) A diagnostic interview with a qualified counselor, as defined in WAC 275-19-145, gathering at a minimum:

- (i) The information required on an ADATSA assessment form approved by the bureau;
- (ii) A history of the client's involvement with alcohol and other drugs including:

- (A) Type,
- (B) Frequency of use,
- (C) Amount used,
- (D) Duration of use, and
- (E) Route of administration of each drug used.

(iii) The client's own assessment of his or her own involvement with alcohol and other drugs.

(b) A preliminary screening to determine whether the client may be eligible for social security supplemental income, have a mental illness, or a physical incapacity requiring further evaluation and/or referral to the department's local community service office;

(c) The counselor's written assessment summary statement concerning the client's involvement with alcohol and drugs. If the assessment finds the client is an alcoholic and/or drug addict, the assessment summary must include:

(i) A diagnostic impression of the client's involvement with alcohol and drugs; and

(ii) A listing of the signs and symptoms justifying the conclusions.

(d) A record of the outcome of the assessment interview with the client, indicating the decisions reached by the counselor as to the treatment and shelter plan the client is to follow.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-400 LONG-TERM TREATMENT FACILITIES—PURPOSE. The purpose of WAC 275-19-400 through ~~((275-19-499))~~ 275-19-449 is to provide specific operational program standards for facilities providing long-term treatment services as described in WAC 275-19-020. To be approved as a treatment facility to provide long-term treatment services, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-400 through 275-19-499, chapter 248-26 WAC, and chapters 69.54 and/or 70.96A RCW.

NEW SECTION

WAC 275-19-450 ADATSA SHELTERS—PURPOSE. The purpose of WAC 275-19-450 through 275-19-499 is to provide specific operational program standards for facilities providing ADATSA shelter services as described in WAC 275-19-020. To be approved as an ADATSA shelter, the facility must comply with the applicable requirements of WAC 275-19-450 through 275-19-499 and chapters 69.54 and/or 70.96A RCW.

NEW SECTION

WAC 275-19-455 ADATSA SHELTERS—LICENSING, SUPPORT GROUPS, AND FOOD SERVICES. (1) ADATSA shelters shall meet the rules, facility regulations, and licensing standards required by the city or county where the shelter is located.

(2) Food services for ADATSA shelters having ten or more clients shall meet the requirements in chapter 248-84 WAC.

(3) ADATSA shelters having ten or more clients shall have at least one staff person awake and in the facility at all times.

(4) Each ADATSA shelter shall coordinate activities with local self-support groups, such as alcoholics anonymous and narcotics anonymous as appropriate to sponsor meetings at the facility for interested clients.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-550 EXTENDED CARE RECOVERY HOUSE FACILITIES—PURPOSE. The purpose

of WAC 275-19-550 through ~~((275-19-599))~~ 275-19-579 is to provide specific operational program standards for facilities providing extended care recovery house services as described in WAC 275-19-020. To be approved as a treatment facility to provide extended care recovery house services, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-550 through 275-19-599, chapter 248-26 WAC, and chapters 69.54 and/or 70.96A RCW.

NEW SECTION

WAC 275-19-580 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—PURPOSE. The purpose of WAC 275-19-580 through 275-19-599 is to provide specific operational program standards for facilities providing chemical dependency assessment center services as described in WAC 275-19-020. To be approved as a chemical dependency assessment center, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-580 through 275-19-599, and chapters 69.54 and 70.96A RCW.

NEW SECTION

WAC 275-19-585 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—CLIENTS. Chemical dependency assessment centers shall provide services to all indigent clients seeking or receiving assistance from the department as a result of incapacity due to alcoholism and/or drug addiction.

NEW SECTION

WAC 275-19-590 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—REQUIRED SERVICES. Approved chemical dependency assessment centers shall provide:

(1) An alcohol and drug assessment of all clients providing, at a minimum, the evaluation required by WAC 275-19-185(2).

(2) A preliminary screening of clients and referral of those clients qualifying for social security supplemental income or general assistance-unemployable benefits based on mental illness or physical disability to the department's local community services office.

(3) Case supervision of treatment and/or shelter services for clients admitted to the ADATSA program.

NEW SECTION

WAC 275-19-595 CHEMICAL DEPENDENCY ASSESSMENT CENTERS—DISCRETE ASSESSMENT CENTERS. (1) Discrete chemical dependency assessment centers shall be operated in the following counties:

- (a) King county,
- (b) Pierce county,
- (c) Spokane county, and
- (d) Yakima county.

(2) Discrete chemical dependency assessment centers shall not provide client treatment services.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-650 INTENSIVE OUTPATIENT FACILITIES—PURPOSE. The purpose of WAC 275-19-650 through (~~275-19-699~~) 275-19-674 is to provide specific operational program standards for facilities providing intensive outpatient services as described in WAC 275-19-020. To be approved as a treatment facility to provide intensive outpatient treatment services, the facility must comply with the applicable requirements of WAC 275-19-010 through 275-19-199, 275-19-650 through 275-19-699, chapter 248-26 WAC, and chapters 69.54 and/or 70.96A RCW.

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84, effective 1/1/85)

WAC 275-19-660 INTENSIVE OUTPATIENT FACILITIES—REQUIRED SERVICES. There shall be an organized program and staff sufficient to provide the following services by qualified counselors:

(1) Assessment of each client's needs regarding specific alcohol and/or drug-related problems as perceived by the client, facility staff, and if possible involved others.

(2) Screening criteria shall be developed and applied including such diagnostic techniques as needed to assure the appropriateness of placement in this treatment modality. The diagnosis shall, at a minimum, include an assessment of the client's:

(a) Progression in the disease of alcoholism and/or drug addiction;

(b) Motivation for recovery and the ability to attain and maintain abstinence on an outpatient basis;

(c) Social support systems, including family or significant others, financial condition, and employment status; and

(d) Physical health and general mental status.

(3) Program requirements. The following services shall be provided to clients and their families:

(a) The program shall deliver a minimum of seventy-two hours of treatment services within a maximum of twelve weeks. The first four weeks of treatment must consist of a minimum of three sessions of at least one hour each on three separate days of each week((-);

(b) A review of each active case by the client's case manager not less than once in every twenty hours of treatment. This review shall be noted in the client's case file((-);

(c) Individual counseling sessions with each client every twenty hours of treatment and additionally as needed((-);

(d) Education of clients regarding alcohol, alcoholism, and/or drugs and drug addiction;

(e) No more than twenty percent of treatment time shall consist of film presentations((-);

(f) Group therapy sessions. Sessions shall be limited in attendance to no more than twelve clients per counselor((-);

(g) Whenever possible, the client's family or other social support system shall be substantially involved in the treatment program((-);

(h) Upon completion of intensive outpatient treatment, the client shall be referred to a structured after-care program((-); and

(i) All clients and their families shall be encouraged to participate in Alcoholics Anonymous, Alanon, Alateen, Narcotics Anonymous, and Naranon as appropriate.

NEW SECTION

WAC 275-19-675 ADATSA OUTPATIENT TREATMENT FACILITIES—PURPOSE. The purpose of WAC 275-19-675 through 275-19-699 is to provide specific operational program standards for facilities providing ADATSA outpatient treatment services as described in WAC 275-19-020. To be approved as an ADATSA outpatient treatment facility, the facility must comply with the applicable requirements in WAC 275-19-010 through 275-19-199, 275-19-675 through 275-19-699, and chapters 69.54 and 70.96A RCW.

NEW SECTION

WAC 275-19-680 ADATSA OUTPATIENT TREATMENT FACILITIES—REQUIRED SERVICES. Facilities providing ADATSA outpatient treatment services shall have an organized program and staff sufficient to provide the following services to clients by qualified counselors:

(1) Counseling services focused on assisting the clients to avoid relapse,

(2) Counseling services assisting the clients in preparing for and obtaining employment,

(3) Assistance to clients in developing living skills necessary for independent living, and

(4) Assistance to clients in obtaining housing and basic provisions conducive to ongoing recovery.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-940 ALL METHADONE TREATMENT FACILITIES—INTAKE TREATMENT REQUIREMENTS. (1) Sick physicals. Methadone treatment facilities shall provide each patient, upon application by the patient for admission to methadone treatment, a sick physical by a program physician or other appropriately licensed health professional. Methadone treatment facilities shall not prescribe methadone for a patient until a sick physical has been completed and a diagnosis of current physiological dependence on an opiate drug has been reached, except as provided in subsections (8) and (9) of this section. The sick physical shall include observations of the presence or absence of the following signs which shall be documented in the clinical file:

(a) Rinorrhea((-);

(b) Pupillary dilation((-);

(c) Piloerection((-);

(d) Elevated body temperature((-);

(e) Elevated pulse rate((-);

(f) Elevated blood pressure((-);

(g) Elevated respiration rate((-);

(h) Lacrimation((-); and

(i) Intravenous injection site scars.

(2) Overall health evaluation. Methadone treatment facilities shall conduct and document in the client file an overall health evaluation of each patient by a program physician or other appropriately licensed health practitioner within one week of admission to methadone treatment.

(3) Physician involvement in sick physicals. Methadone treatment facilities shall make a program physician available for consultation by telephone or in person when sick physicals are conducted by anyone other than a program physician. A program physician shall conduct sick physicals for all juvenile patients and for all adult patients with unusual or ambiguous signs or symptoms.

(4) Follow-up examination. Following the initial dose of methadone (~~((and following all subsequent dose increases, methadone))~~), treatment facilities shall conduct and document an in-person, physical examination of the patient. Such an examination shall be conducted as close ~~((to))~~ as possible to the time when methadone blood levels are highest, typically three to four hours after a dose is provided to the patient. The examination shall establish adequacy of dose, including signs and symptoms of withdrawal, patient comfort, and side effects from over-medication.

(5) Documentation of addiction history. Methadone treatment facilities shall note all observations, tests, reported symptoms, and documents certifying addiction history, and shall retain such documentation in the patient's clinical record. Methadone treatment facilities shall include in each patient file a summary analysis of all diagnostic data.

(6) Documentation of doses. Methadone treatment facilities shall note the date and amount of the initial dose and the date and amount of all dose changes in the patient's clinical record.

(7) Documentation of physiologic addiction. Methadone treatment facilities shall document evidence supporting diagnoses of addiction for all patients who are prescribed methadone. The department shall conduct an after-the-fact review of a random sample of all patient records, examining sick physical documentation and the resulting diagnosis.

(8) Exception to sick physicals. Recently detoxified patients. Methadone treatment facilities may restart methadone medication without a sick physical for patients detoxified from methadone within the last two years, who continue to receive at least one face-to-face counseling session per month, lasting at least forty-five minutes per session.

(9) Exception to sick physicals—Penal, chronic care, and pregnant clients. Methadone treatment facilities may admit and prescribe methadone to penal, chronic care, and pregnant patients without meeting sick physical requirements, provided the facility has followed the rules outlined in federal regulations, 21 C.F.R. Part 291.505 (d)(3)(iii)(a) and (b), adopted September 19, 1980.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-950 ALL METHADONE TREATMENT FACILITIES—URINALYSIS TREATMENT REQUIREMENTS. (1) Urinalysis frequency. All patients shall submit urine samples for urinalysis at least once per month. After a patient has a positive urine, the patient shall submit four urine samples per month for urinalysis. The patient shall continue to submit at least four samples per month until the patient has at least four consecutive negative urines, after which the patient may return to once-a-month submittal.

(2) Random sampling. Methadone treatment facilities shall randomly schedule all urine sample submissions, without prior warning to the patient.

(3) Sampling procedures. Methadone treatment facilities shall ensure staff observation of all collections of urine samples. Facility staff shall seal samples immediately in patient's presence with a prenumbered seal. The patient shall initial a log of sample seal numbers next to the seal number. Methadone treatment facilities shall void and retain broken or unusable seals. Facilities shall keep logs of sample seal numbers confidential, apart from all other patient records. Facilities shall discard contaminated samples and samples with broken seals.

(4) Required screens. Each urinalysis shall include qualitative analysis for the presence of opiates, methadone, amphetamines, cocaine, barbiturates, and other drugs as indicated by the patient's drug use history. The urinalysis may instead include qualitative analysis for metabolites of such drugs, if such analysis would yield more accurate results.

(5) ~~((Failure))~~ Refusal to give sample. Methadone treatment facilities shall treat a patient's ~~((failure))~~ refusal to provide a urine sample upon request, for whatever reason, or a patient's refusal to initial the log of seal number in the same manner as a positive urine.

(6) Positive urines. Methadone treatment facilities shall report all positive urines to the patient and discuss in counseling within seven days of obtaining the results.

(7) Dose increase justification. Following stabilization, methadone treatment facilities shall justify all dose increases in the patient's record. Positive urines alone shall not be considered adequate justification. Additional data on desirability of dose increases shall be documented in the patient's record, including signs and symptoms of withdrawal, patient discomfort, or other medically justifiable reasons.

(8) Mandatory discharge for positive urines. Methadone treatment facilities shall discharge any patient with three consecutive positive urines collected later than ninety days after admission. Patients so discharged may not be readmitted to methadone treatment at any facility for ~~((ninety))~~ thirty days following the first discharge and for ~~((one-year))~~ ninety days following the second and subsequent discharges.

(9) Mandatory discharge for absence of methadone in urine—Absence of methadone. Methadone treatment facilities shall discharge any patient receiving methadone and whose urinalysis fails to confirm the presence of methadone or methadone metabolite, unless the facility

can confirm physiological reasons for the lack of detectable methadone or methadone metabolite. Confirmation may include a dose level less than ten milligrams daily ((~~or~~)), a urinalysis of a second sample taken twenty-four hours after in-person administration of a dose which also fails to confirm the presence of methadone or methadone metabolite, or documentation showing the client has taken six doses per week at the clinic until a urinalysis shows the presence of methadone or methadone metabolite in the urine. The facility may use other medically justifiable means of confirming physiological reasons for failure to confirm presence of methadone or metabolite. Any confirmation shall be documented in detail in the patient's record. No methadone treatment facility may admit a patient who has been discharged from any methadone facility pursuant to this subsection during the previous ((~~ninety~~)) thirty days.

~~((10) Urinalysis laboratories. Methadone treatment facilities shall notify the department of the name and address of all laboratories that the facility is using to conduct urinalysis for methadone clients.))~~

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-960 ALL METHADONE TREATMENT FACILITIES—DETOXIFICATION TREATMENT REQUIREMENTS. (1) Planned detoxification dates required. Within ninety days of admission, methadone treatment facilities shall establish and document a planned detoxification date for each patient. The planned detoxification date may be revised.

(2) Criteria for planned detoxification dates. Methadone treatment facilities shall adopt and adhere to written criteria for establishing and revising planned detoxification dates for all patients entering treatment. The criteria shall include, at a minimum, addiction history, current dose, health, employability, age, personality, support system strengths, and treatment progress to date. Planned detoxification of pregnant clients shall take into account postnatal social and psychological factors and prenatal physical factors.

(3) Planned detoxification dates for patients under age twenty-four. Methadone treatment facilities shall not plan detoxification dates in excess of the following:

(a) All patients under eighteen years of age (at time of admission) shall have a planned detoxification date not later than six months after admission.

(b) All patients eighteen to twenty-four years of age (at time of admission) shall have a planned detoxification date not later than twenty-four months after admission.

(c) Extension of planned detoxification dates beyond the limits specified in subsection (3)(a) or (3)(b) of this section may be made only after prior approval of the department.

(4) Patient records. Methadone treatment facilities shall note in the patient's record the factors considered and how the factors affected the choice of planned detoxification date. Facilities shall also note in the patient's record all changes in planned detoxification date and the reasons for the change.

(5) Detoxification for nonpayment. Any patient detoxified for reasons of nonpayment shall be provided an individual detoxification schedule consistent with sound medical practices approved by the program's physician.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-970 ALL METHADONE TREATMENT FACILITIES—DISPENSARY OPERATIONAL REQUIREMENTS. (1) Authorization of dispensary personnel. Methadone treatment facilities shall designate individuals authorized to enter the dispensary. Those authorizations shall be limited to persons with a clear need to enter. ~~((Facilities shall note the reasons for granting authorization in personnel records.))~~

(2) Dispensary staffing. Methadone treatment facilities shall establish written procedures, especially record-keeping practices, designed to minimize the number of individuals who need to be in the dispensary. ~~((Procedures must require that two people shall be in the dispensary any time doses are compounded, dispensed, or administered.))~~

(3) Methadone handling procedures. Methadone treatment facilities shall establish written procedures for all activities involving handling methadone (compounding, dispensing, etc.). Such procedures shall be designed to minimize error and minimize possibilities for diversion of methadone by staff or others.

(4) Methadone stock inventory. Methadone treatment facilities shall ensure dispensary staff measure all opened stocks of methadone before and after each period of time during which methadone is compounded, dispensed, or administered. A period of time shall be deemed to conclude, or a new period begin, whenever any staff person enters or leaves the dispensary. Staff shall note the amount measured in methadone inventory records and verify the entry with initials or signature. All newly opened stocks of methadone shall be measured immediately and the actual amount recorded in the same manner. Methadone treatment facilities shall reconcile inventory changes with doses dispensed. If any discrepancy is uncovered during reconciliation of doses dispensed and inventory changes, and any variations in inventory between previous close and current open, the facility shall obtain statements from all dispensary staff persons involved. The program director shall investigate the discrepancy and report to the federal drug enforcement agency, Washington state board of pharmacy, and the department of social and health services.

(5) Dispensary schedule. Methadone treatment facilities shall schedule dispensing and other activities to minimize impact on neighboring businesses and residences.

(6) Quantitative analysis. Methadone treatment facilities shall conduct a quantitative analysis of all open methadone stocks whenever a transfer case is reported to the program director pursuant to WAC 275-19-990(6), or whenever the program director has other reason to believe dilution and diversion of methadone stocks may be occurring. ~~((In addition, on random occasions at least twice in any calendar year the facility shall conduct a quantitative analysis of all opened methadone stock.))~~

Methadone concentration below the manufacturer's tolerance shall be reported immediately to the federal drug enforcement administration, the Washington board of pharmacy, and the department of social and health services.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-980 ALL METHADONE TREATMENT FACILITIES—COUNSELING TREATMENT REQUIREMENTS. (1) Individual and group counseling. Methadone treatment facilities shall make available sufficient individual and group counseling for each patient to accomplish treatment plan goals and objectives. Counseling shall be intensified (increased in frequency, duration, and/or mode) when problems arise, when requested by the patient, or when progress is no longer being made.

(2) Minimum counseling. Methadone treatment facilities shall provide and document, at a minimum, one face-to-face counseling session lasting at least forty-five minutes (group or individual) each week for each patient during the first ninety days after admission. Counseling may be reduced to two face-to-face sessions per month during the next twelve months, and to once per month thereafter. Facilities may not use group counseling sessions with more than twelve patients in attendance to meet this requirement.

(3) Semiannual review. Methadone treatment facilities shall conduct and document an individual counseling session lasting forty-five minutes or more with each patient, between six and seven months after admission, and once every six months thereafter. The purpose of the session is to review treatment progress, revise or reaffirm treatment plan and planned detoxification date, and to review all relevant facts concerning the use of methadone.

(4) Counseling. Methadone treatment facilities shall ensure all counseling is provided by qualified drug abuse counselors or counselor-trainees in a manner that is physically and organizationally separate from other activities, particularly dispensing and fee collection, except to the extent necessary for coordination or for resolution of compliance problems such as nonpayment or missed doses. Facilities may not credit counseling occurring while dispensing methadone or collecting fees toward meeting the counseling requirements of this section.

(5) Counselor/patient ratio. Methadone treatment facilities shall provide at least one qualified counselor (full-time equivalent) for each fifty patients. Facilities shall assign each patient to a primary counselor, who shall be a qualified drug counselor. The primary counselor will bear responsibility for the conduct and management of all cases assigned to him or her. No more than fifty cases may be assigned to any primary counselor at one time.

(6) Counselor-trainees. Methadone treatment facilities may provide counseling services using counselor-trainees, if the counselor-trainees are under the direct, close supervision of a qualified drug counselor. A qualified drug counselor with one or more counselor-trainees may be assigned as primary counselor up to seventy-five

patients, including those cases delegated to the counselor-trainees. Each qualified drug counselor may supervise as many counselor-trainees as he or she desires and delegate cases in a responsible fashion, except that no counselor-trainee may be delegated more than thirty-five patients. Primary counselor responsibility for all cases shall rest with a qualified drug counselor, regardless of whom provides counseling services.

(7) Individualized treatment plans. Methadone treatment facilities shall prepare and document individualized treatment plans for each patient, which must specify the patient's problems; the frequency, mode, and duration of counseling sessions; and the planned detoxification date.

(8) Pregnancy and drugs. Methadone treatment facilities shall provide, to any patient who requests, at least one hour per month of counseling and education on matters relating to pregnancy and street drugs, and the effects of methadone treatment when provided during pregnancy. This session may be provided in an individual or group setting at the discretion of the facility director.

(9) Family planning professional. Methadone treatment facilities shall have at least one professional, either a qualified drug counselor, physician, or physician's assistant, who has appropriate training in family planning, prenatal health, and parenting skills.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-985 ALL METHADONE TREATMENT FACILITIES—TAKE-HOME MEDICATION OPERATIONAL REQUIREMENTS. (1) Minimum take-home criteria. Methadone treatment facilities may provide all patients with take-home medication for Sundays and for any legal holiday set forth in RCW 1.16.050, at the discretion of the program physician. Take-home medication on other days shall be permitted only for stabilized patients who have been receiving methadone for a minimum of ninety days and who have had negative urines for the last sixty days.

(2) Criteria for allowing increased take-homes. Methadone treatment facilities may increase frequency of take-home medication when a patient is judged capable of handling increased frequency of take-home medication. The program ((physician)) shall consider and document in the client file the following in determining whether a patient is responsible in handling methadone:

- (a) Absence of abuse of drugs and alcohol((-));
- (b) Regularity of attendance, both dispensing and counseling((-);
- (c) Absence of known criminal activity or activities, especially drug sales((-);
- (d) Stability of home environment and social relationships((-);
- (e) Ability to safely store take-home medications((-);
- (f) A positive balance between therapeutic benefit and the risk of diversion of take-home medication; and
- (g) The program physician shall approve all changes in take-home medication.

(3) Restriction of take-home privileges following dose increase. For at least seven days following an increase in dose at any time during treatment, methadone treatment

facilities may provide a patient with take-home medications only for Sundays and legal holidays.

(4) Maximum take-home privileges. Methadone treatment facilities shall limit the minimum weekly attendance for in-person administration of methadone, the maximum number of daily doses of take-home medication that is provided at any one time, and the maximum total amount of methadone (number of doses multiplied by dose amount) that is provided at any one time, according to the following schedule:

Months Since Admission to Methadone Treatment	Minimum Attendance (In-Person Administration)	Maximum Number of Take-Home Medication Doses	Maximum Total Amount of Take-Home Medication
0 to 3 months	6 days/week	one-day supply	100 mg.
4 to 6 months	5 days/week	((one-)) two-day supply	70 mg
7 to 24 months	3 days/week	two-day supply	120 mg.
over 24 months	2 days/week	three-day supply	150 mg.

(5) Maximum take-homes following positive urine. Methadone treatment facilities shall limit the maximum number of daily doses of take-home medication of patients who have one positive urine in the last ninety days and shall require minimum clinic attendance for in-person administration of methadone for such patients according to the following schedule:

Months Since Admission to Methadone Treatment	Minimum Attendance (In-Person Administration)	Maximum Number of Take-Home Medication Doses
0 to 6 months	6 days/week	one-day supply
7 to 24 months	5 days/week	one-day supply
over 24 months	3 days/week	two-day supply

Maximum total amount of take-home medication shall not exceed the amounts set forth in the schedule of subsection (4) of this section. Patients who are restricted to the schedule set forth in this subsection may be placed on the schedule set forth in subsection (4) of this section if they have no additional positive urines for ninety days.

(6) Exceptional take-home; Saturday or Monday holidays. Methadone treatment facilities may provide all patients with one extra take-home dose in addition to the supply limits set forth in subsections (4) and (5) of this section, when a legal holiday falls on a Monday or a Saturday, or when two legal holidays fall on successive days, and restrictions on the patient's take-home medication will not otherwise permit sufficient take-home medication doses for both Sunday and the legal holiday or for both legal holidays.

(7) Labeling. Methadone treatment facilities shall label take-home medication containers with the name of the prescriber, complete directions for use, the name of the drug either by the brand or generic name (~~and strength per unit dose~~), the name of the patient, and the date dispensed.

(8) Restarting methadone medication. Methadone treatment facilities may restart medication for patients who undergo planned detoxification, but remain in counseling (at least one face-to-face event per thirty days) for up to two years. Such patients are not considered discharged and may restart medication without sick physicals. Facilities shall not provide take-home medication to such patients, other than for Sundays and legal

holidays, for at least seven days following the restart of medication. After the seven-day period has concluded, facilities may reinstate take-home medication privileges as if medication was uninterrupted.

(9) Waivers of take-home standards. A facility's medical director may approve a maximum of three additional take-home doses in a calendar month and a maximum of six additional doses in a calendar year for an individual client. The medical director shall document in the client's file the reasons for approving the additional take-home doses. Methadone treatment facilities shall request approval from the department of social and health services ((of)) for any and all waivers of take-home medication requirements, in excess of those the medical director can approve, on a case-by-case basis in advance.

AMENDATORY SECTION (Amending Order 2438, filed 10/29/86)

WAC 275-19-990 ALL METHADONE TREATMENT FACILITIES—ADDITIONAL REQUIREMENTS. (1) ((Facility size. To assist in attaining the goal that)) All methadone treatment facilities ((meet the needs of individual patients and to help ensure local neighborhoods are not unduly affected, methadone treatment facilities shall not exceed a three hundred fifty patient caseload at any one time. Approval of a facility exceeding three hundred fifty patients at time of adoption of these rules shall not be revoked due to size of caseload if such facility agrees to cease admitting new patients until such time as they reach the maximum patient load and remain in compliance with the maximum patient load thereafter)) shall comply with the applicable requirements in chapter 69.54 RCW.

(2) Double enrollment. Methadone treatment facilities shall participate in periodic meetings, scheduled and coordinated by the department for the purpose of identifying duplicate or prohibited admissions. Facility participation shall include attendance by at least one dispensary staff person and provision of a clear, recent photograph of any active patient and the latest photographs of all patients discharged for drug abuse or failure to consume take-home medication who are still barred from readmission by these rules. Programs shall be required to specifically identify all patients admitted since the previous meeting, all patients enrolled in a methadone treatment facility which is not the closest to their residence, and any patients identified by the department as potential duplicate admissions or barred admissions. All such meetings shall be closed to the public to preserve confidentiality of patient records.

(3) Reporting requirements. All methadone treatment facilities shall report to the department the dose level of each patient, plus such other information as the department may reasonably require, in the form and manner prescribed by the department. Such reports shall be submitted in a timely and accurate manner.

(4) Identifying patients. All methadone treatment facilities shall establish written policies and procedures to reasonably verify the identity of patients. The policies

and procedures shall respect the confidentiality of patient records as set forth in federal regulations (42 C.F.R., part 2, published July 1, 1975).

(5) Patient photographs. All methadone treatment facilities shall maintain in the dispensary a file of photographs of all patients. Photographs shall be updated whenever the client's physical appearance changes significantly or every two years, whichever comes first.

(6) Transfer patients. The initial dose of all transfer patients shall be the same as the last prescribed dose at the previous facility. Doses may be increased after the initial dose in the manner and under the conditions required elsewhere in these rules. Detailed evaluation of dose adequacy is mandatory for all transfer patients requesting dose increases. If any transfer patient reporting an inadequate dose at the previous facility is determined to be stabilized at that same dose at the transfer facility, such case shall be immediately reported to the program director of the previous facility and to the department of social and health services.

(7) Transfer fees. Methadone treatment facilities may not levy unreasonable transfer fees on patients attempting to transfer to another facility. Transfer fees may not exceed the actual cost of duplicating and forwarding records.

(8) Rate setting. All services (other than admission services) required by these standards shall be included in the basic daily, weekly, or monthly rate, including dispensing, urinalysis, and counseling. Medical services unrelated to diagnosis and treatment of addiction, such as primary care and prenatal or postnatal care, may be provided at additional charge.

(9) Fees. The patient shall be provided a complete schedule of fees and applicable fee policies prior to the initiation of any treatment services.

~~((10) Detoxification for nonpayment. Any patient detoxified for reasons of nonpayment shall be provided an individual detoxification schedule consistent with sound medical practices approved by the program's physician.))~~

WSR 87-19-073

ADOPTED RULES

DEPARTMENT OF ECOLOGY

(Air Pollution)

[Order 87-21—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to chapter 173-481 WAC, ambient air quality and environmental standards for fluorides; and repealing chapter 18-48 WAC.

This action is taken pursuant to Notice No. WSR 87-15-121 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.

By Phillip C. Johnson
Deputy Director

Chapter 173-481 WAC

AMBIENT AIR QUALITY AND ENVIRONMENTAL STANDARDS FOR FLUORIDES

WAC

173-481-010	Purpose.
173-481-020	Applicability.
173-481-030	Definitions.
173-481-100	Fluoride standards.
173-481-110	Ambient standards.
173-481-150	Compliance with standards.
173-481-160	Sampling and analysis.

NEW SECTION

WAC 173-481-010 PURPOSE. This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes fluoride standards for the protection of livestock and vegetation. Standards address the fluoride content of forage and gaseous fluorides in the ambient air.

NEW SECTION

WAC 173-481-020 APPLICABILITY. The provisions of this chapter apply to all areas of the state of Washington.

NEW SECTION

WAC 173-481-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to standards for fluorides as defined below:

(1) "Forage" means grasses, pasture and other vegetation that is consumed or is intended to be consumed by livestock.

(2) "Cured forage" means hay, straw, ensilage that is consumed or is intended to be consumed by livestock.

NEW SECTION

WAC 173-481-100 FORAGE STANDARDS. (1) All sampling to determine compliance with these standards shall be conducted in locations and during time periods consistent with protecting livestock and vegetation.

(2) The fluoride content of forage calculated by dry weight shall not exceed:

(a) Forty parts per million fluoride ion (40 ppm F) average for any twelve consecutive months.

(b) Sixty parts per million fluoride ion (60 ppm F) each month for more than two consecutive months.

(c) Eighty parts per million fluoride ion (80 ppm F) more than once in any two consecutive months.

(3) In areas where cattle are not grazed continually, but are fed cured forage part of the year, the fluoride content of the cured forage shall be used as the forage fluoride content for as many months as it is fed to establish the yearly average.

(4) Cured forage grown for sale as livestock feed shall not exceed forty parts per million fluoride ion (40 ppm F) by dry weight after curing or preparing for sale.

NEW SECTION

WAC 173-481-110 AMBIENT STANDARDS.

(1) All sampling to determine compliance with these standards shall be conducted in locations and during time periods consistent with protecting livestock and vegetation.

(2) Gaseous fluorides in the ambient air calculated as HF at standard conditions shall not exceed:

(a) Three and seven-tenths micrograms per cubic meter ($3.7 \mu\text{g}/\text{m}^3$) average for any twelve consecutive hours;

(b) Two and nine-tenths micrograms per cubic meter ($2.9 \mu\text{g}/\text{m}^3$) average for any twenty-four consecutive hours;

(c) One and seven-tenths micrograms per cubic meter ($1.7 \mu\text{g}/\text{m}^3$) average for any seven consecutive days;

(d) Eighty-four one hundredths micrograms per cubic meter ($0.84 \mu\text{g}/\text{m}^3$) average for any thirty consecutive days;

(e) Five-tenths micrograms per cubic meter ($0.5 \mu\text{g}/\text{m}^3$) average for the period March 1 through October 31 of any year.

NEW SECTION

WAC 173-481-150 COMPLIANCE WITH STANDARDS. When requested by the department, persons emitting fluorides to the ambient air shall demonstrate their compliance with WAC 173-481-100 and 173-481-110 by conducting a monitoring program approved in writing by the department. All monitoring data shall be submitted to the department.

NEW SECTION

WAC 173-481-160 SAMPLING AND ANALYSIS. Sampling and analysis shall be in accordance with techniques approved by and on file with the department. Other sampling and methods of analysis which are equivalent in accuracy, sensitivity, reproducibility and applicability under similar conditions may be used after approval by the department.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

18-48-080 PREAMBLE

18-48-090 POLICY LIMITATIONS

18-48-100 DEFINITIONS
18-48-110 INTENT OF REGULATION
18-48-120 FORAGE STANDARDS
18-48-130 AMBIENT AIR STANDARDS
18-48-140 COMPLIANCE WITH STANDARDS
18-48-150 SAMPLING AND ANALYSIS
18-48-900 APPENDIX I - METHODS OF COLLECTION AND ANALYSIS FOR FLUORIDES IN FORAGE AND AMBIENT AIR

WSR 87-19-074

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 87-13—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to implementation of regulations for air contaminant sources, chapter 173-403 WAC.

This action is taken pursuant to Notice No. WSR 87-15-115 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.

By Phillip C. Johnson
Deputy Director

AMENDATORY SECTION (Amending Order 86-30, filed 11/10/86)

WAC 173-403-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter and other chapters of Title 173 WAC shall have the following meanings:

(1) "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air authority" or "cognizant local authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.

(4) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

~~((4))~~ (5) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

~~((5))~~ (6) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable regulatory order.

~~((6))~~ (7) "Ambient air" means the surrounding outside air.

~~((7))~~ (8) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

~~((8))~~ (9) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air

pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

~~((9))~~ (10) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

~~((10))~~ (11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit or units in exchange for a decrease in emissions from another emissions unit or units, pursuant to RCW 70.94.155.

~~((11))~~ (12) "Class I area" means any federal, state, or Indian land which is classified or reclassified Class I.

~~((12))~~ ~~"Cognizant local authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source:))~~

(13) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(14) "Department" means the Washington state department of ecology.

(15) "Director" means director of the Washington state department of ecology or duly authorized representative.

(16) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air, other than by the use of pollution abatement equipment or integral process pollution controls.

(17) "Emission" means a release of air contaminants into the ambient air.

(18) "Emission reduction credit (ERC)" means a credit granted to a source for a voluntary reduction in actual emissions.

(19) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(20) "Emissions unit" means any equipment, device, process, or activity that emits to the ambient air, or that may emit to the ambient air, any air contaminant.

(21) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-403-140(2).

(22) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(23) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-403-140 (2)(a)(ii).

(24) "In operation" means engaged in activity related to the primary design function of the source.

(25) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(26) "Land manager" means the secretary of the federal or head of the state department or Indian governing body with authority over the Class I area.

(27) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(28) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(29) "Major modification" means (a), (b), or (c) of this subsection, whichever is the most stringent:

(a) Any physical change or change in the method of operation of a major source, a source that would become

a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

(i) Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or

(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or

(iv) Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or

(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.

(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.

(c) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.

(30) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(31) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

(32) "Natural conditions" include naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(33) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(a) Any increase in actual emissions of a pollutant resulting from a physical change or change in method of operation of a specific emission unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change: PROVIDED, That

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and

(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.

(34) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification shall be construed as construction or installation or establishment of a new source.

(35) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to September 1, 1986.

(36) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(37) "Notice of construction" means a written application to permit construction of a new source or modification of an existing source.

(38) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(39) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

(40) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(41) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(42) "Prevention of significant deterioration (PSD)" means the federal regulations set forth in 40 CFR Subpart 52.21 as promulgated prior to July 1, 1982, and as modified by WAC 173-403-080.

(43) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(44) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(45) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-403-110.

(46) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

(47) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulates	25	500	50
Lead	.6		
Total reduced sulfur (as H ₂ S)	10		
Total fluoride	3		

(48) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(49) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to

the production of a single product or functionally related group of products.

(50) "Source category" means all sources of the same type or classification.

(51) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(52) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(53) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

(54) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

(55) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

(56) "Visibility impairment of a Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(57) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at ((~~20 degrees C~~) 20°C, except the following excluded compounds: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

WSR 87-19-075
ADOPTED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)

[Order 87-14—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to recordkeeping, reporting and public availability of emission data, repealing chapter 18-02 WAC.

This action is taken pursuant to Notice No. WSR 87-15-122 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.
 By Phillip C. Johnson
 Deputy Director

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-02-010 PURPOSE
- 18-02-020 CLASSIFICATION
- 18-02-030 RECORD-KEEPING AND REPORTING
- 18-02-040 PUBLIC AVAILABILITY OF EMISSION DATA
- 18-02-050 DEFINITIONS

WSR 87-19-076
ADOPTED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)

[Order 87-15—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to chapter 173-440 WAC, sensitive areas; and repealing chapter 18-06 WAC.

This action is taken pursuant to Notice No. WSR 87-15-117 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.
 By Phillip C. Johnson
 Deputy Director

Chapter 173-440 WAC
SENSITIVE AREAS

- WAC
- 173-440-010 Purpose.
 - 173-440-020 Applicability.
 - 173-440-030 Definitions.
 - 173-440-040 Sensitive areas designated.
 - 173-440-100 Standards.
 - 173-440-900 Appendix A—Map.

NEW SECTION

WAC 173-440-010 PURPOSE. This chapter promulgated under RCW 70.94.305 and 70.94.331 designates certain geographical areas of the state as sensitive

areas after considering population, development and recreational and scenic values; and provides for the imposition of more stringent standards and compliance requirements for certain stationary source categories within these areas than apply to such categories outside sensitive areas.

NEW SECTION

WAC 173-440-020 APPLICABILITY. The provisions of this chapter shall apply to all sources of a listed source category located in a sensitive area.

NEW SECTION

WAC 173-440-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings: General terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to sensitive areas as follows: "Sensitive area" means a geographical area designated by this chapter.

NEW SECTION

WAC 173-440-040 SENSITIVE AREAS DESIGNATED. Designated as sensitive areas in the state are:

(1) All cities with a population of 1,000 or more that are not located in a county having an air authority, together with those lands within a zone extending one mile (horizontal measure) from the present city limits. These cities are presently:

- (a) Pullman
- (b) Wenatchee
- (c) Ellensburg
- (d) Clarkston
- (e) Othello
- (f) Omak
- (g) Colville
- (h) Colfax
- (i) Dayton
- (j) Goldendale
- (k) Chelan
- (l) Okanogan
- (m) Cashmere
- (n) Ritzville
- (o) Pomeroy
- (p) Cle Elum
- (q) White Salmon
- (r) Oroville
- (s) Newport
- (t) Coulee Dam
- (u) Davenport
- (v) Chewelah
- (w) Leavenworth
- (x) Brewster
- (y) Wilbur
- (z) Odessa

(2) Those sections of state highways designated on the map incorporated herein as Appendix A (WAC 173-440-900), together with those lands within a zone extending one mile (horizontal measure) to either side of

the highway right of way and all incorporated cities or towns bordering the designated sections of highway.

(3) Any area on either side of the Columbia, Snake, or Spokane Rivers within a zone extending one mile (horizontal measure) from the line of mean high water.

NEW SECTION

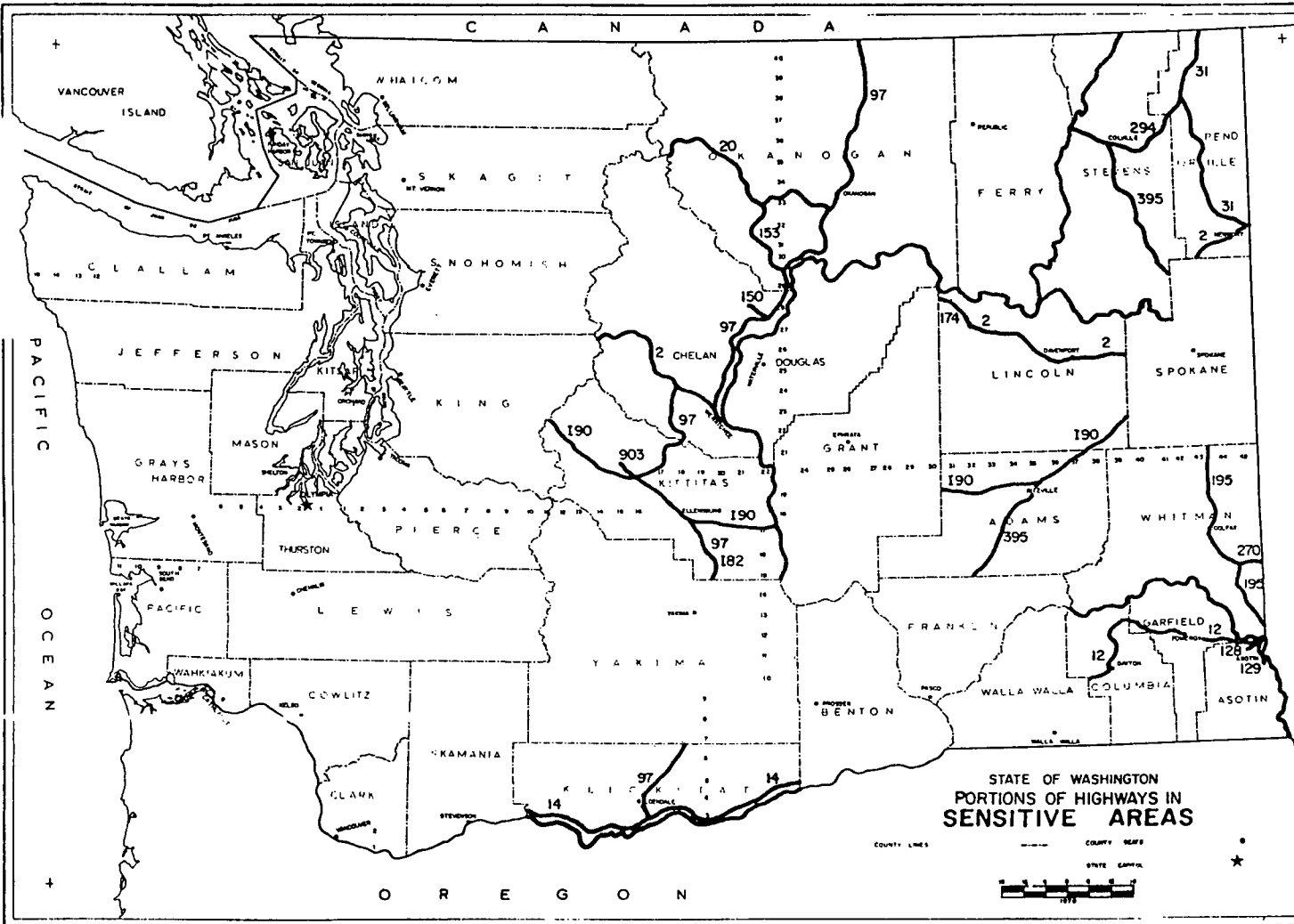
WAC 173-440-100 STANDARDS. In addition to all other applicable regulations the following more restrictive standards shall apply in sensitive areas for stationary sources in the categories listed.

Wigwam burners. All wigwam burners shall comply with the requirements of WAC 173-400-070 (1)(d).

NEW SECTION

WAC 173-440-900 APPENDIX A—MAP.

APPENDIX A



APPENDIX A

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-06-010 PURPOSE
- 18-06-020 APPLICABILITY
- 18-06-030 DEFINITIONS
- 18-06-040 SENSITIVE AREAS DESIGNATED
- 18-06-050 STANDARDS
- 18-06-900 APPENDIX A - MAP

WSR 87-19-077**ADOPTED RULES****DEPARTMENT OF ECOLOGY****(Air Pollution)**

[Order 87-16—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to chapter 173-450 WAC, establishing requirements for the receipt of financial aid; and repealing chapter 18-20 WAC.

This action is taken pursuant to Notice No. WSR 87-15-118 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.

By Phillip C. Johnson
Deputy Director

Chapter 173-450 WAC**ESTABLISHING REQUIREMENTS FOR THE RECEIPT OF FINANCIAL AID****WAC**

- 173-450-010 Purpose and applicability.
- 173-450-020 Definitions.
- 173-450-030 Limitations.
- 173-450-040 Applications.
- 173-450-050 Workable program.
- 173-450-060 Grant conditions.
- 173-450-070 Payments.
- 173-450-080 Changes, amendments and supplemental state financial aid.
- 173-450-090 Termination.
- 173-450-100 Federal grants.

NEW SECTION

WAC 173-450-010 PURPOSE AND APPLICABILITY. These rules and regulations are promulgated

under RCW 70.94.143, 70.94.305, and 70.94.385 of the Washington Clean Air Act to establish standard of eligibility for the granting of state and federal financial aid to air authorities.

NEW SECTION

WAC 173-450-020 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to requirements for financial aid as follows:

(1) "Applicant" means an air authority applying for state financial aid under the provisions of chapter 70.94 RCW.

(2) "Grantee" means an applicant for whom state financial aid has been approved by the department.

(3) "Locally funded portion" or "local funds" means the funds provided to the applicant air authority from sources available to it under chapter 70.94 RCW exclusive of state financial aid or federal funds designated specifically for air pollution.

(4) "Payment period" means the period of time for which money for state and federal financial aid is paid to the grantee upon receipt and approval by the department of a properly executed voucher.

(5) "Workable program" means a comprehensive statement of objectives for the prevention and control of air pollution and the existing and proposed measures to achieve these objectives as described in WAC 173-450-050.

NEW SECTION

WAC 173-450-030 LIMITATIONS. State financial aid shall be granted to air authorities qualifying under these regulations subject to the following limitations:

(1) State financial aid shall not exceed an amount equal to fifty percent of the locally funded portion of the annual recurring expenditures of such air authority in each of the first three years during which state financial aid is utilized by the air authority and shall not exceed an amount equal to one hundred percent of the locally funded portion in each following year.

(2) The department may limit the amount of financial aid available to a grantee when it becomes necessary due to the lack of sufficient funds available for distribution to meet the needs of all qualified grantees throughout the state.

(3) The department may limit the amount of financial aid to less than the amount for which the applicant applies when the department determines that proposed items of expenditure are not consistent with air pollution control program needs in the applicant's area of jurisdiction, or are not in the best interests of a coordinated state-wide air pollution control program, or where such items of expenditure duplicate the responsibilities and activities of the department.

NEW SECTION

WAC 173-450-040 APPLICATIONS. Applications for state financial aid shall be prepared and submitted on forms specified by the department under the following conditions:

(1) Applications shall be filed with the department and the department shall take action as to the disposition of an application within sixty-five days of its first presentation. Applications shall be approved, denied, or deferred: PROVIDED, That where action is deferred the applicant shall be advised of the reasons for such deferral and action shall be taken within a reasonable time.

(2) Applications must contain a statement of need for air pollution prevention and control in the applicant's jurisdiction.

(3) The applicant must describe a workable program and its objectives together with a proposed timetable of accomplishment.

(4) The application shall contain the budget of the air authority showing all anticipated revenue and sources of revenue, including requested state financial aid, and shall show proposed expenditures covering salaries, equipment and accessories, expendable supplies, travel, and such other information as may be deemed necessary by the department.

(5) Any air pollution control activity conducted by the applicant air authority during the twelve-month period immediately prior to the proposed grant period shall be described in the application, including funds budgeted and expended.

(6) It shall be the policy of the department in reviewing applications for state financial aid and in administering such financial aid to take into consideration the following factors:

(a) The implementation of coordinated state-wide air pollution prevention and control.

(b) The responsibilities of the department with respect to its jurisdiction over any areas or type of air contaminant sources and for monitoring the movement of air contaminants throughout the state.

(c) The needs and financial capability of the air authorities in the various areas of the state and the relative effectiveness of the air authorities.

(d) The capability and reasonable potential of the air authorities to perform.

(7) The department will, from time to time, determine or estimate the amount of state financial aid that will be available and advise the applicants, or potential applicants, as to the availability of such aid or supplemental aid.

NEW SECTION

WAC 173-450-050 WORKABLE PROGRAM. The applicant shall provide sufficient information to show that its workable program is designed to provide for effective prevention and control of air pollution through an orderly progression of development, establishment, and improvement of air pollution control programs.

(1) The initial activity of an applicant shall be the development of a plan designed to provide an evaluation of existing and potential air pollution within the jurisdiction of the applicant, including a general inventory of the types of air contaminant sources and their relative contribution to the air pollution problem; to provide for the initiation of air quality surveillance appropriate to the air contaminant sources over which the applicant will have jurisdiction; and to provide for the development of regulations appropriate to the existing air contaminant sources or those which may be reasonably anticipated.

(2) The establishment and improvement of air pollution control programs which constitute the operating control activity of an applicant, shall be oriented to attaining compliance with requirements and regulations of the applicant with respect to air contaminant sources under its jurisdiction.

(3) Sampling and monitoring programs shall be oriented to surveillance for control purposes with respect to those air contaminant sources under the applicant's jurisdiction, except as may be requested by the department to supplement the state-wide monitoring program.

(4) Budget for personnel, equipment and other operating expenses must be adequate to carry out the program during the grant period for which state financial aid is requested. Total funding from all sources shall provide, as a minimum, for the equivalent of one full time person: PROVIDED, That the department may approve the sharing of personnel with another agency, the utilization of part time staff, or persons under contract when these methods can be demonstrated as an effective means of carrying out the program and the purposes of the Washington Clean Air Act.

(5) The locally funded portion of the annual operating cost, budgeted and expended in any grant period for which application is made for state financial aid, shall not be less than the locally funded annual expenditure for air pollution control during the twelve-months' period immediately preceding the proposed grant period, unless it can be demonstrated by the applicant that there were necessary nonrecurring expenditures in the previous period or that the program objectives and the purposes of the Washington Clean Air Act can reasonably be met with a reduced expenditure.

NEW SECTION

WAC 173-450-060 GRANT CONDITIONS. (1) No grant of state funds shall be made to any grantee for a period in excess of twelve months.

(2) Any state financial aid granted shall be used solely for carrying out the program outlined in the approved application or approved amendment as provided in WAC 173-450-040 and 173-450-080.

(3) The grantee shall provide for and maintain such accounting, budgetary, and other fiscal procedures so as to assure the proper and efficient administration of funds. The fiscal records shall be such as to reflect currently the receipt and disposition of all funds including state financial aid. Such records and documents pertinent to the receipt and disposition of funds shall be kept available for review and audit.

(4) As a minimum the grantee shall submit quarterly financial and progress reports to the department.

NEW SECTION

WAC 173-450-070 PAYMENTS. (1) Grantees shall initiate requests for payment of state financial aid for the appropriate payment period utilizing properly executed vouchers furnished by the department. The voucher shall state the requested amount of state financial aid and the expenditure of local funds during the payment period. Local funds expended for any item may be shown as the appropriate portion of the total expenditure when the expenditure properly includes the use of, or anticipates, reimbursement with federal or state grant funds.

(2) Upon approval of the voucher by the department, payment for the appropriate payment period shall be authorized.

(3) Payments of state and federal financial aid shall be made by way of reimbursement as contained in the annual agreement payment schedule or otherwise mutually agreed upon, and changed by an amendment to the annual agreement. All expenditures claimed for reimbursement shall be subject to audit.

(4) Final payment of state and federal financial aid shall be based upon approved vouchers applied to the entire grant period.

(5) Vouchers for the final payment period during a grant period shall be submitted by the grantee by the 15th day of July of that year.

(6) The department may withhold approval of the vouchers submitted by the grantee if it finds that said grantee has failed to comply with any of the grant conditions or any other requirement or condition imposed by these regulations or chapter 70.94 RCW, for a period not to exceed thirty days. If at the end of such period the matter has not been resolved and the department has not approved said vouchers, the grantee may request an administrative hearing before the department.

NEW SECTION

WAC 173-450-080 CHANGES, AMENDMENTS AND SUPPLEMENTAL STATE FINANCIAL AID. (1) Changes in the workable program of a grantee during the grant period which would not substantially affect the workable program, nor increase the total cost to the state, and which are for the purpose of improving the operation and performance of the workable plan, may be made: PROVIDED, That written approval in advance is obtained from the department.

(2) Changes in the workable program of a grantee during the grant period which would significantly alter the workable program shall not be made until the grantee has submitted to, and the department has approved, an amendment to the original application.

(3) Application for supplemental state and federal financial aid may be made by the grantee when notice is given by the department that such supplemental funds

have become available. The application shall be made as an amendment to the previously approved workable program of the grantee and shall include proposed additions in or improvements to the workable program and proposed changes in the budget including the additional local funds to be provided. The department may approve additional financial aid to the extent such funds become available having considered the needs of all grantees throughout the state.

NEW SECTION

WAC 173-450-090 TERMINATION. The department may terminate state and federal financial aid, in whole or in part, to any grantee when it finds, after reasonable notice and opportunity for appeal to the director, that the grantee has failed to comply with any of the conditions of the approved application or amendments thereto or any of the requirements or conditions imposed by or pursuant to these regulations or the Washington Clean Air Act.

Upon the effective date of termination, the grantee shall promptly render an accounting and final statement as would similarly be required for request for payment of state financial aid under WAC 173-450-070. The department may authorize payment of the state's share of the amount required to settle at minimum cost any contractual obligations properly incurred by the grantee prior to the date of termination, if the department finds that the grantee acted in good faith in incurring the obligations.

NEW SECTION

WAC 173-450-100 FEDERAL GRANTS. The standards and requirements of these regulations establishing the eligibility of air authorities for state financial aid shall be equally applicable to the applications of such air authorities for federal grants.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

18-20-010 STANDARDS OF PURPOSE AND APPLICABILITY

18-20-020 DEFINITIONS

18-20-030 LIMITATIONS

18-20-040 APPLICATIONS

18-20-050 WORKABLE PROGRAM

18-20-060 GRANT CONDITIONS

18-20-070 PAYMENTS

18-20-080 CHANGES, AMENDMENTS AND SUPPLEMENTAL STATE FINANCIAL AID

18-20-090 TERMINATION

18-20-100 FEDERAL GRANTS

WSR 87-19-078
ADOPTED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)

[Order 87-17—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to chapter 173-421 WAC, motor vehicle emission control systems; and repealing chapter 18-24 WAC.

This action is taken pursuant to Notice No. WSR 87-15-116 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.

By Phillip C. Johnson
 Deputy Director

Chapter 173-421 WAC
MOTOR VEHICLE EMISSION CONTROL SYSTEMS

WAC

173-421-010	Purpose.
173-421-020	Assumption of jurisdiction and applicability.
173-421-030	Definitions.
173-421-100	Emission control systems.

NEW SECTION

WAC 173-421-010 **PURPOSE.** This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes requirements to preserve emission control equipment installed on motor vehicles.

NEW SECTION

WAC 173-421-020 **ASSUMPTION OF JURISDICTION AND APPLICABILITY.** The department finds that the prevention and control of air pollution from motor vehicles should be regulated on a state-wide basis and, hereby assumes jurisdiction over motor vehicles for the purpose of controlling air contaminant emissions from the operation of such motor vehicles.

NEW SECTION

WAC 173-421-030 **DEFINITIONS.** Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of

Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to motor vehicle emission control systems as follows:

"Motor vehicle" means a self-powered operating vehicle or one capable of operating, designed to transport people or property, and of a type required to be licensed for operation on public highways.

NEW SECTION

WAC 173-421-100 **EMISSION CONTROL SYSTEMS.** A person shall not remove or render inoperable any component or change any element of design of a motor vehicle including adjustments outside the range of manufacturer's specifications that could affect the amount of air contaminants emitted from that vehicle subject to the following conditions:

(1) Components of emission control systems may be disassembled and assembled for the purpose of repair and maintenance. These components or elements of design shall be restored to proper working order when they are repaired or maintained.

(2) When components of emission control systems require replacement they may be removed and replaced with a part intended by the vehicle manufacturer as a replacement part for that specific vehicle. Under circumstances established by the United States Environmental Protection Agency, an aftermarket replacement part may be used. A replaced part shall be installed and adjusted so that it is in proper working order.

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-24-010 STATEMENT OF PURPOSE AND APPLICABILITY
- 18-24-020 DEFINITIONS
- 18-24-030 ASSUMPTION OF JURISDICTION
- 18-24-040 STANDARDS OF MOTOR VEHICLES

WSR 87-19-079

ADOPTED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)

[Order 87-18—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to Informational reporting by thermal power plants—Aluminum plants and chemical wood pulp mills, repealing chapter 18-28 WAC.

This action is taken pursuant to Notice No. WSR 87-15-123 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.
By Phillip C. Johnson
Deputy Director

- 173-470-100 Ambient air quality standards.
- 173-470-110 Particle fallout standards.
- 173-470-150 Method of measurement.
- 173-470-160 Reporting of data.

NEW SECTION

WAC 173-470-010 PURPOSE. This chapter promulgated under RCW 70.94.305 and 70.94.331 establishes maximum acceptable levels for particulate matter in the ambient air. Particulate matter is characterized in criteria developed by the United States Environmental Protection Agency.

NEW SECTION

WAC 173-470-020 APPLICABILITY. The provisions of this chapter apply to all areas of the state of Washington.

NEW SECTION

WAC 173-470-030 DEFINITIONS. Unless a different meaning is clearly required by context, words and phrases used in this chapter shall have the following meanings; general terms common with other chapters of Title 173 WAC as defined in chapter 173-403 WAC, and terms specific to standards for particulates as follows:

- (1) "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than a few hundred microns.
- (2) "Total suspended particulates" means airborne particulate matter, collected on eight by ten inch sheets of flash-fired glass fiber filter web of specified collection efficiency, using a high-volume air sampler or an equivalent collection system.

NEW SECTION

WAC 173-470-100 AMBIENT AIR QUALITY STANDARDS. Particulate matter in the ambient air as measured shall not exceed the values listed below:

- (1) The total suspended particulate concentration measured at any primary air monitoring station shall not exceed:
 - (a) Sixty micrograms per cubic meter ($60 \mu\text{g}/\text{m}^3$) of air as an annual geometric mean.
 - (b) One hundred fifty micrograms per cubic meter ($150 \mu\text{g}/\text{m}^3$) of air as a maximum twenty-four-hour concentration more than once per year.
- (2) In recognition of natural dust in areas of the state, east of the Cascade range crest the concentration of particulate matter measured by a primary air mass station (PAMS) is reduced by the concentration measured at approved background locations as follows:
 - (a) When background concentrations are greater than thirty micrograms per cubic meter ($30 \mu\text{g}/\text{m}^3$) of air on individual sampling days, the PAMS's concentration less background shall not be greater than one hundred twenty micrograms per cubic meter ($120 \mu\text{g}/\text{m}^3$) of air for any twenty-four-hour period more than once per year.
 - (b) When background concentrations are greater than twenty micrograms per cubic meter ($20 \mu\text{g}/\text{m}^3$) of air

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-28-010 STATEMENT OF PURPOSE AND APPLICABILITY
- 18-28-020 DEFINITIONS
- 18-28-030 SUBMISSION OF INFORMATION
- 18-28-040 INTERIM PROCEDURE
- 18-28-050 CONFIDENTIAL INFORMATION

WSR 87-19-080
ADOPTED RULES
DEPARTMENT OF ECOLOGY
(Air Pollution)
[Order 87-19—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to chapter 173-470 WAC, ambient air quality standards for particulate matter; and repealing chapter 18-40 WAC.

This action is taken pursuant to Notice No. WSR 87-15-119 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.
By Phillip C. Johnson
Deputy Director

Chapter 173-470 WAC
AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER

- WAC
- 173-470-010 Purpose.
 - 173-470-020 Applicability.
 - 173-470-030 Definitions.

as an annual geometric mean, the PAMS's concentration less background shall not be greater than forty micrograms per cubic meter ($40 \mu\text{g}/\text{m}^3$) of air as an annual geometric mean.

NEW SECTION

WAC 173-470-110 PARTICLE FALLOUT STANDARDS. Particle fallout shall not exceed the standards enumerated below at the conditions stated.

(1) The particle fallout rate measured at a primary air mass station, ground level monitoring station or special station shall not exceed:

(a) Ten grams per square meter ($10 \text{ g}/\text{m}^2$) per month in an industrial area; or

(b) Five grams per square meter ($5 \text{ g}/\text{m}^2$) per month in an industrial area if visual observations show a presence of wood waste and the volatile fraction of the sample exceeds seventy percent.

(c) Five grams per square meter ($5 \text{ g}/\text{m}^2$) per month in residential and commercial areas.

(d) Three and one-half grams per square meter ($3.5 \text{ g}/\text{m}^2$) per month in residential and commercial areas if visual observations show the presence of wood waste and the volatile fraction of the sample exceeds seventy percent.

(2) In recognition of natural dust in areas of the state, the following exceptions apply to areas east of the Cascade range crest. When concentrations measured at approved background locations exceed three and one-half grams per square meter ($3.5 \text{ g}/\text{m}^2$) per month, the particle fallout rate measured at a primary air mass station, ground level monitoring station or special station, shall not exceed:

(a) Six and one-half grams per square meter ($6.5 \text{ g}/\text{m}^2$) per month plus background in an industrial area; or

(b) One and one-half grams per square meter ($1.5 \text{ g}/\text{m}^2$) per month plus background in residential and commercial areas.

The provisions of WAC 173-470-110 (1)(b) and (d) pertaining to wood waste shall continue to apply regardless of background.

NEW SECTION

WAC 173-470-150 METHOD OF MEASUREMENT. Sampling and analysis for particulate matter shall be conducted according to methods approved by and on file with the department. Methods equivalent in sensitivity, accuracy, reproducibility, and selectivity to the approved standard method may be used after approval by the department.

NEW SECTION

WAC 173-470-160 REPORTING OF DATA. (1) Air authorities sampling for particulate matter shall notify the department of all infractions of these standards. Notification shall be made quarterly. A quarterly summary of all samples greater than the standards shall be submitted within sixty days of the end of each calendar quarter. Quarterly data shall include:

(a) Location of sampler.

(b) Time period (day and year).

(c) Individual concentrations recorded at each air monitoring station.

(d) The applicable geometric or arithmetic mean for each monitoring station (first quarter report only for previous calendar year).

(2) If particulate matter values greater than the standards are measured by the department, the air authority shall be notified quarterly. This notification shall include:

(a) Location.

(b) Time or time period.

(c) Concentrations recorded.

(d) The applicable geometric or arithmetic mean (first quarter report only for previous calendar year).

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

18-40-010 PREAMBLE
 18-40-020 DEFINITIONS
 18-40-030 AIR QUALITY STANDARD
 18-40-040 AIR QUALITY OBJECTIVE
 18-40-050 METHOD OF MEASUREMENT
 18-40-060 REPORTING OF DATA
 18-40-990 APPENDIX I - HIGH VOLUME SAMPLING SCHEDULE
 18-40-991 APPENDIX II - METHOD OF DETERMINATION OF REPORTING

WSR 87-19-081

ADOPTED RULES

DEPARTMENT OF ECOLOGY

(Air Pollution)

[Order 87-20—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to particle fallout, repealing chapter 18-44 WAC.

This action is taken pursuant to Notice No. WSR 87-15-124 filed with the code reviser on July 22, 1987. 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 Washington Department of Ecology as authorized in chapter 70.94 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 September 8, 1987.

By Phillip C. Johnson
 Deputy Director

REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE ARE HEREBY REPEALED:

- 18-44-010 PREAMBLE
- 18-44-020 DEFINITIONS
- 18-44-030 AIR QUALITY STANDARD
- 18-44-040 AIR QUALITY OBJECTIVE
- 18-44-050 METHOD OF MEASUREMENT AND ANALYSIS
- 18-44-060 REPORTING OF DATA
- 18-44-990 APPENDIX I - COLLECTION AND ANALYSIS OF PARTICLE FALLOUT

WSR 87-19-082**ADOPTED RULES****DEPARTMENT OF COMMUNITY DEVELOPMENT**

[Order 87-18—Filed September 16, 1987]

I, John Swannack, acting deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to bond cap allocation.

This action is taken pursuant to Notice No. WSR 87-16-097 filed with the code reviser on August 5, 1987. 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 297, Laws of 1987, 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 14, 1987.

By John Swannack
Acting Deputy Director

Chapter 365-135 WAC
BOND CAP ALLOCATION

WAC

- 365-135-010 Purpose.
- 365-135-020 Definitions.
- 365-135-030 Initial allocations.
- 365-135-040 Procedure for obtaining an allocation, extension, or carryforward.
- 365-135-050 Fees.
- 365-135-060 Criteria for small issue (industrial revenue) bonds.

NEW SECTION

WAC 365-135-010 PURPOSE. The federal Tax Reform Act of 1986 imposes an annual ceiling on each state limiting the dollar volume of certain private activity bonds that can be issued. To allocate this ceiling among eligible issuers in Washington state, chapter 297,

Laws of 1987 has been enacted. In accordance with the statute, the department of community development will allocate the state's private activity bond ceiling and establish by rule a fee schedule. The department will carry out such functions through the bond cap allocation program (BCAP).

NEW SECTION

WAC 365-135-020 DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly provides otherwise.

Allocation assessment: The fee which is comprised of both the issuer's filing fee and approval fee and is assessed by the department upon an issuer, based upon the following formula: 1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Approval fee: The amount of an issuer's allocation assessment less the filing fee.

Department: The Washington state department of community development.

Filing fee: A fee which is payable to the department in the amount of three hundred dollars and is due from the issuer upon filing an allocation request.

Reallocation: The assignment of an unused portion of the state ceiling from one bond use category to another or the provision of a certificate of approval to any issuer for an allocation amount which previously had been returned to the department.

Statute: Chapter 297, Laws of 1987.

NEW SECTION

WAC 365-135-030 INITIAL ALLOCATIONS. Initial allocations shall be made in accordance with provisions of the statute. In addition, until September 1 of each calendar year, at least twenty-five percent of the initial allocation for the small issue bond use category shall be reserved for the community economic revitalization board's umbrella bond program, except that this amount may be reduced if the board indicates that a reduced amount is appropriate.

NEW SECTION

WAC 365-135-040 PROCEDURE FOR OBTAINING AN ALLOCATION, EXTENSION, OR CARRYFORWARD. No issuer may receive an allocation of the state ceiling without a certificate of approval from the department.

Issuers may apply for a certificate of approval by submitting a completed allocation request form to the department and paying a three hundred dollar filing fee. An allocation request form will be available from the department.

The department will respond to any such completed request in accordance with the statute. Each issuer that receives a certificate of approval for allocation will be concurrently notified of an approval fee due. The issuer must either confirm its intention to use its allocation by paying the approval fee in accordance with WAC 365-135-050 (3)(b) or lose the allocation approval. If an issuer does not issue private activity bonds or mortgage

credit certificates in the amount and by the date for which it has received a certificate of approval, the unused amount shall revert to the department for reallocation, unless an extension or carryforward is granted.

An issuer may apply for an extension or carryforward of its allocation by submitting its request to the department and supplying any additional information required by the department. The department will promptly notify the issuer if any fees are due and respond to the request for extension or allocation in a timely manner.

NEW SECTION

WAC 365-135-050 FEES. A fee schedule is hereby established, which will consist of:

- (1) A filing fee, due at the time a request is filed with the department of community development; and
- (2) An approval fee, due after the department approves an allocation amount for an issuer; and
- (3) In certain cases, an extension or carryforward fee.

If an issuer's allocation request is denied, only the filing fee is due. The filing fee and the approval fee together comprise the issuer's allocation assessment, the total amount of which is based on the following formula:

1/40 of one percent (.00025) of the approved allocation amount or five hundred dollars, whichever is greater.

Annually, the department will determine if an adjustment of the fees is warranted by reviewing the account of BCAP revenues and expenses for the preceding fiscal year and by considering BCAP budget projections for the following fiscal year.

Payment of the fees will occur as indicated by the schedule below.

(a) Filing. Upon filing an allocation request, the issuer must submit a nonrefundable filing fee of three hundred dollars, which will count as part of the total allocation assessment if an allocation of the state ceiling is granted. The issuer may also elect to pay in advance any additional amount toward the balance of its anticipated allocation assessment.

(b) Approval. Any request that receives allocation approval will be concurrently notified of the approval fee amount due. The approval fee represents the unpaid balance of the allocation assessment. Within fifteen business days from the date the department of community development grants an allocation approval, the issuer must submit the approval fee or lose the allocation approval, except that any amount of the approval fee greater than one thousand dollars may be payable within ten business days from the date the bond sale is closed or at such date as agreed upon by both the department and the issuer.

(c) Extensions and carryforwards. The department may assess an additional filing fee, not to exceed two hundred fifty dollars, upon any request for extension or carryforward. However, if the BCAP administrator determines that an issuer's allocation assessment includes a sufficient amount to pay for the additional administrative expenses associated with granting or denying such a request, the additional fee shall be waived.

(d) Refunds. If a requesting issuer pays any fee greater than the amount assessed by the department, that amount shall be refunded by the department.

NEW SECTION

WAC 365-135-060 CRITERIA FOR SMALL ISSUE (INDUSTRIAL REVENUE) BONDS. In addition to the statute, the following guidelines will be used as criteria for evaluating small issue requests:

(1) Until June 1 of each year, a minimum percentage of the ceiling available for small issues will be set aside for issuers in those locations which BCAP designates by certain geographic and distress indicators, as follows:

Designation	Allocation set-aside
East/distressed	15% or greater
West/distressed	15% or greater
East/nondistressed	10% or greater

(2) In evaluating the number of employment opportunities a project would offer in relationship to the dollars which would be allocated from the ceiling, priority will be given to those projects, relative to their appropriate designation, which do not exceed the following ratios for dollars allocated per job:

Designation	\$ (in thousands) per job offered
East/distressed	\$292.2/job
East/nondistressed	121.6/job
West/distressed	246.2/job
West/nondistressed	206.6/job
State-wide	216.8/job

(3) If the department finds that a particular project does not meet the guidelines in this section, but is nonetheless in the best interest of the state, the department may approve the request. Factors that may lead to such a finding include the following:

(a) The level of unemployment in a particular community within a county, to the extent that figures are available from the Washington state employment security department; and

(b) The number of secondary or spin-off jobs expected to be generated by the project.

(4) If demand for allocation exceeds the amount available, priority will be given to counties designated as distressed, using unemployment figures from the employment security department.

(5) The department will review these guidelines at least annually.

WSR 87-19-083
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed September 16, 1987]

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 Seattle, city of, amending WAC 173-19-2521.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 10, 1987.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 87-13-074 filed with the code reviser's office on June 17, 1987.

Dated: September 16, 1987

By: Phillip C. Johnson
Deputy Director, Programs

WSR 87-19-084
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed September 16, 1987]

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 Okanogan County, amending WAC 173-19-320;

that the agency will at 2:00 p.m., Wednesday, September 23, 1987, in Room 154, Abbott Raphael Hall, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 29 at 2:15 p.m.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-16-102 filed with the code reviser's office on August 5, 1987.

Dated: September 10, 1987

By: Phillip C. Johnson
Deputy Director, Programs

WSR 87-19-085
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 87-23—Filed September 16, 1987]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Mercer Island, city of, amending WAC 173-19-2515.

This action is taken pursuant to Notice No. WSR 87-17-001 filed with the code reviser on August 6, 1987. 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 90.58.120 and [90.58].200 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 16, 1987.

By Phillip C. Johnson
Deputy Director of Programs

AMENDATORY SECTION (Amending Order 85-17, filed 6/18/85)

WAC 173-19-2515 MERCER ISLAND, CITY OF. City of Mercer Island master program approved September 24, 1974. Revision approved May 14, 1981. Revision approved June 18, 1985. Revision approved September 16, 1987.

WSR 87-19-086
NOTICE OF PUBLIC MEETINGS
BOARD FOR VOCATIONAL EDUCATION
[Memorandum—September 14, 1987]

The newly created State Board for Vocational Education held its first meeting on August 26, 1987. At that meeting, the board members officially agreed to set two future meeting dates. The meeting dates are as follows:

Friday, October 30, 1987
Monday, December 14, 1987

WSR 87-19-087
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-125—Filed September 16, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 moving the Grays Harbor boundary to the west affords additional opportunity to harvest available salmon.

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 September 16, 1987.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000V SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190:

(1) Effective immediately until further notice:

(a) It is unlawful to fish for or possess salmon taken for personal use in Puget Sound waters west of the mouth of the Sekiu River, Pacific Ocean waters, and Washington waters west of the Buoy 10 line.

(b) In Punch Card Areas 5 and 6, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length, and it is unlawful to fish for salmon from 12:01 a.m. to 11:59 p.m. Friday of each week.

(c) In Punch Card Areas 7, 8, and 9, special bag limit of two salmon per day, but chinook salmon must be not less than 22 inches in length.

(d) Those waters of Area 8 lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the State Highway 532 Bridge between Camano Island and the mainland, and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough are closed to salmon angling.

(2) Effective September 16 until November 30, 1987, Bag Limit A in those waters of Grays Harbor east of a line from the outermost tip of the north jetty to the outermost tip of the south jetty, except that chinook salmon greater than 28 inches in length must be released immediately.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000U SALTWATER SEASONS AND BAG LIMITS. (87-124)

WSR 87-19-088**ADOPTED RULES****UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-276, Cause No. TV-2092—Filed September 17, 1987]

In the matter of amending WAC 480-12-010, 480-12-020, 480-12-025, 480-12-030, 480-12-031, 480-12-045, 480-12-070, 480-12-100, 480-12-110, 480-12-125, 480-12-127, 480-12-130, 480-12-135, 480-12-150, 480-12-200, 480-12-205, 480-12-235, 480-12-250, 480-12-260, 480-12-295 and 480-12-321; and repealing WAC 480-12-175.

This action is taken pursuant to Notice No. WSR 87-16-039 filed with the code reviser on July 29, 1987. The 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 87-16-039 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, September 9, 1987, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioner 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 September 4, 1987. 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, September 9, 1987, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington.

At the September 9, 1987, meeting the commission considered the rule change proposal. No written or oral comments were submitted.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-010, 480-12-020, 480-12-025, 480-12-030, 480-12-031, 480-12-045, 480-12-070, 480-12-100, 480-12-110, 480-12-125, 480-12-127, 480-12-130, 480-12-135, 480-12-150, 480-12-200, 480-12-205, 480-12-235, 480-12-250, 480-12-260, 480-12-295 and 480-12-321 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof; and that WAC 480-12-175 should be repealed. The above-listed sections as amended are designed to simplify and clarify many motor carrier rules now in effect. While most are house-keeping in nature, more substantive amendments are those to WAC 480-12-010 which increases the charge for replacement of or additional rule books to \$7.50, to cover costs; WAC 480-12-125 which increases the charge for reissuance of lost permits to \$5.00; WAC 480-12-235 which is intended to expedite settlement of claims for loss and damage; and WAC 480-12-260 relating to the issuance and contents of bills of lading.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-010, 480-12-020, 480-12-025, 480-12-030, 480-12-031, 480-12-045, 480-12-070, 480-12-100, 480-12-110, 480-12-125, 480-12-127, 480-12-130, 480-12-135, 480-12-150, 480-12-200, 480-12-205, 480-12-235, 480-12-250, 480-12-260, 480-12-295 and 480-12-321 as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2); and that WAC 480-12-175 be repealed.

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 16th day of September, 1987.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-010 RULE BOOK MUST BE IN MAIN OFFICE—CHARGE FOR REPLACEMENT.

(1) All carriers operating under these rules are required to keep a copy of same on file in their main office at all times, and to regularly insert all revised pages issued by the commission so that the rule book contains all the current rules.

(2) The original book to noncarriers, replacement of lost books, or additional rule books will be charged for at (~~(\$2.00)~~) seven dollars fifty cents, plus retail sales tax, for each copy.

(3) Failure to comply with subsection (1) of this (~~(rule)~~) section will subject permittee to penalty.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-020 REMITTANCES. (1) Remittances to the commission may be by money order, bank draft, company check, or certified check payable to the Washington utilities and transportation commission. Personal checks, if drawn on a bank in the state of Washington, will be accepted subject to collection.

(2) Remittances in currency or coin are wholly at the risk of the remitter. The commission assumes no responsibility for loss of currency or coin sent by mail.

(3) Do not remit postage stamps, except when so directed.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-025 ADDRESS, CHANGE OF. A change in the address of the principal place of business of any carrier must immediately be reported to the commission in writing.

AMENDATORY SECTION (Amending Order R-50, filed 8/8/73)

WAC 480-12-030 APPLICATIONS. (1) Applications for permits or extensions for permanent or temporary common or contract authority, requests for permanent or temporary authority to transfer outstanding common or contract carrier permits, and requests for permanent or temporary authority to acquire control of common or contract carriers, shall be made on forms furnished by the commission and, in accordance with any instructions accompanying the forms, shall contain all the information required therein, and shall be accompanied by the documents and exhibits specified in

the application form or instructions and the fee of one hundred fifty dollars for applications for permanent authority including applications for extensions, thirty-five dollars for applications for temporary authority, (~~(thirty-five dollars for applications for "seasonal agricultural carrier" permits as provided in WAC 480-12-105,)~~) and thirty-five dollars for applications for a change of corporate name. No application will be accepted for filing until all required information is supplied, and in the case of applications for permits or extensions, until the authority sought has been expressed in clear and acceptable permit terminology. In the case of a transfer of a portion of a permit, the applicant must also submit a proposed revision of the balance of the permit which complies with WAC 480-12-050(5), which proposed revision will be docketed along with the transfer application.

(2) Notwithstanding the foregoing, applications to register ICC operating authority with the commission shall be accompanied by the fee of twenty-five dollars for motor carriers who have not previously filed currently effective applications for such registration and the fee of ten dollars for motor carriers who have previously filed currently effective applications for such registration.

(3) All exhibits or papers submitted with application must be plainly written or typed on one side of the paper only, such paper to be of standard letter size, 8 1/2 by 11 inches.

AMENDATORY SECTION (Amending Order R-192, Cause No. TV-1627, filed 7/28/82)

WAC 480-12-031 PETITION TO AMEND PERMIT TO INCORPORATE COMMERCIAL ZONE AUTHORITY. Any common carrier (~~(who has)~~) which, on July 28, 1982, had authority to transport general freight between two points in a commercial zone as defined in WAC 480-12-081 may petition the commission to amend its permit to include commercial zone authority. Common carriers who desire this amendment must notify the commission within sixty days of the effective date of these rules. The petition must be on a form provided by the commission and must be accompanied by an administrative fee of one hundred fifty dollars.

AMENDATORY SECTION (Amending Order R-70, filed 1/29/75, effective 3/1/75)

WAC 480-12-045 APPLICATION FOR PERMANENT AUTHORITY, DOCKETING—PROTESTS—HEARINGS. For the purposes of this rule, applications for permanent authority shall include applications for permanent common or contract carrier authority or extensions thereof, requests for authority to transfer outstanding common or contract carrier permits, and requests for authority to acquire control of common or contract carriers.

(1) All applications for permanent authority (except applications for combination of services(~~(:)~~)) by log contract carriers, filed under the provisions of RCW 81.80-.060, shall be published in the commission's weekly application docket, to be mailed on the first business day of each week.

(2) The weekly application docket will set forth the name and address of the applicant and the name and address of his attorney or agent, if any, and a description of the authority sought. The docket shall be mailed to the applicant, and, upon written requests to all carriers, or their attorneys or agents, and to other persons having a valid interest in application proceedings.

(3)(a) Any person having a valid interest adverse to the application may file with the commission its protest to the application, in two copies, within 30 days after the date of the weekly docket on which the application was published. A copy of the protest shall also be served upon the applicant's attorney or agent (or applicant if no representative is named in the docket), and there shall appear on the copies filed with the commission a certificate of service reading: "I hereby certify that I have this day served a copy of this protest upon the applicant or his attorney or his authorized agent by mailing it properly addressed with postage prepaid" and followed by date and signature of the protesting person, his attorney or his authorized agent.

(b) Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. If the protest is directed to only a portion of the rights sought, the protestant shall set forth that portion to which it objects. In the case of applications made under RCW 81.80.270, if an allegation of inactivity is directed to only a portion of the rights involved in the transaction, the rights alleged to be inactive shall be specifically set forth. Where a protestant has a limited interest in an application, which possibly could be eliminated by a restrictive amendment to the application, which amendment must be acceptable to the commission, it may also include in the protest an offer to withdraw the protest in the event of acceptance by applicant and the commission of such amendment. Protests shall set forth the approximate number of witnesses to be presented by the protestant and an estimate of the hearing time for such presentation. Protests shall contain a certification that, if an oral hearing is held, the protestant will appear at the hearing.

(c) Protests may be signed either by the protesting party or by his duly authorized attorney or agent; and if by attorney or agent shall contain the name of the person or persons in whose behalf the same is filed. Protests also may be filed in the name of a transportation industry organization, association, or conference on behalf of its members and shall specify the names of the individuals in whose interests it is filed. Such protests shall contain a list of currently active members and be signed by an authorized representative of the organization, association, or conference~~((, and the organizations, associations, or conferences filing such protests shall maintain on file with the commission lists of their current membership))~~.

(d) No person who fails to file a protest as provided herein will be permitted to intervene at the hearing. Failure seasonably to file a protest as provided herein will be construed as a waiver of opposition and participation in the hearing.

(e) Protests not in reasonable compliance with the requirements of this subsection shall be rejected by the commission.

(4)(a) Unless applicant has certified at the time of filing the application that it is ready to proceed upon the expiration of the 30-day protest period, if protests to its application have been filed, applicant shall, within 30 days after the period for filing protests has expired, notify the commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application. Failure so to notify the commission will be construed to mean that applicant has no further interest in the application, and the application will thereupon be dismissed by the commission.

(b) Notice of the time, date, and place of hearing will be given to all parties of record.

(c) A request by any party for a change in the time, date, or place of an assigned hearing must be in writing, must set forth good and sufficient cause for the request, and be filed with the commission not less than 10 days before the assigned hearing date and must be served on all other parties. Only in emergency circumstances may such request be filed less than 10 days before the assigned hearing date and shall set forth in writing the reasons therefor and must be served on all other parties. Notice of change in time, date, or place of hearing will be given to all parties of record by the commission.

(5)(a) Except for good cause shown, any application upon which a hearing has been ordered by the commission shall be dismissed without further notice for failure of the applicant to appear at the hearing and present evidence in support of its application and said dismissal may provide that the application may not be refiled for a period of 90 days thereafter. Application fees are intended partially to defray the expense of handling and processing applications and are not subject to refund.

(b) Except where a restrictive amendment has been made as provided in subdivision (3)(b) of this section, or for good cause shown, the failure of any person filing a protest to an application to appear at a hearing thereon shall be construed as a waiver of its right to participate further in the proceedings, and the protest of such person shall be deemed abandoned.

(6) If the period for filing protests expires without any protest having been filed with the commission, or if a protest has been filed and is later withdrawn or abandoned, the commission may allow the application to be presented by verified statements. If the application is processed without hearing, the applicant shall, within 15 days of being notified, submit verified statements of witnesses containing the facts to which the witnesses would testify at a hearing if one were held, and otherwise such application shall be dismissed.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-070 PERMIT RIGHTS DEFINED—CLASSIFICATION OF CARRIERS. Rights contained in permits shall be defined and construed, and carriers classified according to ~~((Appendix "A" herein, entitled "Classification of brokers, forwarders and motor~~

carriers of property.")) WAC 480-12-990. Where specific territory or areas in permits are designated by geographical names, these shall have the meanings stated in Appendix "A" for all permits. Example: When the term southwest Washington is used it shall mean the said specified counties or portions thereof as listed in Appendix "A."

AMENDATORY SECTION (Amending Order 136, Cause No. TV-1286, filed 12/12/79)

WAC 480-12-100 FORWARDERS AND BROKERS. (1) For the purpose of these rules a "forwarder" shall be defined as a person engaged in the business of soliciting, collecting or assembling shipments for the purpose of combining the same into a shipment of such size as to be entitled to a quantity rate and who forwards such shipment in his own name and at his own risk by a common carrier at such quantity rate.

(2) A "broker" is a person engaged in the business of providing, contracting for or undertaking to arrange for, transportation of property by two or more common carriers.

(a) A broker's compensation shall be in the form of a fixed fee or percentage of the total tariff charges which shall be fixed and established by the commission based upon evidence submitted by the affected party or parties, which in every instance must be collected from the shipper by the broker and no charge for any service shall be collected from the carrier. Every common carrier broker shall collect his fee, or percent of the total revenue charges, as a separate item and in accordance with the provisions of WAC 480-12-340 credit, extension of, by common carriers. Unless specifically authorized by the commission no common carrier broker authorized to collect charges from shippers for common carrier brokerage service shall collect from said shipper the common carrier tariff charges arising from the highway transportation of the property: **PROVIDED**, That these provisions will not apply to any person holding a broker permit issued by the commission prior to ~~((the effective date of this rule))~~ April 16, 1971. Such brokers may continue to operate under the terms and conditions specified in their broker permit and under the commission rules which were in effect at the time their broker permit was issued.

(3) A carrier holding a highway transportation permit or an agent of such carrier, may not act as a shipper's agent, except as may be specifically authorized by a common carrier forwarder permit or a common carrier broker permit.

(4) A permit shall not be issued authorizing any one person to operate both as a broker and a forwarder.

(5) A forwarder shall not be permitted to charge rates which are lower than those prescribed for common carriers by motor vehicle. Such forwarder shall ship only over the lines of common carriers holding permits authorizing the transportation of general freight by motor vehicle.

(6) A common carrier broker, who also holds a common carrier permit authorizing highway transportation, may not perform highway transportation of the property

of a shipper for which a common carrier brokerage service is rendered in equipment acquired by lease from another common carrier holding its own authority to provide the service.

(7) Every shipper, or group or association of shippers engaged in consolidating or distributing freight for themselves or for their members, and who wish to claim exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80.045], shall notify the commission promptly upon beginning such services and, in addition, shall comply with the following:

Complete and file with the commission, by April 1 following each year in which an exemption is claimed, a statement of nonprofit status, notarized and dated, in substantially the following form:

The undersigned has (have) performed services as freight forwarder claiming exempt status under chapter 138, Laws of 1979 ex. sess. [RCW 81.80.045], in the year, beginning in the month of There was no intent to perform such services for a profit, and no profit was in fact made.

.....
(Signature of forwarders)

Subscribed and sworn to before me this day of, 19

.....
Notary Public for the state of Washington in and for the county of

AMENDATORY SECTION (Amending Order R-188, Cause No. TV-1596, filed 6/2/82)

WAC 480-12-110 PERMIT, MUST ABIDE BY—"TACKING"—EXTENSION. (1) A permit to operate as a common or contract carrier shall embrace authority for a certain specific route, or routes, or territory, and for a certain specific commodity or commodities over the routes or within the territory so authorized. The permit shall also show the type of service, whether scheduled or nonscheduled, whether over regular or irregular routes ~~((and whether radial or nonradial service))~~.

(2) No change of service may be made without a revision of permit by the commission.

(3) Every carrier must adhere strictly to the scope of his permit and any deviation will be a violation thereof.

(4) Permits authorizing service within a certain radial distance from a given point shall be construed as authorizing such service within the given distance by "road miles" rather than by "air miles."

(5) A common carrier of general freight may combine, join, or "tack" any regular route authorities, or any regular and irregular route authorities, contained in its permit so long as the combining, joining, or "tacking" is conducted through a common point, which point can be either terminal or intermediate on the regular route and need not be named. No common carrier of general freight having irregular route authorities in its permit

shall combine, join, or "tack" such authorities to provide a through service except upon application to the commission and its finding that such through service will be in the public interest.

(6) The operating authority of a permit holder cannot be extended except upon order of the commission and shall not, in any event, be extended automatically by political action such as annexation of territory by a municipality.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-125 LOST PERMITS. Application for the issuance of a duplicate permit shall be in writing and accompanied by an affidavit of the holder thereof showing that the original permit has been lost or destroyed, and shall be accompanied by a fee of ~~((two))~~ five dollars.

Should the original permit subsequently be found, it must be forwarded to the commission immediately.

AMENDATORY SECTION (Amending Order R-34, filed 12/8/71)

WAC 480-12-127 REGISTERED CARRIERS. (1) Carriers engaged exclusively in interstate or foreign commerce are declared to be registered carriers. Those operating under authority issued by the Interstate Commerce Commission shall have their registration number prefixed by "RC." Those operating under the exemptions of the Federal Motor Carrier Act shall be prefixed "RE." Those presently holding permits with the Washington utilities and transportation commission shall be automatically converted to registered carriers with the same registration number as under their present permit. Registered carriers need only comply with such rules and regulations as specifically refer to them or to equipment operated exclusively in interstate commerce across or between points in the state and points outside of the state.

(2) By reference, the Washington utilities and transportation commission hereby adopts the rules promulgated by the National Association of Regulatory Utility Commissioners and adopted by the Interstate Commerce Commission under PL 89-170 and codified as Part 1023 of Title 49 of the Code of Federal Regulations. Notwithstanding the provisions of any rule herein contained, carriers who qualify may elect to operate in strict accordance with such rules.

(3) "RC" carriers may meet insurance requirements by filing with the Washington utilities and transportation commission a copy of their insurance filing with the Interstate Commerce Commission. "RE" carriers must meet the same insurance requirements as for permit holders as required by WAC 480-12-350, 480-12-355, 480-12-360 and 480-12-365.

~~((4) All registered carriers and permit holders must file and keep current an equipment list of power vehicles being used exclusively in interstate commerce where the vehicle actually crosses the state line.))~~

AMENDATORY SECTION (Amending Order R-120, Cause No. TV-1172, filed 12/6/78)

WAC 480-12-130 IDENTIFICATION CARDS—AMENDMENT—SUBSTITUTION. (1) No vehicle of combination of vehicles operated by a common or contract carrier or registered carrier upon the highways of this state or the streets of regulated cities shall be so operated without having available within the cab of the motive power vehicle a valid identification cab card properly signed and with appropriate stamp affixed. Such identification card shall be subject to inspection by the commission's representatives at all times.

(2) An application for sufficient number of identification stamps shall be filed with the commission, accompanied by the necessary stamp and regulatory fee, during the month of ~~((November))~~ October each year, or at any time thereafter that additional stamps are required. Such application shall be on forms furnished by the commission. The schedule of stamp and maximum regulatory fees is as follows:

GROSS LICENSED WEIGHT	STAMP FEE	REGULATORY FEE
Less than 4,000 lbs.	\$3.00	\$ 7.00
4,000 to 7,999 lbs.	3.00	9.00
8,000 to 11,999 lbs.	3.00	11.00
12,000 to 15,999 lbs.	3.00	13.00
16,000 to 19,999 lbs.	3.00	15.00
20,000 to 23,999 lbs.	3.00	17.00
24,000 to 27,999 lbs.	3.00	19.00
28,000 to 31,999 lbs.	3.00	21.00
32,000 to 35,999 lbs.	3.00	23.00
36,000 to 39,999 lbs.	3.00	30.00
40,000 to 43,999 lbs.	3.00	32.00
44,000 to 47,999 lbs.	3.00	34.00
48,000 to 51,999 lbs.	3.00	36.00
52,000 to 55,999 lbs.	3.00	38.00
56,000 to 59,999 lbs.	3.00	40.00
60,000 to 63,999 lbs.	3.00	42.00
64,000 to 67,999 lbs.	3.00	44.00
68,000 to 71,999 lbs.	3.00	46.00
72,000 to 75,999 lbs.	3.00	48.00

Note: The above regulatory fees are maximum only. Under RCW 81.80.320 the commission may, by general order entered before ~~((November))~~ October 1 of any year, reduce the fees on a proportional basis.

(3) The stamp fee named in subsection (2) applies to each stamp applied for. The regulatory fee is also payable in connection with each stamp and is determined as follows:

(a) On any "solo" vehicle, or in combinations pulling any trailer operated either in intrastate or interstate commerce, the regulatory fee shall be as stated in subsection (2) and shall be based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates plus any additional tonnage or log tolerance permits. In the event that trailers or semi-trailers are separately licensed for gross weight and not included within the licensed gross weight of the motive power unit, the fees provided herein shall be computed on the basis of the licensed gross weight of the trailers,

plus additional weight fees if any, in which case a separate identification cab card will be issued for such trailers in the same manner as for a motive power vehicle.

(b) In lieu of the payment of a full regulatory fee for each vehicle or combination of vehicles operated across or between points in the state and points outside the state exclusively in interstate or foreign commerce, and as to vehicles operated between points in this state and points outside the state in interstate commerce as well as points within this state in intrastate commerce, the regulatory fee may, at the request of the carrier, be paid on the basis of one of the following options:

Option 1. Floater regulatory fee cards.

Carriers who operate vehicles between points in this state and points outside this state exclusively in interstate commerce, and carriers who operate fleets in excess of 200 motive power units between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce may elect to purchase unassigned regulatory fee receipts at one hundred fifty percent of the applicable gross weight fee stated in subsection (2). One of these regulatory fee receipts must be carried within the cab of the motive power vehicle when such equipment is operated in this state and must be accompanied by a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp. When applied for in this manner the fee must be that for the highest gross licensed weight of such solo or combination with which the receipt showing the payment of regulatory fees may be used.

The carrier must ~~((file and keep current a list of power equipment being used under this option, including leased equipment, and))~~ purchase an identification stamp for each power unit ~~((so listed))~~ as provided for in subsection (2).

In the case of unladen automobiles and trucks operated in interstate driveaway service across or between points in the state and points outside the state, the carrier may use unassigned National Association of Regulatory Utility Commissioners uniform identification cab cards and Washington utilities and transportation commission identification stamps upon payment of one hundred fifty percent of the applicable gross weight fee and the three dollar stamp fee for each unassigned cab card and stamp.

Option 2. Lump sum regulatory fee payment.

Carriers who operate fleets in excess of 200 motive power vehicles either exclusively in interstate or foreign commerce across or between points in this state and points outside this state or between points in this state and points outside this state in interstate commerce as well as points within this state in intrastate commerce, and who have so operated under Option 1, above, or this option for the immediately preceding calendar year, may elect to pay a lump sum regulatory fee based on the number of power units for which identification stamps have been purchased during the immediately preceding calendar year at the regulatory fee established by general order of the commission entered before ~~((November))~~

~~October 1st of any year. These carriers must ((file and keep current a list of power equipment used under this option, including leased equipment, and)) purchase an identification stamp for each power unit ((so listed)) as provided in subsection (2). With a properly executed National Association of Regulatory Utility Commissioners uniform identification cab card and Washington utilities and transportation commission identification stamp attached, no proof of regulatory fee payment need be carried.~~

Option 3. ~~((Single cab card.~~

~~This option is available to interstate operators whose vehicles are proportionally registered under chapter 46.85 RCW, and who elect to use the "single document cab card" provided for by chapter 46.86 RCW and applies only to such vehicles that are operated across or between points in this state and points outside the state exclusively in interstate or foreign commerce. If a carrier elects to use this option, he shall indicate in the appropriate column of his application for proportional registration those power units for which he elects to pay Washington utilities and transportation commission fees. Upon payment of all required fees to the department of licensing, a single cab card will be issued by the department of licensing for each vehicle upon which fees have been paid and a corresponding identification stamp will be issued by this commission. The identification stamp shall be affixed to a National Association of Regulatory Utility Commissioner's identification cab card. In lieu of adding Washington utilities and transportation commission fees to his application for proportional registration, a carrier may avail himself of Option 1 or Option 2. In this event application will be made directly to the Washington utilities and transportation commission. Carriers must file and keep current a list of power equipment being used under this option, including leased equipment.~~

~~Option 4.) Single trip transit permit.~~

Carriers engaged exclusively in casual or occasional interstate or foreign commerce across or between points in the state and points outside the state may as in alternative to all other requirements of this chapter obtain a single trip transit permit, valid for ten days, authorizing a one-way trip into, out of or across the state. This permit will be issued upon payment of a fee of ten dollars and must be carried in the cab of the power vehicle. ~~((Proof of public liability and property damage insurance in the form of an insurance policy or a certificate of insurance in the amounts provided for in WAC 480-12-350 must be furnished with the application.))~~ The carrier must state the name and policy number or binder of the insurance company with whom the carrier has insurance which meets the provisions of WAC 480-12-350.

Option ~~((5))~~ 4. Single trip regulatory fee card.

A carrier registered with the Washington utilities and transportation commission to engage in interstate or foreign commerce across or between points in this state and points outside of this state, may purchase single trip regulatory fee cards, valid for five days, authorizing a one-way trip into, out of or across this state, for a fee of ten dollars each.

Prenumbered single trip regulatory fee cards must be purchased in advance and no refund will be allowed for unused cards. Cards must be filled out, in ink or by typewriter, by the carrier, showing the description of the vehicle, license number, state in which the vehicle is licensed, name of owner (if other than the carrier), the commodity to be transported, the origin and destination of the shipment and be signed by an officer, agent or employee of the carrier authorized to use the card. Card must be carried in the power unit. The vehicle operating under a single trip regulatory fee card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier.

At the end of each calendar month a report shall be sent to the commission, showing the card number, dates used, origin of shipment, destination of shipment and vehicle number.

(c) In intrastate or interstate commerce between points within the state of Washington the identification cab card and stamp may, at the request of the carrier, not be assigned to any particular motive power vehicle under the following circumstances:

(i) In connection with trucks or tractors to be operated under master leasing agreements provided for in WAC 480-12-210 (1)(h), in which case the cab card may be used only with vehicles operated under such master leasing agreements; and

(ii) In connection with unladen automobiles or trucks in driveway service, in which case the cab card may be used only with such vehicles in driveway service. The fees shall be as stated in subsection (3)(a) for the highest gross licensed weight (highest actual weight in driveway service) on any power vehicle with which the identification cab card and stamp may be used.

(d) In intrastate commerce between points within the state of Washington, a common or contract carrier acquiring the use of private carrier equipment under the provisions of WAC 480-12-210 (1)(c) may, in connection with short term leases, elect to purchase single trip regulatory fee cards, valid for five days, authorizing a one-way trip between points within this state, for a fee of ten dollars each, in lieu of payment of the full regulatory fee.

Prenumbered single trip regulatory fee cards must be purchased in advance and no refunds will be allowed for unused cards. Cards must be filled out, in ink or by typewriter, by the carrier, showing the description of the vehicle, license number, state in which the vehicle is licensed, name of owner, the commodity to be transported, the origin and destination of the shipment and be signed by an officer, agent or employee of the carrier authorized to use the card. The card must be carried in the power unit. The vehicle operating under a single trip regulatory fee card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier.

At the end of each calendar month a report shall be sent to the commission, showing the card number, date

used, origin of shipment, destination of shipment and vehicle number.

(4) On any truck or tractor for which the licensed capacity is increased during the year an IMMEDIATE APPLICATION accompanied by the amount of the increase in regulatory fee is necessary. The commission will provide for amendment of the cab card accordingly.

(5) No refund will be made on unused stamps.

(6) Any "lost" stamps will be replaced only at full stamp and regulatory fee: PROVIDED, HOWEVER, That in unusual circumstances the commission may, by order, waive all or a portion of the replacement cost.

(7) Each carrier shall obtain from the Washington utilities and transportation commission or from the National Association of Regulatory Utility Commissioners a sufficient number of blank identification cab cards to satisfy its requirements. Equipment which is used exclusively within the state, i.e., does not cross the state line, shall use the Washington utilities and transportation commission prescribed identification cab card. Equipment which is used exclusively in interstate or foreign commerce which crosses the state line shall use the National Association of Regulatory Utility Commissioners uniform identification cab card. Equipment used in both types of operation may use either cab card, however it is recommended that the National Association of Regulatory Utility Commissioners uniform identification cab card be used. Upon receipt of stamps from the commission, an identification cab card shall be duly completed by the carrier for each motive power unit and the appropriate stamp firmly affixed thereto. Such identification cab card shall be placed in the cab of each power unit in accordance with subsection (1).

(8) All identification cab cards and stamps issued for a particular calendar year expire January 31 of each succeeding year. However a stamp may be issued for the ensuing calendar year on or after the first day of ~~((November))~~ October preceding, and may be used from the date of issue.

(9) When a permit is revised or extended, the commission will provide ~~((for appropriate amendment of the identification cab card accordingly))~~ a new copy of the revised or extended authority to be retained on the carrier's vehicle(s), in addition to the cab card.

(10) All delinquent stamp fees, regulatory fees, tariff fees and tariff maintenance fees which are due and payable by the carrier to the commission must be paid at the time application is made. The commission may refuse to issue identification stamps until all such fees are paid.

(11) ~~((Interstate operators whose vehicles are proportionally registered under chapter 46.85 RCW and who elect to use the "single document cab card" provided for by chapter 94, Laws of 1967 ex. sess., are subject to this rule only to the extent [extent] necessary, including ascertainment of payable stamp and regulatory fees.~~

~~(12))~~ An identification cab card may be reassigned to a substituted vehicle (power unit) only when the original vehicle has been destroyed or is being permanently withdrawn from the ownership or possession of the permittee.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-135 CARDS—RETURN REQUIRED—LOSS OF—IMPROPER USE OF CARDS OR STAMPS. (1) Upon revocation of a permit or cessation or abandonment of service under a permit, or when equipment is repossessed, the holder thereof shall immediately return to the commission the original permit, together with identification cab cards.

(2) The loss of identification cab cards and/or stamps shall be immediately reported to the commission.

(3) The use of an identification cab card by any person or firm other than the ~~((one who prepared it is unlawful. No stamp may be used by any carrier other than the one purchasing it))~~ carrier to whom the stamp was issued is unlawful.

(4) The use of an identification cab card without the appropriate stamp firmly affixed is unlawful.

(5) Except as unassigned identification cab cards are properly used as provided for in WAC 480-12-130, each motive power vehicle must have its own assigned identification cab card, and the use of a card on a vehicle other than the one for which it has been prepared is unlawful.

AMENDATORY SECTION (Amending Order R-45, filed 4/18/73)

WAC 480-12-150 EQUIPMENT—NAME AND PERMIT NUMBER. All common and contract carriers shall have painted in contrasting colors on both sides of their ~~((trucks and trailers))~~ power units in letters at least ~~((four))~~ three inches high, the name of the permittee, or business name, and the permit number. ~~((On tractors, logging trucks, stake bodies, flat beds and dump trucks, this information may be placed on the cab if so desired. Tank trailers may have this information placed on the side of the cab of the power unit.))~~ This rule will not apply to trucks and trailers under lease, except that such equipment shall bear a placard indicating the name and permit number of the operator of said equipment.

The commission in its discretion, may authorize the carrier to use initials, insignia, decals, et cetera, when in the opinion of the commission such device adequately identifies the carrier.

Common carriers holding both intrastate and interstate authority between points within the state and in addition possess interstate authority between points in the state and points outside the state may at their option use their ICC permit number in lieu of the Washington utilities and transportation commission permit number otherwise required by this rule upon authority of the commission so to do.

AMENDATORY SECTION (Amending Order R-138, Cause No. TV-1288, filed 12/24/79)

WAC 480-12-200 ACCIDENTS, REPORTING OF. (1) Accidents occurring in this state arising from or in connection with the operation~~((s))~~ of a motor vehicle by any common, contract, or registered carrier ((operating)) in this state, resulting in an injury to any person, the death of any person, or involving a motor vehicle

carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: ~~((1-206-753-6411))~~ 1-206-586-1119.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-205 PASSENGERS—CARRYING PROHIBITED—EXCEPTIONS. No "motor carrier" shall transport persons ~~((with or without compensation on a vehicle used for transporting property. PROVIDED, That an operator may carry employees or other persons in connection with the load being transported or to be transported))~~ other than as provided in CFR 49 Part 392.60.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-235 CLAIMS FOR LOSS OR DAMAGE. (1) All claims for loss or damage must be acknowledged ~~((immediately))~~ within thirty days. Carrier shall institute a thorough investigation of the merits of a claim without delay and shall ~~((settle or reject the claim as soon as responsibility is determined and the decision shall be promptly communicated to the shipper. Dilatory tactics by carrier will subject him to penalties))~~ pay the claim, refuse payment, or make a compromise offer within one hundred twenty days. If the claim cannot be settled within this period, the carrier will then and for each sixty-day period thereafter inform the claimant, in writing, the reason for failure to conclude the claim, until such time as the claim is settled.

(2) A record shall be made by every common or contract carrier covering each and every claim for loss or damage, concealed or otherwise, filed with the carrier and settled by it. If the claim is participated in by two or more carriers the record shall so show and must be made by each carrier giving the pro rata paid by it.

(3) All claims must be numbered in consecutive sequence.

(4) A claim record must be maintained by every carrier for a period of not less than six years and all papers relating to a particular claim properly filed therein, subject to inspection by authorized representatives of the commission.

AMENDATORY SECTION (Amending Order R-159, Cause No. TV-1431, filed 3/4/81)

WAC 480-12-250 ACCOUNTS—UNIFORM SYSTEM ADOPTED—REPORTS. (1) The "uniform system of accounts" adopted by the interstate commerce commission is hereby prescribed for the use of Class I and II common and contract carriers in the state of

Washington operating under chapter 81.80 RCW. A "uniform system of accounts" is hereby prescribed for the use of Class III common and contract carriers in the state of Washington.

(2) Classification of carriers:

(a) For purposes of the accounting and reporting regulations, common and contract carriers of property shall be divided into the following (~~four~~) three classes:

- Class I – Carriers having average annual gross operating revenues (including interstate and intrastate) of \$5,000,000 or more from operations as motor carriers of property.
- Class II – Carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 but less than \$5,000,000 from operations as motor carriers of property.
- Class III – Carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 or less from operations as motor carriers of property.

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a carrier of property for the past three calendar years.

(c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the commission.

(3) Each Class III common or contract carrier must secure from the commission a copy of "uniform system of accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, common and contract carriers shall secure from the commission the proper forms and make and file with the commission annual report as soon after the close of the calendar year as possible, but in no event later than April 1st of the succeeding year.

(5) All Class I and Class II common and contract carriers in the state of Washington shall file, in addition to the annual report referred to herein, quarterly reports on forms which they shall secure from the commission for that purpose. Each such report shall be submitted to the commission within 30 days after the close of the period which it covers.

(6) Registered carriers operating exclusively in interstate or foreign commerce shall not be required to file annual or quarterly reports.

(7) Annual reports filed by carriers holding garbage and/or refuse collection certificates and common and/or contract carrier permits must comply with reporting requirements provided in WAC 480-70-230.

AMENDATORY SECTION (Amending Order R-149, Cause No. TV-1365, filed 8/7/80)

WAC 480-12-260 **BILLS OF LADING.** (1) Each common carrier transporting property for compensation is required to issue at time of shipment a bill of lading setting forth complete information as hereinafter required.

(2) Bills of lading shall not be required on the following:

- (a) Shipments of grain, fruits or vegetables from farms to elevators, processing plants or warehouses on hauls of not over 50 miles;
- (b) On regular milk routes from dairy farms to creamery or markets;
- (c) On dump truck work;
- (d) Shipments of forest products or coal;
- (e) Hauling of garbage or other worthless materials;
- (f) Local cartage in cities subject to regulation; and
- (g) Where other orders of the commission authorize exceptions to this rule.

The foregoing exceptions shall apply when, and only when, a daily trip record is kept showing all information necessary for the determination of legal charges such as number of trips made, miles traveled, tonnage, number of cans, cubic yards, cords, or other transportation units, and such trip record is carried in lieu of bills of lading.

~~((On shipments of logs a scale slip measurement, or where permitted, weight, must be carried.))~~ Local cartage carriers in the cities subject to regulation shall use either bills of lading or a local cartage delivery sheet, way bill or expense bill containing sufficient information to indicate the origin and destination and weight of the commodity and the number of packages in the shipment.

(3)(a) Bills of lading shall be those prescribed and set out in the governing classifications.

(b) Documents retained by carrier must be ~~((numbered and filed in numerical order))~~ assigned a progressive number and filed numerically. All numbers in a series shall be accounted for. Such documents must be maintained at the main office of the carrier for a period of 3 years, subject to inspection by the commission.

(c) Carriers may use a combination freight bill/bill of lading or other shipping form, providing that it incorporates all the essential provisions and contract terms and conditions of the standard bills of lading specified in (a).

(4) Bills of lading shall be issued in triplicate (or more) and shall consist of an original bill of lading, a memorandum bill of lading and a shipping order. The three documents shall be signed by shipper and carrier. Original and a memorandum copy shall be delivered to shipper. Shipping order must be retained by the carrier and must be numbered and filed in numerical order at the main office of the carrier for a period of three years subject to inspection by the commission. If freight bills or other documents are used in addition thereto, a cross reference shall be shown on bill of lading (shipping order) as filed. Unless freight bills are used the bill of lading must show all information required by subsection (6) of this rule. A copy of the bill of lading, manifest or freight bill, covering the goods being carried, must be in

possession of the driver of the vehicle and subject to inspection by commission representatives.

(5) The goods covered by a bill of lading must be in the possession or control of the carrier at the time such bill of lading is issued. A bill of lading shall cover only goods received from one shipper, tendered at one time, picked up at one place, consigned to one consignee, at one destination and delivered to one place: PROVIDED, HOWEVER, That this rule shall not be construed as prohibiting a carrier from picking up or delivering separate portions contained in the bill of lading if such separate portions are identified and the provisions for such service are duly published in the applicable tariff.

(6) Common carriers who make a regular practice of issuing freight bills (or any equivalent documents by whatever term identified including "waybills" or "expense bills") are not required to show the "rate," "freight charges" or "total to collect" on bills of lading. ~~((Where))~~ When freight bills or manifests are used they shall contain all the information necessary to ascertain the legal charges such as routing, exact location of shipper, origin station, exact location of consignee, destination station, number and kind of packages, complete description of goods which can be identified in tariff usage, and weight, miles, hours, or other units on which rates or charges are based ((and)). When rates are based on hours of service, the time of beginning the service and the time that service is completed, as prescribed by applicable items in the commission's tariffs, must be shown on the billing documents. Any records required by this subsection shall be retained in the files of the carriers in the same manner and for the same period required by subsection (4) of this rule for bills of lading (shipping orders).

(7) Shipments which are greater than the capacity of the available equipment of the carrier may be accepted on one bill of lading, providing the entire shipment is tendered to the carrier at one time and is accepted by and remains in the actual or constructive possession of the carrier until moved. On such shipments the first truck shall be loaded to its capacity. The remainder of the shipment must be moved from the premises of the shipper and started to its destination within 48 hours following the first load. The revenue billing for the shipment shall be made on one bill at the time shipment is accepted and showing the entire weight, the rate assessed and the total freight charge, and a notation showing what part is on the first truck and shall be carried on the first truck. Each succeeding truck shall carry a bill showing the part on it and giving reference to the revenue billing ahead for rate and total charges and must in every instance bear the notation "Part of Pro No." and then be attached to and become a part of original record. The provisions of this section do not apply to the transportation of liquid commodities in bulk or tank equipment. (Constructive possession means that the shipment is under the control of the carrier and that the carrier is in all ways responsible for its safekeeping.)

~~(((8) A bill of lading or other shipping document issued in connection with a shipment moving in intrastate commerce containing hazardous materials, as defined in~~

~~WAC 480-12-195, shall comply with the applicable requirements contained in WAC 480-12-195 in addition to all other requirements of this rule.))~~

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-295 TARIFFS, PROPOSED CHANGES IN—HOW MADE. Changes proposed by common or contract carriers to the existing rates, tariff rules or classifications of common or contract carriers, shall be submitted to the commission in writing stating the rates, rules or classifications then in effect, giving the tariff or contract reference thereto, and the proposed changes. No changes in rates, tariff rules or classifications shall be published in tariffs or contracts or made effective, without the approval of the commission. Except to the extent that the commission may establish temporary rates, charges or classifications as provided for in RCW 81.80.150, and except as provided in subsections (9) and (10) such proposals shall be set for regular docket hearing as follows:

(1) Application for changes in rates shall be given a docket number when received by the commission.

(2) Proposals must be submitted to the commission not later than the first Monday of ~~((January, March, May, July, September or November, as the case may be))~~ each month.

(3) All proposed changes to be set for the docket hearings shall be listed by the commission and mailed to all parties on the general mailing list at least twenty days prior to such docket hearing.

(4) No sooner than 21 days and no later than 25 days after the deadlines for the receipt of proposals as provided for in subsection (2), a docket hearing shall be held at a designated place or places to consider all proposals. Special hearings may be set at other times as necessary.

(5) As soon as possible after the docket hearing is held, the commission shall issue an order stating the disposition made of each proposal and a copy of this order shall be mailed to all parties who make a written appearance at the hearing.

(6) Changes approved by the commission may be filed on one day's notice to the commission.

(7) When application is made to change any rate, tariff, rule or classification, the burden of proving the justness and reasonableness of such proposed change shall be upon the applicant.

(8) In cases where this rule conflicts with the rules governing the filing of tariffs and changes in rates as set forth in applicable tariff circular, this rule shall govern.

(9) Docket hearing shall not be required for carriers who, by rule or commission order, are permitted to file their own tariffs, and additionally, specifically shall not be required in package delivery service, armored car service, retail store delivery service, garbage, refuse and debris collection and transportation of newspapers, United States mail, periodicals and automotive vehicles.

(10) The procedures outlined in this rule are intended to cover only those rate adjustments which can be heard in a relatively informal manner and which require a minimum of explanation or proof. The commission may

require that proposals which would significantly affect the revenues of a carrier or of a group of carriers, or which would significantly alter an established rate pattern, be submitted in accordance with the commission's rules of practice and procedure and be heard under more formal procedures.

AMENDATORY SECTION (Amending Order R-221, Cause No. TV-1816, filed 10/24/84)

WAC 480-12-321 LOG ROAD CLASSIFICATION—MUST HAVE. Logging roads upon which carriers will be transporting domestic logs for compensation shall be classified in accordance with the specifications named in Item 860 of WUTC Tariff No. 4-A. Log road classification forms may be obtained from any commission office.

The classification of a logging road shall be the responsibility of the carriers and shippers, with primary responsibility upon the carriers.

Each log road shall be classified prior to commencing transportation and the completed classification form must be filed with the commission, ~~((in Olympia))~~ at the local district office, no later than five days after commencing transportation. It shall be the responsibility of all carriers employed on the job to obtain a copy of the road classification and each carrier shall also retain a copy of the classification at carrier's main office for a period of three years subject to inspection by the commission.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-12-175 EQUIPMENT—LOADS ABOVE TANK.

**WSR 87-19-089
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed September 17, 1987]

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 eligible persons, amending WAC 388-15-020;

that the agency will at 10:00 a.m., Friday, October 30, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 2, 1987.

The authority under which these rules are proposed is RCW 74.12.340.

The specific statute these rules are intended to implement is RCW 74.12.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 30, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 16, 1987. The meeting site is in a location which is barrier free.

Dated: September 15, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-020.

Purpose of the Rule or Rule Change: To clarify which income standards are to be used in determining eligibility for participation day care.

Reason(s) These Rules are Necessary: An ambiguity in the current WAC would permit a larger number of individuals to be eligible than can be covered by the appropriated funds.

Statutory Authority: RCW 74.12.340.

Summary of Rule Change: In effect, the rule change clarifies that a person is not eligible for participation day care if the family income exceeds 52% of the state median income rather than 80%. The table of state median incomes is updated from 1980 data to 1987 data.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Bill Quick, Supervisor of In-Home Services, Division of Children and Family Services, phone 3-0419, mailstop OB-41.

Person or Organization (if other than DSHS) who Proposed These Rules: None.

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

AMENDATORY SECTION (Amending Order 1697, filed 8/28/81)

WAC 388-15-020 **ELIGIBLE PERSONS.** (1) Individuals eligible for services are:

(a) Recipients of aid to families with dependent children (AFDC recipients).

(b) Individuals whose needs were taken into account in determining the needs of AFDC recipients.

(c) Recipients of supplemental security income or state supplementary payments related to age, blindness or permanent and total disability.

(d) Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not exceed eighty percent of the state median gross income for a family of four, adjusted for family size.

(e) Any individual or family regardless of age, blindness or disability, whose gross family income does not exceed eighty percent of the state median income for a family of four, adjusted for family size, except that:

(i) No individual or family is eligible for family planning or alcoholism services whose gross family income is in excess of fifty percent

of the state median income for a family of four, adjusted for family size.

(ii) No individual or family is eligible on a group basis for developmental disabilities, case services, developmental disabilities home-aid resources, developmental disabilities developmental centers or extended sheltered employment unless at least seventy-five percent of persons given these services are members of families whose gross monthly income do not exceed ninety percent of the state median income, adjusted for family size.

(iii) Information and referral services, services to children in the children's own home or protective service may be given to any individual regardless of the level of gross family income. Child protective services are provided without charge. Where ancillary services such as homemaker services are an integral but subordinate part of a protective service plan for children or adults, the services may be provided without regard to the level of gross family income. Chore services can be provided for a maximum of ninety days during any twelve-month period as an integral but subordinate part of an adult protective services plan.

(2) Gross median income for a family of four in the state of Washington effective ~~((October 1, 1980))~~ January 1, 1987, is ~~((twenty-one))~~ thirty-one thousand ~~((four))~~ seven hundred ~~((ninety-four))~~ eighty-nine dollars. Eighty percent = ~~((seventeen))~~ twenty-five thousand ~~((one))~~ four hundred ~~((ninety-five))~~ thirty-one dollars.

(a) Income tables for eighty percent gross median income:

Number in Family	Monthly Income	Annual Income
1	\$ ((745)) <u>1,102</u>	\$ ((8,942)) <u>13,224</u>
2	((974)) <u>1,441</u>	((11,693)) <u>17,292</u>
3	((1,204)) <u>1,780</u>	((14,444)) <u>21,360</u>
4	((1,433)) <u>2,119</u>	((17,195)) <u>25,431</u>
5	((1,662)) <u>2,458</u>	((19,946)) <u>29,496</u>
6	((1,892)) <u>2,797</u>	((22,698)) <u>33,564</u>

(b) Income table for fifty-two percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ ((484)) <u>716</u>	\$ ((5,812)) <u>8,592</u>
2	((633)) <u>937</u>	((7,600)) <u>11,244</u>
3	((782)) <u>1,157</u>	((9,389)) <u>13,884</u>
4	((931)) <u>1,378</u>	((11,177)) <u>16,536</u>
5	((1,080)) <u>1,598</u>	((12,965)) <u>19,176</u>
6	((1,229)) <u>1,818</u>	((14,753)) <u>21,816</u>

(c) Income tables for fifty percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ ((466)) <u>689</u>	\$ ((5,588)) <u>8,268</u>
2	((609)) <u>901</u>	((7,308)) <u>10,812</u>
3	((752)) <u>1,113</u>	((9,027)) <u>13,356</u>
4	((896)) <u>1,325</u>	((10,747)) <u>15,900</u>
5	((1,039)) <u>1,536</u>	((12,467)) <u>18,432</u>
6	((1,182)) <u>1,748</u>	((14,186)) <u>20,976</u>

(d) Income tables for thirty-eight percent gross median income:

Family Size	Monthly Income	Annual Income
1	\$ ((354)) <u>528</u>	\$ ((4,247)) <u>6,336</u>
2	((463)) <u>685</u>	((5,554)) <u>8,220</u>
3	((572)) <u>846</u>	((6,861)) <u>10,152</u>
4	((681)) <u>1,007</u>	((8,168)) <u>12,084</u>
5	((790)) <u>1,168</u>	((9,475)) <u>14,016</u>
6	((899)) <u>1,329</u>	((10,781)) <u>15,948</u>

(e) See WAC 388-29-100 for grant standards.

(3) Family means two or more persons related by blood, marriage or adoption, residing in the same household, and may include a dependent residing in a separate household for whom support is paid.

(a) Husband and wife are considered a two-person family.

(b) Related adults residing together, other than spouses, are each considered a separate family.

(c) An individual living alone or only with unrelated persons is considered a one-person family. An individual living alone or with unrelated persons may include in his or her application a dependent living in a separate household for whom support is paid.

(d) A child living with legally nonresponsible relatives, a minor living independently, and a child living under the care of unrelated persons are also considered one-person families.

(e) A school-age parent residing in parent's home with child is considered a separate family unit for purpose of determining family income.

(4) Persons applying to provide day care or foster care facilities or a person or persons applying to adopt a child are resources to our primary client, the child. Financial eligibility for these individuals is not required.

(5) Child welfare services may also be provided under Title IV-B of the Social Security Act.

(6) Where other provisions of chapter 388-15 WAC set forth specific eligibility requirements for particular services, such specific provisions shall supersede the general eligibility standards set forth in subsections (1), (2), (3), and (4) of this section.

WSR 87-19-090
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2538—Filed September 17, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Use of income and income potentials—Computing and allocating income, amending WAC 388-28-500.

This action is taken pursuant to Notice No. WSR 87-16-068 filed with the code reviser on July 31, 1987. 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 September 15, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2276, filed 8/30/85)

WAC 388-28-500 USE OF INCOME AND INCOME POTENTIALS—COMPUTING AND ALLOCATING INCOME. (1) Living arrangements, family relationships, and categories of assistance also affect the use of income in computing financial need as provided by the rules in this section.

(2) Except as provided in this subsection, the nonexempt net income of a person in his or her own home shall be attributed to the assistance unit of which he or she is a member.

(a) The total nonexempt net community income of a family having two or more eligible assistance units shall

be divided equally between the assistance units unless some other division is preferred. An unequal division of the family income is not permitted if it increases the total amount of assistance (excluding medical care) to which the family would be entitled.

(b) Applicant with a nonapplying independent spouse.

(i) If all income is from community property or from community earnings other than wages, not less than one-half the total income shall be considered available to an AFDC applicant living with a nonapplying spouse.

(ii) Net income from wages or from the separate property of the nonapplying spouse shall be considered available to the applicant only to the extent the net income exceeds the amount of the nonapplying spouse's appropriate one-person payment level.

(iii) Wages or income from separate property of the applicant shall be considered as provided in WAC 388-28-365 and 388-28-370.

(iv) When income includes both community income and income from the separate property or from wages of the nonapplying spouse, at least half of the community income shall be considered available to the applicant, plus any residue of the separate income or wages exceeding the amount of the appropriate one-person payment level of the nonapplying spouse.

(v) Retirement benefits shall be treated like wages.

(vi) Income in-kind shall be treated as community income.

(c) Exempted income shall not be used in computing the need of any assistance unit.

(d) For rules on nonrelated adults in the household, see WAC 388-28-355.

(3) The rules in subsection (2) of this section shall also apply to a person boarding and/or rooming in an adult family home or other nonmedical institution.

(4) The income of a minor parent's nonapplying parent or parents or legal guardian or guardians legally responsible for the support of such minor parent as specified in WAC 388-24-550(8), if residing in the same household, shall be considered as available to the assistance unit of such minor parent and such minor's child or children to the extent such income exceeds applicable disregards. This subsection applies to minor parents (~~and parents eighteen~~) seventeen years of age and under (~~nineteen years of age as specified in WAC 388-24-040(9)~~) whether or not such parents are married or otherwise meet the criteria in WAC 388-24-550(4). In counting such income, the following shall be disregarded:

(a) For each employed parent or legal guardian, the following amounts for work expenses depending upon the number of hours worked per month.

Hours worked per month	Work expense disregard
0 - 40	\$ 20.00
41 - 80	\$ 40.00
81 - 120	\$ 60.00
121 or more	\$ 75.00

(b) An amount equal to the need standard as specified in WAC 388-29-100 for a group with the following members:

(i) The parent or parents or legal guardian or guardians living in the home; and

(ii) Any other individuals living in the home but not in the assistance unit, and are or could be claimed by the parent or parents or legal guardian or guardians as dependents for purposes of determining his or her federal income tax liability;

(c) The amount paid by the parent or parents or legal guardian or guardians to support individuals outside the home who could be claimed by him or her as dependents for the purpose of determining his or her federal income tax liability; and

(d) Payments by the parent or parents or legal guardian or guardians of child support or alimony to individuals outside the home.

(5) When a person in a medical institution is to receive an AFDC or continuing general assistance grant, family income shall be allocated first to the appropriate payment level of legal dependents computed according to standards in chapter 388-29 WAC and then to the maintenance needs of the individual computed according to WAC 388-34-045, 388-34-085, 388-34-110, 388-34-120, or 388-34-378.

(6) The income of a person with other living arrangements is first applied to the grant requirements of the applicant and his or her dependents. Any remaining income shall be allocated for medical needs.

WSR 87-19-091
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2539—Filed September 17, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical care services, amending WAC 388-83-006, 388-84-120, 388-86-120 and 388-87-070.

This action is taken pursuant to Notice No. WSR 87-16-026 filed with the code reviser on July 27, 1987. 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 406, Laws of 1987, 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 15, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 1996, filed 8/5/83)

WAC 388-83-006 MEDICAL CARE SERVICES.

(1) The department shall provide state-funded medical care services within the limitations set forth under these rules and regulations to any individual who has been certified as eligible to receive:

- (a) Continuing general assistance, or
- (b) Alcohol and drug addiction services provided under sections 1 through 8 of the Alcoholism and Drug Addiction Treatment and Support Act of 1987 (chapter 406, Laws of 1987).

(2) The recipient shall be responsible for furnishing the provider of medical services with a medical identification coupon or other adequate verification of eligibility provided by the department.

AMENDATORY SECTION (Amending Order 1996, filed 8/5/83)

WAC 388-84-120 ((APPLICATION)) EFFEC-TIVE DATE OF ELIGIBILITY FOR MEDICAL CARE SERVICES ((GAU)). (1) ~~((Continuing general assistance recipients are eligible for medical care services.~~

~~(2))~~ Eligibility for medical care services shall commence with the date of certification for:

- (a) General assistance, or
- (b) Alcohol and drug addiction services provided under sections 1 through 8 of the Alcoholism and Drug Addiction Treatment and Support Act of 1987 (chapter 406, Laws of 1987).

(2) ~~((There))~~ The department shall not ~~((be retroactive certification))~~ retroactively certify for medical care received prior to the initial date of eligibility ~~((for the general assistance program))~~ under subsection (1) of this section.

(3) Termination of medical care services occurs with termination of:

- (a) The ((continuing)) general assistance grant, or
- (b) Alcohol and drug addiction services provided under sections 1 through 8 of the Alcoholism and Drug Addiction Treatment and Support Act of 1987 (chapter 406, Laws of 1987).

AMENDATORY SECTION (Amending Order 2295, filed 10/16/85)

WAC 388-86-120 MEDICAL CARE SERVICES ~~((GAU))~~. (1) A recipient of ~~((a continuing general assistance grant is))~~ medical care services shall be eligible to receive the same scope of care (WAC 388-86-005) as a recipient of Medicaid, except that:

(a) No care ((with)) shall 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:

~~(+))~~ (b) Mental health services ((with)) shall 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.

(2) Eligibility for medical care services shall commence with the date of certification ~~((for general assistance))~~ under WAC 388-84-120. ((There)) The department shall not ((be retroactive certification)) retroactively certify for medical care ((received prior to the initial date of eligibility for the general assistance program)) services.

AMENDATORY SECTION (Amending Order 2307, filed 11/15/85)

WAC 388-87-070 PAYMENT—HOSPITAL IN-PATIENT SERVICES. (1) The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

Recipients must have been approved as financially and medically eligible for hospitalization. They are:

- (a) Categorically needy recipients;
- (b) Limited casualty program recipients;
- (i) Medically needy recipients;
- (ii) Medically indigent recipients;
- (c) Recipients of ~~((continuing general assistance))~~ medical care services.

(2) Except for excluded services, payment for hospital inpatient services is determined according to a diagnosis related group based pricing system. Payment amounts are based upon historical average costs per discharge, adjusted for case mix and indexed to the payment period. Payment for cases meeting the criteria of cost outlier is at eighty percent of the rates determined according to the method in subsection (4)(a) of this section.

(3) Certain services are excluded from the diagnosis related group based pricing system. These exclusions include:

- (a) Rehabilitation, pain treatment, psychiatric, alcoholism treatment and detoxification, and long term hospital level care services.
- (b) Services provided to patients occupying beds utilized by the Fred Hutchinson Cancer Research Center bone marrow transplant program.
- (c) Services at children's hospitals.
- (4) Payment for excluded services is determined as follows:

(a) Reimbursable cost of excluded services in subsection (3)(a) and (b) of this section is determined by multiplying charges in allowable revenue codes by the ratio of hospital commission approved operating expenses to total rate setting revenue.

(b) Payment rates for children's hospitals are determined by computing the ratio of indexed historical hospital commission approved operating expenses to total rate setting revenue. This ratio is multiplied times allowable charges.

(5) For all administrative days, days of hospitalization in which medical necessity is below that appropriate for acute hospital care, the departments maximum reimbursement level will be the adjusted state-wide average per diem rate for skilled nursing facilities.

(6) For dates of admission beginning October 1, 1985, payment rates established in accordance with subsections (2), (4) and (5) of this section are reduced for services provided to persons eligible for the medically indigent

component of the limited casualty program and recipients of ~~((general assistance-unemployable))~~ medical care services. Hospitals are grouped according to the percentage of total rate setting revenue comprising medical assistance, medicare, bad debt, charity, and other contractual adjustments and rates are reduced according to the following table.

Hospital Group	Percent Medicare, Medicaid, Bad Debt, Charity and other Contractual Adjustments of Total Rate Setting Revenue	Percentage Reduction in Payment Rate
1	60.00 or more*	20.0
2	50.00 - 59.99	40.0
3	less than 50.00	60.0

*Plus psychiatric hospitals

(7) Payment rates or amounts to hospitals established by this section will be adjusted as necessary to remove the impacts of ownership changes and revaluation of assets, including recapture of depreciation as necessary, in accordance with section 2314 of Public Law 98-369 and related federal regulations, guidelines, instructions, and state plan requirements.

WSR 87-19-092
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2540—Filed September 17, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Transfer of property—Assistance during period of ineligibility, amending WAC 388-28-464.

This action is taken pursuant to Notice No. WSR 87-16-089 filed with the code reviser on August 5, 1987. 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 September 15, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 1293A, filed 5/16/78)

WAC 388-28-464 TRANSFER OF PROPERTY—ASSISTANCE DURING PERIOD OF INELIGIBILITY. An applicant ~~((who transferred))~~ transferring nonexempt property to qualify for assistance ~~((as~~

~~determined by investigation by the department))~~ and ~~((who has))~~ having been determined not to be in need for a future period of time, not to exceed two years, shall be granted public assistance only if undue hardship exists. Assistance paid under this rule shall be the full grant amount and shall not be considered an overpayment.

WSR 87-19-093
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2541—Filed September 17, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to lifeline telephone assistance program, new chapter 388-31 WAC.

This action is taken pursuant to Notice No. WSR 87-16-025 filed with the code reviser on July 27, 1987. 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 229, Laws of 1987, 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 15, 1987.

By Leslie F. James, Director
 Administrative Services

NEW SECTION

WAC 388-31-010 PURPOSE OF PROGRAM. The lifeline telephone assistance program (LTAP) is designed to help low-income households afford access to local exchange telephone service.

NEW SECTION

WAC 388-31-015 DEFINITIONS. (1) "Local exchange company" means a telecommunication company providing local exchange telecommunication service, i.e., the telephone company.

(2) "Service year" means the period beginning August 1 and ending July 31 of the following calendar year for the LTAP.

NEW SECTION

WAC 388-31-020 CONDITIONS OF ELIGIBILITY. Recipients of AFDC, SSI, food stamps, chore services, refugee assistance, and COPES shall meet all of the following eligibility conditions for benefits under LTAP:

- (1) Make application to the local exchange company using the application/certificate of eligibility provided by the department of social and health services; and
- (2) Have local exchange telecommunications service billed in their name; and
- (3) Subscribe to the lowest available local exchange flat rate service.

NEW SECTION

WAC 388-31-025 LTAP BENEFITS. (1) Benefits under LTAP shall be limited to funds available in the lifeline telephone assistance program fund.

(2) Households participating in LTAP shall be eligible for:

(a) A discount on local exchange flat rate services to the extent the local exchange flat rate exceeds the lifeline service rate as established by the Washington utilities and transportation commission. The local exchange flat rate shall include any federal and user access charges and any other charges necessary to obtain local exchange service;

(b) A waiver of deposit requirements on local exchange service; and

(c) A fifty percent discount on service connection fees.

(3) Benefits under LTAP are limited to one residential access per household.

(4) The waiver of deposit and the fifty percent discount on service connection fees shall be available once per service year.

NEW SECTION

WAC 388-31-030 NOTIFICATION AND ELIGIBILITY PERIODS. (1) The department shall notify recipients of AFDC, SSI, food stamps, chore services, refugee assistance, and COPES of their eligibility for LTAP.

(2) Eligibility for LTAP shall continue from August 1 or the date assistance or food stamps is approved, whichever is more recent, through July 31.

NEW SECTION

WAC 388-31-035 LTAP FUND. (1) Limited to funds available in the LTAP fund, the department shall reimburse local exchange companies for administrative and program expenses associated with the LTAP:

(a) The amount the department pays shall be reduced to the maximum extent possible by a waiver of all or part of the federal end user access charge,

(b) Reimbursement shall be from the LTAP fund, and

(c) Payments shall be limited to services provided after the household's eligibility for the LTAP has been established.

(2) The department shall recover its administrative costs from the LTAP fund.

(3) Reimbursement from the LTAP fund shall be by such procedure as established by the department.

WSR 87-19-094
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2542—Filed September 17, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Aid to families with dependent children and continuing general assistance—Eligibility—Common conditions, amending chapter 388-26 WAC.

This action is taken pursuant to Notice No. WSR 87-16-088 filed with the code reviser on August 5, 1987. 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 September 15, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 917, filed 3/14/74)

WAC 388-26-025 AGE DETERMINATION—SPECIFIC CONSIDERATIONS. (1) Prior to authorizing a public assistance grant, the ~~((fact must be established that))~~ department shall establish the ~~((applicant or))~~ person, in whose behalf aid is ~~((granted))~~ requested, is within the age limits applicable to the category of assistance from which payment will be made.

(2) Aid to families with dependent children.

(a) ~~The department shall establish the birthdate of a minor child ((must be definitely established)). The child may receive AFDC ((may be)) temporarily ((granted)) when ((personal observation establishes)) the child's age ((as)) is obviously within the AFDC age limit. ((However, the child's age must be accurately determined))~~ Establish the birthdate as soon as possible for ~~((purposes of establishing))~~ continuing eligibility.

(b) When only the year of birth ~~((can be))~~ is established, assign the arbitrary birthdate of July 1 ~~((is assigned))~~.

AMENDATORY SECTION (Amending Order 917, filed 3/14/74)

WAC 388-26-040 AGE DETERMINATION—AFFIDAVIT. ~~((The))~~ A person is permitted by law to make an affidavit ((of the applicant himself as to his birthdate made)) before a judge of the superior court or of the supreme court of the state of Washington ~~((is permitted by law))~~ as to his or her birthdate. ~~((This can be used as))~~ The department shall accept such affidavit

as sufficient verification ((by those whose own statement of their age is in question)).

AMENDATORY SECTION (Amending Order 531, filed 3/31/71)

WAC 388-26-050 RESIDENCE. (1) ~~((Residence as an eligibility condition in qualifying))~~ To qualify for public assistance ((necessitates determination of whether or not residence has been established in the state of)), a person shall be a resident of Washington state.

(2) ~~((There are))~~ No ((durational)) duration of residence ((requirements)) is required for any category of public assistance.

AMENDATORY SECTION (Amending Order 1636, filed 4/15/81)

WAC 388-26-055 RESIDENCE—ESTABLISHING. (1) A resident is a person who:

(a) ~~((Is living))~~ Voluntarily lives in the state of Washington ((voluntarily with the intention of making)); and

(b) Intends to maintain his((/)) or her home in the state ((and not for a temporary purpose; that is, one who has indicated intent to maintain his/her residence in the state and has no intention of presently leaving the state to take up residence)); or

~~((fb))~~ (c) Is ((living in the state, is)) not receiving assistance from another state((;)); and

(d) Entered the state with a job commitment or seeking employment in the state whether or not currently employed.

(2) The ~~((ES))~~ department is not required to find that an applicant is a resident of Washington if ((he/she) the applicant is determined to be a ((bona fide)) resident of another state((; in other words, that he/she is)) and only temporarily absent from ((another)) that state ((and has not chosen to acquire residence in this state)).

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-26-060 RESIDENCE—MAINTAINING. (1) A person ~~((is considered to have))~~ has maintained his or her residence in Washington if, since establishing it, ((he) the person has not left the state except as specified below.

(2) Absences from the state prior to application ~~((are))~~ do not ((considered as having interrupted)) interrupt residence when:

(a) The absences were enforced or beyond the control of the person, or

(b) The absences were for temporary periods and occurred for specific purposes((; which did)) not ~~((involve))~~ involving an intent to change residence and ((did include)) including a plan for return at a future date.

(3) ~~((An applicant who meets))~~ Applicants meeting the residence requirements and ((is)) otherwise eligible may not be disqualified from receiving assistance solely because ((of the fact that he has, in the past,)) they have received assistance from another state or ((a)) political subdivision ~~((thereof)).~~ The ~~((L))~~ department

may not use the fact that ((the applicant has been receiving)) persons received assistance from another state as the basis ((for determining that such individual is not a resident)) to determine they are not residents of Washington.

(4) ~~((It is assumed that any person who removes himself))~~ Persons removing themselves from the state of Washington for more than a temporary visit ((is)) are assumed to no longer ((residing)) reside in the state of Washington unless ((he)) they can present positive evidence to the contrary. ~~((No assistance shall be granted to any person who is))~~ The department shall not grant assistance to persons not residing in the state of Washington according to this assumption. See WAC 388-33-240 pertaining to "visit." ((A)) Recipients remaining out of the state for more than one month must supply adequate information to overcome the assumption ((that he)) they no longer ((intends)) intend to reside in the state of Washington.

(5) Assistance can only be continued ~~((if the))~~ to recipients who:

(a) Remain((s)) in need; and ((can))

(b) Fulfill all eligibility requirements, such as, referral to WIN or other rehabilitative resources, current registration for work, maintenance of services to children, etc.

~~((fb))~~ Noncontinuing GA is not paid to persons outside the state:))

AMENDATORY SECTION (Amending Order 531, filed 3/31/71)

WAC 388-26-065 RESIDENCE—APPLICANT LIVING IN ANOTHER STATE. ~~((A person))~~ Persons applying to Washington for a public assistance grant while living in another state or country may meet the residence requirement if they:

(1) ~~((He offers))~~ Offer convincing proof ((that he has)) they have maintained residence in this state since leaving it. "Proof" shall be more than a "statement of intent" to maintain residence in Washington. The intent must be evidenced by prior acts of a specific nature which bear out the intent and which can be demonstrated. Acceptable evidence may be return trips to this state, written statements to other persons, maintenance of a home in this state, or other such actions;

(2) ~~((He))~~ Once lived and acquired residence in this state, and ((his))

(a) Still intend to maintain their residence in the state of Washington, and

(b) Have a plan to return to the state, and

(c) Their absence is:

~~((fa))~~ (i) Enforced and beyond ((his)) their control, or

~~((fb))~~ (ii) Essential to ((his)) their welfare and due to ((his)) physical or social needs((; and

(c) He continues his intention of maintaining his residence in the state of Washington and has a plan to return to the state)); and

(3) ~~((He is living))~~ Live in the United States at the time of application; and

(4) ~~((Arrangements))~~ Can ((be made)) arrange to have the application taken by a public assistance agency

and the agency can make the necessary investigation ~~((made))~~ to process the application in accordance with Washington rules.

AMENDATORY SECTION (Amending Order 976, filed 10/28/74)

WAC 388-26-070 RESIDENCE—APPLICANT RECEIVING ASSISTANCE FROM ANOTHER STATE. An applicant ~~((who is a recipient of))~~ receiving assistance from another state ~~((shall be))~~ is eligible for assistance in Washington when ~~((he satisfies))~~ the residence requirement ~~((of Washington))~~ is satisfied and the applicant is otherwise eligible. ~~((However,))~~ The department shall not authorize assistance ~~((from))~~ in Washington ~~((shall not be authorized))~~ until eligibility for assistance from the other state ceases and the grant from the other state is terminated.

AMENDATORY SECTION (Amending Order 531, filed 3/31/71)

WAC 388-26-080 RESIDENCE—OF CHILDREN. ~~((A child is residing))~~ Children reside in the state of Washington if ~~((he is making his))~~ they make their home in the state.

AMENDATORY SECTION (Amending Order 531, filed 3/31/71, effective 5/1/71)

WAC 388-26-105 RESIDENCE—AUTHORIZING RETURN OF WASHINGTON RESIDENT. ~~((†))~~ When an inquiry is received regarding whether or not a person is a resident of the state of Washington, or should move to the state of Washington, the ~~((†))~~ department shall:

~~((†))~~ (1) Investigate the pertinent facts relative to the inquiry~~((:));~~

~~((†))~~ (2) Furnish the other state with pertinent information ~~((and,));~~

(3) When appropriate, give social facts ~~((which indicate))~~ indicating whether residence in the state of Washington is or is not in the interest of the ~~((individual's))~~ person's welfare~~((:));~~ and

~~((†))~~ (4) Inform the inquiring state that the department has no legal authority to authorize the return of ~~((individuals))~~ a person to the state or to pay costs of such return.

AMENDATORY SECTION (Amending Order 2119, filed 7/6/84)

WAC 388-26-120 CITIZENSHIP AND ALIEN-AGE. To be eligible for AFDC or continuing general assistance, a resident shall be either:

(1) A citizen; or

(2) ~~((An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7), Section 207(c), Section 208, or Section 212(d)(5) of the Immigration and Nationality Act); or~~

~~((†))~~ A Canadian Indian (a North American Indian born in Canada) ~~((is to be))~~ considered the same as a United States citizen ~~((if))~~ because he or she:

(a) ~~((He or she))~~ Has at least fifty percent Indian blood; or

(b) Has less than fifty percent Indian blood and entered the United States prior to December 24, 1952, and
(c) Has maintained residence since entry; or

(3) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7), Section 207(c), Section 208, or Section 212(d)(5) of the Immigration and Nationality Act) except:

(a) An alien attaining temporary resident status (TRS) or permanent resident status (PRS) under the Immigration Reform and Control Act of 1986 (IRCA) is not eligible for AFDC for five years from the date TRS was granted; except:

(b) Cuban and Haitian entrants attaining TRS or PRS under IRCA may immediately receive AFDC if otherwise eligible.

WSR 87-19-095

ADOPTED RULES

DEPARTMENT OF LICENSING
(Board of Registration for Architects)

[Order PM 676—Filed September 17, 1987]

Be it resolved by the Washington State Board of Registration for Architects, acting at Vancouver, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 308-12-085	Corporations or joint stock associations.
Amd	WAC 308-12-115	Definitions.
Amd	WAC 308-12-150	Work experience defined.
New	WAC 308-12-083	Identification of registrant.

This action is taken pursuant to Notice No. WSR 87-14-016 filed with the code reviser on June 23, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to RCW 18.08.420 (WAC 308-12-085), RCW 18.08.320 (WAC 308-12-115), RCW 18.08.350 (WAC 308-12-150), and RCW 18.08.420 and 18.08.310 (WAC 308-12-083) and are intended to administratively implement those statutes.

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 August 7, 1987.

By Benjamin Woo
Chairman

NEW SECTION

WAC 308-12-083 IDENTIFICATION OF REGISTRANT. In order to promote public awareness and prevent misunderstanding, architectural firms shall identify the active, licensed architect, responsible for the architectural activities of the firm, pursuant to the following provisions:

(1) Where a firm name is that of a deceased, retired or previous principal, the firm shall within three years after such death, retirement, or departure, designate an active licensed principal in all communications such as telephone directories, announcements, brochures, business cards, letterheads, promotional literature, and other media intended for public display or circulation.

(2) Architectural corporations, licensed under the authority of RCW 18.08.420, shall identify the designated architect in either the firm's name or separately as in subsection (1) of this section.

(3) When a firm uses an assumed business name, an architect responsible for the firm's architectural services shall be clearly identified as in subsection (1) of this section with the name of the firm.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

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))) 18.08.420.

(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.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

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))) 18.08.320, 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))) 18.08.320 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.

(6) Direct supervision—The phrase, "under the direct supervision of an architect" as used in connection with architectural work experience for qualification and eligibility for the examination shall refer to any of the following conditions or situations.

(a) The supervising architect is an employer who is knowledgeable of the performance and competence of the applicant.

(b) The supervising architect works for the same employer as the applicant, and is either the direct superior of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

AMENDATORY SECTION (Amending Order PL 579, filed 2/5/86)

WAC 308-12-150 WORK EXPERIENCE DEFINED. (1) In order to receive credit from the board for full-time practical architectural work experience, the applicant must be employed for at least thirty-five hours per week for a minimum of ten consecutive weeks.

(2) In order to receive credit from the board for part-time practical architectural work experience, the applicant must be employed for at least twenty hours per week in periods of six or more consecutive months.

(3) If the applicant is certified by the National Council of Architectural Registration Boards (NCARB) as having successfully completed the architectural Intern Development Program, such work experience may be used in lieu of subsections (1) and (2) of this section, to satisfy the work experience requirements of RCW 18.08.350.

(4) Work experience may be accrued simultaneously while educational credit is being accrued.

WSR 87-19-096
 ADOPTED RULES
 DEPARTMENT OF LICENSING
 (Examining Board of Psychology)
 [Order PM 678—Filed September 17, 1987]

Be it resolved by the Washington State Examining Board of Psychology, acting at the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to Psychologists—Education prerequisite to licensing, amendatory section WAC 308-122-200.

This action is taken pursuant to Notice No. WSR 87-15-104 filed with the code reviser on July 22, 1987. 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 18.83.050(2) and 18.83.070(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 September 11, 1987.

By Martha Perry, Ph.D.
 Chairperson

AMENDATORY SECTION (Amending Order PL 293, filed 11/27/78)

WAC 308-122-200 PSYCHOLOGISTS—EDUCATION PREREQUISITE TO LICENSING. ~~((+))~~ To meet the education requirement ~~((imposed by the statute))~~ of RCW 18.83.070, an applicant ~~((must))~~ shall possess a doctoral degree from ~~((a training))~~ an institution ~~((approved by the board in which))~~ of higher education accredited in the region in which the doctoral program is offered at the time the applicant's degree was awarded. In that doctoral program, at least forty semester hours, or sixty quarter-hours, of graduate courses ~~((were passed))~~ shall have been passed successfully, and ~~((were))~~ can be clearly identified by title and course content as being ~~((primarily psychological in nature, as determined by the board:))~~ part of a psychology program. One of the standards for issuance of said degree ~~((must [should] require))~~ shall have been the submission of an original dissertation which ~~((must be))~~ was psychological in nature ~~((; as determined by the board:))~~. Endorsement by the program administrator shall be requested and considered.

~~((2))~~ The following guidelines define the "academic core" of study that should have been completed by each applicant:

~~(a)~~ Programs accredited by the American Psychological Association are recognized as one way of meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional training:

~~(b)~~ Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education:)

An integrated program of graduate study in psychology shall be defined as follows:

(1) The following defines the organizational structure of the program:

~~((c))~~ (a) The program ~~((must))~~ shall be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures ~~((must))~~ shall show intent to educate and train ~~((professional))~~ psychologists.

~~((d))~~ (b) The psychology program ~~((must))~~ shall stand as a ~~((recognizable))~~ recognized, coherent, ~~((organizational))~~ entity within the institution.

~~((e))~~ (c) There ~~((must))~~ shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

~~((f))~~ (d) There ~~((must))~~ shall be an organized sequence of study planned by those responsible for the ~~((training))~~ program to provide an appropriate, integrated ~~((;))~~ experience ~~((applicable to))~~ covering the ~~((professional practice))~~ field of psychology.

~~((g))~~ (e) There ~~((must))~~ shall be an identifiable psychology faculty and a psychologist administratively responsible for the program.

~~((h))~~ (f) There ~~((must))~~ shall be an ~~((identifiable))~~ identified body of students ~~((;))~~ selected on the basis of high ability and appropriate educational preparation.

~~((i))~~ Programs must include practicum, internship, field or laboratory experience appropriate to the practice of psychology:

~~(j))~~ (2) The following defines the academic program:

~~(a)~~ The curriculum ~~((should))~~ shall encompass a minimum ~~((for equivalent))~~ of three academic years of full-time graduate study or their equivalent. The doctoral program ~~((should))~~ shall involve at least one continuous year of full-time residency at the ~~((university at which))~~ institution which grants the degree ~~((is granted))~~. ~~((Instruction should include scientific and professional ethics and standards, history and systems: Research design))~~ The applicant shall clearly have had instruction in: History and systems, research design and methodology ~~((;))~~, statistics and ~~((psychometrics))~~ psychometrics. The ~~((core))~~ program ~~((should also))~~ shall require each student to ~~((obtain an academic background of the following content areas (typically six or more semester hours))~~ complete three or more semester hours (five or more quarter-hours) of core study in each of the following content areas:

~~(i)~~ Biological bases of behavior ~~((; e.g.))~~ (physiological psychology, comparative psychology, ~~((neuropsychology))~~ neurobases, sensation and perception, ~~((psychopharmacology:))~~ biological bases of development;

~~(ii)~~ Cognitive-affective bases of behavior ~~((; e.g.))~~ (learning, thinking, motivation, ~~((emotions:))~~ emotion, cognitive development;

~~(iii)~~ Social bases of behavior ~~((; e.g.))~~ (social ~~((;))~~ psychology, ~~((group processes:))~~ organizational ~~((and systems theory:))~~ theory, community psychology, social development;

(iv) Individual differences (~~(-e.g.,)~~) (personality theory, ~~((human development, abnormal psychology:))~~ psychopathology); and

(v) Scientific and professional ethics.

(b) The program shall include practicum, internship, field or laboratory experience appropriate to the area of psychology that is the student's major emphasis.

(3) If the major emphasis is in ~~((an applied area such as))~~ clinical, counseling, school or other ~~((pertinent))~~ applied area~~((s))~~, the program ~~((must))~~ shall include ~~((a set of))~~ coordinated practicum and internship experience~~((s which total at least two semesters in the practicum setting, and additionally a "one-year" internship. A minimum of))~~.

(a) Practicum experience shall total at least two semesters (three quarters) and consist of a total of at least 300 hours of ((practicum, including)) direct experience and 100 hours of ((scheduled individual)) supervision((; should precede the internship)).

~~((4))~~ The psychological services offered in the internship program in "Standards for providers of psychological services" published) (b) The practica shall be followed by an organized internship. Predoctoral internship programs accredited by the American Psychological Association ((may be used as a framework for the internship program. The board also recognizes other quality internship programs:)) shall be accepted by the board as meeting this requirement. Otherwise, an organized internship shall be as follows:

(i) The internship shall be designed to provide a planned, programmed sequence of training experiences, the primary focus of which is to assure breadth and quality of training.

(ii) The internship setting shall have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed/certified by the state/provincial board of psychology examiners.

(iii) The internship setting shall have two or more psychologists available as supervisors, at least one of whom is licensed/certified as a psychologist.

(iv) Supervision shall be provided by the person who is responsible for the cases being supervised. At least seventy-five percent of the supervision shall be provided by a psychologist(s).

(v) At least twenty-five percent of the intern's time shall be spent in direct client contact (minimum 375 hours) providing assessment and intervention services.

(vi) There shall be a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with the direct psychological services rendered by the intern. There shall also be a minimum of 2 hours of other learning activities such as: Case conferences, seminars on applied issues, co-therapy with a staff person including discussion, group supervision.

(vii) Supervision/training relating to ethics shall be an ongoing aspect of the internship program.

(viii) Trainees shall have titles such as "intern," "resident," "fellow," or other designation of trainee status.

(ix) The internship setting shall have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of trainees' work, and made available to prospective interns.

(x) The internship experience shall consist of at least 1500 hours and shall be completed within twenty-four months.

WSR 87-19-097

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1952—Filed September 17, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to definitions, labeling requirements and examination of fertilizer minerals and limes, chapter 16-200 WAC.

This action is taken pursuant to Notice No. WSR 87-13-061 filed with the code reviser on June 17, 1987. 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 15.54 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 17, 1987.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-200-695 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

(1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.

(2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(4) "Unit" means one percent (by weight) of a ton.

(5) "AOAC" means the association of official analytical chemists.

NEW SECTION

WAC 16-200-705 PURPOSE. The following rules concerning the definitions, labeling requirements and examination of fertilizer minerals and limes are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW.

NEW SECTION

WAC 16-200-711 PLANT NUTRIENTS IN ADDITION TO NITROGEN, PHOSPHORUS AND POTASSIUM. (1) Plant nutrients, other than nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed on the label. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed shall be shown on the label. Proof of availability shall be provided the director upon request. Except guarantees for those water soluble nutrients labeled solely for hydroponic or continuous liquid feed programs, the minimum percentages which will be accepted for registration are as follows:

Element	%
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

(2) Guarantees or claims for the plant nutrients listed in subsection (1) of this section are the only ones which shall be accepted by the department. Proposed labels and directions for the use of the fertilizer shall be furnished to the department with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphorus and potassium.

(3) A warning or caution statement may be required on the label for any commercial fertilizer containing more than 0.1% boron or more than 0.001% molybdenum. The following are examples of possible warning or caution statements:

(a) Boron:

(i) This fertilizer contains boron which may be injurious to certain crops. Contact your local county agent or field consultant for specific information.

(ii) WARNING: This fertilizer carries added borax and is intended for use only on alfalfa. Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops.

(b) Molybdenum: CAUTION: This fertilizer is to be used only on crops which respond to molybdenum. Crops high in molybdenum are toxic to grazing animals (ruminants).

NEW SECTION

WAC 16-200-715 FERTILIZER LABELS. The following information, in the format presented, is the minimum information required for all fertilizer labels. For packaged products, this information shall either appear on the front or back of the package; or occupy at least the upper-third side of the package; or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

(1) Net weight.

(2) Brand.

(3) Grade (provided that the grade shall not be required when no primary nutrients are claimed.)

(4) Guaranteed analysis*

Total Nitrogen (N)** _____ %

____ % ammoniacal nitrogen

____ % nitrate nitrogen

____ % water insoluble nitrogen

____ % urea nitrogen

____ % (other recognized and determined forms of N)

Available Phosphoric Acid (P₂O₅) _____ %

Soluble Potash (K₂O) _____ %

(Other nutrients, elemental basis)*** _____ %

(5) Sources of nutrients guaranteed on the label shall be listed below the completed guaranteed analysis statement.

(6) Name and address of registrant.

* Zero guarantees shall not be made and shall not appear in the statement.

** If chemical forms of nitrogen are claimed or required, the form shall be shown and the percentages of the individual forms shall add up to the total nitrogen percentage.

*** As prescribed by WAC 16-200-711.

NEW SECTION

WAC 16-200-721 SLOWLY RELEASED PLANT NUTRIENTS. (1) No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the nutrient or nutrients are identified and guaranteed.

(2) Types of products with slow release properties recognized are:

(a) Water insoluble (nitrogen products only), such as natural organics, ureaform materials, urea-formaldehyde products, IBDU, oxamide, etc.;

(b) Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers;

(c) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and

(d) Products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc.

(3) The terms "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release" are

accepted as descriptive of the products listed in subsection (2) of this section; however the registrant can show a testing program substantiating the claim (testing under guidance of experiment station personnel or a recognized reputable researcher acceptable to the director). A laboratory procedure, acceptable to the director for evaluating the release characteristics of the product(s) shall also be provided by the registrant upon request.

(4) When the nitrogen is organic, it shall be established that if a label states the amount of organic nitrogen present in a phrase, such as "nitrogen in organic form equivalent to X% N," then the water insoluble nitrogen guarantee shall not be less than sixty percent of the nitrogen so designated. For example: If the total nitrogen guarantee for a fertilizer is ten percent and the label states "Nitrogen in organic form equivalent to 2.5% N" then the water insoluble nitrogen guarantee shall not be less than 1.5% (2.5% x 0.6 = 1.5%).

(5) When a slowly released nutrient is less than fifteen percent of the guarantee for either total nitrogen (N), available phosphoric acid (P₂O₅), or soluble potash (K₂O), as appropriate, the label shall bear no reference to such designations.

(6) AOAC method 2.074 (13th Edition), or as designated in subsequent editions, shall be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC method 2.072 (13th Edition) or as designated in subsequent editions, shall be used to determine the water insoluble nitrogen of organic materials.

NEW SECTION

WAC 16-200-725 COMMERCIAL FERTILIZER DEFINITIONS. Except as the director designates otherwise in specific cases, the names and definitions for commercial fertilizers shall be those adopted by the association of american plant food control officials.

NEW SECTION

WAC 16-200-731 COMMERCIAL VALUE OF PLANT NUTRIENTS. The commercial values used in assessing penalties for plant nutrient deficiencies are as follows:

(1) Fertilizer Materials	Commercial Value (\$/Unit)		
	N	P ₂ O ₅	K ₂ O
Urea	4.20		
Ammonium Nitrate (33.5% - 34% N)	4.75		
Ammonium Sulfate	3.27		
Ammonium Phosphate:			
16-20-0	5.61	5.61	
18-46-0	4.81	4.81	
11-52-0	4.68	4.68	
11-55-0	4.63	4.63	
Triple Superphosphate (45%-46% P ₂ O ₅)		5.25	
Muriate of Potash (60%-62% K ₂ O)			2.17
Potassium Sulfate (50%-53% K ₂ O)			6.64
Sulfate of Potash-Magnesia			8.20
Anhydrous Ammonia (82% N)	3.00		

(1) Fertilizer Materials	Commercial Value (\$/Unit)		
	N	P ₂ O ₅	K ₂ O
Urea ammonium nitrate (32-0-0)	4.62		
Aqua Ammonia (20-0-0)	3.00		
Ammonium Thiosulfate (12-0-0)	5.00		
Ammonium Polyphosphate (10-34-0)	6.00	6.10	

If the commercial value of any of the fertilizer materials listed above varies by more than 10% of the actual invoice value of the lot sampled, the registrant may request that the invoice be used in determining the commercial value of the fertilizer. The request must be accompanied by a copy of the invoice.

(2) Relative values for macronutrients:	Commercial Value (\$/Unit)		
	N	P ₂ O ₅	K ₂ O
Dry blend nonspecialty fertilizer (not listed in (1) above)	4.48	5.16	2.74
Liquid blend nonspecialty fertilizer (not listed in (1) above)	3.93	5.96	2.74
Dry blend specialty fertilizer	18.96	18.96	18.96
Liquid blend specialty fertilizer	18.96	18.96	18.96

(3) Values used for determining and assessing penalties for secondary and minor plant nutrients shall be determined from the sales invoice.

NEW SECTION

WAC 16-200-735 BREAKDOWN OF PLANT FOOD ELEMENTS WITHIN THE GUARANTEED ANALYSIS. When a plant nutrient guarantee is broken down into the component forms, the percentage for each component shall be shown before the name of the form. For example: 4% Nitrate Nitrogen.

NEW SECTION

WAC 16-200-739 BRAND NAME. The addition of another prominent name or design to a registered brand (other than descriptive words associated with the grade) shall constitute a new and different brand. For example: Blue Bird 5-10-10 vs. John Doe Blue Bird 5-10-10.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-200-700 DEFINITION, LABELING, AND REGISTRATION OF CUSTOMER-FORMULA FERTILIZERS.

WAC 16-200-710 SECONDARY AND MINOR PLANT NUTRIENTS.

WAC 16-200-720 DEFINITIONS, REGULATIONS, AND ANALYSIS.

WAC 16-200-730 SPECIALTY FERTILIZERS.

WAC 16-200-740 FERTILIZER BRAND REGISTRATION.

WAC 16-200-743 FERTILIZER BRAND REGISTRATION—LABELING.

WSR 87-19-098
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
[Order 1953-Filed September 17, 1987]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursery fees and assessments, chapter 16-401 WAC.

This action is taken pursuant to Notice No. WSR 87-13-062 filed with the code reviser on June 17, 1987. 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 15.54 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 17, 1987. By Michael V. Schwisow

AMENDATORY SECTION (Amending Order 1315, filed 5/30/73)

WAC 16-401-020 NURSERY INSPECTION FEES. (Facility inspection) Any plant material at the location licensed as a nursery dealer under chapter 15.13 RCW shall be subject to inspection. A certificate will be written stating the result of the inspection.

A fee may be charged for repeated, subsequent inspections: PROVIDED, That the license location shall be subject to no more than two paid inspections each license period. Fees shall be based on actual time spent for inspection as follows:

Table with 2 columns: Time interval and Fee. Rows include: Up to 1/2 hour (None), 1/2 to 1 hour (\$ 9.00), 1 to 2 hours (18.00), 2 to 3 hours (27.00), Over 3 hours (36.00).

AMENDATORY SECTION (Amending Order 1628, filed 3/21/79)

WAC 16-401-025 NURSERY INSPECTION-REQUESTED INSPECTIONS. Requested nursery inspections shall be at the rate of \$18.00 per hour, except as listed below, and shall include, but not be limited to:

- Third party inspections, including travel time: Minimum charge \$18.00/hour
Phytosanitary certificate: Minimum charge each inspection \$9.00
Each additional phytosanitary (or hourly rate whichever applies) \$3.00

- Nursery ((stock)) inspection ((certificate)) record: Minimum charge \$6.00
Fumigation certificate: Minimum charge \$27.00 ea.

- Field inspections: Field inspections of flowering bulbs, corms, rhizomes, or other field crops, each year: Per acre or fraction thereof \$2.00

- Certificate of inspection of nursery stock ((Stock)) Minimum charge: Licensed nurseryman No Fee, Unlicensed nurseryman 1.00 ea.

- Nursery sticker: In lots of 250 .01 ea., Less than 250 (minimum 10) .10 ea.
Nursery stock inspection certificate tag: In lots of 250 .01 ea., Less than 250 (minimum 10) .10 ea.

When combinations of requested inspections are ((in combination)) made, the charge ((with)) shall be ((\$12.00)) \$18.00 per hour and minimum charges ((with)) shall be waived.

EXCEPTION: When combination inspections include fumigation, a minimum charge will be ((\$18.00)) \$27.00.

AMENDATORY SECTION (Amending Order 1628, filed 3/21/79)

WAC 16-401-030 EXTRA CHARGES. Extra charges on all requested inspections under WAC 16-401-025 shall be at the rate of ((\$12.00)) \$18.00 per hour above the minimum charges listed.

(1) For all inspection services performed after 5:00 p.m. or on Saturdays, Sundays or state legal holidays, an hourly charge equivalent of ((\$18.00)) \$27.00 per hour for actual hours spent in performance of duties shall be made. This shall include unit charges, plus, if necessary, overtime charges to equal ((\$18.00)) \$27.00 per hour.

(2) The following state legal holidays will be observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving, Veteran's Day, Christmas Day, ((Lincoln's Birthday, Washington's Birthday, Columbus Day and General Election Day)) President's Day, and Martin Luther King Jr.'s Birthday. NO SERVICE will be performed on Thanksgiving, Christmas or New Year's Day, beginning at 5:00 p.m. on the previous day.

(3) All fees due under provisions of WAC 16-401-020, 16-401-025 and 16-401-030 shall be payable at the time the service is completed.

NEW SECTION

WAC 16-401-040 NURSERY DEALER LICENSE FEES. As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of annual license fees which shall accompany the application for nursery dealer license:

- (1) Retail nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than two thousand five hundred dollars, the license fee shall be twenty-five dollars.

(b) For gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee shall be fifty dollars.

(c) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

(2) Wholesale nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than fifteen thousand dollars, the license fee shall be fifty dollars.

(b) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

NEW SECTION

WAC 16-401-050 ANNUAL ASSESSMENT—FRUIT TREE MATERIAL. As provided in chapter 15.13 RCW, the director of agriculture hereby establishes an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-401-002 PROMULGATION.

WSR 87-19-099

EMERGENCY RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 87-1, Resolution No. 87-1—Filed September 17, 1987]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does adopt the annexed rules relating to tariff proposals, WAC 296-116-175.

We, the Board of Pilotage Commissioners, 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 emergency rule is necessary in order to facilitate the setting of pilotage tariffs.

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

This rule is promulgated pursuant to RCW 88.16.035 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 10, 1987.

By Marjorie T. Smitch
Assistant Attorney General

NEW SECTION

WAC 296-116-175 TARIFF PROPOSALS. *The board of pilotage commissioners has been charged with certain statutory duties by RCW 88.16.035. To assist the board in its responsibilities to provide for the maintenance of efficient and competent pilotage services and to annually fix the pilotage tariffs for pilotage services to be performed on the waters covered by chapter 88.16 RCW, it shall be the policy that licensed pilots, ship operators, and interested members of the public may jointly or separately present tariff proposals to the board for its consideration. To that end, individual Washington state licensed pilots, independent ship owners or operators, members of the public and/or agents, committees or organizations representing said persons or corporations are authorized to meet, discuss, and prepare joint or separate tariff proposals for board consideration. They may appear before the board to support or oppose any such proposal, or part thereof, but the final determination, adoption and active supervision of the rates, charges, expense items, and classifications to be contained in said pilotage tariffs and the rules, regulations, or procedures to implement said annual tariffs shall be made by the board.*

WSR 87-19-100

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 87-1, Resolution No. 87-1—Filed September 17, 1987]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does adopt the annexed rules relating to tariff proposals, WAC 296-116-175.

This action is taken pursuant to Notice No. WSR 87-16-083 filed with the code reviser on August 5, 1987. 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 88.16.035 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 10, 1987.
 By Marjorie T. Smitch
 Assistant Attorney General

NEW SECTION

WAC 296-116-175 TARIFF PROPOSALS. The board of pilotage commissioners has been charged with certain statutory duties by RCW 88.16.035. To assist the board in its responsibilities to provide for the maintenance of efficient and competent pilotage services and to annually fix the pilotage tariffs for pilotage services to be performed on the waters covered by chapter 88.16 RCW, it shall be the policy that licensed pilots, ship operators, and interested members of the public may jointly or separately present tariff proposals to the board for its consideration. To that end, individual Washington state licensed pilots, independent ship owners or operators, members of the public and/or agents, committees or organizations representing said persons or corporations are authorized to meet, discuss, and prepare joint or separate tariff proposals for board consideration. They may appear before the board to support or oppose any such proposal, or part thereof, but the final determination, adoption and active supervision of the rates, charges, expense items, and classifications to be contained in said pilotage tariffs and the rules, regulations, or procedures to implement said annual tariffs shall be made by the board.

WSR 87-19-101
PROPOSED RULES
INSURANCE COMMISSIONER
 [Filed September 17, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning termination of program, repealing WAC 284-19-200, to continue in force the Washington essential property insurance inspection and placement program;

that the agency will at 10:00 a.m., Tuesday, October 27, 1987, in the Office of Insurance Commissioner, Conference Room, Second Floor, Insurance 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 48.02.060.

The specific statute these rules are intended to implement is RCW 48.58.010(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987. Mailing address: Insurance Building, AQ-21, Olympia, WA 98504-0321.

Dated: September 17, 1987

By: Melodie H. Bankers
 Deputy Insurance Commissioner

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-19-200 TERMINATION OF PROGRAM.

WSR 87-19-102
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE
 [Memorandum—September 18, 1987]

The associated student senate meets nine times per quarter; beginning the first Friday of the quarter and ending the last Friday before finals week. The meetings will be held Fridays at 2:30 p.m. in Room L-25 on the SVC main campus. One meeting per quarter will be held on the Whidbey Campus of SVC at the same day and time. The room is to be determined at a latter date. Said meeting will be announced two meetings in advance.

WSR 87-19-103
ADOPTED RULES
CLARK COLLEGE

[Order 87-02, Resolution No. 87-02—Filed September 18, 1987]

Be it resolved by the board of trustees of Clark Community College District No. 14, acting at Vancouver, Washington, that it does adopt the annexed rules relating to parking and traffic rules and regulations.

This action is taken pursuant to Notice No. WSR 87-15-125 filed with the code reviser on July 22, 1987. 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 Clark College as authorized in chapters 28B.50 and 28B.10 RCW.

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 26, 1987.

By Richard L. Schwary
 Chair, Board of Trustees

Chapter 132N-156 WAC
PARKING AND TRAFFIC RULES AND REGULATIONS

WAC

INTRODUCTION

- 132N-156-300 Purpose.
- 132N-156-310 Authority.
- 132N-156-320 Definitions.
- 132N-156-330 Liability of Clark College.

TRAFFIC REGULATIONS

- 132N-156-400 Authorized use of campus avenues and parking facilities.
 132N-156-410 Vehicle speed limitations.
 132N-156-420 Regulatory signs and directions.
 132N-156-430 Pedestrian right of way.
 132N-156-440 Traffic accidents.
 132N-156-450 Traffic offenses.
 132N-156-460 Bicycles and nonvehicular transportation usage.

PARKING FACILITY USAGE

- 132N-156-500 Allocation of parking space.
 132N-156-510 Designated and assigned parking.
 132N-156-520 Parking within designated areas.
 132N-156-530 Impounding of disabled/abandoned vehicles.
 132N-156-540 Registered owner is responsible for illegal parking.
 132N-156-550 Illegal parking.
 132N-156-560 Hazardous illegal parking.
 132N-156-570 Bicycle parking.

PARKING PERMIT REQUIREMENTS

- 132N-156-600 Faculty and staff parking permits.
 132N-156-610 Permit parking on campus.
 132N-156-620 Fees for parking permits.
 132N-156-630 Parking fee payment.
 132N-156-640 Temporary parking permits.
 132N-156-650 Revocations.

PARKING AND TRAFFIC RULES AND REGULATIONS ENFORCEMENT

- 132N-156-700 Policy enforcement.
 132N-156-710 Payment of fines.
 132N-156-720 Reduction in fines.
 132N-156-730 Appeals.
 132N-156-740 Security/parking advisory committee.
 132N-156-750 Unpaid fines.
 132N-156-760 Special circumstances.

INTRODUCTION**NEW SECTION**

WAC 132N-156-300 **PURPOSE.** The parking and traffic regulations contained herein provide a fair and uniform method of regulating college vehicular and pedestrian traffic and are based on the following objectives:

- To protect and control pedestrian and vehicular traffic.
- To assure access at all times for emergency equipment.
- To minimize traffic disturbances during class hours.
- To facilitate the work of the college by assuring access for college vehicles and by assigning the limited parking space to the most efficient use.

Permission to park or operate a vehicle on college property governed by these regulations or the purchase of a permit for designated parking does not ensure the regular availability of a parking space.

NEW SECTION

WAC 132N-156-310 **AUTHORITY.** Pursuant to the authority granted by RCW 28B.50.140(10) the board of trustees of Clark College, is granted authority to establish rules and regulations for pedestrians and vehicular traffic over property owned, operated, and maintained by the college.

The enforcement of these parking and traffic rules and regulations shall be the responsibility of the college security department.

College security officers are authorized to issue parking and traffic citations, impound and/or immobilize vehicles, and control and regulate traffic and parking as prescribed in these parking and traffic rules and regulations.

Any person interfering with a college security officer in the discharge of the provisions of these parking and traffic rules and regulations shall be in violation of chapter 9A.76 RCW, Obstructing governmental operation, and may be subject to arrest by a peace officer under RCW 9A.76.020.

NEW SECTION

WAC 132N-156-320 **DEFINITIONS.** College – Community College District No. 14.

College property – Campus property, parking lots, or land owned, leased or controlled by Clark College.

Impoundment – Removal of a vehicle to a storage facility or impoundment by use of a wheel-lock device to prevent removal of a vehicle.

Pedestrian – Any person afoot, as defined in chapter 46.04 RCW.

Student – Individual currently registered for classes at the college.

Vehicular traffic or vehicles – Those devices defined as "vehicles" in chapter 46.04 RCW.

Nonvehicular modes of transportation – Nonvehicular modes of transportation shall mean nonpedestrian transportation devices other than vehicles and shall include, but not be limited to, bicycles and skateboards.

NEW SECTION

WAC 132N-156-330 **LIABILITY OF CLARK COLLEGE.** The college assumes no liability for vehicles parking or traveling on college property, nor shall it be held liable for the loss of goods or property from vehicles parked on college property. Clark College, the college security department, college security officers, members and employees shall not be held liable for any damages or losses occurring to or from vehicles or equipment when rendering motorist assistance, impounding vehicles, or performing any duties as described in these parking and traffic rules and regulations.

TRAFFIC REGULATIONS**NEW SECTION**

WAC 132N-156-400 **AUTHORIZED USE OF CAMPUS AVENUES AND PARKING FACILITIES.** Only those vehicles as defined and regulated in chapter

46.04 RCW and as defined herein, may be operated in parking lots or in traffic areas by licensed drivers as defined in chapter 46.20 RCW. No vehicle, with the exception of nonmotorized bicycles, handicapped transportation devices, and certain maintenance vehicles, may be operated on intracampus property, pathways, or sidewalks without permission of the college security department.

NEW SECTION

WAC 132N-156-410 VEHICLE SPEED LIMITATIONS. No vehicle shall be operated on the campus in excess of ten miles per hour. When safety circumstances dictate, a speed less than ten miles per hour should be maintained.

NEW SECTION

WAC 132N-156-420 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs at all times and shall comply with directions given by college security officers in the control and regulation of traffic and parking.

NEW SECTION

WAC 132N-156-430 PEDESTRIAN RIGHT OF WAY. The operator of a vehicle shall yield the right of way, slowing down or stopping if need be, to so yield to any pedestrian crossing any street, roadway, fire lane, or pathway with or without a crosswalk.

Whenever any vehicle is stopped at a marked crosswalk, unmarked crosswalk, intersection or any other place in order to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass the yielding vehicle.

NEW SECTION

WAC 132N-156-440 TRAFFIC ACCIDENTS. Persons involved in traffic accidents on college property are to report the accident to the college security department. An officer will be dispatched to investigate and file a report on the accident. In addition, RCW 46.52.030 requires that accidents on college property involving injury or property damage in excess of three hundred dollars be reported to local law enforcement agencies.

NEW SECTION

WAC 132N-156-450 TRAFFIC OFFENSES. College security officers may issue a citation for any of the following traffic offenses. Due to the severe risk to public safety, traffic offenses do not require a previous warning prior to the issuance of a fine.

- Failure to yield right of way (posted)
- Failure to yield right of way to pedestrian
- Failure to yield right of way to vehicle
- Failure to yield right of way to emergency vehicle
- Driving with excessive speed
- Failure to stop at traffic signal/sign
- Failure to use due care and caution
- Driving without lights after dark

Having a passenger or animal outside of vehicle while in motion

Driving with an obstructed view

Driving on shoulder, or sidewalk or intracampus sidewalk or lane without authorization

Disobeying flagman, peace officer, college security officer, or firefighter.

All traffic citations carry a twenty-dollar fine.

NEW SECTION

WAC 132N-156-460 BICYCLES AND NONVEHICULAR TRANSPORTATION USAGE. Bicycles may be ridden any place where vehicles are permitted. They may also be ridden on campus sidewalks or pathways though pedestrians always have the right of way. An audible signal shall be used by bicyclists to warn pedestrians of oncoming bicycles. Bicyclists shall not ride in a reckless manner nor engage in stunts or dangerous acts nor operate at speeds greater than ten miles per hour or such lower speed as is reasonable and prudent under the circumstances. With the exception of handicap transportation devices, no other nonvehicular modes of transportation will be allowed on college property, including, but not limited to, skateboards, roller skates, and snow sleds.

PARKING FACILITY USAGE

NEW SECTION

WAC 132N-156-500 ALLOCATION OF PARKING SPACE. The parking spaces available on college properties shall be assigned by the college security department in such a manner as will best obtain the objectives of these regulations. The security department is authorized to mark various parking areas on college property with numbers or titles or by posting signs, curb or pavement markings.

Open parking – Open parking is limited to those parking areas not otherwise marked as faculty/staff, handicapped, special use, or visitor. Student vehicles are not required to display a parking permit. Open parking areas may be utilized by vehicles displaying a faculty/staff parking permit.

Faculty/staff parking – Only college employee vehicles displaying a valid parking permit may park in faculty/staff parking zones. Faculty/staff parking zones shall be considered open parking zones after 5:00 p.m. each day that the college is in regular session. Faculty/staff/administrators using college parking facilities up to 5:00 p.m. during the academic year are to purchase parking permits.

Visitor parking – All visitors, including guests, salespersons, maintenance or service personnel and all other members of the public may park on college property in open parking, in designated special use visitor zones, or as directed by the college security office.

Handicapped parking – Handicapped parking zones may only be occupied by vehicles displaying a valid handicap parking permit issued by the college or issued in compliance with RCW 46.16.381 and 46.16.390.

Handicap parking permits are available in the college's wellness resource center.

Motorcycle parking – Motorcycle parking zones shall be reserved for motorcycles and motor-driven cycles. These vehicles are not to occupy regular automobile parking spaces.

Service vehicle parking – Service vehicle parking zones are limited to use by authorized college service vehicles.

NEW SECTION

WAC 132N-156-510 DESIGNATED AND ASSIGNED PARKING. Vehicles shall be parked on college property only in those areas set aside and designated as parking areas. In any area requiring a special parking permit, no vehicle shall park without said permit.

NEW SECTION

WAC 132N-156-520 PARKING WITHIN DESIGNATED AREAS. No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require a vehicle attempting to park to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

NEW SECTION

WAC 132N-156-530 IMPOUNDING OF DISABLED/ABANDONED VEHICLES. No disabled or inoperative vehicle shall be parked on college property for a period in excess of twenty-four hours unless permission is arranged with the college security department. Vehicles which have been parked for periods in excess of twenty-four hours may be impounded and stored at the expense of either or both the owner or operator thereof. Notice of intent to impound will be posted on the vehicle at least twenty-four hours prior to impound. Neither the college nor college employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

NEW SECTION

WAC 132N-156-540 REGISTERED OWNER IS RESPONSIBLE FOR ILLEGAL PARKING. Every person in whose name a vehicle is registered (licensed) shall be responsible for any parking of said vehicle and for all offenses other than moving violations under these regulations. It shall be no defense that said vehicle was illegally parked or used by another, unless it be clearly established that at such time said vehicle was being used without the consent of the registered owner.

NEW SECTION

WAC 132N-156-550 ILLEGAL PARKING. No person shall stop, stand, or park a vehicle at any place where official signs, curb, or pavement markings prohibit parking, nor within fifteen feet of a fire hydrant or ten

feet of any building, nor at any place for which the vehicle does not have a valid parking permit. Any vehicle not parked in a marked parking stall shall be considered illegally parked.

The driver of any vehicle who is instructed by a college security officer to either move an illegally parked vehicle or not to park in violation of this section, and refuses, will have their vehicle immediately impounded or immobilized.

College security officers may issue a warning citation for any of the following parking violations if a registration check shows that the vehicle has not previously been cited for any violation of these parking and traffic rules and regulations.

- Parking permit not displayed while parking in a designated parking area.
- Parking a disabled or inoperable vehicle on campus in excess of twenty-four hours.

College security officers may issue a citation resulting in a fine if the vehicle has received a previous warning citation for any violation of the parking and traffic rules and regulations or is found in the commission of any of the following parking violations:

- Occupying more than one space.
- Parking in a space not designated for parking.
- Parking in an area not authorized.
- Blocking traffic.
- Parking within fifteen feet of a fire hydrant.
- Parking in a fire lane, sidewalk, or intracampus avenue.
- Parking in a "No Parking" zone.
- Parking on the grass.
- Parking in "Handicapped" parking zone without a handicapped parking permit.

All parking citations carry a ten-dollar fine with the exception of "Handicapped" parking violations which carry a twenty-dollar fine.

NEW SECTION

WAC 132N-156-560 HAZARDOUS ILLEGAL PARKING. No person shall stop, stand, or park a vehicle so as to obstruct traffic along or upon any street, firelane, or sidewalk nor at any location as described in RCW 46.61.570. Due to the severe risk to public safety created by any vehicle parking in violation of this section, college security officers are authorized to cite and immediately impound said vehicle. College security officers will complete a vehicle impound report including the reason for the impound.

NEW SECTION

WAC 132N-156-570 BICYCLE PARKING. Bicycles shall be parked in bicycle racks or other facilities provided for the purpose. Where such facilities are provided, at no time shall a bicycle be parked in a building, against a building, near a building exit, on a path or sidewalk, nor chained or otherwise secured to trees, lamp standards, or sign posts. Any bicycle found in violation of this section may be cited for illegal parking and impounded by the college security department without warning.

PARKING PERMIT REQUIREMENTS**NEW SECTION**

WAC 132N-156-600 **FACULTY AND STAFF PARKING PERMITS.** All college faculty/staff/administrators using college parking facilities up to 5:00 p.m. during the academic year are to purchase and display a valid parking permit. The fact that an employee may be eligible to park in a handicapped parking zone, will not relieve the employee of this requirement. A valid faculty/staff parking permit does not, by itself, constitute authority to park in other parking facilities leased or owned by the college.

NEW SECTION

WAC 132N-156-610 **PERMIT PARKING ON CAMPUS.** A valid parking permit is:

- A current vehicle permit properly displayed in accordance with permit instructions.
- A temporary parking permit authorized by the college security department and displayed in accordance with the instructions shown on the permit.

Parking permits are not transferable. The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute present imminent danger of unlawful activity, or if a prospective user has previously violated the provisions of these parking policies or other written rules or regulations of the college. All outstanding college parking fines must be paid before a parking permit will be issued or renewed.

NEW SECTION

WAC 132N-156-620 **FEES FOR PARKING PERMITS.** The fees charged by the college for the issuance of permits shall be those established under the authority of the board of trustees of the college. Parking permits are issued as a license to park on college property.

Fees collected will be utilized for parking operations only, including parking enforcement and parking lot maintenance.

Current faculty/staff parking permit fees are five dollars per quarter for one vehicle and six dollars per quarter for two or more vehicles. Permits may be purchased on either an annual or quarterly basis. Permits are required for Fall, Winter, and Spring quarters only and will not be required Summer quarter.

NEW SECTION

WAC 132N-156-630 **PARKING FEE PAYMENT.** Faculty and staff can purchase annual permits by cash or check directly to the college or by payroll deduction. Annual contracted faculty and staff members may select the payroll deduction plan for payment of the annual permit only. Those selecting this payment plan must complete a payroll deduction authorization form before issuance of a permit.

Annual or quarterly parking permits may be purchased at either the college bookstore or at the cashier's office in the Baird Administration Building.

NEW SECTION

WAC 132N-156-640 **TEMPORARY PARKING PERMITS.** Any permit holder may obtain a temporary parking permit from the college security department for an unregistered vehicle when the registered vehicle is unavailable due to repairs or for another valid reason. These permits are good for a period of two weeks.

NEW SECTION

WAC 132N-156-650 **REVOCATIONS.** Parking permits are licenses and the property of the college and may be recalled for any of the following reasons:

- When the purpose for which the permit was issued changes or no longer exists.
- When a permit is used on an unregistered vehicle or by an unauthorized individual.
- Falsification on a parking permit application form.
- Continued violations of these parking regulations.
- Counterfeiting or altering of parking permits.
- Failure to comply with a decision of the security supervisor.

Appeals of parking permit revocations may be made to the dean of administrative services. Appeals must be filed within seven days of the date of notice of revocation.

PARKING AND TRAFFIC RULES AND REGULATIONS ENFORCEMENT**NEW SECTION**

WAC 132N-156-700 **POLICY ENFORCEMENT.** The board of trustees of the college, or designee, shall set and approve fair and uniform fines for violations of these rules and shall provide adequate means for the enforcement and/or collection of such a fine policy. If a violation of the parking and traffic rules and regulations is committed, the college security department is authorized to issue a citation, either warning or monetary, as prescribed by WAC 132N-156-450, 132N-156-550, and 132N-156-560. Any second violation of any parking and traffic rules and regulations will result in a citation.

Any violation occurring after the second citation may result in the violator's vehicle being impounded or immobilized and held until all outstanding citations have been paid and/or the loss of parking privileges on college property.

NEW SECTION

WAC 132N-156-710 **PAYMENT OF FINES.** Persons cited for violations of the parking and traffic rules and regulations may respond either by filing a written appeal or by paying a fine within fifteen days of receipt of the citation. All fines are to be made payable to Clark College. Fines can be paid by mail or in person

at the cashier's office in the Baird Administration Building. Fines that are mailed must be received within fifteen days of receipt of the citation.

NEW SECTION

WAC 132N-156-720 REDUCTION IN FINES. Fines for parking and traffic offenses will be reduced by two dollars if paid within forty-eight hours (excluding weekends and holidays), payable to Clark College. No reduction will be made on mail-in payments.

NEW SECTION

WAC 132N-156-730 APPEALS. Persons who receive citations for violations of the parking and traffic rules and regulations may appeal to the security supervisor. Upon showing good cause or mitigating circumstances, the security supervisor is authorized to dismiss, suspend, impose any lesser fine, and/or grant an extension of time within which to comply with the determination of the fine.

If the situation is not resolved satisfactorily, an appeal in writing may be made to the dean of administrative services. Appeals must be submitted and received without posting of fine within fifteen days after the date of the citation. The security/parking committee shall consider each appeal on its merits and shall make written notification of each decision of the committee through the dean of administrative services to the appellant and the college security department.

NEW SECTION

WAC 132N-156-740 SECURITY/PARKING ADVISORY COMMITTEE. The security/parking advisory committee is responsible for advising the college security department on security and parking operations. Examples of committee activity include:

- Reviewing parking regulations and fees and recommending their adoption.
- Considering appeals of citations for violations of these parking and traffic rules and regulations, and making written notification of each decision of the committee to the appellant and the security department.
- Reviewing and recommending suggested changes to parking lot configuration and use to improve quality and quantity of parking on campus.
- Reviewing provisions for security on campus and recommending practices and procedures for the enhancement of security.

The security/parking advisory committee meets as needed when the college is in session. The security/parking advisory committee consists of the dean of administrative services (chair), the security supervisor, two faculty, two classified employees, and one student member.

NEW SECTION

WAC 132N-156-750 UNPAID FINES. If any fine remains unpaid after fifteen days, any of the following actions may be taken by the college security department.

- A hold may be placed on transcripts.

- A delay of registration for the following quarter.
- Revocation of parking privileges.
- Fines due and payable will be withheld from paychecks of all college employees including faculty, staff, and students.
- All fines outstanding may be turned over to a collection agency.

If a violator has two or more unpaid fines, his/her vehicle will be impounded or immobilized and held until all outstanding fines are paid.

These procedures will be applicable to all students, faculty, and staff or other persons utilizing college facilities receiving fines for violations of these parking and traffic rules and regulations.

NEW SECTION

WAC 132N-156-760 SPECIAL CIRCUMSTANCES. During special occasions causing additional heavy traffic and during emergencies, the college security department is authorized to impose additional traffic and parking regulations and instructions in order to lessen the chance of personal injury or property damage. Whenever possible, prior notice of these regulations or restriction changes shall be made known and posted. This authorization is of a temporary nature and should last only as long as the situation continues.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132N-156-015 PREAMBLE.
- WAC 132N-156-025 BOARD POLICY STATEMENT—PARKING AND TRAFFIC REGULATIONS.
- WAC 132N-156-035 PURPOSE.
- WAC 132N-156-045 REGULATORY SIGNS AND DIRECTIONS.
- WAC 132N-156-055 PEDESTRIAN RIGHT OF WAY.
- WAC 132N-156-065 SPEED LIMITATIONS.
- WAC 132N-156-075 PERMIT PARKING ON CAMPUS.
- WAC 132N-156-085 FEES FOR PERMITS.
- WAC 132N-156-095 DESIGNATED AND ASSIGNED PARKING.
- WAC 132N-156-105 ALLOCATION OF PARKING SPACES.
- WAC 132N-156-115 MOTORCYCLE AND SCOOTER PARKING.
- WAC 132N-156-125 VISITOR AND GUEST PARKING.
- WAC 132N-156-135 PROHIBITIONS.
- WAC 132N-156-145 IMPOUNDING OF DISABLED/INOPERATIVE VEHICLES.
- WAC 132N-156-155 ENFORCEMENT.
- WAC 132N-156-165 VIOLATIONS OF THE FOLLOWING TRAFFIC AND PARKING RULES WILL BE CITED.
- WAC 132N-156-175 PAYMENT OF FINES.
- WAC 132N-156-185 APPEALS.
- WAC 132N-156-195 UNPAID FINES.

WAC 132N-156-205 REVOCATIONS.

WSR 87-19-104

ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Order 14-D—Filed September 18, 1987]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to requirement of basic law enforcement training, amendatory section WAC 139-05-200.

This action is taken pursuant to Notice No. WSR 87-15-093 filed with the code reviser on July 21, 1987. 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 Washington State Criminal Justice Training Commission as authorized in RCW 43.101.080(2).

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 10, 1987.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-200 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING. (1) All full-time commissioned law enforcement employees of a city, county, or political subdivision of the State of Washington, except officers of the Washington State Patrol, unless otherwise exempted by the Washington State Criminal Justice Training Commission, shall as a condition of continued employment successfully complete a 440-hour basic law enforcement academy sponsored or conducted by the Commission, or obtain a certificate of equivalent basic training from the Commission. This requirement of basic law enforcement training shall be met within the initial fifteen-month period of law enforcement employment, unless otherwise extended by the Commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section shall include:

- (a) individuals holding the office of sheriff of any county on September 1, 1979;
 - (b) auxiliary and reserve personnel; and
 - (c) commissioned personnel
- (i) ((whose usual and regular function does not include and will not include the general line enforcement of traffic or criminal laws of the State of Washington or

any political subdivision thereof, provided that any exemption under this subsection may be granted to a sheriff or police chief only with the approval of the Commission and, in the instance of a police chief, based upon a written exemption request signed by the appointing authority; and provided further that no police chief or sheriff of any agency with ten or fewer full-time, commissioned personnel shall be granted an exemption solely upon the basis of this subsection; or)) who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) no police chief or sheriff of any agency with ten or fewer full-time patrol officers shall be eligible to receive such exemption;

(B) any request for such exemption shall be submitted to the Commission on approved form and, in any instance wherein the requestor is a police chief, such request shall be co-signed by requestor's appointing authority;

(C) any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and

(E) any approved administrative exemption may be revoked by the commission at any time upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(ii) whose initial date of continuing, full-time, regular and commissioned law enforcement employment within the State of Washington precedes January 1, 1978, and such employment is without break or interruption in excess of ninety days; or

(iii) who have been certified in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months' duration.

(3) Each law enforcement agency of the State of Washington, or any political subdivision thereof, except the Washington State Patrol, shall immediately notify the Commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency on or after January 1, 1978. Such notification shall be maintained by the Commission and shall be utilized by the Commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the Commission, on approved form, to:

- (a) the individual in noncompliance;

- (b) the head of his/her agency;
- (c) the civil service commission having jurisdiction of such agency;
- (d) the judges and clerks of the municipal, district, and superior courts in which said agency is located;
- (e) the State Auditor's Office; and
- (f) any other agency or individual, as determined by the commission.

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

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

WSR 87-19-105

ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Order 15-D—Filed September 18, 1987]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 139-10-210	Requirement of basic corrections training.
Amd	WAC 139-10-220	Requirements of basic corrections academy.
Amd	WAC 139-10-230	Basic corrections officers academy curriculum.
Amd	WAC 139-10-235	Basic ((correctional)) adult services academy curriculum.
Amd	WAC 139-10-240	<u>Basic juvenile security workers academy curriculum.</u>
New	WAC 139-10-237	Basic juvenile services academy curriculum.

This action is taken pursuant to Notice No. WSR 87-15-094 filed with the code reviser on July 21, 1987. 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 Washington State Criminal Justice Training Commission as authorized in RCW 43.101.080(2).

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 10, 1987.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-210 **REQUIREMENT OF BASIC CORRECTIONS TRAINING.** As provided in RCW 43.101.220, all full-time corrections employees of the State of Washington or of any city, county, or political

subdivision of the State of Washington, initially hired on or after January 1, 1982, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored, or conducted by the Washington State Criminal Justice Training Commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the Commission(~~(; provided, that those persons hired on or after January 1, 1982, and prior to July 1, 1982, shall complete the required basic training before January 1, 1983))~~). Requests for extension or waiver of the basic training requirement shall be submitted to the Commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections Officers Academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) ~~((Correctional))~~ Adult Services Academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, ~~((juvenile probation and parole officers, community service officers, institution counselors, and psychiatric social workers))~~ community corrections officers, probation counselors, institution counselors, and psychiatric social workers.

(c) Juvenile Services Academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors and juvenile rehabilitation counselors.

~~((e))~~ (d) Juvenile Security Workers Academy. All employees responsible for the care, custody, and safety of youth in county juvenile court detention centers(~~(; state institutions, camps and group homes))~~). Representative job class~~((es))~~ includes, but ~~((are))~~ is not limited to, juvenile detention workers(~~(, and group life counselors))~~).

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the Commission.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the Commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, ~~((the Board on Corrections Standards,))~~ and/or the State Auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements.

Additionally, each such agency shall provide the Commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

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

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

AMENDATORY SECTION (Amending Order 1-B, filed 9/20/86 [9/10/86])

WAC 139-10-220 REQUIREMENTS OF BASIC CORRECTIONS ACADEMY. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training Commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the Commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification; provided, that any applicant whose beginning date of continuous corrections (~~officer~~) employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections (~~officer~~) training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

(c) Department and conduct. Failure to maintain a standard of department and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.

(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the Commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part, as determined by the Commission.

Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.

(3) In all other instances of termination of a trainee's academy assignment, the Commission shall allow such trainee's admission to any subsequent academy only if:

(a) Such trainee has been terminated by the employing agency and subsequently rehired by it; or

(b) Such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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 1-B, filed 9/10/86)

WAC 139-10-230 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM. The basic Corrections Officers Academy curriculum of the Washington State Criminal Justice Training Commission, effective January 1, 1988, shall be (~~eighty~~) one hundred sixty instructional hours in length and shall include the following subject matter:

- (1) (~~The System~~) Core Skills
 - (a) (~~Practical Law for Corrections Officers~~) Observation Skills
 - (b) (~~Problem Solving~~) Communication Skills
 - (c) Security Management
 - (d) Supervision of Inmates
 - (e) Discipline of Inmates
 - (f) Proper Use of Physical Force
 - (g) Writing Skills
- (2) (~~Supervision and Care of Inmates~~) Key Skills
 - (a) (~~Supervising Inmates~~) Legal Issues
 - (b) (~~Health and Mental Health Care~~) Dealing with Aggressive Behavior
 - (c) (~~Discipline of Inmates~~) Dealing with Medical Problems
 - (d) (~~Professionalism~~) Dealing with Mental Illness Problems
 - (e) (~~Dealing with Aggressive Behavior~~) Problem Solving
 - (f) Report Writing
 - (g) Avoiding Inmate Manipulation
 - (h) Booking and Classification
 - (i) Fingerprinting
 - (~~j~~) Courtroom Security
 - (~~k~~) Weapons Familiarization
- (3) (~~Safety and Security~~) Related Skills
 - (a) (~~Security Management~~) Stress Management
 - (b) (~~Proper Use of Force~~) Physical Fitness
 - (c) Professionalism
 - (d) Human Relations/Cultural Awareness
 - (e) Self-Leadership
 - (~~4~~) Communication Skills
 - (a) Incident Report Writing
 - (b) Listening
 - (c) Interpersonal Skills
 - (5) Personal Development
 - (a) Stress Management
 - (b) Physical Fitness

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

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

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-235 ~~BASIC ((CORRECTIONAL)) ADULT SERVICES ACADEMY CURRICULUM.~~ The basic Adult Correctional Services Academy curriculum of the Washington State Criminal Justice Training Commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) ~~((Key Treatment Approaches))~~ Core Skills
 - (a) ~~((Research Review))~~ Assessment
 - (b) ~~((Program Specificity))~~ Motivation
 - (c) ~~((Offense Prevention))~~ Goal Setting/Action Planning
 - (d) ~~((Life Goals))~~ Monitoring and Intervention
 - ~~((e) Skills Training))~~
 - (2) ~~((Core))~~ Key Skills
 - (a) Interpersonal Skills
 - (b) Interviewing
 - (c) ~~((Managing Information))~~ Classification
 - (d) ~~((Report Writing))~~ Supervision and Discipline
 - (e) ~~((Rewards and Sanctions))~~ Offense Prevention
 - ~~((f) Legal Issues))~~
 - (3) ~~((Personal))~~ Related Skills
 - (a) ~~((Stress Management))~~ Dealing With Aggressive and Resistive Behavior
 - (b) ~~((Physical Fitness (alternate option: health class))~~ Ethnic Competency
 - (c) ~~((Time Management))~~ Legal Issues
 - (d) ~~((Personal Development))~~ Report Writing
 - (e) Counseling Techniques
 - (f) Managing Information
 - ~~((4) Case Management Skills~~
 - (a) Assessment
 - (b) Goal Setting
 - (c) Program Planning
 - (d) Intervention and Monitoring

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

NEW CHAPTER [SECTION]

WAC 139-10-237 BASIC JUVENILE SERVICES ACADEMY CURRICULUM. The basic Juvenile Services Academy curriculum of the Washington State Criminal Justice Training Commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) Core Skills
 - (a) Assessment
 - (b) Motivation
 - (c) Goal Setting/Action Planning
 - (d) Monitoring and Intervention
- (2) Key Skills

- (a) Interpersonal Skills
- (b) Interviewing
- (c) Classification
- (d) Supervision and Discipline
- (e) Offense Prevention
- (3) Related Skills
 - (a) Dealing With Aggressive and Resistive Behavior
 - (b) Ethnic Competency
 - (c) Legal Issues
 - (d) Report Writing
 - (e) Counseling Techniques
 - (f) Skill Training
 - (g) Teamwork

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY CHAPTER [SECTION] (Amending Order 1-B, filed 9/10/86)

WAC 139-10-240 BASIC JUVENILE SECURITY WORKERS ACADEMY CURRICULUM. The Basic Juvenile Security Workers Academy curriculum of the Washington State Criminal Justice Training Commission shall be eighty instructional hours in length and shall include the following subject matter:

- (1) ~~((The System))~~ Core Skills
 - (a) ~~((Overview of the Juvenile Justice System))~~ Observation Skills
 - (b) ~~((Legal Rights of Incarcerated Youth))~~ Interpersonal Skills
 - (c) ~~((Reception and Classification))~~ Security Management
 - (d) Supervision of Youth
 - (e) Discipline of Youth
 - (f) Proper Use of Physical Force
 - (g) Writing Skills
 - (2) ~~((Supervision and Care))~~ Key Skills
 - (a) ~~((Dealing with Aggression))~~ Legal Issues
 - (b) ~~((First Aid/CPR))~~ Dealing With Aggressive Behavior
 - (c) ~~((Disciplining Youth))~~ Handling Medical Problems
 - (d) ~~((Health and Mental Health Care))~~ Handling Mental Illness Problems
 - (e) ~~((Supervision of Youth))~~ Report Writing
 - (f) Skills Training
 - (g) Reception and Classification
 - (3) ~~((Program Techniques))~~ Related Skills
 - (a) ~~((Listening Skills))~~ Professionalism
 - (b) ~~((Interpersonal Skills))~~ Physical Fitness
 - (c) ~~((Observation Skills))~~ Stress Management
 - ~~((d) Group Dynamics~~
 - (4) Security
 - (a) Incident Report Writing
 - (b) Proper Use of Physical Force
 - (c) Safety and Security
 - (5) Personal Development
 - (a) Physical Fitness
 - (b) Stress Management

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

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

WSR 87-19-106

ADOPTED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Order 15-E—Filed September 18, 1987]

Be it resolved by the Washington State Criminal Justice Training Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 139-10-310 Requirement of ~~((first and second level))~~ corrections supervisory training.
- Amd WAC 139-10-320 First- and second-level corrections supervision curriculum(~~(=Corrections)~~).
- Amd WAC 139-10-410 Requirement of middle-management corrections training.
- Amd WAC 139-10-510 Requirement of executive management corrections training.
- Amd WAC 139-10-520 Corrections executive management curriculum(~~(=Corrections)~~).

This action is taken pursuant to Notice No. WSR 87-15-095 filed with the code reviser on July 21, 1987. 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 Washington State Criminal Justice Training Commission as authorized in RCW 43.101.080(2).

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 10, 1987.

By James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-310 REQUIREMENT OF ~~((FIRST-LEVEL AND SECOND-LEVEL))~~ CORRECTIONS SUPERVISORY TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the State of Washington, or any city, county or political subdivision of the State of Washington, promoted or appointed to a full-time first-level or second-level supervisory position on or after January 1, 1982, shall ~~((obtain the supervisory certification of the Washington State Criminal Justice Training Commission))~~ successfully complete, prior to or within six months after such promotion or appointment, unless otherwise extended or

waived by the Commission; ~~((provided that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the supervisory certification before January 1, 1983. The requirements for supervisory certification are:~~

(a) Possession of a basic corrections academy certificate of the Commission, and

~~(b) Successful completion of~~) the Commission's first-level and second-level supervision course, or other training deemed the equivalent by the Corrections Training Manager of the Commission.

(2) It shall be the responsibility of the employing agency, in consultation with the Corrections Training Manager, to determine which of its ~~((job classifications))~~ employees should attend the first-level and second-level course ~~((, based on job duties and the prerequisites for the above required course)).~~ In general, first-level supervision positions are defined as positions above operational level for the direct supervision of nonsupervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes include sergeants, lieutenants, district supervisors, ~~((district administrators;))~~ classification and ~~((parole))~~ community corrections officer supervisors, cottage supervisors, and unit supervisors ~~((, and unit program directors)).~~

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or ~~((eligibility))~~ compliance with the above requirement for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

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

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

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-320 FIRST-LEVEL AND SECOND-LEVEL CORRECTIONS SUPERVISION CURRICULUM ~~((=CORRECTIONS))~~. The first-level and second-level corrections supervision curriculum of the Washington State Criminal Justice Training Commission shall be forty instructional hours in length and shall include the following subject matter:

- (1) Role of the Supervisor
- (2) Advanced Oral and Written Communication
- (3) Team Building
- (4) Goal Setting
- (5) Work Planning/Time Management
- (6) Scheduling and Delegating

- (7) On-The-Job Training
- (8) Performance Monitoring
- (9) Employee Selection
- (10) Employee Performance Appraisal
- (11) Handling Incompetent and Difficult Staff and Preventing Grievances
- (12) Handling Criticism From Staff
- (13) Preventing and Handling Staff Burnout
- (14) Leading Meetings

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 1-B, filed 9/10/86)

WAC 139-10-410 REQUIREMENT OF MIDDLE-MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the State of Washington, or any city, county or political subdivision of the State of Washington, promoted or appointed to a full-time middle-management position on or after January 1, 1982, shall ~~((obtain the middle-management certification of the Washington State Criminal Justice Training Commission))~~ successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission~~((;))~~, ~~((provided, that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the middle-management certification before January 1, 1983. The requirements for middle-management certification are:~~

(a) ~~Possession of the supervisory certificate of the Commission, provided that such certificate requirement may be waived for any person serving within a first-level or second-level supervisory position as defined in WAC 139-10-310 prior to January 1, 1982, and further provided, that this waiver shall be extended to persons laterally entering a correctional department as a middle manager;~~

(b) ~~Successful completion of~~) the Commission's corrections middle-management course ~~((and Advanced Problem Solving and Conflict Management course or Correctional Services Academy Phase H;))~~ or other middle-management training deemed the equivalent thereof by the Corrections Training Manager.

(2) It shall be the responsibility of the employing agency to determine which of its ~~((job classifications))~~ employees should attend the middle-management course~~((, based on job duties and the prerequisites for the above required course))~~. In general, middle managers shall be defined as those ~~((people))~~ persons in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first-level and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, ~~((and superintendents of small and medium sized jails and correctional facilities))~~ district administrators, and unit program directors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or ~~((eligibility for certification))~~ compliance with the middle-management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

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

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

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-510 REQUIREMENT OF EXECUTIVE MANAGEMENT CORRECTIONS TRAINING. (1) As provided in RCW 43.101.220, all corrections employees of the State of Washington, or any city, county, or political subdivision of the State of Washington, promoted or appointed to a full-time executive management position on or after January 1, 1982, shall ~~((obtain the executive management certification of the Washington State Criminal Justice Training Commission))~~ successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the Commission~~((;))~~, ~~((provided, that those persons promoted or appointed on or after January 1, 1982, and prior to July 1, 1982, shall obtain the executive management certification before January 1, 1982. the requirements for executive management certification are:~~

(a) ~~Possession of middle-management certification of the Commission, provided that such certification requirements may be waived for any person serving in a middle-management position as defined by WAC 139-10-410 prior to January 1, 1982, and~~

(b) ~~Successful completion of~~) the Commission's corrections executive management ~~((training program))~~ course or other executive management training deemed the equivalent thereof by the Corrections Training Manager of the Commission.

(2) It shall be the responsibility of the employing agency to determine which of its ~~((job classifications))~~ employees should attend the executive management course~~((, based on job duties and the prerequisites for the above required course))~~. In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors in large jurisdictions.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements.

Additionally, each such agency shall provide to the Commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or the head of his or her employing agency, any action affecting such trainee's status or (~~eligibility for certification~~) compliance with the executive management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the Commission.

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

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

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-10-520 CORRECTIONS EXECUTIVE MANAGEMENT CURRICULUM(~~(=CORRECTIONS)~~). The corrections executive management curriculum of the Washington State Criminal Justice Training Commission shall be (~~(sixty-four)~~) forty instructional hours in length and shall include the following subject matter:

- (1) Team Building and Organizational Goal Setting
- (2) Long-Range Planning
- (3) Your Public Image
- (4) Creating Momentum for Organizational Change
- (5) Organizational Communication
- (6) Organizational Leadership
- (7) Policy Development
- (8) Executive Self-Care
- (9) Managing With Limited Resources
- (10) Executive Career Ladder and Power Base
- (11) Program Effectiveness Research
- (12) Quality Control
- (13) View of the Executive
- (14) Training Systems
- ~~((15) Budgeting))~~
- ((16)) (15) Futures Planning

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

WSR 87-19-107
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed September 18, 1987]

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 Class H hotels and Class H clubs with overnight sleeping accommodations—Sales by the bottle to registered guests—Conditions, WAC 314-16-115;

that the agency will at 9:30 a.m., Tuesday, October 27, 1987, 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, 66.98.070 and 66.24.400.

The specific statute these rules are intended to implement is chapter 196, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987.

Dated: September 16, 1987

By: L. H. Pedersen
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-115 Class H hotels and Class H clubs with overnight sleeping accommodations—Sales by the bottle to registered guests—Conditions.

Description of Purpose: RCW 66.24.400, as amended by chapter 196, Laws of 1987, authorized clubs licensed under chapter 70.62 RCW with overnight sleeping accommodations to sell liquor by the bottle to registered overnight guests. This law became effective July 26, 1987. The proposed rule change extends to clubs with overnight sleeping accommodations, the guidelines previously set forth for Class H hotels as to when, where, how and to whom such bottled liquor sales may be made.

Statutory Authority: RCW 66.08.030, 66.98.070 and 66.24.400.

Statutes Implemented by the Rule Change: Chapter 196, Laws of 1987.

Summary of Rule:

Limits the sale of liquor by the bottle to registered guests in the following respects: Sales must be to registered guests twenty-one years of age and over. The registered guest must establish that he is a registered guest of the hotel or club by completing a form to be furnished by the licensee. The bottles so sold must be removed unopened from the lounge or other dispensing area, and must be for use in a guest, hospitality or banquet room of the hotel or club.

Limits the sale of liquor by the bottle within individual guest rooms in the following respect: Liquor to be secured in liquor dispensing cabinet and to remain locked when the room is rented to a person under twenty-one years of age. Access must be limited to registered guests. The size of the container (i.e., miniatures of spirituous liquor, splits of wine and bottles or cans of malt beverages) that can be dispensed is specified. Replenishment of liquor dispensing cabinets can occur only during the hours when liquor may be sold by Class H licensees, and such replenishment may be performed by persons eighteen years of age and over, if supervised by an employee at least twenty-one years of age.

Provides that the registered guest may remove the unused portion of the bottle(s) purchased in the original container(s) from the hotel.

Reasons Supporting Proposed Action: Chapter 196, Laws of 1987, extends to clubs with overnight sleeping

accommodations the authority to sell liquor by the bottle to registered guests. This rule change will extend to clubs with overnight accommodations the guidelines and limitations under which such sales may occur.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Gary Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270; Lester C. Dalrymple, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6259; and Carter Mitchell, Information Officer, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6276.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: 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 188, Resolution No. 197, filed 5/28/86)

WAC 314-16-115 CLASS H HOTELS AND CLASS H CLUBS WITH OVERNIGHT SLEEPING ACCOMMODATIONS—SALES BY THE BOTTLE TO REGISTERED GUESTS—CONDITIONS. (1) Pursuant to the provisions of RCW 66.24.400 as amended by chapter ((208)) 196, Laws of ((+986)) 1987, Class H licensed hotels and clubs licensed under chapter 70.62 RCW with overnight sleeping accommodations may sell liquor by the bottle to registered guests of said hotel or club who are twenty-one years of age or over provided:

(a) That before a guest may purchase such liquor it must be established that he or she is a guest of the hotel or club. This may be done by showing a room key bearing the room number and name of the hotel or club, or by presenting a registration receipt from the hotel or club.

In either event the guest must acknowledge his/her registration by signature upon a form to be provided by the hotel or club for this purpose, and said form when completed shall be kept by the hotel or club for the same time period it is required to retain its registration information.

(b) Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

(c) That any bottle of liquor sold under this section must be removed unopened from the lounge area or other approved dispensing area. The contents of such bottle(s) may be consumed only in a guest, hospitality or banquet room of the hotel or club; however, guests may remove from the premises any unused portion of such liquor in its original container.

(d) That such sales of liquor by the bottle shall be from the lounge of the licensed premises, from an approved dispensing area or by room service provided by the licensee. If an approved dispensing area is used for this purpose, the access thereto must be limited to registered guests who intend to purchase liquor for use within a guest, hospitality or banquet room.

(2) Class H licensed hotels or clubs may sell within the individual guest room liquor by the bottle to registered guests age twenty-one years or over provided;

(a) That such liquor shall be secured in a liquor dispensing cabinet within the guest room. That liquor dispensing cabinets must remain locked whenever the room is rented to a guest under the age of twenty-one years.

(b) That access to individual guest room liquor dispensing cabinets shall be by key, magnetic card or similar device provided by the hotel or club to the adult registered guest.

(c) That liquor made available for sale within the guest room from a liquor dispensing cabinet shall be packaged in individual serving containers such as miniatures of distilled spirits, splits of wine and bottles or cans of malt beverages.

(d) That replenishment of such liquor dispensing cabinets may be made only during those hours when liquor may be sold by the Class H licensee, and only by employees eighteen years of age or over working under the supervision of an employee at least age twenty-one.

(3) Class H licensed hotels or clubs may provide a dispensing area removed from the lounge for the purpose of sales to registered guests of legal age. Such area shall not be accessible to anyone other than registered guests and employees of the Class H licensee. Sales therefrom shall be made only by authorized employees of the licensee who are twenty-one years of age or over. The purchaser shall complete a form provided by the licensee which attests to the validity of the guest's registration at that hotel or club. Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

WSR 87-19-108
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed September 18, 1987]

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 Dispensing apparatus and containers—Furnishing of certain devices, WAC 314-16-020;

that the agency will at 9:30 a.m., Tuesday, October 27, 1987, in the Offices 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 66.28.110.

The specific statute these rules are intended to implement is RCW 66.28.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987.

Dated: September 16, 1987

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices.

Description of Purpose: To delete outdated language referencing a maximum value for the marking of wine labels and to make equal with beer requirements the requirements for wine dispensing apparatus.

Statutory Authority: RCW 66.08.030 and 66.28.110.

Statutes Implemented by the Rule: RCW 66.28.110.

Summary of Rule: The present rule puts a limit of 40 cents on the cost of wine tap marking devices or container marking devices.

Reasons Supporting Proposed Action: Deleting language referencing the maximum value of forty cents for the labeling of wine containers will allow for the inflation of monetary values by replacing a set price with language similar to that used in the beer section. With the increasing popularity of wine in boxes and kegs, wine

suppliers should be allowed the same ability of beer suppliers in furnishing "tap marking devices" to retail dispensers at a nominal value or cost.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule amendment: Janice Lee Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6273.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: 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 17, filed 6/13/63)

WAC 314-16-020 DISPENSING APPARATUS AND CONTAINERS—FURNISHING OF CERTAIN DEVICES. (1) No retail licensee shall draw any beer from any faucet, spigot or other dispensing apparatus unless the brand name of the beer drawn shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus. Brewers and beer wholesalers may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer wholesaler. Brewers and beer wholesalers may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer wholesaler: PROVIDED, That said openers do not bear any brand name or the name of any beer manufacturer or wholesaler or liquor advertising of any kind.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on the licensed premises shall be truly labeled with the brand name, type and manufacturer's name of said wine. Wineries and wine wholesalers may furnish said labels and "tap marking devices" or container marking devices to retail dispensers as hereinabove provided at a nominal value or cost to the winery or wine wholesaler ((not to exceed forty cents each)).

WSR 87-19-109
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 330—Filed September 18, 1987]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to 1987-88 Washington game fish regulations—Green (Duwamish) River, WAC 232-28-61612.

We, the State Wildlife 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. A statement of the facts constituting the emergency is this change in regulations was requested by Department of Fisheries to protect depressed natural fall chinook populations.

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

This rule is promulgated pursuant to RCW 77.12.040 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 18, 1987.
By Jack S. Wayland
Director

NEW SECTION

WAC 232-28-61612 AMENDMENT TO 1987-88 WASHINGTON GAME FISH REGULATIONS—GREEN (DUWAMISH) RIVER. Notwithstanding the provisions of WAC 232-28-616, the Green (Duwamish) River will have a game fishing season closure as follows:

1. Effective 12:01 a.m., September 19 through 11:59 p.m., October 16, it is unlawful to fish for or possess game fish from waters upstream of 1,000-foot radii of the Green (Duwamish) River's mouth to the First Avenue South Bridge.

2. Effective 12:01 a.m., September 19 through 11:59 p.m., October 16, it is unlawful to fish for or possess game fish from the First Avenue South Bridge to the Oxbow Bridge on the Green (Duwamish) River.

WSR 87-19-110

ADOPTED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Order 87-19—Filed September 18, 1987]

I, John Swannack, acting deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to amendments to chapter 365-110 WAC, regarding collection of an increase in the State Building Code fee by cities and counties.

This action is taken pursuant to Notice No. WSR 87-16-105 filed with the code reviser on August 5, 1987. 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 19.27.085, 19.27A.040 and section 217(14), chapter 7, Laws of 1987 1st ex. sess., and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in RCW 43.63A.060 and 43.63A.065.

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 15, 1987.

By John Swannack
Acting Deputy Director

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-020 PURPOSE. The purpose of these rules is to implement chapter 19.27 RCW as amended by chapter ~~((144, Laws of 1985, and chapter))~~ 360, Laws of 1985, and chapter 19.27A RCW, created by chapter 360, Laws of 1985 and by section 217(14), chapter 7, Laws of 1987 1st ex. sess., and by RCW 19.27.085.

Chapter ~~((144, Laws of 1985))~~ 19.27A RCW, provides for the amendment of the State Energy Code by the State Building Code council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

~~((Section 4,))~~ Chapter ~~((360, Laws of 1985))~~ 19.27 RCW provides that the activities of the State Building Code council necessary to implement the purposes of the chapter shall be funded by a fee of ~~((1.50))~~ one dollar and fifty cents to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust the charges imposed. Section 217(14), chapter 7, Laws of 1987 1st ex. sess. provides that an additional fee of two dollars shall be added to the fee imposed under RCW 19.27.085 through June 30, 1989.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-030 SUFFICIENT FEDERAL FUNDS NOT AVAILABLE. As required by chapter ~~((144, Laws of 1985))~~ 19.27A RCW, the department of community development has consulted with the Washington state energy office and has requested that the Washington state energy office determine if federal funds are available to implement the purposes of the chapter. The Bonneville Power Administration, the appropriate federal funding agency, has denied the state's request for funding for the energy conservation testing studies by the University of Washington provided for in ~~((section 4, chapter 144, Laws of 1985))~~ RCW 19.27A-.040. The appropriations provided in section 301(2), chapter 6, Laws of 1985 1st ex. sess., shall therefore be funded from the surcharge provided in chapter ~~((144, Laws of 1985))~~ 19.27A RCW.

The Bonneville Power Administration has approved partial funding in the amount of \$15,000 for activities of the State Building Code council to implement the amendment of the State Energy Code. Pursuant to the provisions of section 217(6), chapter 6, Laws of 1985 1st ex. sess., funding for this appropriation from the surcharge shall be reduced in the amount of \$15,000.

The department of community development finds that federal funds are not available in sufficient amounts to implement the provisions of chapter ~~((144, Laws of 1985))~~ 19.27A RCW. Therefore the department is, through this chapter ((365-110 WAC)), implementing the surcharge as required by ~~((section 4(5), chapter 144, Laws of 1985))~~ RCW 19.27A.040.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-035 DEFINITIONS. 1. DEPARTMENT shall mean the department of community development.

2. ENERGY CODE STUDIES SURCHARGE shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter ~~((144, Laws of 1985))~~ 19.27A RCW, and subject to appropriations as provided in chapter 6, Laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter ~~((144, Laws of 1985))~~ 19.27A RCW.

3. STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter ~~((360, Laws of 1985))~~ 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapter ~~((360, Laws of 1985))~~ 19.27 RCW.

4. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

5. NEW BUILDING CONSTRUCTION PERMIT shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-050 COLLECTION OF STATE BUILDING CODE FEE. Every city or county shall collect a State Building Code fee of ~~((one))~~ three dollars and fifty cents on each building permit issued within its jurisdiction. The fee shall be collected by appropriate city or county officials at the time the building permit is issued. Separate records shall be kept of funds collected under the State Building Code fee.

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

WAC 365-110-080 TERMINATION. The surcharges established under WAC 365-110-040 (State Energy Code studies surcharge) shall terminate on June 30, 1989, unless terminated earlier upon a finding that the general fund has been reimbursed for the cost of the studies pursuant to (~~chapter 144, Laws of 1985~~) RCW 19.27A.040.

The fees established under WAC 365-110-050 (State Building Code fee) shall continue in effect as follows: One dollar and fifty cents on each building permit issued by a county or a city imposed by RCW 19.27.085 shall continue in effect until repealed or modified by legislative action. Two dollars on each building permit issued by a county or city imposed by section 217(14), chapter 7, Laws of 1987 1st ex. sess., shall terminate on June 30, 1989.

WSR 87-19-111**ADOPTED RULES****DEPARTMENT OF ECOLOGY**

[Order DE 87-34—Filed September 18, 1987]

I, Phillip C. Johnson, deputy director of programs for the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Tacoma, city of, amending WAC 173-19-3514.

This action is taken pursuant to Notice No. WSR 87-16-103 filed with the code reviser on August 5, 1987. 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 90.58.120 and [90.58].200 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 16, 1987.

By Phillip C. Johnson
Deputy Director of Programs

AMENDATORY SECTION (Amending Order De 86-18, filed 7/24/86)

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981. ~~[Revision approved April 6, 1982.]~~ Revision approved April 6, 1982. Revision approved May 24, 1983. Revision approved March 1, 1984. Revision approved May 9, 1984. Revision approved April 18, 1985. Revision approved July 23, 1986. Revision approved September 16, 1987.

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 87-19-112**ADOPTED RULES****DEPARTMENT OF COMMUNITY DEVELOPMENT**

[Order 87-12—Filed September 18, 1987]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to the conditions and procedures under which state funds will be made available to assist local emergency shelter programs.

This action is taken pursuant to Notice No. WSR 87-15-034 filed with the code reviser on July 13, 1987. 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 Community Development as authorized in RCW 43.63A.060 and chapter 34.04 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 September 16, 1987.

By Chuck Clarke
Director

AMENDATORY SECTION (Amending Order 85-19, filed 1/6/86)

WAC 365-120-010 AUTHORITY. These rules are adopted under the authority of (~~chapter 43.63A~~) RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. (~~The program which these rules are designed to implement is found in section 217, chapter 6, Laws of 1985 ex. sess.~~)

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)

WAC 365-120-030 DEFINITIONS. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Emergency shelter assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local emergency shelter programs.

(4) "Emergency shelter program" means a program within a local agency or organization that provides emergency shelter services.

(5) "Applicant" means a public or private nonprofit organization including local government entities, or a

combination thereof, which applies for state emergency shelter funds.

(6) ("~~Grantee~~") "Contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to provide emergency shelter services.

(7) "Lead agency ((grantee)) contractor" means an applicant which has been awarded state funds under the emergency shelter assistance program and which has entered into a contract with the department of community development to administer subcontracts with one or more local agency providers of emergency shelter services.

(8) "Homeless" means persons, including families, who, on one particular day or night, do not have a decent and safe shelter nor sufficient funds to purchase a place to stay.

(9) "Voucher system" means a method of purchasing emergency shelter services by the night using a notification coupon.

(10) "Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

(11) "Short-term" means one to thirty-one days.

(12) "Families" means one or more adults with dependent children under 18.

(13) "Congregate care facility" means a licensed boarding home or a licensed private establishment which has entered into a congregate care contract with the department of social and health services (WAC 388-15-560).

(14) "Group care facility" means an agency maintained and operated for the care of a group of children on a 24-hour basis (WAC 388-73-014(1)).

(15) "Crisis residential center" means an agency operated under contract with the department of social and health services to provide temporary protective care to children in a semi-secure residential facility in the performance of duties specified and in a manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036 (WAC 388-73-014(6)).

(16) "Detoxification center" means a public or private agency or program of an agency which is operated for the purpose of providing residential detoxification services for those suffering from acute alcoholism.

(17) "Current or continuous provider" means an agency or organization that currently provides or has provided emergency shelter services for some period during the most recent fiscal year.

(18) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency ((grantee)) contractor to provide emergency shelter services.

(19) "Safe home" means a private home where short term emergency shelter is provided primarily to victims of domestic violence.

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)

WAC 365-120-040 ((GRANTEE)) CONTRACTOR FUNDING ALLOCATION. Each county of the

state is allocated a portion of the total ((grantee)) contractor appropriation by the legislature according to the following formula:

(1) Five thousand dollars minimum allocation to every county to offset the limited resources and higher costs of providing services in rural areas;

(2) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred percent of poverty using federal guidelines; and

(3) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(4) Any increases in appropriations to this program by the legislature will be allocated according to each county's percent of the total state appropriation which was determined in subsections (1), (2), and (3) of this section.

The department may award the combined allocation of two or more counties to a single applicant.

The department may award a contract to one lead agency ((grantee)) contractor in each county with the exception of Pierce County, where there may be two lead agency ((grantees)) contractors, and King County, where there may be five lead agency ((grantees)) contractors to administer subcontracts with one or more local agency providers of emergency shelter services.

The department will give priority in the awarding of allocations to applicants who serve families and children in need of shelter.

In the event that funds are not claimed by an eligible organization in a county, or that a portion of the funds allocated to a county remain unspent, two thirds of those funds will be awarded to shelters serving the homeless mentally ill in King County and one third of the funds will be awarded to shelters serving the homeless mentally ill in Pierce County.

The department will pay for services provided under the state emergency shelter assistance program after the ((grantee)) contractor submits a monthly report of expenditures incurred and a request for reimbursement.

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)

WAC 365-120-050 **APPLICANT ELIGIBILITY CRITERIA.** (1) The applicant for funding as a participating agency must have been a provider of emergency shelter for one year prior to the beginning date of the contract year.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency shelter.

(3) The applicant must not require residency in the designated service area as a requirement for a homeless person to receive services.

(4) The applicant must practice ((non-discrimination)) nondiscrimination in providing services and employment.

(5) The applicant must not deny shelter to a homeless person because of his or her inability to pay.

(6) The applicant for funding as a participating agency must provide short-term emergency shelter services

either directly through a shelter facility, through a voucher system, or through a safe home.

(7) The applicant for lead agency ((grantee)) contractor must be authorized by the applicant participating agencies within each county for which funds are applied.

(8) The applicant for lead agency ((grantee)) contractor may or may not actually provide emergency shelter program services.

(9) The applicant must be a public or private non-profit organization, or a local government entity.

(10) Group care facilities, crisis residential centers, congregate care facilities, and detoxification centers are not eligible to receive emergency shelter assistance funding.

AMENDATORY SECTION (Amending Order 86-15, filed 9/22/86)

WAC 365-120-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Potential applicants will be notified by the department that in order to be considered for state emergency shelter financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 - June 30. Failure of an applicant to make application in a timely manner, as specified by the department, will result in denial of the funding request.

(3) Department funds may not be substituted for other existing funding sources.

(4) The total amount of funds provided to a ((grantee)) contractor under this program may not exceed the total funding received from other sources for emergency shelter services during the fiscal year.

(5) Administrative costs under this program are limited to ((five)) ten percent of the total ((contract)) award for providing direct services. The administrative costs of a ((grantee)) contractor that provides direct emergency shelter services and also serves as a lead agency ((grantee)) contractor are limited to ((five)) ten percent of the ((grantee)) contractor award for providing direct services plus ((eight)) ten percent of the multi-agency service provider contract total. However, total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

WSR 87-19-113

ADOPTED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Order 87-11—Filed September 18, 1987]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at the

Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to the conditions and procedures under which state funds will be made available to assist local food banks and food distribution centers.

This action is taken pursuant to Notice No. WSR 87-15-033 filed with the code reviser on July 13, 1987. 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 Community Development as authorized in RCW 43.63A.060 and chapter 34.04 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 September 16, 1987.

By Chuck Clarke
Director

AMENDATORY SECTION (Amending Order 85-15, filed 3/27/86)

WAC 365-140-010 AUTHORITY. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. ~~((The program which these rules are designed to implement is found in section 217, chapter 6, Laws of 1985 1st ex. sess.))~~

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-030 DEFINITIONS. (1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "Food bank" means a site where food is collected and distributed to clients at no charge.

(4) "Food distribution center" means a site where food is collected, warehoused, and distributed to food banks without charge on a regional, county, or statewide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients.

(6) "Emergency food assistance program" means the statewide administrative activities carried out within the department of community development to allocate, award, and monitor state funds appropriated to assist local food banks and food distribution centers.

(7) "Applicant" means a public or private nonprofit organization, which applies for state emergency food assistance.

(8) ("~~Grantee~~") "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community development to provide emergency food assistance to individuals.

(9) "Lead agency (~~grantee~~) contractor" means a (~~grantee~~) contractor which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

(11) "Unmet need" means an area of the state, region, or county that is currently not being adequately served by existing emergency food assistance providers.

(12) "Participating agency" means a local public or private nonprofit organization which enters into a subcontract with a lead agency (~~grantee~~) contractor to provide emergency food program services.

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-040 (~~GRANTEE~~) CONTRACTOR FUNDING ALLOCATION AND AWARD OF CONTRACTS. (~~(\$475,000 for FY 1986 and \$475,000 for FY 1987 has been allocated to food banks and food distribution centers statewide)~~) Each county of the state is allocated a portion of the total appropriation by the legislature.

(1) Sixty percent of total funds shall be provided to food banks by county according to the following formula:

(a) (~~Two~~) Three thousand dollars minimum allocation to a public or private nonprofit organization in every county for food banks to offset the limited resources and higher costs of providing services in rural areas.

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(2) Forty percent of total funds shall be provided to food distribution centers by county according to the following formulas:

(a) (~~Two~~) Three thousand dollars minimum allocation to a public or private nonprofit organization in every county for food distribution centers to offset the limited resources and higher costs of providing services in rural areas;

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(3) The department may award the combined allocation for two or more counties to a single applicant.

(4) The department shall award a food bank contract to one lead agency (~~grantee~~) contractor in each county, with the exception of Pierce County, where there may be two lead agency (~~grantees~~) contractors, and King County, where there may be five lead agency (~~grantees~~) contractors to administer subcontracts with one or more local providers of emergency food bank services.

(5) The department shall award a contract to food distribution centers which are designated by the emergency food assistance program and the food bank lead agency (~~grantees~~) contractors.

(6) The department shall pay for services provided under the emergency food assistance program after the (~~grantee~~) contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(7) In the event that funds are not claimed by a eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the county with the highest rate of unemployment which was allocated no more than (~~two~~) three thousand dollars for the contract year will receive unspent funds not to exceed (~~two~~) three thousand dollars. Unspent funds exceeding (~~two~~) three thousand dollars will be reallocated to a county with the next highest rate of unemployment which was allocated no more than (~~two~~) three thousand dollars for the contract year.

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-050 APPLICANT ELIGIBILITY CRITERIA. (1) The applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, have a sponsor providing 501(c)3 status, or be a public nonprofit agency.

(2) The applicant must not require participation in a religious service as a condition of receiving emergency food.

(3) The applicant must provide food to individuals in an emergency, regardless of residency.

(4) The applicant must practice nondiscrimination in providing services and employment.

(5) The applicant must not deny food to an individual because of his or her inability to pay.

(6) Applicants for funding as participating agency or food distribution center must have had a food bank program or food distribution center in operation for one year prior to the beginning date of the contract year, except in areas with unmet need.

(7) The applicant for lead agency (~~grantee~~) contractor may or may not actually provide emergency food program services.

AMENDATORY SECTION (Amending Order 86-14, filed 9/22/86)

WAC 365-140-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period July 1 – June 30. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The total amount of funds provided to a ~~((grantee))~~ contractor under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year.

(5) Administrative costs under this program are limited to ~~((five))~~ ten percent of the total award for providing direct emergency food assistance services. The administrative costs of a lead agency ~~((grantee))~~ contractor are limited to ~~((five))~~ ten percent of the ~~((grantee's))~~ contractor's award for providing direct services plus ~~((eight))~~ ten percent of the multi-agency service provider contract total. Total administrative costs for a lead agency contractor may not exceed fifteen percent of a county's total allocation.

(6) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

(7) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.

(8) Department funds may not be used to defray costs of meal programs.

WSR 87-19-114

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-127—Filed September 18, 1987]

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

I, Joseph R. Blum, 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 adult chinook have not cleared the area.

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 September 18, 1987.

By Robert Turner
for Joseph R. Blum

Director

NEW SECTION

WAC 220-40-02100Y WILLAPA HARBOR GILLNET SEASON. *Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from the waters of Willapa Harbor except as provided for in this section:*

(1) *The following Willapa Harbor Salmon Management and Catch Reporting Areas are open during the times indicated:*

Those waters of Area 2G west of a line drawn true north-south through Willapa River Channel light 7 and north of a line drawn true east-west through Nahcotta Channel Light 10 – Open 6:00 p.m. September 20 to 6:00 p.m. September 21, 1987.

(2) *Lawful gear is limited to gill nets no longer than 1,500 feet; 5 inch minimum to 6-1/2 inch maximum mesh restriction.*

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-40-02100W WILLAPA HARBOR GILLNET SEASON. (87-98)

WAC 220-40-02100U WILLAPA HARBOR GILLNET SEASON. (87-120)

WSR 87-19-115

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-128—Filed September 18, 1987]

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

I, Joseph R. Blum, 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 7B, 10, 11, 12, 12A and 12C provide opportunity to harvest non-Indian allocation of coho. Area 12C opening also provides opportunity to harvest surplus chinook above hatchery requirements. Area 6D originally scheduled in the permanent

regulations remains closed until pink clearance is identified. Area 12B remains closed to protect milling pink salmon. All other Puget Sound catch reporting areas 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 September 18, 1987.

By Robert Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-811 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective September 18, 1987, 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 4B – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 5, 6C – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

Areas 6, 7, 7A – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

**Area 7B – Closed except gill nets using 5-inch minimum mesh may fish continuously until further notice, and purse seines may fish continuously until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.*

**Areas 10 and 11 – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM September 21 to 9:00 AM September 22; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 22. Fishery exclusion zones applicable to Areas 10 and 11 commercial fisheries are described in WAC 220-47-307.*

**Area 12 (excluding those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek) – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly September 21 through the morning of September 23; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM*

daily September 22 and September 23. Those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek are closed to all commercial fishing.

**Area 12A (excluding those waters north of a line projected true east from Broad Spit) – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly September 21 through the morning of September 23; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily September 22 and September 23. Those waters north of a line projected true east from Broad Spit are closed to all commercial fishing. Fishery exclusion zones applicable to Area 12A commercial fishing are described in WAC 220-47-307.*

**Area 12C (excluding those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union) – Closed except gill nets using 5-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly September 20 through the morning of September 23; and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM daily September 21 through September 23. Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union are closed to all commercial fishing. Fishery exclusion zones applicable to Area 12C commercial fishing are described in WAC 220-47-307.*

Areas 6A, 6B, 6D, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 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 September 18, 1987.

WAC 220-47-810 Puget Sound Commercial Salmon Fishing Restrictions Order No. 87-119

WSR 87-19-116

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-129—Filed September 18, 1987]

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

I, Joseph R. Blum, 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 this regulation is 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 75.08.070 and 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 September 18, 1987.

By Robert Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-03000K COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-030 and WAC 220-32-031, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except from

6:00 p.m. September 20 to 6:00 p.m. September 25, 1987.

6:00 p.m. September 27 to 6:00 p.m. October 2, 1987.

6:00 p.m. October 4 to 6:00 p.m. October 7, 1987.

(2) It is unlawful to fish for salmon with monofilament gill-net webbing or to have on the boat monofilament gill-net webbing while fishing for salmon in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E.

(3) Notwithstanding the provisions of WAC 220-32-036 the closed river mouth areas within Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E are:

(a) All tributaries flowing into the Columbia River.

(b) Cowlitz River - those waters between points one mile below and one-half mile above the mouth of the Cowlitz River and lying within one-quarter mile of the Washington shore.

(c) Kalama River - those waters between points one mile downstream and one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting 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.

(d) 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.

(e) Elokomin River - those waters of Elokomin Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line, from light "37" on the Washington shore to flashing green light "39" located on Hunting Island.

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(f) Abernathy Creek - those waters near the mouth of Abernathy Creek between a point one-half mile upstream to a point 1,300 yards downstream from Abernathy Creek at the flashing white 4-second light No. 81 and extending to midstream of the Columbia River.

(g) Grays River - those waters of Grays Bay and the Columbia River lying north of a line projected east from Rocky Point Light (flashing white 4-second).

(h) Washougal River - those waters of the Columbia River Slough lying upstream from a line projected true north from the most western tip of Lady Island to the mainland.

(i) Sandy River - those waters of the Columbia River lying within one-quarter mile from shore between a point one mile below the mouth of the Sandy River and a point at the upper easterly bank at the mouth of the Sandy River.

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

REPEALER

WAC 220-32-03000J COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (87-121)

WSR 87-19-117

ADOPTED RULES

BOARD OF ACCOUNTANCY

[Order ACB-135—Filed September 21, 1987]

Be it resolved by the Board of Accountancy, acting at Tacoma, Washington, that it does adopt the annexed rules relating to the amending of WAC 4-25-040.

This action is taken pursuant to Notice No. WSR 87-15-140 filed with the code reviser on July 22, 1987. 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 18.04.065 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 August 28, 1987.

By Carey L. Rader
Chief Executive Officer

AMENDATORY SECTION (Amending Order ACB 115, filed 11/26/85)

WAC 4-25-040 (~~STATE BOARD OF ACCOUNTANCY~~) **BOARD MEETINGS, OFFICERS, FEES.** An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

(1) **Fees.** Fees charged by the board shall be as follows:

(a)	CPA examination applications:	
(i)	One or two parts	\$ 75
(ii)	Three parts	\$ 100
(iii)	Five parts	\$ 125
(b)	Transfer of grade credits from other jurisdictions, pursuant to (section 7(5), chapter 234, Laws of 1983) <u>RCW 18.04.105(3)</u>	\$ 40
(c)	Administration of examination for out-of-state applicants, per part	\$ 10
(d)	Application for certificate by reciprocity from other jurisdictions	\$ 40
(e)	Biennial (permit) license to practice public accounting, includes certificate renewal fee	\$ 80
(f)	(Biennial permit restricted to nonpublic accounting (title only use)) <u>Biennial certificate renewal</u>	\$ 10
(g)	Biennial firm (registration) license:	
(i)	Sole proprietorships	\$ 50
(ii)	Partnerships	\$ 100
(iii)	P.S. corporations	\$ 100
(h)	Amendments to firm registration, each filing	\$ 10
(i)	Delinquency fee for (permit) <u>certificate renewal applications</u> (sixty days overdue)	\$ 25
(j)	Delinquency fee for firm <u>license renewal applications</u> (sixty days overdue)	\$ 20
(k)	Temporary practice (permits) <u>license</u> , per individual who is to practice within this state	\$ 10

(l)	Copies of records, per page	\$ 0.10
(m)	Applications for reinstatement	\$ 25
(n)	Replacement CPA certificates	\$ 25

(2) Any applicant for a certificate or (~~permit~~) license who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

WSR 87-19-118
ADOPTED RULES
BOARD OF ACCOUNTANCY
 [Order ACB-136—Filed September 21, 1987]

Be it resolved by the Board of Accountancy, acting at Tacoma, Washington, that it does adopt the annexed rules relating to the adoption of WAC 4-25-185, 4-25-186, 4-25-187 and 4-25-188; and the repeal of WAC 4-25-182, 4-25-183 and 4-25-184.

This action is taken pursuant to Notice No. WSR 87-15-141 filed with the code reviser on July 22, 1987. 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 18.04.105 (9) through (11) and 18.04.215 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 August 28, 1987.
 By Carey L. Rader
 Chief Executive Officer

NEW SECTION

WAC 4-25-185 **CONTINUING PROFESSIONAL EDUCATION. WHO MUST HAVE CPE.** The following requirements of continuing professional education apply to the biennial renewal, or initial issue if by reciprocity, of certificates and licenses to practice public accounting pursuant to RCW 18.04.105(9) and

18.04.215(4). Renewal of a license to practice means simultaneous renewal of the license and the certificate. Certificates issued to persons born in even-numbered years are subject to renewal on July 1, 1988, and biennially thereafter. Certificates issued to persons born in odd-numbered years are subject to renewal on July 1, 1989, and biennially thereafter. Each certificate holder shall verify to the board that he has completed at least eighty hours of continuing professional education during the last two-year period unless he can demonstrate that the failure was due to reasonable cause. Persons who are retired, and persons who are certificate holders, but who do not make any public, professional, commercial, or occupational use of the title certified public accountant shall be deemed to have met the reasonable cause exception provided by RCW 18.04.105(11) and 18.04.215(4). The board may, in particular cases, make exceptions to these requirements for reasons of individual hardship including health, military service, foreign residence, or other reasonable cause.

(1) HOURS REQUIRED.

(a) PUBLIC ACCOUNTING LICENSE. An applicant seeking regular biennial renewal of a license, which will include renewal of his certificate, shall show that he has completed the required hours of continuing professional education during the two calendar-year period preceding renewal, of which no less than thirty-two hours shall be accounting and/or auditing subjects. In a reporting period during which the licensee was not involved at any time in reporting on financial statements, no less than sixteen hours of the eighty-hour requirement shall be accounting and/or auditing subjects. Tax practitioners whose sole relationship to financial statements is the review of the federal income tax provision, related balance sheet accounts and notes are not considered to be involved in reporting on financial statements for purposes of this provision. Of the total requirement of eighty hours, no more than sixteen hours may be in continuing professional education course subjects deemed "nontechnical" by the board in WAC 4-25-186 (2)(b).

(b) CERTIFICATE ONLY. An applicant, who holds a certificate but whose activities do not require a license to practice public accounting, is required to show that he has completed not less than eighty hours of continuing professional education to renew his certificate under RCW 18.04.105(9) which contribute to his own professional competency, meet the criteria for courses set forth in WAC 4-25-186(1) and can be classified into one of the categories of WAC 4-25-186 (2)(a) or (b). The courses must include a minimum of eight hours of accounting and/or auditing subjects for each biennial reporting period.

(2) RENEWAL OF LAPSED CERTIFICATES OR LICENSES AND RECIPROCITY. An applicant who has previously held a license and certificate who has failed to renew timely, shall satisfy the requirements of subsection (1)(a) of this section. An applicant who held a license under the reciprocity provisions of RCW 18.04.180, shall, for the purposes of satisfying the continuing education requirements, make the same showing as prescribed in subsection (1)(a) of this section at the time of application. An applicant who holds a certificate and no license who has

failed to renew timely, shall satisfy the requirements of subsection (1)(b) of this section.

(3) RENEWAL OF INITIAL CERTIFICATE OR LICENSE AND CERTIFICATE. An applicant seeking to renew an initial certificate or license and certificate issued less than two years but more than one year prior to the renewal must show that he has completed at least forty hours of such continuing professional education during the calendar year preceding the application. An applicant seeking to renew an initial certificate or license and certificate issued less than one year prior to the renewal will not be required to demonstrate completion of any hours of continuing professional education for the first renewal, subject to the provisions of subsection (2) of this section as it pertains to certificates or licenses granted through reciprocity.

(4) TRANSITION RULE. Persons who held a certificate and no license and thereby became subject to continuing professional education requirements for the first time on July 1, 1986, pursuant to the requirements of RCW 18.04.105(9), shall make the following showing for purposes of satisfying the continuing professional education requirements:

(a) EVEN-NUMBERED BIRTH YEAR - RENEWAL. An individual who first becomes subject to continuing professional education requirements during the period July 1, 1986, through September 30, 1987, pursuant to RCW 18.04.105(9) and whose year of birth is even-numbered shall renew his certificate effective July 1 of each even-numbered year commencing with 1988. Such individual shall show completion of at least sixteen hours of continuing professional education (CPE) obtained during the two-year period ending December 31, 1987, as a condition of renewing his certificate in 1988. For renewal in 1990, such individuals must demonstrate completion of eighty hours of CPE during calendar years 1986 through 1989. For each subsequent renewal commencing with 1992, individuals must demonstrate eighty hours of CPE obtained in the two calendar-year period preceding the year of renewal.

(b) ODD-NUMBERED BIRTH YEAR - RENEWAL. An individual who first becomes subject to continuing professional education (CPE) requirements during the period July 1, 1986, through September 30, 1987, pursuant to RCW 18.04.105(9) and whose year of birth is odd-numbered shall renew his certificate effective July 1 of each odd-numbered year commencing with 1989. Such individual shall show completion of at least forty-eight hours of continuing professional education obtained during the three-year period ending December 31, 1988, as a condition of renewing his certificate in 1989. For renewal in 1991, such individuals must demonstrate completion of eighty hours of CPE during calendar years 1989 and 1990. For each subsequent renewal commencing with 1993, individuals must demonstrate eighty hours of CPE obtained in the two calendar-year period preceding the year of renewal.

(c) CERTIFICATES ISSUED AFTER SEPTEMBER 30, 1987 - RENEWAL. Certificates issued after September 30, 1987, shall be renewable on July 1 of each even-numbered year for individuals whose birth year is even-numbered

and on July 1 of each odd-numbered year for individuals whose birth year is odd-numbered.

NEW SECTION

WAC 4-25-186 PROGRAM STANDARDS. (1) **QUALIFYING PROGRAMS.** A program qualifies as acceptable continuing professional education for purposes of RCW 18.04.215(4) if it is a formal program of learning which contributes to the growth in the professional knowledge and professional competence of an individual in the practice of his profession, and meets the minimum standards of quality of development and presentation and of measurement and reporting of credits set forth in WAC 4-25-185, 4-25-186, 4-25-187, 4-25-188, and in the Statement on Standards for Formal Continuing Education published by the National Association of State Boards of Accountancy, or such other educational standards as may be established from time to time by the board. Undergraduate courses are presumed not to contribute to licensees' growth beyond the level of knowledge required for initial certification and are therefore not generally acceptable for continuing professional education.

(2) **SUBJECT AREAS.** Programs dealing with the following general subject areas (as defined in the AICPA continuing professional education division. "National Curriculum—A Pathway to Excellence" or its successive documents) are acceptable so long as they meet the standards in subsection (1) of this section:

- (a) Technical subjects:
 - (i) Accounting and auditing;
 - (ii) Management advisory services;
 - (iii) Personal financial planning;
 - (iv) Taxation;
 - (v) Management information services;
 - (vi) Budgeting and cost analysis;
 - (vii) Asset management;
 - (viii) Professional ethics;
 - (ix) Specialized areas of industry;
 - (x) Human resource management;
 - (xi) Economics;
 - (xii) Business law;
 - (xiii) Mathematics, statistics, and quantitative applications in business;
 - (xiv) Business management and organization.
- (b) Nontechnical subjects:
 - (i) Communication skills;
 - (ii) Interpersonal management skills;
 - (iii) Personal development skills;
 - (iv) Public relations;
 - (v) Practice development.

Subjects other than those listed above may be acceptable if the applicant can demonstrate that they contribute to his professional competence. The responsibility for demonstrating that a particular program is acceptable rests solely upon the applicant.

(3) **GROUP PROGRAMS.** Group programs such as the following are acceptable so long as they meet the standards specified in subsection (1) of this section and deal with subjects referred to in subsection (2) of this section:

- (a) Professional education and development programs of national, state, and local accounting organizations;

- (b) Technical sessions at meetings of national, state, and local accounting organizations and their chapters;

- (c) University or college courses, both credit and noncredit;

- (d) Formal in-firm education programs;

- (e) Programs of other organizations (accounting, industrial, professional, etc.);

- (f) Dinner, luncheon, and breakfast meetings which are structured as formal educational programs;

- (g) Firm meetings for staff and/or management groups which are structured as formal education programs. Portions of such meetings devoted to the communication and application of general professional policy or procedure may qualify, but portions devoted to firm administrative, financial and operating matters generally will not qualify.

(4) **CREDIT.** Continuing professional education credit will be given for whole hours only, with a minimum of fifty minutes constituting one hour. As an example, one hundred minutes of continuous instructions would count as two hours; however, more than fifty minutes but less than one hundred minutes of continuous instruction would count only as one hour. For attendees, only time spent in instruction, and not preparation time, will be credited. For university or college courses, each semester hour of credit shall equal fifteen hours toward the requirement and a quarter hour of credit, shall equal ten hours.

(5) **CORRESPONDENCE AND FORMAL INDIVIDUAL STUDY PROGRAMS.** The amount of credit to be allowed for correspondence and formal individual study programs (including taped study programs) will be that which is recommended by the program sponsor on the basis of one-half the average completion time under appropriate "field tests." Applicants claiming credit for such correspondence or formal individual study courses are required to obtain evidence of satisfactory completion of the course from the program sponsor. Credit will be allowed in the renewal period in which the course is completed.

(6) **INSTRUCTOR, DISCUSSION LEADER, OR SPEAKER.** Applicants who have served as instructors, discussion leaders and speakers at programs coming under subsections (1), (2), and (3) of this section may claim continuing professional education credit for both preparation and presentation time. Credit may be claimed for actual preparation time up to two times the presentation hours. The maximum credit for such preparation and teaching is sixty percent of the applicable renewal period requirement.

(7) **PUBLISHED ARTICLES, BOOKS.** Credit toward the continuing professional education requirement may be claimed for published articles and books, provided they contribute to the professional competence of the certificate holder. Credit for preparation of such publications may be claimed on a self-declaration basis for up to twenty-five percent of the renewal period requirement. In exceptional circumstances a licensee may request additional credit by submitting the article(s) or book(s) to the board with an explanation of the circumstances which justify a greater credit. The amount of credit

awarded for a given publication will be determined by the board.

NEW SECTION

WAC 4-25-187 REPORTS. Applicants for renewal of certificates and/or licenses to practice pursuant to RCW 18.04.105(9) or 18.04.215(4) shall file with their applications therefore a signed statement of the continuing professional education programs for which they claim credit, showing:

- Sponsoring organization;
- Title of program or description of content;
- Dates attended;
- Hours claimed; and

For certificate only reporters, a general description of each course's contribution to the CPA's professional competence.

Responsibility for documenting the entitlement to credits rests with the applicant. Such documentation should be retained for a period of five years after the completion of the program. Such documentation may consist of the following:

- (1) Course completion certificate provided by program sponsor;
- (2) Confirmation letter from sponsor stating program title, location, and dates and hours of attendance;
- (3) Copy of the course outline prepared by the course sponsor;
- (4) For courses taken for scholastic credit in accredited universities and colleges, evidence of satisfactory completion of the course will be sufficient; for noncredit courses taken, a statement of the hours of attendance, signed by the instructor, is required;
- (5) For formal individual study programs written evidence of completion.

The board or its designees may verify on a test basis, information submitted by applicants for license or certificate renewal. In cases where the board determines that the requirement is not met, the board may grant an additional period of time in which the deficiencies can be cured.

NEW SECTION

WAC 4-25-188 PROGRAM SPONSOR AGREEMENTS. Persons or organizations may not state that the board endorses or approves any continuing education program or course. All persons or organizations intending to sponsor programs or courses qualifying for continuing professional education shall enter into a program sponsor agreement for continuing education with the board, or at the board's option, with the National Association of State Boards of Accountancy and, accordingly, may state in promotional or program materials that the sponsor has agreed to abide by board rules. The sponsor agreement must indicate the type of organization and the subject areas in which the sponsor plans to present courses. Further, the agreement shall specify that the sponsor will comply with the requirements of WAC 4-25-186 and will retain for a period of five years the required records of program date, location, names of

instructors, a verified listing of certificate holders attending, and outlines of the program presentation. The agreement shall further specify that the program sponsor agrees that a representative of the board may, upon due notice and without cost to the board, attend any course to perform field observation and review of the sponsor's procedures and course quality.

WSR 87-19-119

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-130—Filed September 21, 1987]

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

I, Joseph R. Blum, 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 this regulation is 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 September 21, 1987.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100T COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except:*

(a) *that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from:*

Noon September 21, to Noon September 26, 1987.

Noon September 28, to Noon October 3, 1987.

Noon October 5, to Noon October 10, 1987.

(2) *Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:*

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between approximately 0.8 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River to 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(f) Spring Creek is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(g) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(h) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half mile downstream from the western shoreline.

(i) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to three-quarters mile downstream from the western shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 mile rapids.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a point one mile above the fishway exit on the Washington shore and a point one mile above the fishway exit on the Oregon shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, to a fishing boundary marker on the

Washington shore and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

WSR 87-19-120
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2543—Filed September 21, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to central registry, amending chapter 388-15 WAC.

I, Leslie F. James, 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 implement the repeal of reporting child abuse to the central registry and to amend the maintenance of current central registry records effective July 27, 1987.

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

This rule is promulgated pursuant to chapter 206, Laws of 1987, 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 18, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-15-136 CENTRAL REGISTRY—
((DEFINITION=)) DUTY TO MAINTAIN. (1)
((The "central registry" means a system of centralized storage and retrieval of case information in all substantiated instances reported to the department of nonaccidentally inflicted death, physical or mental injury or injuries (abuse), physical neglect or sexual abuse of a child or mentally retarded person of any age)) CENTRAL REGISTRY REPEALED. The 1987 legislature repealed that section of RCW 26.44.070 requiring the department to maintain a central registry of reported child abuse.

(2) ((Purposes of the central registry shall be to
(a) Obtain accurate information of the incidence of the abuse and neglect of children and developmentally disabled persons of all ages;

(b) Make case information available in usable form on request to those persons and agencies specified in chapter 26.44 RCW)) REPORTS NOT ACCEPTED. Effective

July 27, 1987, no further reporting to the department's central registry will be accepted.

(3) EXISTING RECORDS MAINTAINED. Reports in the central registry prior to July 27, 1987, will be maintained as department records until their expungement date.

(4) RELEASE AND DISSEMINATION OF INFORMATION. The department may release child abuse or neglect information from the central registry as per RCW 26.44.070 or as otherwise provided by law or agency rule.

(5) SEALING OF THE REGISTRY. The department shall seal reports to the central registry if, after six years from the date of the last filed report, there have been no subsequent reports about the child, the adult dependent person, and/or the alleged perpetrator. Reports may also be sealed if a finding is reversed in a subsequent proceeding. Sealed records about the state or condition of the child which contain no reference to the person responsible for the abuse may also be revived for purposes of treating the child or adult dependent person.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-137 CENTRAL REGISTRY—REPORTS.

WAC 388-15-138 CENTRAL REGISTRY—INFORMATION—RELEASE—DISSEMINATION—EXPUNGEMENT.

WAC 388-15-139 CENTRAL REGISTRY—ELIGIBILITY—PROCEDURES AND CRITERIA.

**WSR 87-19-121
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed September 21, 1987]

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 central registry, amending chapter 388-15 WAC;

that the agency will at 10:00 a.m., Tuesday, November 10, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 12, 1987.

The authority under which these rules are proposed is chapter 206, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 10, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 20, 1987. The meeting site is in a location which is barrier free.

Dated: September 18, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Amend WAC 388-15-136; and repeal WAC 388-15-137, 388-15-138 and 388-15-139.

Purpose of the Change: To allow DCFS offices to stop reporting to the central registry of child abuse and neglect.

Reason These Rules are Necessary: To remove from WAC a requirement established by a statute which was repealed by the 1987 legislature.

Statutory Authority: Chapter 206, Laws of 1987.

Summary of Rule Change: This change removes the requirement for reports to be made to the central registry and governs the continued use and dissemination of that information currently on file in the registry.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Richard L. Winters, Program Manager, Division of Children and Family Services, OB-41, 753-0253.

These rules are proposed by DSHS.

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

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-15-136 CENTRAL REGISTRY—~~((DEFINITION—))~~DUTY TO MAINTAIN. (1) ~~((The "central registry" means a system of centralized storage and retrieval of case information in all substantiated instances reported to the department of nonaccidentally inflicted death, physical or mental injury or injuries (abuse), physical neglect or sexual abuse of a child or mentally retarded person of any age))~~ CENTRAL REGISTRY REPEALED. The 1987 legislature repealed that section of RCW 26.44.070 requiring the department to maintain a central registry of reported child abuse.

~~((2) ((Purposes of the central registry shall be to
(a) Obtain accurate information of the incidence of the abuse and neglect of children and developmentally disabled persons of all ages;
(b) Make case information available in usable form on request to those persons and agencies specified in chapter 26.44 RCW))~~ REPORTS NOT ACCEPTED. Effective July 27, 1987, no further reporting to the department's central registry will be accepted.

(3) EXISTING RECORDS MAINTAINED. Reports in the central registry prior to July 27, 1987, will be maintained as department records until their expungement date.

(4) RELEASE AND DISSEMINATION OF INFORMATION. The department may release child abuse or neglect information from the central registry as per RCW 26.44.070 or as otherwise provided by law or agency rule.

(5) SEALING OF THE REGISTRY. The department shall seal reports to the central registry if, after six years from the date of the last filed report, there have been no subsequent reports about the child, the adult

dependent person, and/or the alleged perpetrator. Reports may also be sealed if a finding is reversed in a subsequent proceeding. Sealed records about the state or condition of the child which contain no reference to the person responsible for the abuse may also be revived for purposes of treating the child or adult dependent person.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-137 CENTRAL REGISTRY—REPORTS.
WAC 388-15-138 CENTRAL REGISTRY—INFORMATION—RELEASE—DISSEMINATION—EXPUNGEMENT.
WAC 388-15-139 CENTRAL REGISTRY—ELIGIBILITY—PROCEDURES AND CRITERIA.

WSR 87-19-122

ADOPTED RULES

SEATTLE COMMUNITY COLLEGE DISTRICT

[Order 50, Resolution No. 1987-24—Filed September 21, 1987]

Be it resolved by the board of trustees of Seattle Community College District VI, acting at 9600 College Way North, Seattle, WA 98103, that it does adopt the annexed rules relating to regular meeting of the Community College District VI board of trustees, WAC 132F-104-010.

This action is taken pursuant to Notice No. WSR 87-15-098 filed with the code reviser on July 21, 1987. 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 1, 1987.

By Art Siegal
Chairman, Board of Trustees

AMENDATORY SECTION (Amending Order 48, filed 10/7/85)

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 ~~((third))~~ first 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.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 87-19-123

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF NATURAL RESOURCES

(Forest Fire Advisory Board)

[Memorandum—September 17, 1987]

The next meeting of the Forest Fire Advisory Board is scheduled for Wednesday, October 28, 1987, 8:30 to noon. The meeting location is the Conference Room, Land Management Center, Blomberg Road, Olympia. An outline of the proposed agenda will follow.

If you have any questions, comments, or agenda items regarding this meeting, please contact Ken Hoover, Manager, Fire Control Division.

WSR 87-19-124

EMERGENCY RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 331—Filed September 21, 1987]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to 1987-88 Washington game fish regulations—Green (Duwamish) River, WAC 232-28-61612.

We, the State Wildlife 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. A statement of the facts constituting the emergency is conditions initially warranting this regulation are no longer in effect. WAC 232-28-61605 is sufficient for resource protection.

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

This rule is promulgated pursuant to RCW 77.12.040 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 21, 1987.

By Jack S. Wayland
Director

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

**WAC 232-28-61612 AMENDMENT TO 1987-88
WASHINGTON GAME FISH REGULATIONS—
GREEN (DUWAMISH) RIVER**

**WSR 87-19-125
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 87-131—Filed September 21, 1987]**

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 to restrict the snag fishery on the Washougal River in "special fishing area" until a harvestable surplus of salmon is 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 September 21, 1987.

By Robert Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-49500F WASHOUGAL RIVER.
Notwithstanding the provisions of WAC 220-57-495:

(1) Effective immediately through 11:59 p.m. October 10, 1987, it is unlawful to fish for or possess foodfish taken for personal use from the Washougal River Special Fishing Area.

**WSR 87-19-126
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
WATER QUALITY AUTHORITY
[Memorandum—September 21, 1987]**

The Puget Sound Water Quality Authority meeting scheduled for September 30 has been cancelled.

The authority will hold its regular monthly meeting on October 20 and 21 at the Bellingham Public Library, 210 Central Avenue, Bellingham.

The October 20 meeting will begin at 1:00 p.m. and will focus on the draft nonpoint regulations and other business. The October 21 meeting will begin at 8:00 a.m. and will focus on transboundary pollution, with speakers from Canada and the United States.

For more information, call (206) 464-7320 or 1-800-54-SOUND.

**WSR 87-19-127
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—September 21, 1987]**

The Washington State Human Rights Commission will hold its next regular commission meeting in Kent on October 21 and 22, 1987. The meeting on October 21 will be held at the Cypress Inn, Kent Room, 22218 84th Avenue South, Kent, from 7:00 p.m. to 11:00 p.m. and will be a training and work session only. The regular business meeting will be held at the Kent Library, Multi-Purpose Room, 232 South 4th, Kent, beginning at 10:00 a.m. on October 22. The main topic of discussion for the September meeting will be affirmative action in state government.

**WSR 87-19-128
NOTICE OF PUBLIC MEETINGS
EMERGENCY RESPONSE COMMISSION
[Memorandum—September 22, 1987]**

There will be a state Emergency Response Commission meeting on October 13, 1987, beginning at 1:30 p.m. The meeting will be held in the Emergency Operations Center of the Division of Emergency Management, 4220 East Martin Way, in Olympia.

**WSR 87-19-129
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order DS 3—Filed September 22, 1987]**

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 308-100-010 and 308-104-050; and new sections WAC 308-104-004, 308-104-006 and 308-104-008.

This action is taken pursuant to Notice No. WSR 87-15-139 filed with the code reviser on July 22, 1987. 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 46.01.110 which directs that the Department of Licensing has authority to implement the provisions of RCW 46.20.440, 46.20.450, 46.20.460, 46.20.021, 46.20.025 and 46.01.100.

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 17, 1987.

By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-100-010 VEHICLES REQUIRING ENDORSEMENT FOR THEIR OPERATION. The director of the department of licensing hereby finds that all motor trucks having three axles; truck-tractors having three axles; for-hire vehicles having three or more axles or designed to carry nine or more passengers; crew busses having three or more axles or designed to carry nine or more passengers; (~~state, private and civic organization busses having three or more axles or designed to carry nine or more passengers;~~) school busses; auto stages designed to carry nine or more passengers; and private carrier busses, require special operating skills by the drivers of those vehicles. All persons driving such vehicles must secure from the department of licensing an endorsement on their driver's license designated as INTERMEDIATE.

NEW SECTION

WAC 308-104-004 DEFINITIONS FOR PURPOSES OF DRIVER LICENSING REQUIREMENTS. (1) A "resident" is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license, including but not limited to hunting or fishing license, or tuition fees at resident rates.

(2) The term "Washington public assistance programs" referred to in this chapter includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to, the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(3) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.

(4) "Jurisdiction" means a state, territory, or possession of the United States; the District of Columbia; or a province of Canada.

NEW SECTION

WAC 308-104-006 DRIVER'S LICENSE REQUIRED. (1) No person, except as expressly exempted by chapter 46.20 RCW or by this chapter, may drive any motor vehicle upon a highway in this state unless the person has in his or her possession a valid driver's license issued under the provisions of chapter 46.20 RCW.

(2) A new Washington resident must make application for a Washington State driver's license immediately upon establishing residency.

NEW SECTION

WAC 308-104-008 PERSONS EXEMPT FROM DRIVER'S LICENSE REQUIREMENT. In addition to persons exempt from driver license requirement pursuant to RCW 46.20.025, the following persons are exempt from driver's license requirement: (1) Nonresident student who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued by his or her home jurisdiction. The student must be enrolled as a full-time nonresident student at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a Private Vocation School as that term is defined by RCW 28C.10.020(7). The student must maintain his or her legal home of record at a location outside the state of Washington. The student must carry documentation issued by the institution which readily establishes his or her status as a nonresident student.

(2) The spouse or dependent of the nonresident student has the same licensing privilege as the nonresident student if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the nonresident student. Documentation issued by the institution attended by a student must be carried by the spouse or dependent.

(3) Nonresident military personnel who are at least sixteen years of age who has in his or her immediate possession a valid driver's license issued by the jurisdiction designated as his or her home of record.

(4) The spouse or dependent of the nonresident military personnel has the same licensing privilege as the nonresident military personnel if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the home of record of the nonresident military personnel.

AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

WAC 308-104-050 WAIVER OF DRIVER EDUCATION REQUIREMENT—WHEN GRANTED. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless: (1) The parent, guardian, or other person having the care, custody and control of the applicants certifies that the applicants is(~~+~~):

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: ~~((The))~~ the assistant director for driver services, the administrator of ~~((driver control))~~ hearings, the administrator of driver ~~((improvement))~~ responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years.

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

WSR 87-19-130

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PM 680—Filed September 22, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to licensure surcharge for the impaired physician program, amending WAC 308-52-590.

This action is taken pursuant to Notice No. WSR 87-16-107 filed with the code reviser on August 5, 1987. 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 2, chapter 416, Laws of 1987, 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 10, 1987.

By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-52-590 PHYSICIAN AND SURGEON FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Physician and surgeons:	
Application with examination or reexamination (both components)	\$375.00
Examination or reexamination (component I)	170.00
Examination or reexamination (component II)	195.00
Applicants (without full examination)	150.00
Renewal	35.00
Late renewal penalty	15.00
Disciplinary assessment	35.00
<u>Surcharge-impaired physician Certification</u>	<u>25.00</u>
Duplicate license	15.00
Limited license:	
Limited license application	75.00
Original license	45.00
Renewal	35.00
Duplicate license	15.00
Disciplinary assessment	35.00
<u>Surcharge-impaired physician</u>	<u>15.00</u>
Physician's assistants:	
Application	25.00
Renewal	10.00
Duplicate license	15.00

WSR 87-19-131

PROPOSED RULES

CHIROPRACTIC DISCIPLINARY BOARD

[Filed September 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning the practice of chiropractic, amending WAC 113-12-150, 113-12-195 and 113-12-200; and adopting WAC 113-12-300, 113-12-310, 113-12-320, 113-12-330, 113-12-340 and 113-12-350 relating to mandatory reporting;

that the agency will at 9:30 a.m., Thursday, October 29, 1987, in the Best Western Executel, 20717 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 18.26.110.

The specific statute these rules are intended to implement is chapter 18.26 RCW and RCW 18.130.070 (mandatory reporting rules).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1987.

Dated: September 21, 1987

By: John H. Keith

Assistant Attorney General
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Disciplinary Board.

Rule Title, Summary, and Purpose: WAC 113-12-150 Ethical standards—Prohibited publicity and advertising, amended to correct a punctuation error; 113-12-195 Full disclosure of cost of services, amended to clarify the requirement for full disclosure of actual charges to the patient in chiropractic billings; 113-12-200 Scope of practice—Revocation or suspension of license authorized for practice outside scope, amended to clarify the proper status of certain diagnostic or treatment procedures within the practice of chiropractic; 113-12-300 Mandatory reporting definitions, establishes the terms used in the mandatory reporting rules; 113-12-310 Mandatory reporting, describes the mandatory reporting procedures; 113-12-320 Chiropractic association or societies, establishes the mandatory reporting obligations for chiropractic associations and societies; 113-12-330 Insurance carriers, establishes the mandatory reporting obligations of insurance carriers; 113-12-340 Professional liability carriers, establishes the reporting obligation of professional liability carriers; and 113-12-350 Courts, requests the cooperation of the courts in reporting certain criminal activity by chiropractors.

Statutory Authority: RCW 18.26.110.

Reason Proposed: To protect the public health, safety and welfare.

Responsible Department Personnel: In addition to the Chiropractic Disciplinary Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Linda Crerar, Chiropractic Disciplinary Board, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-3129 comm, 234-3129 scan.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term was defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order PM 640, filed 2/18/87)

WAC 113-12-195 FULL DISCLOSURE OF COST OF SERVICES. (1) This rule will apply to all representations made in public advertising regarding the provision of chiropractic services, including x-rays or chiropractic examinations, on a free basis or at a reduced cost. This rule will also apply to all billings or other written or oral communications regarding charges for chiropractic services whether made to patients, third party health care payors, or to any other person, firm, or governmental agency.

(2) When a chiropractic service is represented in public advertising as available without cost or at a reduced cost that service must be made available to everyone who wishes to take advantage of the offer on an equal basis. No charge may be made to any individual or third party health care payor for any services which have been provided on a free basis unless full disclosure is made.

(3) All billings to third party payors for patients who are also being treated for an unrelated condition must fully disclose the additional treatment being provided and the charges for that treatment.

(4) Billings to patients or to third party health care payors should accurately reflect the actual charge to the patient, including any discounts, reduced fees, or waiver of co-payment.

AMENDATORY SECTION (Amending Order PL 497, filed 11/15/84)

WAC 113-12-200 SCOPE OF PRACTICE—REVOCATION OR SUSPENSION OF LICENSE AUTHORIZED FOR PRACTICE OUTSIDE SCOPE. (1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes: PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) ((above)) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

- (a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.
- (b) The use of any form of electrocardiogram.
- (c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).
- (d) Hair analysis.
- (e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.
- (f) The use of iridology.
- (g) The taking of blood samples.

(h) Routine female breast examinations: PROVIDED, That the female breast may be examined if the patient's subjective complaint and the objective findings warrant an examination to determine the necessity of chiropractic care.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) ((above)) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

- (a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.
- (b) Colonic irrigation.
- (c) Extremity adjusting, unless used in direct support of a chiropractic spinal adjustment.

- (d) Electrotherapy.
- (e) The use of a transcutaneous electrical nerve stimulator (TENS).
- (f) The use of the endonasal technique.
- (g) The use of any type of casting other than light body casting.
- (h) The use of meridian therapy, ((f))whether known as "acupressure," (~~("trigger point therapy")~~) or the same type of therapy under any other name((f)).
- (i) The use of hypnosis for any other than relaxation purposes.
- (j) The use of clinical herbology.

(k) Adjustment of the temporomandibular joint unless used preparatory to or complimentary to the correction of a spinal subluxation and not as the sole treatment of a disfunction in the temporomandibular joint.

(l) Furnishing foot orthotics unless provided in the treatment of a spinal subluxation and not for the treatment of a foot condition.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) ~~(In accord with the legislative directive of RCW 18.26.010(5),)~~ The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) (~~(above)~~) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) (~~(above)~~) of this section shall constitute unprofessional conduct under RCW ~~(18.26.030 (10) and (11))~~ 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

AMENDATORY SECTION (Amending Order PL 453, filed 12/16/83)

WAC 113-12-150 ETHICAL STANDARDS—PROHIBITED PUBLICITY AND ADVERTISING. (1) A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his office or clinic, use or allow to be used(~~(f))~~, any form of public communications or advertising which is false, fraudulent, deceptive or misleading, including, but not limited to, such advertising which takes any of the following forms which are prohibited:

- (a) Advertising which guarantees any result or cure;
- (b) Advertising which makes claims of professional superiority;
- (c) Advertising which fails to differentiate chiropractic care from all other methods of healing;
- (d) Advertising for a service outside the practice of chiropractic as permitted in Washington.

(2) A chiropractor shall, upon request made by the board, provide the board with substantiation of the truth and accuracy of any and all claims made in his or her advertisements.

(3) Advertising is prohibited which offers gratuitous goods or services or discounts in connection with chiropractic services, unless the chiropractor provides a disclosure statement to be signed by the patient which explains:

- (i) When there will be a charge for goods and services;
- (ii) When the free services have been completed and that any additional services the patient requests are subject to charge; or
- (iii) When the discount has been exhausted and any additional services will be subject to full charge: PROVIDED, That this subsection shall not be construed to relate to the negotiation of fee between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged.

NEW SECTION

WAC 113-12-300 MANDATORY REPORTING DEFINITIONS. (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180 and 18.26.030.

(2) "Board" means the chiropractic disciplinary board, whose address is:

Department of Licensing
Professional Programs
Management Division
P. O. Box 9649
Olympia, WA 98504

(3) "Chiropractor" means a person licensed pursuant to chapter 18.25 RCW.

(4) "Mentally or physically disabled chiropractor" means a chiropractor who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice chiropractic with reasonable skill and safety to patients by reason of any mental or physical condition.

NEW SECTION

WAC 113-12-310 MANDATORY REPORTING. (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

- (2) A report should contain the following information if known:
 - (a) The name, address, and telephone number of the person making the report.
 - (b) The name, address, and telephone numbers of the chiropractor being reported.
 - (c) The name of any patient whose treatment is a subject of the report.
 - (d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.
 - (e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.
 - (f) Any further information which would aid the evaluation of the report.

NEW SECTION

WAC 113-12-320 CHIROPRACTIC ASSOCIATIONS OR SOCIETIES. The president or chief executive officer of any chiropractic association or society within this state shall report to the board when an association or society determines that a chiropractor has committed unprofessional conduct or that a chiropractor may not be able to practice chiropractic with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

NEW SECTION

WAC 113-12-330 INSURANCE CARRIERS. The executive officer of every insurer, licensed under Title 48 RCW operating in the state of Washington, shall report to the board any evidence that a chiropractor has engaged in overcharging or overutilization of chiropractic services, or has charged fees for chiropractic services not actually provided, or has otherwise committed unprofessional conduct.

NEW SECTION

WAC 113-12-340 PROFESSIONAL LIABILITY CARRIERS. Every institution or organization providing professional liability insurance directly or indirectly to chiropractors shall send a complete report of any malpractice settlement, award or payment as a result of a claim or action for damages alleged to have been caused by an insured chiropractor's incompetency or negligence in the practice of chiropractic.

NEW SECTION

WAC 113-12-350 COURTS. The board requests the assistance of all clerks of trial courts within the state to report all professional malpractice judgments and all criminal convictions of licensed chiropractors, other than for minor traffic violations.

WSR 87-19-132 PROPOSED RULES CHIROPRACTIC EXAMINING BOARD

[Filed September 22, 1987]

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 the licensing of chiropractic,

amending WAC 114-12-041 and 114-12-125; adopting WAC 114-12-132 concerning chiropractic examination scores; and repealing WAC 114-12-131;

that the agency will at 9:30 a.m., Thursday, November 5, 1987, in Nendel's Hotel, 15801 West Valley Highway, Tukwila, 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 18.25.017.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1987.

Dated: September 21, 1987
 By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Examining Board.

Rule Title, Summary, and Purpose and Reason Proposed: WAC 114-12-041 Colleges—Educational standards required for accreditation, to correct a reviser's note; 114-12-125 Examinations—National board partial waiver, to correct a reviser's note; 114-12-132 Chiropractic examination scores, to establish the circumstances in which applicants who do not pass the entire examination may carry passing scores to the next examination; and 114-12-131 Chiropractic examination—Limitation, would be replaced by WAC 114-12-132.

Statutory Authority: RCW 18.25.017.

Responsible Departmental Personnel: In addition to the Chiropractic Examining Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Linda Crerar, Program Manager, Chiropractic Examining Board, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 754-3129 comm, 234-3129 scan.

Proponents: The subject matter of this rule hearing has been proposed by the 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 414, filed 12/8/82)

WAC 114-12-041 COLLEGES—EDUCATIONAL STANDARDS REQUIRED FOR ACCREDITATION. (1) Objectives - the college shall:

- ((a)) Have clearly defined objectives.
- (2) Administration and organization - the college shall:
 - (a) Be incorporated as a nonprofit institution and recognized as such by its state of domicile.
 - (b) Have full-time administrator.
 - (c) Have either a president or a dean of education with a doctor of chiropractic degree.
 - (d) Adopt policy of nondiscrimination as to national origin, race, religion, or sex.
- (3) Educational offerings - the college shall:

- (a) Provide educational offerings which prepare the student for successfully completing licensing examination and engaging in practice.
- (b) Offer an educational program with a minimum of 4,000 in-class hours provided over a four year academic term.
- (c) Have available syllabi for all courses.
- (d) Offer chiropractic curriculum as follows: Principles of chiropractic - 200 in-class hours; adjustive technique - 400 in-class hours; spinal roentgenology - 175 in-class hours; symptomatology and diagnosis - 425 in-class hours; clinic - 625 in-class hours.
- (e) Offer at least 120 of the hours required for the study of "principles of chiropractic" (~~((hours))~~) hours as the study of chiropractic philosophy, which shall be defined as the commonly held tenets which provide the basis for chiropractic as a separate and distinct form of practice.

The required 120 hours of philosophy instruction shall be clearly identified in the application and subsequent college catalogue as philosophy of chiropractic by course title and description. The remaining 80 required hours may include history of chiropractic, ethics, interprofessional relationships and other subjects specifically relating to the principles and practice of chiropractic.

- (f) Not include mechanotherapy, physiotherapy, acupuncture, acupressure, or dietary therapy or any other therapy in computation of the qualifying 4,000 classroom hours.
- (g) Maintain a clinical program sufficient to fulfill the objectives of the college.
 - (4) Faculty - the college shall:
 - ((a)) Provide sufficient faculty to support the educational program of the college.
 - (5) Students - the college shall:
 - (a) Select students on a nondiscriminatory basis.
 - (b) Require that students maintain a 2.00 grade average and have no chiropractic subject grade less than 2.0.
 - (c) Require the student to complete a four-year academic program which meets all requirements of statute and rule for licensing to practice chiropractic in Washington state.
 - (6) Physical facilities and equipment - the college shall:
 - (a) Maintain a library of size and quality sufficient to serve the educational program.
 - (b) Maintain a basic plant that facilitates the educational program.
 - (c) Maintain clinic facilities that are of sufficient size and equipped appropriately to serve the student.
 - (7) Financial - the college shall:
 - (a) Have adequate present and anticipated income to sustain a sound educational program.
 - (b) Have well formulated plans for financing existing and projected education programs.
 - (c) Have an annual audit of financial records by a CPA.
 - (d) Make records available for review by the board upon request.
 - (8) Self-evaluation - the college shall:
 - ((a)) Have a program of continuing self-evaluation and such evaluation must be made available upon request by the board.

AMENDATORY SECTION (Amending Order PL 572, filed 12/13/85)

WAC 114-12-125 EXAMINATIONS—NATIONAL BOARD PARTIAL WAIVER. (1) An applicant who has passed the following subjects on their most recently taken National Board of (~~((Chiropractors))~~) Chiropractic Examiners examination will be considered to have satisfied the statutory requirement for examination in the equivalent subjects:

Washington Examination Subject	National Board Equivalent
Anatomy Physiology Hygiene	Anatomy Physiology Microbiology—Public Health
Neurology Symptomatology Spinal Pathology	Spinal Anatomy General Diagnosis 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.

NEW SECTION

WAC 114-12-132 CHIROPRACTIC EXAMINATION SCORES. (1) Applicants who pass at least three of the following examination sections may carry their scores in those sections forward to the next examination administered by the board. The sections are:

- (a) Written technique;
- (b) Written X-ray;
- (c) Principles and practice;
- (d) Practical X-ray;
- (e) Practical technique.

(2) Applicants who fail an examination and who do not take the next examination offered by the board may not carry any scores forward and must retake the entire examination.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 114-12-131 CHIROPRACTIC EXAMINATION—LIMITATION.

WSR 87-19-133

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 22, 1987]

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 Special services program—The student retention and retrieval program, chapter 392-166 WAC; that the agency will at 9:00 a.m., Monday, November 2, 1987, in the State Board Room, Old Capital 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 section 217, chapter 518, Laws of 1987.

The specific statute these rules are intended to implement is sections 213 through 219, chapter 518, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1987.

Dated: September 11, 1987

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-166 WAC.

Rule Section(s): WAC 392-166-100.

Statutory Authority: Chapter 518, Laws of 1987 (uncodified).

Purpose of the Rule(s): To implement the student retention and retrieval program.

Summary of New Rule(s) and/or Amendments: WAC 392-166-100 states that the authority for the

rules is section 217, chapter 518, Laws of 1987; 392-166-105 states that the purpose of the rules is to implement the student retention and retrieval program; 392-166-110 defines the term "student retention and retrieval program"; 392-166-115 defines the term "qualifying school districts"; 392-166-120 defines the term "students at risk"; 392-166-125 defines the term "supplant"; 392-166-130 defines the term "direct expenditure"; 392-166-135 states that financial rules of chapter 392-122 WAC apply to this chapter; 392-166-140 states that qualifying school districts have the option whether or not to apply for funds; 392-166-145 sets forth the priorities for funding programs under this chapter; 392-166-150 states that a district must apply to the Superintendent of Public Instruction to receive funds under this chapter; 392-166-155 sets forth the provisions for cooperative applications; 392-166-160 sets forth the information which must be contained in an application; 392-166-165 sets forth the assurances which must accompany the application; 392-166-170 states that a school district application must be approved by the local board of directors; 392-166-175 sets forth the conditions under which an application update must be submitted; 392-166-180 sets forth the minimum criteria for identifying students at risk; 392-166-185 sets forth the basis on which funds will be distributed under this chapter; 392-166-190 sets forth the procedure for issuing grant awards; 392-166-195 states that funds made available under this chapter may not supplant funds of existing programs; 392-166-200 requires that twenty percent of the money made available under this chapter be used at the elementary and middle school level; 392-166-205 states that supervisory time funded under this chapter must be documented re time and effort; 392-166-210 sets forth allowable expenditures under this chapter; 392-166-215 states that expenditures may vary by twenty percent within the approved budget amount without requiring a budget revision; 392-166-220 sets forth the circumstances which require a budget revision; 392-166-225 states that budget revisions must be approved by the Superintendent of Public Instruction; 392-166-230 sets forth procedures which govern property acquisition, control, and disposition; 392-166-235 states that districts must keep records accounting for use of program moneys; 392-166-240 sets forth the requirements of the end of year report; 392-166-245 sets forth requirements of the end of year evaluation report; 392-166-250 states the conditions under which basic education allocation may be claimed for students served under this chapter outside the regular school year; 392-166-255 provides that funds under this chapter are subject to audit; 392-166-260 provides for dissemination of information about programs funded under this chapter; 392-166-265 requires that parents be notified of their children's participation in programs funded under this chapter; 392-166-270 states that funds granted under this chapter are available for the two years of the biennium for which they are appropriated; and 392-166-275 states conditions under which grants may be made in future bienniums.

Reasons Which Support the Proposed Action(s): Section 217, chapter 518, Laws of 1987, directs the Superintendent of Public Instruction to promulgate rules to implement sections 214 through 219 of the act.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Judi Billings, SPI, 3-2298; Implementation: Cheryl Chow, SPI, 3-6701; and Enforcement: Dr. Charles "Bob" Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 392-166 WAC
SPECIAL SERVICES PROGRAM—STUDENT RETENTION
AND RETRIEVAL PROGRAM

WAC

392-166-100	Authority.
392-166-105	Purpose.
392-166-110	Student retention and retrieval program—Definition.
392-166-115	Qualifying school districts—Definition.
392-166-120	Students at risk—Definition.
392-166-125	Supplant—Definition.
392-166-130	Definition—Direct expenditure.
392-166-135	Applicable financial rules.
392-166-140	Qualifying school district—Option to participate.
392-166-145	Priority for funding.
392-166-150	District application required.
392-166-155	Cooperative applications.
392-166-160	Substance of school district application.
392-166-165	Assurances.
392-166-170	Board approval.
392-166-175	Application update.
392-166-180	Criteria for identifying students at risk.
392-166-185	Distribution of funds.
392-166-190	Issuance of grant award.
392-166-195	Supplant prohibition.
392-166-200	Twenty percent requirement for elementary and middle schools.
392-166-205	Supervisory expenditures.
392-166-210	Program requirement—Allowable expenditures.
392-166-215	Budget revisions—Twenty percent allowed.
392-166-220	Budget revisions—Updating planned expenditures.
392-166-225	Budget revision—Approval.
392-166-230	Acquisition, control and disposition of property.
392-166-235	District records.
392-166-240	End of year report.
392-166-245	End of year evaluation.
392-166-250	Basic education allocation.
392-166-255	Program audit.
392-166-260	Dissemination.
392-166-265	Notification of parents.
392-166-270	Encumbrance period.
392-166-275	Subsequent grants.

NEW SECTION

WAC 392-166-100 **AUTHORITY.** The authority for this chapter is chapter 518, section 217, Laws of 1987 which authorizes the superintendent of public instruction to promulgate rules to carry out the purposes of sections 214 through 219 of the act.

NEW SECTION

WAC 392-166-105 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures for implementation of educational programs designed to motivate, retain, and retrieve students.

NEW SECTION

WAC 392-166-110 **STUDENT RETENTION AND RETRIEVAL PROGRAM—DEFINITION.** As used in this chapter, the term "student retention and retrieval program" means a program in qualifying school districts planned, developed, and implemented to identify, motivate, retain, and retrieve students who are at risk of dropping out of school or who have dropped out of school.

NEW SECTION

WAC 392-166-115 **QUALIFYING SCHOOL DISTRICTS—DEFINITION.** As used in this chapter, the term "qualifying school districts" means those school districts, based on drop-out statistics submitted to the superintendent of public instruction pursuant to RCW 28A.58.087, with a drop-out rate in the top twenty-five percent of all districts reporting such information: **PROVIDED,** That the rate may be an average of such data available for a period not to exceed the immediately preceding five school years.

NEW SECTION

WAC 392-166-120 **STUDENTS AT RISK—DEFINITION.** As used in this chapter, the term "students at risk" means those students in elementary, middle or secondary school who are identified using the criteria outlined in WAC 392-166-180 as not succeeding in school, considering dropping out of school, or who have dropped out of school.

NEW SECTION

WAC 392-166-125 **SUPLANT—DEFINITION.** As used in this chapter, the term "supplant" means using funds made available under this chapter to replace funds currently supporting a particular program or activity intended to address the student drop out problem.

NEW SECTION

WAC 392-166-130 **DEFINITION—DIRECT EXPENDITURE.** As used in this chapter the term "direct expenditure" means that part of program-allowed expenditures that appear on the program-approved budget matrix under allowed combinations of activities and objects of expenditure.

NEW SECTION

WAC 392-166-135 **APPLICABLE FINANCIAL RULES.** Moneys granted under this chapter shall be subject to chapter 392-122 WAC, Finance—Categorical apportionment.

NEW SECTION

WAC 392-166-140 **QUALIFYING SCHOOL DISTRICT—OPTION TO PARTICIPATE.** A qualifying school district shall not be required to apply for a grant under the student retention and retrieval program: **PROVIDED,** That if such district does apply and receive moneys appropriated for such purposes, the receiving district shall comply with this chapter.

NEW SECTION

WAC 392-166-145 **PRIORITY FOR FUNDING.** Priority for awarding grant funds made available under this chapter shall be as follows:

(1) The superintendent of public instruction shall give first priority to qualifying school districts where no student motivation, retention, and/or retrieval programs currently exist;

(2) Second priority shall be those qualifying school districts which currently have a student motivation, retention, and/or retrieval program and who apply for funds made available under this chapter to expand the existing program to additional grade levels, or to another school, or to initiate a new student motivation, retention, and/or retrieval program; and

(3) Third priority shall be those school district cooperatives which include at least one qualifying district among the members of the cooperative.

NEW SECTION

WAC 392-166-150 DISTRICT APPLICATION REQUIRED. Each school district that seeks a grant of state funds for a student retention and retrieval program must submit a biennial application on forms provided by the superintendent of public instruction within sixty days of the date such forms are mailed by the superintendent of public instruction. No expenditures for program costs shall be made until the application has been approved by the superintendent of public instruction.

NEW SECTION

WAC 392-166-155 COOPERATIVE APPLICATIONS. Cooperatives of districts may apply for grant funds if one or more districts in the cooperative are qualifying districts. Application may be submitted by any member of the cooperative: PROVIDED, That the signature of the superintendent of each school district in the cooperative shall be included on the application forms: PROVIDED FURTHER, That the maximum grant for which a cooperative is eligible shall be the sum of the maximum amount for which qualifying district(s) within the cooperative are eligible.

NEW SECTION

WAC 392-166-160 SUBSTANCE OF SCHOOL DISTRICT APPLICATION. The school district's biennial application shall contain the following information on forms provided by the superintendent of public instruction:

- (1) Description of proposed year one and year two activities for initial planning, development, and/or implementation of educational programs designed to motivate, retain, and/or retrieve students;
- (2) Summary of district need for such program(s);
- (3) Procedure for identifying and selecting students to participate in the program;
- (4) Program goals and objectives;
- (5) Areas of proposed direct expenditures by object and activity on SPI Form 1000-B, listed separately for year one and year two for (a) elementary and middle schools, if appropriate, and (b) secondary schools, if appropriate;
- (6) Description of annual evaluation method;
- (7) Assurances pursuant to WAC 392-166-165 signed by the school district's authorized representative: PROVIDED, That applications for planning and development grants shall not include numbers three and six above.

NEW SECTION

WAC 392-166-165 ASSURANCES. Each school district that applies for a grant under this chapter shall assure the superintendent of public instruction that:

- (1) The school district shall comply with chapter 518, Laws of 1987 and with chapter 392-166 WAC;
- (2) Funds received under the student retention and retrieval program shall not supplant funds of an existing motivation, retention, or retrieval program;
- (3) The school district shall keep records and provide information to the superintendent of public instruction regarding the student retention and retrieval program in such manner as required by the superintendent of public instruction.

NEW SECTION

WAC 392-166-170 BOARD APPROVAL. The school district's application shall be reviewed and approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-166-175 APPLICATION UPDATE. A district requesting approval to change its student retention and retrieval program for the second year of the biennium, including moving from a planning and development phase to actual program implementation, shall submit an application update to the superintendent of public instruction for approval.

NEW SECTION

WAC 392-166-180 CRITERIA FOR IDENTIFYING STUDENTS AT RISK. School district criteria for identifying students at risk shall include, at a minimum:

- (1) Poor, irregular and/or deteriorating attendance patterns;
- (2) Poor, irregular, and/or deteriorating work habits and achievement as indicated on periodic reports to parents;
- (3) Frequent, regular, or increasing conflict with peers, teachers, or other school authorities;
- (4) Other behavior or indicators apparent in an elementary school child who is not succeeding in school, e.g., withdrawal from normal, daily academic and social activities; apathy toward the school environment and so forth.

NEW SECTION

WAC 392-166-185 DISTRIBUTION OF FUNDS. Funds made available under this chapter shall be distributed on a per pupil basis among qualifying school districts. The per pupil amount shall be determined by dividing the total available appropriation by the total K-12 student population of all qualifying districts as determined on October 1, 1987. The maximum amount any district shall be eligible to receive shall be such per pupil amount multiplied by the total student population of the school district: PROVIDED, That no district shall receive more than is required for planning and implementation activities outlined in the district's grant application.

NEW SECTION

WAC 392-166-190 ISSUANCE OF GRANT AWARD. Funds made available under this chapter shall be granted separately for each year of the biennium, based on the amount for which the district has applied for each year: PROVIDED, That such amount shall in no case exceed the maximum amount for which a district is eligible under the statute.

NEW SECTION

WAC 392-166-195 SUPPLANT PROHIBITION. Grants may not supplant funds of existing motivation, retention, and/or retrieval programs.

NEW SECTION

WAC 392-166-200 TWENTY PERCENT REQUIREMENT FOR ELEMENTARY AND MIDDLE SCHOOLS. No less than twenty percent of the funds granted under this chapter shall be used for identification and intervention programs in elementary and middle schools.

NEW SECTION

WAC 392-166-205 SUPERVISORY EXPENDITURES. A school district that charges any portion of supervisory time as a direct expenditure against the student retention and retrieval program shall maintain records documenting the amount of supervisory FTE funded by such program.

NEW SECTION

WAC 392-166-210 PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURES. Funds granted to school districts pursuant to this chapter shall be used only for expenditures approved on the program budget document included in the approved application. If a district incurs an expenditure with state moneys for a student retention and retrieval program in a nonallowable object(s) or activity(ies), the amount of such nonallowable expenditure shall be recovered by the superintendent of public instruction after the end of the school fiscal year.

NEW SECTION

WAC 392-166-215 BUDGET REVISIONS—TWENTY PERCENT ALLOWED. Using the subtotal from Form SPI F-1000-B as a base, school districts may make annual expenditure adjustments not to exceed twenty percent of that total in any of the previously budgeted activities within the approved elementary and middle school budget or secondary budget without filing a request for budget revision with the superintendent of public instruction.

NEW SECTION

WAC 392-166-220 BUDGET REVISIONS—UPDATING PLANNED EXPENDITURES. Except as provided in WAC 392-166-215, each school district shall expend the student retention and retrieval program moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to:

- (1) Change by more than twenty percent of the subtotal identified in WAC 392-166-215 the expenditures among activity or object totals; or
- (2) Expend money in any object or activity where no moneys were budgeted in the original application.

NEW SECTION

WAC 392-166-225 BUDGET REVISION—APPROVAL. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions in WAC 392-166-150 for approval by the superintendent of public instruction of the biennial application.

NEW SECTION

WAC 392-166-230 ACQUISITION, CONTROL AND DISPOSITION OF PROPERTY. Acquisition, control and disposition of property purchased with student retention and retrieval program moneys shall be consistent with state school accounting procedures.

NEW SECTION

WAC 392-166-235 DISTRICT RECORDS. School districts receiving funds under this chapter shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel upon request.

NEW SECTION

WAC 392-166-240 END OF YEAR REPORT. Participating school districts shall submit an end of year report on forms provided by the superintendent of public instruction. Such report shall include the number and grade level of students served, gender and ethnicity of such students, number of certificated and classified staff involved, actual expenditures by object and activity, and other information required by the superintendent of public instruction consistent with his responsibility for administering the student retention and retrieval program.

NEW SECTION

WAC 392-166-245 END OF YEAR EVALUATION. Participating school districts shall provide an annual evaluation of the effectiveness of the student retention and retrieval program, including the degree to which goals and objectives were met and, as applicable, former and current absentee rates, subjects passed, and improved achievement, on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-166-250 BASIC EDUCATION ALLOCATION. Districts may claim basic education allocation funds for students attending programs conducted pursuant to this chapter outside the regular school year calendar, to the extent such attendance is in lieu of attendance within the regular school year calendar as specified in WAC 392-121-123.

NEW SECTION

WAC 392-166-255 PROGRAM AUDIT. Audit of student retention and retrieval programs shall be conducted in compliance with state audit requirements for school districts.

NEW SECTION

WAC 392-166-260 DISSEMINATION. The superintendent of public instruction shall collect and disseminate to all school districts

and interested parties information about effective motivation, retention, and retrieval programs through the clearinghouse for education information and other appropriate channels.

NEW SECTION

WAC 392-166-265 NOTIFICATION OF PARENTS. Each participating district shall notify parents of participating children of their child's involvement in the district's program for student retention and retrieval.

NEW SECTION

WAC 392-166-270 ENCUMBRANCE PERIOD. Grant funds not expended in the first year of the biennium shall remain available to be granted to qualifying school districts for the second year of the biennium: PROVIDED, That any grant funds not expended by June 30 of the second year of the biennium shall revert to the state treasury.

NEW SECTION

WAC 392-166-275 SUBSEQUENT GRANTS. If funds are available for purposes of this chapter in future bienniums, subsequent implementation grants shall be awarded to school districts by the superintendent of public instruction only if those grants expand the existing program to additional grades, another school, or initiate a new student retention and/or retrieval program: PROVIDED, That the superintendent shall give priority to plans and programs of proven effectiveness.

WSR 87-19-134**NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN**

[Memorandum—September 21, 1987]

The Board for Volunteer Firemen will next meet at 9:00 a.m., Wednesday, October 14, 1987, in Room 207 of the Olympia Forum Building, 605 11th Avenue S.E., Olympia.

WSR 87-19-135**PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed September 22, 1987]

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 chapter 296-24 WAC, general safety and health standards, amended for administrative and editorial purposes: The narrative is restructured with addition of several words and replacement of others to clarify intent and definitions. Section G is divided into three sub-chapters to simplify the organization and assist the users in locating desired subject matter. Additionally, several sections are repealed. The changes are made to be "identical" or "at least as effective as" federal program changes (ref. FR Vol. 43, No. 206, October 24, 1978, FR Vol. 46, No. 11, January 16, 1981, and FR Vol. 45, No. 179, September 12, 1980). There are no substantial changes to the "intent" of any section, and there are no new compliance requirements as a result of these amendments; chapter 296-54 WAC, safety standards for logging operations, amended to clarify the definition of "danger trees" in WAC 296-54-505. This is a state-

initiated change; chapter 296-62 WAC, general occupational health standards, amended for administrative and editorial purposes to make some sections "identical" or "at least as effective as" federal program changes, and new sections are added for cotton dust and ethylene oxide (ref. FR Vol. 50, No. 240, December 13, 1985, FR Vol. 51, No. 128, July 3, 1986, and FR Vol. 51, No. 132, July 10, 1986). State-initiated changes are being made to include asbestos regulations from the construction standards, chapter 296-155 WAC, into the general occupational health standards, to make 1987 updates to the permissible exposure limits table, and WAC 296-62-05403 and 296-62-05405 are amended to include consumer product "exclusions" set forth in Substitute Senate Bill 5405 as promulgated in the 1987 legislative session. Portions of Parts G, M, and N are being repealed; chapter 296-65 WAC, asbestos removal and encapsulation, amended to make administrative and reference corrections. There are no substantial changes or new requirements as a result of these state-initiated changes; chapter 296-155 WAC, safety standards for construction work, amended to include state-initiated references to asbestos requirement regulations set forth in the occupational health standard. Sections which set forth asbestos regulations in this chapter are repealed; chapter 296-306 WAC, safety standards for agricultural code, amended in WAC 296-306-27095 to reflect correct labeling requirements. This state-initiated change does not impose any new compliance requirements; and chapter 296-350 WAC, reassumption of jurisdiction pursuant to RCW 49.17.140, amended in WAC 296-350-990 to include the updated form for employee representatives to request copies of citations and notices. The state-initiated change also makes a reference correction in WAC 296-350-500.

- Amd WAC 296-24-12007 Toilet facilities.
- Amd WAC 296-24-58503 Scope, application and definitions applicable.
- Amd WAC 296-24-58513 Protective clothing.
- Amd WAC 296-24-59211 Hydrostatic testing.
- Amd WAC 296-24-63399 Appendix C—Fire protection references for further information.
- Amd WAC 296-24-63599 Appendix E—Test methods for protective clothing.
- Amd WAC 296-24-95601 Definitions applicable to WAC 296-24-956 through 296-24-95615.
- Amd WAC 296-24-95603 Electric utilization systems.
- Amd WAC 296-24-95605 General requirements.
- Amd WAC 296-24-95607 Wiring design and protection.
- Amd WAC 296-24-95609 Wiring methods, components, and equipment for general use.
- Amd WAC 296-24-95611 Specific purpose equipment and installations.
- Amd WAC 296-24-95613 Hazardous (classified) locations.
- Amd WAC 296-54-505 Definitions applicable to this chapter.
- Amd WAC 296-62-05403 Scope and application.
- Amd WAC 296-62-05405 Definitions applicable to this section.
- Amd WAC 296-62-073 Carcinogens—Scope and application.
- Amd WAC 296-62-07304 Definitions.
- Amd WAC 296-62-07310 Signs, information and training.
- Amd WAC 296-62-07515 Control of chemical agents.
- Amd WAC 296-62-07517 Asbestos.
- Amd WAC 296-62-07701 Scope and application.
- Amd WAC 296-62-07703 Definitions.
- Amd WAC 296-62-07705 Permissible exposure limits (PEL).
- Amd WAC 296-62-07707 Identification.
- Amd WAC 296-62-07709 Exposure monitoring.

- Amd WAC 296-62-07711 Regulated areas.
- Amd WAC 296-62-07713 Methods of compliance.
- Amd WAC 296-62-07715 Respiratory protection.
- Amd WAC 296-62-07717 Protective work clothing and equipment.
- Amd WAC 296-62-07719 Hygiene facilities and practices.
- Amd WAC 296-62-07721 Communication of hazards to employees.
- Amd WAC 296-62-07723 Housekeeping.
- Amd WAC 296-62-07725 Medical surveillance.
- Amd WAC 296-62-07727 Recordkeeping.
- Amd WAC 296-62-07731 Dates.
- Amd WAC 296-62-07733 Appendices.
- Amd WAC 296-62-07735 Appendix A—WISHA reference method—Mandatory.
- Amd WAC 296-62-07737 Appendix B—Detailed procedure for asbestos, tremolite, anthophyllite, and actinolite sampling and analysis—Nonmandatory.
- Amd WAC 296-62-07739 Appendix C—Qualitative and quantitative fit testing procedures—Mandatory.
- Amd WAC 296-62-07741 Appendix D—Medical questionnaires—Mandatory.
- Amd WAC 296-62-07743 Appendix E—Interpretation and classification of chest roentgenograms—Mandatory.
- Amd WAC 296-62-07745 Appendix F—Work practices and engineering controls for automotive brake repair operations—Nonmandatory.
- Amd WAC 296-62-07747 Appendix G—Substance technical information for asbestos—Nonmandatory.
- Amd WAC 296-62-07749 Appendix H—Medical surveillance guidelines for asbestos, tremolite, anthophyllite, and actinolite—Nonmandatory.
- Amd WAC 296-62-14533 Cotton dust.
- Amd WAC 296-65-003 Definitions.
- Amd WAC 296-65-005 Training course content.
- Amd WAC 296-65-015 Training course certification.
- Amd WAC 296-65-020 Notification requirements.
- Amd WAC 296-65-025 Certificate fee.
- Amd WAC 296-155-160 Gases, vapors, fumes, dusts, and mists.
- Amd WAC 296-155-775 Preparatory operations.
- Amd WAC 296-306-27095 Exhibit B—Figures V-1 through V-28.
- Amd WAC 296-350-500 Citation and notice—Copy to employee representative.
- Amd WAC 296-350-990 Appendix A—Form LI 418-23—Application for copies of citations and notices.
- New WAC 296-62-07355 Scope and application.
- New WAC 296-62-07357 Definitions.
- New WAC 296-62-07359 Permissible exposure limits (PEL).
- New WAC 296-62-07361 Exposure monitoring.
- New WAC 296-62-07363 Regulated areas.
- New WAC 296-62-07365 Methods of compliance.
- New WAC 296-62-07367 Respiratory protection and personal protective equipment.
- New WAC 296-62-07369 Emergency situations.
- New WAC 296-62-07371 Medical surveillance.
- New WAC 296-62-07373 Communication of EtO hazards to employees.
- New WAC 296-62-07375 Recordkeeping.
- New WAC 296-62-07377 Observation of monitoring.
- New WAC 296-62-07379 Dates.
- New WAC 296-62-07381 Appendices.
- New WAC 296-62-07383 Appendix A—Substance safety data sheet for ethylene oxide—Nonmandatory.
- New WAC 296-62-07385 Appendix B—Substance technical guidelines for ethylene oxide—Nonmandatory.
- New WAC 296-62-07387 Appendix C—Medical surveillance

		guidelines for ethylene oxide—Nonmandatory.	Rep	WAC 296-155-17555	Housekeeping.
New	WAC 296-62-07389	Appendix D—Sampling and analytical methods for ethylene oxide—Nonmandatory.	Rep	WAC 296-155-17560	Medical surveillance.
New	WAC 296-62-07706	Communication among employers.	Rep	WAC 296-155-17565	Recordkeeping.
New	WAC 296-62-07712	Requirements for asbestos removal, demolition, and renovation operations.	Rep	WAC 296-155-17570	Dates.
New	WAC 296-62-07751	Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations—Nonmandatory.	Rep	WAC 296-155-17575	Appendices.
New	WAC 296-62-07753	Appendix J—Work practices and engineering controls for small-scale, short-duration asbestos renovation and maintenance operations—Nonmandatory.	Rep	WAC 296-155-177	Appendix A—WISHA reference method—Mandatory.
New	WAC 296-62-07761	Nonasbestiform tremolite, anthophyllite and actinolite.	Rep	WAC 296-155-179	Appendix B—Detailed procedure for asbestos, tremolite, anthophyllite, and actinolite sampling and analysis—Nonmandatory.
New	WAC 296-62-14537	Appendix B-I through B-III—Respiratory questionnaire.	Rep	WAC 296-155-181	Appendix C—Qualitative and quantitative fit testing procedures—Mandatory.
New	WAC 296-62-14539	Appendix C—Spirometry prediction tables for normal males and females.	Rep	WAC 296-155-183	Appendix D—Medical questionnaires—Mandatory.
New	WAC 296-62-14541	Appendix D—Pulmonary function standards for cotton dust standard.	Rep	WAC 296-155-185	Appendix E—Interpretation and classification of chest roentgenograms—Mandatory.
Rep	WAC 296-24-59001	General requirements.	Rep	WAC 296-155-187	Appendix F—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations—Nonmandatory.
Rep	WAC 296-24-59003	Selection of extinguishers.	Rep	WAC 296-155-189	Appendix G—Work practices and engineering controls for small-scale short-duration asbestos renovation and maintenance operations—Nonmandatory.
Rep	WAC 296-24-59005	Distribution of portable fire extinguishers.	Rep	WAC 296-155-191	Appendix H—Substance technical information for asbestos—Nonmandatory.
Rep	WAC 296-24-59007	Inspection, maintenance, and hydrostatic tests.	Rep	WAC 296-155-193	Appendix I—Medical surveillance guidelines for asbestos, tremolite, anthophyllite, and actinolite—Nonmandatory;
Rep	WAC 296-24-600	Standpipe and hose systems.			
Rep	WAC 296-24-60001	General requirements.			
Rep	WAC 296-24-60003	Hose outlets.			
Rep	WAC 296-24-60005	Water supplies.			
Rep	WAC 296-24-60007	Tests and maintenance.			
Rep	WAC 296-24-60501	General requirements.			
Rep	WAC 296-24-60503	Fire department connections.			
Rep	WAC 296-24-60505	Sprinkler alarms.			
Rep	WAC 296-24-60507	Maintenance of sprinkler system.			
Rep	WAC 296-24-60509	Sprinkler head clearance.			
Rep	WAC 296-24-615	Fixed dry chemical extinguishing systems.			
Rep	WAC 296-24-61501	General requirements.			
Rep	WAC 296-24-61503	Alarms and indicators.			
Rep	WAC 296-24-61505	Inspection and maintenance.			
Rep	WAC 296-24-620	Carbon dioxide extinguishing systems.			
Rep	WAC 296-24-62001	General requirements.			
Rep	WAC 296-24-62003	Inspection and maintenance.			
Rep	WAC 296-24-625	Local fire alarm signaling systems.			
Rep	WAC 296-62-07353	Ethylene oxide.			
Rep	WAC 296-62-07729	Observation of monitoring.			
Rep	WAC 296-62-14531	Exposure to cotton dust in cotton gins.			
Rep	WAC 296-62-146	Appendices.			
Rep	WAC 296-62-14603	Appendix B-I—Respiratory questionnaire.			
Rep	WAC 296-65-040	Appeals—Notice and filing.			
Rep	WAC 296-65-045	Appeals—Procedure.			
Rep	WAC 296-155-175	Scope and application.			
Rep	WAC 296-155-17505	Definitions.			
Rep	WAC 296-155-17510	Permissible exposure limits (PEL).			
Rep	WAC 296-155-17515	Communication among employers.			
Rep	WAC 296-155-17520	Identification.			
Rep	WAC 296-155-17525	Regulated areas.			
Rep	WAC 296-155-17530	Exposure monitoring.			
Rep	WAC 296-155-17532	Methods of compliance.			
Rep	WAC 296-155-17535	Respiratory protection.			
Rep	WAC 296-155-17540	Protective clothing.			
Rep	WAC 296-155-17545	Hygiene facilities and practices.			
Rep	WAC 296-155-17550	Communication of hazards to employees.			

that the agency will at 9:30 a.m., Tuesday, October 27, 1987, in the Auditorium, General Administration Building, West Capitol Campus, 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 November 30, 1987.

The authority under which these rules are proposed is chapters 49.17 and 34.04 RCW and chapter 1-12 WAC.

The specific statute these rules are intended to implement is RCW 34.04.020, 34.04.025, 34.04.026, 34.04.040, 34.04.045, 49.17.040, 49.17.050, 49.17.120, 49.17.220, 49.17.230 and 49.17.240 and WAC 1-12-005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5:00 p.m., Tuesday, October 27, 1987.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments or [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 proposed rules should be addressed to:

G. David Hutchins, Assistant Director
Division of Industrial Safety and Health
Post Office Box 207
Olympia, Washington 98504
(206) 753-6500

Dated: September 22, 1987

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 296-24 WAC, General safety and health standards; chapter 296-54 WAC, Safety standards for logging operations; chapter 296-62 WAC, General occupational health standards; chapter 296-65 WAC, Asbestos removal and encapsulation; chapter 296-155 WAC, Safety standards for construction work; chapter 296-306 WAC, Safety standards for agriculture; and chapter 296-350 WAC, Reassumption of jurisdiction pursuant to RCW 49.17.160.

Authority Under Which These Rules are Proposed: Chapters 49.17 and 34.04 RCW and chapter 1-12 WAC.

Specific Statute that Rules are Intended to Implement: RCW 34.04.020, 34.04.025, 34.04.026, 34.04.040, 34.04.045, 49.17.040, 49.17.050, 49.17.120, 49.17.220, 49.17.230 and 49.17.240 and WAC 1-12-005.

Summary of Rules: Chapter 296-24 WAC, general safety and health standards, amended for administrative and editorial purposes: The narrative is restructured with addition of several words and replacement of others to clarify intent and definitions. Section G is divided into three subchapters to simplify the organization and assist the users in locating desired subject matter. Additionally, several sections are repealed. The changes are made to be "identical" or "at least as effective as" federal program changes (ref. FR Vol. 43, No. 206, October 24, 1978, FR Vol. 46, No. 11, January 16, 1981, and FR Vol. 45, No. 179, September 12, 1980). There are no substantial changes to the "intent" of any section, and there are no new compliance requirements as a result of these amendments; chapter 296-54 WAC, safety standards for logging operations, amended to clarify the definition of "danger trees" in WAC 296-54-505. This is a state-initiated change; chapter 296-62 WAC, general occupational health standards, amended for administrative and editorial purposes to make some sections "identical" or "at least as effective as" federal program changes, and new sections are added for cotton dust and ethylene oxide (ref. FR Vol. 50, No. 240, December 13, 1985, FR Vol. 51, No. 128, July 3, 1986, and FR Vol. 51, No. 132, July 10, 1986). State-initiated changes are being made to include asbestos regulations from the construction standards, chapter 296-155 WAC, into the general occupational health standards, to make 1987 updates to the permissible exposure limits table, and WAC 296-62-05403 and 296-62-05405 are amended to include consumer product "exclusions" set forth in Substitute Senate Bill 5405 as promulgated in the 1987 legislative session. Portions of Parts G, M, and N are

being repealed; chapter 296-65 WAC, asbestos removal and encapsulation, amended to make administrative and reference corrections. There are no substantial changes or new requirements as a result of these state-initiated changes; chapter 296-155 WAC, safety standards for construction work, amended to include state-initiated references to asbestos requirement regulations set forth in the occupational health standard. Sections which set forth asbestos regulations in this chapter are repealed; chapter 296-306 WAC, safety standards for agricultural code, amended in WAC 296-306-27095 to reflect correct labeling requirements. This state-initiated change does not impose any new compliance requirements; and chapter 296-350 WAC, reassumption of jurisdiction pursuant to RCW 49.17.140, amended in WAC 296-350-990 to include the updated form for employee representatives to request copies of citations and notices. The state-initiated change also makes a reference correction in WAC 296-350-500.

If you have any questions or desire further information regarding these rules, please contact G. David Hutchins, Assistant Director, Division of Industrial Safety and Health, Department of Labor and Industries, 805 Plum Street S.E., Olympia, WA 98504, phone (206) 753-6500.

Description of the Purpose of the Rule(s): To ensure a healthful and safe workplace for all employees in the state of Washington.

Reasons for Supporting the Proposed Rule(s): To ensure a safe and healthful working environment for Washington state workers. Federal OSHA has given the state of Washington until January 1987 to adopt "identical" or "at-least-as-effective-as" rules concerning cotton dust and ethylene oxide for exposed workers. The adoption date has been extended to November 30, 1987. If this is not done, federal OSHA will impose their rules on this state if it has not, in their judgment, adopted adequate rules.

Agency Personnel Responsible for Drafting: Ray Wax, Safety Regulations Program Supervisor, Department of Labor and Industries, Division of Industrial Safety and Health, 805 Plum Street S.E., Olympia, Washington 98504, phone (206) 753-6381; Implementation: G. David Hutchins, Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, 805 Plum Street S.E., Olympia, Washington 98504, phone (206) 753-6500; and Enforcement: Same as above.

Name of Person or Organization, Whether Private, Public or Governmental that is Proposing the Rule(s): Washington State Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): None.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

SMALL BUSINESS ECONOMIC IMPACT STATEMENTS

The Washington Regulatory Fairness Act, chapter 19.58 [19.85] RCW, requires that proposed rules which have an economic impact on more than 20 percent of all

industries or more than 10 percent of the businesses in any one industry shall be reviewed to determine if the cost of coming into compliance with the proposed agency rules will create a disproportionately higher economic burden on small businesses in comparison with the cost of compliance for large businesses. The act defines a small business as an employer with fifty or fewer employees.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-24 WAC, PROPOSED AMENDMENT FOR PART B-1; WAC 296-24-12007 TOILET FACILITIES

With respect to chapter 296-24 WAC, general safety and health standards, WAC 296-24-12007 toilet facilities, the conclusions of the agency are as follows:

The proposed amendment to rule potentially influences all industries except construction and agriculture; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance with the provisions for a specified number of water closets; and

The rule, as amended, is not expected to influence or change the cost of coming into compliance in any way because the amended rule does not establish any new compliance regulations.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-24 WAC, PROPOSED AMENDMENTS TO PART G, MEANS OF EGRESS, FIRE PROTECTION AND SUPPRESSION EQUIPMENT; WAC 296-24-585, 296-24-592 and 296-24-63399 APPENDIX C AND 296-24-63599 APPENDIX E

With respect to the proposed amendments for chapter 296-24 WAC, Part G, means of egress, fire protection and fire suppression equipment, the findings of the agency are as follows:

The rules, as amended for Part G-1, will continue to influence any and all workplaces in the state of Washington. The rules, as amended in Parts G-2 and G-3, will continue to influence all employment except maritime, construction, and agriculture; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance instructions; and

The agency proposing the WAC amendments is not aware of any unique operating conditions in the state of Washington which would result in significantly higher cost factors for either large or small businesses when operating in compliance with the amended proposed rules.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-24 WAC, PROPOSED AMENDMENTS FOR PART L; WAC 296-24-956 (WAC 296-24-95601, 296-24-95603, 296-24-95605, 296-24-95609, 296-24-95611 and 296-24-95613) ELECTRICAL

With respect to chapter 296-24 WAC, general safety and health standards, WAC 296-24-95601, 296-24-95603, 296-24-95605, 296-24-95609, 296-24-95611 and 296-24-95613 electrical, the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence all industries except construction and agriculture; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which

exempts small businesses from compliance with the provisions of electrical safety requirements that are necessary for the practical safeguarding of employees in their workplaces; and

The rules, as amended, are not expected to influence or change the cost of coming into compliance in any way because the amended rules do not establish any new compliance regulations.

SAFETY STANDARDS FOR LOGGING OPERATIONS, CHAPTER 296-54 WAC, PROPOSED AMENDMENTS TO WAC 296-54-505(28) DANGER TREES—DEFINITION

With respect to the proposed amendment for chapter 296-54 WAC, safety standards for logging operations, WAC 296-54-505(28) danger trees, the findings of the agency are as follows:

The rule, as amended, will apply to all persons, firms, corporations or others engaged in logging operations. It does not apply to log handling at sawmills, plywood mills, pulp mills and other manufacturing operations governed by specific safety standards for those operations; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses for compliance instructions; and

The agency proposing the WAC amendment is not aware of any unique operating conditions in the state of Washington which would result in significantly higher cost factors for either large or small businesses when operating in compliance with the amended proposed rule.

GENERAL OCCUPATIONAL AND HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO PART C, HAZARD COMMUNICATIONS, WAC 296-62-05403 SCOPE AND APPLICATION, AND 296-62-05405 DEFINITIONS APPLICABLE TO THIS SECTION

With respect to chapter 296-62 WAC, general occupational health standards, WAC 296-62-05403 scope and application, and 296-62-05405 definitions applicable to this section, the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence any and all employers who are required to provide information to their employees about the hazardous chemicals to which they are exposed. It also influences chemical manufacturers, importers and/or distributors which produce, import or transmit such chemicals to the employers; and

Chapter 49.17 RCW does not provide the agency any authority to adopt an administrative program which exempts small businesses from compliance with hazard communication rules; and

The rules, as amended, will not influence or change the cost of any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation.

GENERAL OCCUPATIONAL AND HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO PART G, WAC 296-62-073 ETHYLENE OXIDE

With respect to chapter 296-62 WAC, general occupational health standards; WAC 296-62-073, 296-62-

07355, 296-62-07357, 296-62-07359, 296-62-07361, 296-62-07363, 296-62-07365, 296-62-07367, 296-62-07369, 296-62-07371, 296-62-07373, 296-62-07375, 296-62-07377, 296-62-07379, 296-62-07381, 296-62-07383, 296-62-07385, 296-62-07387 and 296-62-07389 ethylene oxide; the findings of the agency are as follows:

The rules, as amended, will apply to all occupational exposures to ethylene oxide (E⁰). It will not apply to the processing, use, or handling of products containing E⁰ where objective data are reasonably relied upon that demonstrate that the product is not capable of releasing E⁰ in airborne concentrations in excess of established parameters; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from ethylene oxide compliance regulations; and

The Federal Occupational Safety and Health Administration (OSHA) has incorporated clarifying language and correction of administrative errors to update their final ethylene oxide rules as published in June 1984 (49FR25734). They have mandated that WISHA standards be amended to be at-least-as-effective as the federal rule and have extended our compliance date to November 20, 1987, for adoption.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO
PART F; WAC 296-62-073 (WAC 296-62-073, 296-62-07304 and
296-62-07310) CARCINOGENS

With respect to chapter 296-62 WAC, general occupational health standards, WAC 296-62-073 scope and application, 296-62-07304 definitions, and 296-62-07310 signs, information and training, the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence any and all workplaces where there is manufacturing, processing, repackaging, releasing, handling or storage of carcinogens; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance with carcinogen exposure controls; and

The rules, as amended, are not expected to influence or change the cost of coming into compliance in any way because the amended standard does not establish any new compliance regulations.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO
PART H, AIR CONTAMINANTS; WAC 296-62-07515
CONTROL OF CHEMICAL AGENTS (PERMISSIBLE
EXPOSURE LIMITS, TABLE 1)

With respect to chapter 296-62 WAC, general occupational health standards, WAC 296-62-07515 control of chemical agents (PEL Table 1), the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence any and all employers where exposure to chemical agents must be controlled; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which

exempts small businesses from compliance with control of chemical agents when used; and

The rules, as amended, will not influence or change the cost of any employer coming into compliance because the amended rule does not establish any new compliance regulations.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO
PART I, AIR CONTAMINANTS (SPECIFIC); WAC 296-62-
07517 ASBESTOS

With respect to chapter 296-62 WAC, air contaminants (specific), WAC 296-62-07517 asbestos, the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence any and all employers having employees exposed to nonasbestiform tremolite, anthophyllite, and actinolite; and

Chapter 49.17 RCW does not provide the agency any authority to adopt an administrative program which exempts small businesses from compliance with the nonasbestiform rules; and

The rules, as amended, will not significantly increase cost impacts for any employer. Asbestos requirement costs are directly related to employee protection and all employers are treated equally by the rule. Small businesses will not have any disproportionate costs. Consolidation of the rules, in fact, should reduce administrative costs to employers.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO
PART I, AIR CONTAMINANTS (SPECIFIC); WAC 296-62-077
ASBESTOS, TREMOLITE, ANTHOPHYLLITE, AND
ACTINOLITE (WAC 296-62-077, 296-62-07701, 296-62-07703,
296-62-07705, 296-62-07706, 296-62-07707, 296-62-07709, 296-
62-07711, 296-62-07712, 296-62-07713, 296-62-07715, 296-62-
07717, 296-62-07719, 296-62-07721, 296-62-07723, 296-62-07725,
296-62-07727, 296-62-07729, 296-62-07731, 296-62-07733, 296-
62-07735, 296-62-07737, 296-62-07739, 296-62-07741, 296-62-
07743, 296-62-07745, 296-62-07747, 296-62-07749, 296-62-07751,
296-62-07753 and 296-62-07761)

With respect to chapter 296-62 WAC, air contaminants (specific), sections within WAC 296-62-077 portion of the standard; asbestos, tremolite, anthophyllite and actinolite, the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence any and all employers having employees exposed to asbestos, tremolite, anthophyllite, and/or actinolite in all industries; and

Chapter 49.17 RCW does not provide the agency any authority to adopt an administrative program which exempts small businesses from asbestos, tremolite, anthophyllite and actinolite regulations; and

The rules, as amended, will not significantly increase cost impacts for any employer. Asbestos requirement costs are directly related to employee protection and all employers are treated equally by the rules. Small businesses will not have any disproportionate costs. Consolidation of the rules, in fact, should reduce administrative costs to employers.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED AMENDMENTS FOR
PART N; WAC 296-62-14533, 296-62-14537, 296-62-14539 and
296-62-14541 COTTON DUST

With respect to chapter 296-62 WAC, general occupational health standards, WAC 296-62-14533 cotton dust; 296-62-14539 Appendix C—Spirometry prediction tables for normal males and females; and 296-62-14541 Appendix D—Pulmonary function standards for cotton dust standards, the conclusions of the agency are as follows:

The proposed amendment to rule potentially influence all textile industries; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance with the provisions for cotton dust requirements; and

The Federal Occupational Safety and Health Administration (OSHA) has conducted a full regulatory impact analysis (RIA); see Federal Register Volume 50, Number 240, dated December 13, 1985, pages 51164 through 51172. The conclusionary findings were that OSHA believes that there is overwhelming evidence to support the conclusion that the cotton dust standard is technically and economically feasible for the textile industry, even in rural areas, and compliance costs would have almost no effect on the industries' profitability, and are clearly affordable. The paragraphs and preamble to their notice serves as an environmental assessment and they find no significant impact. This RIA also supports the 1978 cotton dust final rule; and

The rules, as amended, are not expected to influence or change the cost of businesses to come into compliance in any way, because the amended rules do not establish any new compliance regulations.

ASBESTOS REMOVAL AND ENCAPSULATION, CHAPTER
296-65 WAC, PROPOSED AMENDMENTS TO WAC 296-65-
003 THROUGH 296-65-045

With respect to chapter 296-65 WAC, asbestos removal and encapsulation, WAC 296-65-003 through, and including, 296-65-045, the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence any and all employers with "asbestos projects," which include 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; and

Chapter 49.17 RCW does not provide the agency any authority to adopt an administrative program which exempts small businesses from compliance with the asbestos removal and encapsulation rules; and

The rules, as amended, will not significantly increase cost impacts for any employer. Asbestos requirement costs are directly related to employee protection and all employers are treated equally by the rule. Small businesses will not have any disproportionate costs. Consolidation of the rules, in fact, should reduce administrative costs to employers.

SAFETY STANDARDS FOR CONSTRUCTION WORK,
CHAPTER 296-155 WAC, PROPOSED AMENDMENT FOR
PART B; WAC 296-155-160 GASES, VAPORS, FUMES, DUSTS
AND MISTS

With respect to chapter 296-155 WAC, safety standards for construction work, WAC 296-155-160 gases, vapors, fumes, dusts and mists, the conclusions of the agency are as follows:

The proposed amendment to rule potentially influences any and all workplaces throughout the state of Washington where construction, alteration, demolition, related inspection and/or maintenance and repair work, including painting and decorating, are performed; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance with protective measures for employees against exposure to air contaminants; and

The rule, as amended, is not expected to influence or change the cost of coming into compliance in any way because the amended rule does not establish any new compliance regulations.

SAFETY STANDARDS FOR CONSTRUCTION WORK,
CHAPTER 296-155 WAC, PROPOSED AMENDMENT FOR
PART S; WAC 296-155-775 DEMOLITION—PREPARATORY
OPERATIONS

With respect to chapter 296-155 WAC, safety standards for construction work, WAC 296-155-775 Demolition—Preparatory operations, the conclusions of the agency are as follows:

The proposed amendment to rule potentially influences any and all workplaces throughout the state of Washington where construction, alteration, demolition, related inspection and/or maintenance and repair work, including painting and decorating are performed; and

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance with demolition preparatory operations prior to the operation; and

The rule, as amended, is not expected to influence or change the cost of coming into compliance with regulations in any way because the amended rule does not establish any new compliance regulations.

SAFETY STANDARDS FOR AGRICULTURE WORK,
CHAPTER 296-306 WAC, PROPOSED AMENDMENTS TO
WAC 296-306-27095 EXHIBIT B—FIGURES V-1 THROUGH
V-28

With respect to the proposed amendments for chapter 296-306 WAC, safety standards for agriculture work, WAC 296-306-27095 Exhibit B, the findings of the agency are as follows:

The proposed amendments to rules will potentially apply to all agricultural operations with one or more employees when such employee(s) are covered by the Washington Industrial Safety and Health Act; and

Chapter 49.17 RCW does not provide the agency any authority to adopt an administrative program which exempts small businesses from agricultural regulations; and

The rules, as amended, are not expected to influence or change the cost of coming into compliance in any way

because the amended rules do not establish any new compliance regulations.

REASSUMPTION OF JURISDICTION, CHAPTER 296-350 WAC, PROPOSED AMENDMENTS FOR WAC 296-350-500 CITATION AND NOTICE—COPY TO EMPLOYEE REPRESENTATIVE, AND 296-350-990 APPENDIX A—FORM F418-023-000—APPLICATION FOR COPIES OF CITATION AND NOTICES

With respect to chapter 296-350 WAC, reassumption of jurisdiction, WAC 296-350-500 Citation and notice—Copy to employee representatives, and 296-350-990 Appendix A—Form F418-023-000—Application for copies of citations and notices, the conclusions of the agency are as follows:

The proposed amendments to rules potentially influence any and all employers having employees who are represented by such an employee representative filing to receive copies of the citations and notices that have been issued as a result of a workplace inspection; and

Chapter 49.17 RCW does not provide the agency any authority to adopt an administrative program which exempts small businesses from compliance with the amended rules; and

The rules, as amended, will not influence or change the cost of any employer's coming into compliance in any way because the amended rules do not establish any new compliance regulations.

AMENDATORY SECTION (Amending Order 86-28, filed 7/25/86)

WAC 296-62-14533 COTTON DUST. (1) Scope and application.

(a) This section, in its entirety, applies to the control of employee exposure to cotton dust in all workplaces where employees engage in yarn manufacturing, engage in slashing and weaving operations, or work in waste houses for textile operations.

(b) This section does not apply to the handling or processing of woven or knitted materials; to maritime operations covered by chapters 296-56 and 296-304 WAC; to harvesting or ginning of cotton; or to the construction industry.

(c) Only subsection (8) Medical surveillance, subsection (11) (b) Medical surveillance, subsection (11)(c) Availability, subsection (11)(d) Transfer of records, and Appendices B, C, and D of this section apply in all work places where employees exposed to cotton dust engage in cottonseed processing or waste processing operations.

(d) This section applies to yarn manufacturing and slashing and weaving operations exclusively using washed cotton (as defined by subsection (14) of this section) only to the extent specified by subsection (14) of this section.

(e) This section, in its entirety, applies to the control of all employees exposure to the cotton dust generated in the preparation of washed cotton from opening until the cotton is thoroughly wetted.

(f) This section does not apply to knitting, classing or warehousing operations except that employers with these operations, if requested by WISHA, shall grant WISHA access to their employees and workplaces for exposure monitoring and medical examinations for purposes of a health study to be performed by WISHA on a sampling basis.

(2) Definitions applicable to this section:

(a) "Blow down" – the cleaning of equipment and surfaces with compressed air.

(b) "Blow off" – the use of compressed air for cleaning of short duration and usually for a specific machine or any portion of a machine.

(c) "Cotton dust" – dust present in the air during the handling or processing of cotton, which may contain a mixture of many substances including ground-up plant matter, fiber, bacteria, fungi, soil, pesticides, noncotton plant matter and other contaminants which may have accumulated with the cotton during the growing, harvesting and subsequent processing or storage periods. Any dust present during the handling and processing of cotton through the weaving or knitting of fabrics, and dust present in other operations or manufacturing processes using raw or waste cotton fibers or cotton fiber byproducts from

textile mills are considered cotton dust within this definition. Lubricating oil mist associated with weaving operations is not considered cotton dust.

(d) "Director" – the director of labor and industries or his authorized representative.

(e) "Equivalent instrument" – a cotton dust sampling device that meets the vertical elutriator equivalency requirements as described in subsection (4)(a)(iii) of this section.

(f) "Lint-free respirable cotton dust" – particles of cotton dust of approximately 15 microns or less aerodynamic equivalent diameter.

(g) "Vertical elutriator cotton dust sampler" or "vertical elutriator" – a dust sampler which has a particle size cut-off at approximately 15 microns aerodynamic equivalent diameter when operating at the flow rate of 7.4 ± 0.2 liters per minute.

(h) "Waste processing" – waste recycling (sorting, blending, cleaning and willowing) and garnetting.

(i) "Yarn manufacturing" – all textile mill operations from opening to, but not including, slashing and weaving.

(3) Permissible exposure limits and action levels.

(a) Permissible exposure limits (PEL).

(i) The employer shall assure that no employee who is exposed to cotton dust in yarn manufacturing and cotton washing operations is exposed to airborne concentrations of lint-free respirable cotton dust greater than $200 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(ii) The employer shall assure that no employee who is exposed to cotton dust in textile mill waste house operations or is exposed in yarn manufacturing to dust from "lower grade washed cotton" as defined in subsection (14)(e) of this section is exposed to airborne concentrations of lint-free respirable cotton dust greater than $500 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(iii) The employer shall assure that no employee who is exposed to cotton dust in the textile processes known as slashing and weaving is exposed to airborne concentrations of lint-free respirable cotton dust greater than $750 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(b) Action levels.

(i) The action level for yarn manufacturing and cotton washing operations is an airborne concentration of lint-free respirable cotton dust of $100 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(ii) The action level for waste houses for textile operations is an airborne concentration of lint-free respirable cotton dust of $250 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(iii) The action level for the textile processes known as slashing and weaving is an airborne concentration of lint-free respirable cotton dust of $375 \mu\text{g}/\text{m}^3$ mean concentration, averaged over an eight-hour period, as measured by a vertical elutriator or an equivalent instrument.

(4) Exposure monitoring and measurement.

(a) General.

(i) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) The sampling device to be used shall be either the vertical elutriator cotton dust sampler or an equivalent instrument.

(iii) If an alternative to the vertical elutriator cotton dust sampler is used, the employer shall establish equivalency by demonstrating that the alternative sampling devices:

(A) It collects respirable particulates in the same range as the vertical elutriator (approximately 15 microns);

(B) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons; and

(C) A minimum of 100 samples over the range of 0.5 to 2 times the permissible exposure limit are collected, and ninety percent of these samples have an accuracy range of plus or minus twenty-five percent of the vertical elutriator reading with a ninety-five percent confidence level as demonstrated by a statistically valid protocol. (An acceptable protocol for demonstrating equivalency is described in Appendix E of this section.)

(iv) WISHA will issue a written opinion stating that an instrument is equivalent to a vertical elutriator cotton dust sampler if:

(A) A manufacturer or employer requests an opinion in writing and supplies the following information:

(I) Sufficient test data to demonstrate that the instrument meets the requirements specified in this paragraph and the protocol specified in Appendix E of this section;

(II) Any other relevant information about the instrument and its testing requested by WISHA; and

(III) A certification by the manufacturer or employer that the information supplied is accurate, and

(B) If WISHA finds, based on information submitted about the instrument, that the instrument meets the requirements for equivalency specified by this subsection.

(b) Initial monitoring. Each employer who has a place of employment within the scope of subsections (1)(a), (d) or (e) of this section shall conduct monitoring by obtaining measurements which are representative of the exposure of all employees to airborne concentrations of lint-free respirable cotton dust over an eight-hour period. The sampling program shall include at least one determination during each shift for each work area.

(c) Periodic monitoring.

(i) If the initial monitoring required by (4)(b) of this section or any subsequent monitoring reveals employee exposure to be at or below the permissible exposure limit, the employer shall repeat the monitoring for those employees at least annually.

(ii) If the initial monitoring required by (4)(b) of this section or any subsequent monitoring reveals employee exposure to be above the PEL, the employer shall repeat the monitoring for those employees at least every six months.

(iii) Whenever there has been a production, process, or control change which may result in new or additional exposure to cotton dust, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements for those employees affected by the change or increase.

(d) Employee notification.

(i) Within twenty working days after the receipt of monitoring results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposure.

(ii) Whenever the results indicate that the employee's exposure exceeds the applicable permissible exposure limit specified in subsection (3) of this section, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure below the permissible exposure limit.

(5) Methods of compliance.

(a) Engineering and work practice controls. The employer shall institute engineering and work practice controls to reduce and maintain employee exposure to cotton dust at or below the permissible exposure limit specified in subsection (3) of this section, except to the extent that the employer can establish that such controls are not feasible.

(b) Whenever feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless institute these controls to immediately reduce exposure to the lowest feasible level, and shall supplement these controls with the use of respirators which shall comply with the provisions of subsection (6) of this section.

(c) Compliance program.

(i) Where the most recent exposure monitoring data indicates that any employee is exposed to cotton dust levels greater than the permissible exposure limit, the employer shall establish and implement a written program sufficient to reduce exposures to or below the permissible exposure limit solely by means of engineering controls and work practices as required by (a) of this subsection.

(ii) The written program shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to cotton dust;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data obtained in accordance with subsection (4) of this section;

(E) A detailed schedule for development and implementation of engineering and work practice controls, including exposure levels projected to be achieved by such controls;

(F) Work practice program; and

(G) Other relevant information.

(iii) The employer's schedule as set forth in the compliance program, shall project completion of the implementation of the compliance program no later than March 27, 1984 or as soon as possible if

monitoring after March 27, 1984 reveals exposures over the PEL, except as provided in (13)(b)(ii)(B) of this section.

(iv) The employer shall complete the steps set forth in his program by the dates in the schedule.

(v) Written programs shall be submitted, upon request, to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or their designated representatives.

(vi) The written programs required under subsection (5)(c) of this section shall be revised and updated at least every six months to reflect the current status of the program and current exposure levels.

(d) Mechanical ventilation. When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control exposure, such as capture velocity, duct velocity, or static pressure shall be made at reasonable intervals.

(6) Use of respirators.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection (6). Respirators shall be used in the following circumstances:

(i) During the time periods necessary to install or implement feasible engineering controls and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits;

(iv) In operations specified under subsection (7)(a) of this section; and

(v) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section, the employer shall select the appropriate respirator from Table I and shall assure that the employee uses the respirator provided.

TABLE I

Cotton dust concentration	Required respirator
Not greater than—	
(a) 5 x the applicable permissible exposure limit (PEL).	A disposable respirator with a particulate filter.
(b) 10 x the applicable PEL.	A quarter or half-mask respirator, other than a disposable respirator, equipped with particulate filters.
(c) 100 x the applicable PEL.	A full facepiece respirator equipped with high-efficiency particulate filters.
(d) Greater than 100 x the applicable PEL.	A powered air-purifying respirator equipped with high-efficiency particulate filters.

Notes

1. A disposable respirator means the filter element is an inseparable part of the respirator.

2. Any respirators permitted at higher environmental concentrations can be used at lower concentrations.

3. Self-contained breathing apparatus are not required respirators but are permitted respirators.

4. Supplied air respirators are not required but are permitted under the following conditions: Cotton dust concentration not greater than 10X the PEL—Any supplied air respirator; not greater than 100X the PEL—Any supplied air respirator with full facepiece, helmet or hood; greater than 100X the PEL—A supplied air respirator operated in positive pressure mode.

(ii) The employer shall select respirators from those tested and approved for protection against dust by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(iii) Whenever respirators are required by this section for concentrations not greater than 100 x the applicable permissible exposure limit, the employer shall, upon the request of the employee, provide a powered air purifying respirator with a high efficiency particulate filter in lieu of the respirator specified in paragraphs (a), (b), or (c) of Table I.

(iv) Whenever a physician determines that an employee who works in an area in which the dust level exceeds the PEL is unable to wear any form of respirator, including a powered air purifying respirator,

the employee shall be given the opportunity to transfer to another position which is available or which later becomes available having a dust level at or below the PEL. The employer shall assure that an employee who is transferred from an area in which the dust level exceeds the PEL due to an inability to wear a respirator suffers no reduction in current wage rate or other benefits as a result of the transfer.

(c) Respirator program. The employer shall institute a respirator program in accordance with WAC 296-62-071.

(d) Respirator usage.

(i) The employer shall assure that the respirator used by each employee exhibits minimum face piece leakage and that the respirator is fitted properly.

(ii) The employer shall allow each employee who uses a filter respirator, to change the filter elements whenever an increase in breathing resistance is detected by the employee. The employer shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall allow employees who wear respirators to wash their faces and respirator face pieces to prevent skin irritation associated with respirator use.

(7) Work practices. Each employer shall, regardless of the level of employee exposure, immediately establish and implement a written program of work practices which shall minimize cotton dust exposure. The following shall be included where applicable:

(a) Compressed air "blow down" cleaning shall be prohibited, where alternative means are feasible. Where compressed air is used for cleaning, the employees performing the "blow down" or "blow off" shall wear suitable respirators. Employees whose presence is not required to perform "blow down" or "blow off" shall be required to leave the area affected by the "blow down" or "blow off" during this cleaning operation.

(b) Cleaning of clothing or floors with compressed air shall be prohibited.

(c) Floor sweeping shall be performed with a vacuum or with methods designed to minimize dispersal of dust.

(d) In areas where employees are exposed to concentrations of cotton dust greater than the permissible exposure limit, cotton and cotton waste shall be stacked, sorted, baled, dumped, removed or otherwise handled by mechanical means, except where the employer can show that it is infeasible to do so. Where infeasible, the method used for handling cotton and cotton waste shall be the method which reduces exposure to the lowest level feasible.

(8) Medical surveillance.

(a) General.

(i) Each employer covered by the standard shall institute a program of medical surveillance for all employees exposed to cotton dust.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and are provided without cost to the employee.

(iii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section shall have completed a NIOSH approved training course in spirometry.

(b) Initial examinations. The employer shall provide medical surveillance to each employee who is or may be exposed to cotton dust. For new employees' this examination shall be provided prior to initial assignment. The medical surveillance shall include at least the following:

(i) A medical history;

(ii) The standardized questionnaire contained in WAC 296-62-14537; and

(iii) A pulmonary function measurement, including a determination of forced vital capacity (FVC) and forced expiratory volume in one second (FEV₁), the FEV₁/FVC ratio, and the percentage that the measured values of FEV₁ and FVC differ from the predicted values, using the standard tables in WAC 296-62-14539. These determinations shall be made for each employee before the employee enters the workplace on the first day of the work week, preceded by at least thirty-five hours of no exposure to cotton dust. The tests shall be repeated during the shift, no less than four hours and no more than ten hours after the beginning of the work shift; and, in any event, no more than one hour after cessation of exposure. Such exposure shall be typical of the employee's usual workplace exposure. The predicted FEV₁ and FVC for blacks shall be multiplied by 0.85 to adjust for ethnic differences.

(iv) Based upon the questionnaire results, each employee shall be graded according to Schilling's byssinosis classification system.

(c) Periodic examinations.

(i) The employer shall provide at least annual medical surveillance for all employees exposed to cotton dust above the action level in yarn manufacturing, slashing and weaving, cotton washing and waste house operations. The employer shall provide medical surveillance at least every two years for all employees exposed to cotton dust at or below the action level, for all employees exposed to cotton dust from washed cotton (except from washed cotton defined in subsection (9)(c) of this section), and for all employees exposed to cotton dust in cottonseed processing and waste processing operations. Periodic medical surveillance shall include at least an update of the medical history, standardized questionnaire (Appendix B-111), Schilling byssinosis grade, and the pulmonary function measurements in (b)(iii) of this subsection.

(ii) Medical surveillance as required in (c)(i) of this subsection shall be provided every six months for all employees in the following categories:

(A) An FEV₁ of greater than eighty percent of the predicted value, but with an FEV₁ decrement of five percent or 200 ml. on a first working day;

(B) An FEV₁ of less than eighty percent of the predicted value; or
(C) Where, in the opinion of the physician, any significant change in questionnaire findings, pulmonary function results, or other diagnostic tests have occurred.

(iii) An employee whose FEV₁ is less than sixty percent of the predicted value shall be referred to a physician for a detailed pulmonary examination.

(iv) A comparison shall be made between the current examination results and those of previous examinations and a determination made by the physician as to whether there has been a significant change.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(e) Physician's written opinion.

(i) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(A) The results of the medical examination and tests including the FEV₁, FVC, and FEV₁/FVC ratio;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to cotton dust;

(C) The physician's recommended limitations upon the employee's exposure to cotton dust or upon the employee's use of respirators including a determination of whether an employee can wear a negative pressure respirator, and where the employee cannot, a determination of the employee's ability to wear a powered air purifying respirator; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(9) Employee education and training.

(a) Training program.

(i) The employer shall provide a training program for all employees exposed to cotton dust and shall assure that each employee is informed of the following:

(A) The acute and long term health hazards associated with exposure to cotton dust;

(B) The names and descriptions of jobs and processes which could result in exposure to cotton dust at or above the PEL.

(C) The measures, including work practices required by subsection (7) of this section, necessary to protect the employee from exposures in excess of the permissible exposure limit;

(D) The purpose, proper use and limitations of respirators required by subsection (6) of this section;

(E) The purpose for and a description of the medical surveillance program required by subsection (8) of this section and other information which will aid exposed employees in understanding the hazards of cotton dust exposure; and

(F) The contents of this standard and its appendices.

(ii) The training program shall be provided prior to initial assignment and shall be repeated annually for each employee exposed to cotton dust, when job assignments or work processes change and when employee performance indicates a need for retraining.

(b) Access to training materials.

(i) Each employer shall post a copy of this section with its appendices in a public location at the workplace, and shall, upon request, make copies available to employees.

(ii) The employer shall provide all materials relating to the employee training and information program to the director upon request.

(10) Signs. The employer shall post the following warning sign in each work area where the permissible exposure limit for cotton dust is exceeded:

WARNING
COTTON DUST WORK AREA
MAY CAUSE ACUTE OR DELAYED LUNG INJURY
(BYSSINOSIS)
RESPIRATORS REQUIRED IN THIS AREA

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (4) of this section.

(ii) The record shall include:

(A) A log containing the items listed in WAC 296-62-14535 (4)(a), and the dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) The type of protective devices worn, if any, and length of time worn; and

(C) The names, social security number, job classifications, and exposure levels of employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least twenty years.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate medical record for each employee subject to medical surveillance required by subsection (8) of this section.

(ii) The record shall include:

(A) The name and social security number and description of the duties of the employee;

(B) A copy of the medical examination results including the medical history, questionnaire response, results of all tests, and the physician's recommendation;

(C) A copy of the physician's written opinion;

(D) Any employee medical complaints related to exposure to cotton dust;

(E) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and the appendices for all employees, provided that he references the standard and appendices in the medical surveillance record of each employee; and

(F) A copy of the information provided to the physician as required by subsection (8)(d) of this section.

(iii) The employer shall maintain this record for at least twenty years.

(c) Availability.

(i) The employer shall make all records required to be maintained by subsection (11) of this section available to the director for examination and copying.

(ii) Employee exposure measurement records and employee medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (11) of this section.

(ii) Whenever the employer ceases to do business, and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and

shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(12) Observation of monitoring.

(a) The employer shall provide affected employees or their designated representatives an opportunity to observe any measuring or monitoring of employee exposure to cotton dust conducted pursuant to subsection (4) of this section.

(b) Whenever observation of the measuring or monitoring of employee exposure to cotton dust requires entry into an area where the use of personal protective equipment is required, the employer shall provide the observer with and assure the use of such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(c) Without interfering with the measurement, observers shall be entitled to:

(i) An explanation of the measurement procedures;

(ii) An opportunity to observe all steps related to the measurement of airborne concentrations of cotton dust performed at the place of exposure; and

(iii) An opportunity to record the results obtained.

(13) Effective date.

(a) General. This emergency rule is effective upon filing with the code reviser, except as otherwise provided below.

(b) Startup dates.

(i) Initial monitoring. The initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible but no later than September 27, 1980.

(ii) Methods of compliance;

(A) The engineering and work practice controls required by subsection (5) of this section shall be implemented no later than March 27, 1984 except as set forth in (13)(b)(ii)(B) of this section.

(B) The engineering and work practice controls required by subsection (5) of this section shall be implemented no later than March 27, 1986, for ring spinning operations (including only ring spinning and winding, twisting, spooling, beaming and warping following ring spinning) where the operations meet the following criteria:

(I) The weight of the yarn being run is one hundred percent cotton and the average yarn count by weight is eighteen or below;

(II) The average weight of the yarn run is eighty percent or more cotton and the average yarn count by weight is sixteen or below; or

(III) The average weight of the yarn being run is fifty percent or more cotton and the average yarn count by weight is fourteen or below;

(C) When the provisions of (b)(ii)(B) of this subsection are being relied upon, the following definitions shall apply:

(I) The average cotton content shall be determined by dividing the total weight of cotton in the yarns being run by the total weight of all the yarns being run in the relevant work area.

(II) The average yarn count shall be determined by multiplying the yarn count times the pounds of each particular yarn being run to get the "total hank" for each of the yarns being run in the relevant area. The "total hank" values for all of the yarns being run should then be summed and divided by the total pounds of yarn being run, to produce the average yarn count number for all the yarns being run in the relevant work area.

(D) Where the provisions of (b)(ii)(B) of this subsection are being relied upon, the employer shall update the employer's compliance plan no later than February 13, 1986, to indicate the steps being taken to reduce cotton dust levels to 200 $\mu\text{g}/\text{m}^3$ through the use of engineering and work practice controls by March 27, 1986.

(E) Where the provisions of (b)(ii)(B) of this subsection are being relied upon, the employer shall maintain airborne concentrations of cotton dust below 1000 $\mu\text{g}/\text{m}^3$ mean concentration averaged over an eight-hour period measured by a vertical elutriator or ~~((a method of))~~ an equivalent ((accuracy and precision)) instrument with engineering and work practice controls and shall maintain the permissible exposure limit specified by subsection (3)(a)(i) of this section with any combination of engineering controls, work practice controls and respirators.

(iii) Compliance program. The compliance program required by subsection (5)(c) of this section shall be established no later than March 27, 1981.

(iv) Respirators. The respirators required by subsection (6) of this section shall be provided no later than April 27, 1980.

(v) Work practices. The work practices required by subsection (7) of this section shall be implemented no later than June 27, 1980.

(vi) Medical surveillance. The medical surveillance required by subsection (8) of this section shall be completed no later than March 27, 1981 for the textile industry and no later than June 13, 1986 for the cotton seed processing and waste processing industry.

(vii) Employee education and training. The initial education and training required by subsection (9) of this section shall be completed as soon as possible but no later than June 27, 1980.

(14) Washed cotton.

(a) Exemptions. Cotton, after it has been washed by the processes described in this section is exempt from all or parts of this section as specified if the requirements of this section are met.

(b) Initial requirements.

(i) In order for an employer to qualify as exempt or partially exempt from this standard for operations using washed cotton, the employer must demonstrate that the cotton was washed in a facility which is open to inspection by the director and the employer must provide sufficient accurate documentary evidence to demonstrate that the washing methods utilized meet the requirements of this section.

(ii) An employer who handles or processes cotton which has been washed in a facility not under the employer's control and claims an exemption or partial exemption under this paragraph, must obtain from the cotton washer and make available at the worksite, to the director, or his designated representative, to any affected employee, or to their designated representative the following:

(A) A certification by the washer of the cotton of the grade of cotton, the type of washing process, and that the batch meets the requirements of this section:

(B) Sufficient accurate documentation by the washer of the cotton grades and washing process; and

(C) An authorization by the washer that the director may inspect the washer's washing facilities and documentation of the process.

(c) Medical and dyed cotton. Medical grade (USP) cotton, cotton that has been scoured, bleached and dyed, and mercerized yarn shall be exempt from all provisions of this standard.

(d) Higher grade washed cotton. The handling or processing of cotton (~~classes~~) classed as "low middling light spotted or better" which has been washed:

(i) On a continuous batt system or a rayon rinse system.

(ii) With water,

(iii) At a temperature of no less than 60°C,

(iv) With a water-to-fiber ratio of no less than 40:1, and

(v) With bacterial levels in the wash water controlled to limit bacterial contamination of the cotton, shall be exempt from all provisions of the standard except the requirements of subsection (8) Medical surveillance, subsection (11)(b) Medical surveillance, subsection (11)(c) Availability, subsection (11)(d) Transfer of records, and Appendices B, C, and D (~~(or)~~) of this section.

(e) Lower grade washed cotton. The handling and processing of cotton of grades lower than "low middling light spotted," that has been washed as specified in (d) of this subsection and has also been bleached, shall be exempt from all provisions of the standard except the requirements of subsection (3)(a) Permissible exposure limits, subsection (4) Exposure monitoring and measurement, subsection (8) Medical surveillance, subsection (11) Recordkeeping, and Appendices B, C and D of this section.

(f) Mixed grades of washed cotton. If more than one grade of washed cotton is being handled or processed together, the requirements of the grade with the most stringent exposure limit, medical and monitoring requirements shall be followed.

(15) Appendices.

(a) Appendix B (B-I, B-II and B-III), WAC 296-62-14537, Appendix C, WAC 296-62-14539 and Appendix D, WAC 296-62-14541 are incorporated as part of this chapter and the contents of these appendices are mandatory.

(b) Appendix A of this chapter, WAC 296-62-14535 contains information which is not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

(c) Appendix E of this (~~section~~) chapter is a protocol which may be followed in the validation of alternative measuring devices as equivalent to the vertical elutriator cotton dust sampler. Other protocols may be used if it is demonstrated that they are statistically valid, meet the requirements in subsection (4)(a)(iii) of this section, and are appropriate for demonstrating equivalency.

NEW SECTION

WAC 296-62-14537 APPENDIX B-I THROUGH B-III—RESPIRATORY QUESTIONNAIRE.

APPENDIX B-I

Respiratory Questionnaire

A. IDENTIFICATION DATA

PLANT _____ SOCIAL SECURITY NO. _____ DAY MONTH YEAR
(figures) (last 2 digits)

NAME _____ DATE OF INTERVIEW _____
(Surname)

_____ DATE OF BIRTH _____
(First Names) M F

ADDRESS _____ AGE _____ (8,9) SEX _____ (10)
 RACE

W	N	IND.	OTHER
---	---	------	-------

 (11)

INTERVIEWER: 1 2 3 4 5 6 7 8 (12)

WORK SHIFT: 1st _____ 2nd _____ 3rd _____ (13) STANDING HEIGHT _____ (14,15)

PRESENT WORK AREA _____ WEIGHT _____ (16,18)

If working in more than one specified work area, X area where most of the work shift is spent. If "other," but spending 25% of the work shift in one of the specified work areas, classify in that work area. If carding department employee, check area within that department where most of the work shift is spent (if in doubt, check "throughout"). For work areas such as spinning and weaving where many work rooms may be involved, be sure to check the specific work room to which employee is assigned — if he works in more than one work room within a department classify as 7 (all) for that department.

Workroom Number	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)
	Open	Pick	Area	Card #1	#2	Spin	Wind	Twist	Spool	Warp	Slash	Weave
AT RISK (cotton & cotton blend)	1			Cards								
	2			Draw								
	3			Comb								
	4			Rove								
	5			Thru Out								
	6											
	7 (all)											
Control (synthetic & wool)	8											
Ex-Worker (cotton)	9											

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record 'No'. When no square, circle appropriate answer.

B. COUGH

(on getting up)†
Do you usually cough first thing in the morning? Yes No (31)
(Count a cough with first smoke or on "first going out of doors." Exclude clearing throat or a single cough.)

Do you usually cough during the day or at night? Yes No (32)
(Ignore an occasional cough.)

If 'Yes' to either question (31-32):

Do you cough like this on most days for as much as three months a year? Yes No (33)

Do you cough on any particular day of the week? Yes No (34)

(1) (2) (3) (4) (5) (6) (7)

If 'Yes': Which day? Mon. Tues. Wed.-Thurs. Fri. Sat. Sun. (35)

C. PHLEGM or alternative word to suit local custom.

(on getting up)†
Do you usually bring up any phlegm from your chest first thing in the morning? (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.) Yes No (36)

Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) Yes No (37)

If 'Yes' to either question (36) or (37):

Do you bring up phlegm like this on most days for as much as three months each year? Yes No (38)

If 'Yes' to question (36) or (37):

- (cough)
How long have you had this phlegm? (Write in number of years)
(1) [] 2 years or less
(2) [] More than 2 years-9 years
(3) [] 10-19 years
(4) [] 20+ years

†These words are for subjects who work at night

D. CHEST ILLNESSES

- In the past three years, have you had a period of (increased) †cough and phlegm lasting for 3 weeks or more? (1) [] No (40)
(2) [] Yes, only one period
(3) [] Yes, two or more periods

†For subjects who usually have phlegm

During the past 3 years have you had any chest illness which has kept you off work, indoors at home or in bed? (For as long as one week, flu?) Yes No (41)

If 'Yes' to (41): Did you bring up (more) phlegm than usual in any of these illnesses? Yes No (42)

If 'Yes' to (42): During the past three years have you had: Only one such illness with increased phlegm? (1) [] (43)

More than one such illness: (2) [] (44)

Br. Grade _____

E. TIGHTNESS

Does your chest ever feel tight or your breathing become difficult? _____ Yes _____ No _____ (45)

Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill) _____ Yes _____ No _____ (46)

If 'Yes': Which day? Mon. (1) Sometimes (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (9) Always (2)

If 'Yes' Monday: At what time on Monday does your chest feel tight or your breathing difficult? 1 Before entering the mill (48) 2 After entering the mill

(Ask only if NO to Question (45).) _____

In the past, has your chest ever felt tight or your breathing difficult on any particular day of the week? _____ Yes _____ No _____ (49)

If 'Yes': Which day? Mon. (1) Sometimes (3) Tues. (4) Wed. (5) Thur. (6) Fri. (7) Sat. (8) Sun. (9) Always (2)

F. BREATHLESSNESS

If disabled from walking by any condition other than heart or lung disease put "X" here and leave questions (52-60) unasked. (51)

Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill? _____ Yes _____ No _____ (52)

If 'No', grade is 1. If 'Yes' proceed to next question

Do you get short of breath walking with other people at an ordinary pace on the level? _____ Yes _____ No _____ (53)

If 'No', grade is 2. If 'Yes', proceed to next question

Do you have to stop for breath when walking at your own pace on the level? _____ Yes _____ No _____ (54)

If 'No', grade is 3. If 'Yes', proceed to next question

Are you short of breath on washing or dressing? _____ Yes _____ No _____ (55)

If 'No', grade is 4. If 'Yes', grade is 5.

Dyspnea Grd. _____ (56)

ON MONDAYS:

Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill? _____ Yes _____ No _____ (57)

If 'No', grade is 1. If 'Yes', proceed to next question

Do you get short of breath walking with other people at an ordinary pace on the level? _____ Yes _____ No _____ (58)

If 'No', grade is 2. If 'Yes', proceed to next question

Do you have to stop for breath when walking at your own pace on the level? _____ Yes _____ No _____ (59)

If 'No', grade is 3. If 'Yes', proceed to next question

Are you short of breath on washing or dressing? _____ Yes _____ No _____ (60)

If 'No', grade is 4. If 'Yes', grade is 5

B. Grd. _____ (61)

G. OTHER ILLNESSES AND ALLERGY HISTORY

Do you have a heart condition for which you are under a doctor's care? _____ Yes _____ No _____ (62)

Have you ever had asthma? _____ Yes _____ No _____ (63)

If 'Yes', did it begin: (1) Before age 30

(2) After age 30

If 'Yes' before 30: did you have asthma before ever going to work in a textile mill? _____ Yes _____ No _____ (64)

Have you ever had hay fever or other allergies (other than above)? _____ Yes _____ No _____ (65)

H. TOBACCO SMOKING*

Do you smoke?

Record 'Yes' if regular smoker up to one month ago. (Cigarettes, cigar or pipe) _____ Yes _____ No _____ (66)

If 'No' to (63):

Have you ever smoked? (Cigarettes, cigars, pipe. Record 'No' if subject has never smoked as much as one cigarette a day, or 1 oz. of tobacco a month, for as long as one year.) _____ Yes _____ No _____ (67)

If 'Yes' to (63) or (64); what have you smoked and for how many years? (Write in specific number of years in the appropriate square)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
Years	(<5)	(5-9)	(10-14)	(15-19)	(20-24)	(25-29)	(30-34)	(35-39)	(>40)	
Cigarettes										(68)
Pipe										(69)
Cigars										(70)

If cigarettes, how many packs per day? (Write in number of cigarettes)

- (1) less than 1/2 pack (71)
- (2) 1/2 pack, but less than 1 pack
- (3) 1 pack, but less than 1-1/2 packs
- (4) 1-1/2 packs or more

Number of pack years: _____ (72,73)

If an ex-smoker (cigarettes, cigar or pipe), how long since you stopped? _____ (74)
(Write in number of years)

- (1) 0-1 year
- (2) 1-4 years
- (3) 5-9 years
- (4) 10+ years

*Have you changed your smoking habits since last interview? If yes, specify what changes.

L. OCCUPATIONAL HISTORY**

Have you ever worked in: A foundry? (As long as one year) _____ Yes _____ No _____ (75)

Stone or mineral mining, quarrying or processing? (As long as one year) _____ Yes _____ No _____ (76)

Asbestos milling or processing? (Ever) _____ Yes _____ No _____ (77)

Other dusts, fumes or smoke? If yes, specify: _____ Yes _____ No _____ (78)

Type of exposure _____

Length of exposure _____

**Ask only on first interview.

At what age did you first go to work in a textile mill? (Write in specific age in appropriate square).

(1)	(2)	(3)	(4)	(5)	(6)	
<20	20-24	25-29	30-34	35-39	40+	
						(79)

When you first worked in a textile mill, did you work with (1) Cotton or cotton blend (80)

(2) Synthetic or wool

APPENDIX B-II

Respiratory Questionnaire for Nontextile Workers for the Cotton Industry

Identification No.	Interviewer Code
--------------------	------------------

Location	Date of Interview
----------	-------------------

A. IDENTIFICATION

1. NAME (Last) (First) (Middle Initial)	3. PHONE NUMBER AREA CODE () NO.	4. SOCIAL SECURITY # (optional see below) <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
2. CURRENT ADDRESS (Number, Street, or Rural Route, City or Town, County, State, Zip Code)	5. BIRTHDATE (Mo., Day, Yr.)	6. AGE LAST BIRTHDAY
	7. SEX 1 <input type="checkbox"/> Male 2 <input type="checkbox"/> Female	
	8. ETHNIC GROUP OR ANCESTRY 1. <input type="checkbox"/> White, not of Hispanic Origin 2. <input type="checkbox"/> Black, not of Hispanic Origin 3. <input type="checkbox"/> Hispanic 4. <input type="checkbox"/> American Indian or Alaskan Native 5. <input type="checkbox"/> Asian or Pacific Islander 6. <input type="checkbox"/> Other: _____	
9. STANDING HEIGHT _____ (cm)	10. WEIGHT _____	11. WORK SHIFT 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>

12. PRESENT WORK AREA
Please indicate primary assigned work area and percent of time spent at that site. If at other locations, please indicate and note percent of time for each.

PRIMARY WORK AREA	
SPECIFIC JOB	

13. APPROPRIATE INDUSTRY
- | | | |
|--|---|--|
| 1 <input type="checkbox"/> Garnetting | 3 <input type="checkbox"/> Cotton Warehouse | 5 <input type="checkbox"/> Cotton Classification |
| 2 <input type="checkbox"/> Cottonseed Oil Mill | 4 <input type="checkbox"/> Utilization | 6 <input type="checkbox"/> Cotton Ginning |

(Furnishing your Social Security number is voluntary. Your refusal to provide this number will not affect any right, benefit, or privilege to which you would be entitled if you did provide your Social Security number. Your Social Security number is being requested since it will permit use in future determinations in statistical research studies.)

B. OCCUPATIONAL HISTORY TABLE

Complete the following table showing the entire work history of the individual from present to initial employment. Sporadic, part-time periods of employment, each of no significant duration, should be grouped if possible.

INDUSTRY AND LOCATION	TENURE OF EMPLOYMENT		SPECIFIC OCCUPATION	AVERAGE NO. DAYS WORKED PER WEEK	HAZARDOUS HEALTH EXPOSURE ASSOCIATED WITH WORK		
	FROM 19__	TO 19__			YES	NO	IF YES, DESCRIBE

C. SYMPTOMS

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record "No".

COUGH

1. Do you usually cough first thing in the morning?
(on getting up)*
(Count a cough with first smoke or on "first going out of doors". Exclude clearing throat or a single cough.) 1 Yes 2 No
2. Do you usually cough during the day or at night?
(Ignore an occasional cough.) 1 Yes 2 No

If YES to either question 1 or 2:

3. Do you cough like this on most days for as much as three months a year? 1 Yes 2 No 9 NA
4. Do you cough on any particular day of the week? 1 Yes 2 No

If YES:

5. Which day? Mon. Tue. Wed. Thur. Fri. Sat. Sun. | _____

PHLEGM

6. Do you usually bring up any phlegm from your chest first thing in the morning? (on getting up)* (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose. Count swallowed phlegm.) 1 Yes 2 No
7. Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) 1 Yes 2 No

If YES to either question 6 or 7:

8. Do you bring up phlegm like this on most days for as much as three months each year? 1 Yes 2 No

If YES to question 3 or 8:

9. How long have you had this phlegm? (cough)
(Write in number of years)
- (1) 2 years or less
 (2) More than 2 years - 9 years
 (3) 10-19 years
 (4) 20+ years

*These words are for subjects who work at night

CHEST ILLNESS

- 10. In the past three years, have you had a period of (increased) cough and phlegm lasting for 3 weeks or more?
 - (1) No
 - (2) Yes, only one period
 - (3) Yes, two or more periods

For subjects who usually have phlegm:

- 11. During the past 3 years have you had any chest illness which has kept you off work, indoors at home or in bed? (For as long as one week, flu?)
 - 1 Yes 2 No

If YES to 11:

- 12. Did you bring up (more) phlegm than usual in any of these illnesses?
 - 1 Yes 2 No

If YES to 12: During the past three years have you had:

- 13. Only one such illness with increased phlegm?
 - 1 Yes 2 No
 - 14. More than one such illness:
 - 1 Yes 2 No
- Br. Brade _____

TIGHTNESS

- 15. Does your chest ever feel tight or your breathing become difficult?
 - 1 Yes 2 No
- 16. Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill)
 - 1 Yes 2 No
- 17. If YES, Which day?

Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
(1)	(3)	(4)	(5)	(6)	(7)	(8)
Sometimes	Always					
- 18. If YES Monday: At what time on Monday does your chest feel tight or your breathing difficult?
 - Before entering mill
 - After entering mill

(ASK ONLY IF NO TO QUESTION 15)

- 19. In the past, has your chest ever been tight or your breathing difficult on any particular day of the week?
 - 1 Yes 2 No
- 20. If YES, Which day?

Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
(1)	(3)	(4)	(5)	(6)	(7)	(8)
Sometimes	Always					

BREATHLESSNESS

21. If disabled from walking by any condition other than heart or lung disease put "X" in the space and leave questions (22-30) unasked.

22. Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill?

1 Yes 2 No

If NO, grade is 1. If YES, proceed to next question

23. Do you get short of breath walking with other people at an ordinary pace on the level?

1 Yes 2 No

If NO, grade is 2. If YES, proceed to next question

24. Do you have to stop for breath when walking at your own pace on the level?

1 Yes 2 No

If NO, grade is 3. If YES, proceed to next question

25. Are you short of breath on washing or dressing?

1 Yes 2 No

If NO, grade is 4. If YES, grade is 5.

26.

Dyspnea Grd. _____

ON MONDAYS:

27. Are you ever troubled by shortness of breath, when hurrying on the level or walking up a slight hill?

1 Yes 2 No

If NO, grade is 1. If YES, proceed to next question

28. Do you get short of breath walking with other people at an ordinary pace on the level?

1 Yes 2 No

If NO, grade is 2, If YES, proceed to next question

29. Do you have to stop for breath when walking at your own pace on the level?

1 Yes 2 No

If NO, grade is 3. If YES, proceed to next question

30. Are you short of breath on washing or dressing?

1 Yes 2 No

If NO, grade is 4. If YES, grade is 5

31.

B. Grd. _____

OTHER ILLNESSES AND ALLERGY HISTORY

32. Do you have a heart condition for which you are under a doctor's care?

1 Yes 2 No

OTHER ILLNESSES AND ALLERGY HISTORY CONTINUED:

33. Have you ever had asthma? 1 Yes 2 No
 If yes, did it begin: (1) Before age 30
 (2) After age 30
34. If yes before 30: did you have asthma before ever going to work in a textile mill? 1 Yes 2 No
35. Have you ever had hay fever or other allergies (other than above)? 1 Yes 2 No

TOBACCO SMOKING

36. Do you smoke? 1 Yes 2 No
 Record Yes if regular smoker up to one month ago. (Cigarettes, cigar or pipe)
- If NO to (33).
37. Have you ever smoked? (Cigarettes, cigars, pipe. Record NO if subject has never smoked as much as one cigarette a day, or 1 oz. of tobacco a month, for as long as one year.) 1 Yes 2 No

If Yes to (33) or (34); what have you smoked for how many years? (Write in specific number of years in the appropriate square)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Years	(<5)	(5-9)	(10-14)	(15-19)	(20-24)	(25-29)	(30-34)	(35-39)	(>40)
38. Cigarettes									
39. Pipe									
40. Cigars									

41. If cigarettes, how many packs per day? Less than 1/2 pack
 Write in number of cigarettes _____ 1/2 pack, but less than 1 pack
 1 pack, but less than 1 1/2 packs
 1-1/2 packs or more
42. Number of pack years: _____
43. If an ex-smoker (cigarettes, cigar or pipe), how long since you stopped? (Write in number of years.) _____
 0-1 year
 1-4 years
 5-9 years
 10+ years

OCCUPATIONAL HISTORY

Have you ever worked in:

44. A foundry? (As long as one year) 1 Yes 2 No
45. Stone or mineral mining, quarrying or
processing? (As long as one year) 1 Yes 2 No
46. Asbestos milling or processing? (Ever) 1 Yes 2 No
47. Cotton or cotton blend mill? (For controls only) 1 Yes 2 No
48. Other dusts, fumes or smoke? If yes, specify. 1 Yes 2 No

Type of exposure _____

Length of exposure _____

APPENDIX B-III

Abbreviated Respiratory Questionnaire

A. IDENTIFICATION DATA

PLANT _____ SOCIAL SECURITY NO. _____ DAY MONTH YEAR
(figures) (last 2 digits)

NAME _____ DATE OF INTERVIEW _____
(Surname)

_____ DATE OF BIRTH _____
(First Names)

ADDRESS _____ AGE _____ (18,9) SEX _____ (19)
 RACE W N IND OTHER (11)

INTERVIEWER: 1 2 3 4 5 6 7 8 (12)

WORK SHIFT: 1st _____ 2nd _____ 3rd _____ (13) STANDING HEIGHT _____ (14,15)

PRESENT WORK AREA _____ WEIGHT _____ (16,18)

If working in more than one specified work area, X area where most of the work shift is spent. If "other," but spending 25% of the work shift in one of the specified work areas, classify in that work area. If carding department employee, check area within that department where most of the work shift is spent (if in doubt, check "throughout"). For work areas such as spinning and weaving where many work rooms may be involved, be sure to check the specific work room to which employee is assigned - if he works in more than one work room within a department classify as 7 (all) for that department.

	Workroom Number	(19) Open	(20) Pick	(21) Arns Card #1	(22) #2	(23) Spin	(24) Wind	(25) Twist	(26) Spool	(27) Warp	(28) Slash	(29) Weave	(30) Other
AT RISK (cotton & cotton blend)	1			Cards									
	2			Draw									
	3			Comb									
	4			Rove									
	5			Thru Out									
	6												
	7 (all)												
Control (synthetic & wool)	8												
Ex-Work-er (cotton)	9												

Use actual wording of each question. Put X in appropriate square after each question. When in doubt record "No". When no square, circle appropriate answer.

B. COUGH

(on getting up)†
Do you usually cough first thing in the morning? Yes No (31)
(Count a cough with first smoke or on "first going out of doors." Exclude clearing throat or a single cough.)

Do you usually cough during the day or at night? Yes No (32)
(ignore an occasional cough.)

If 'Yes' to either question (31-32):

Do you cough like this on most days for as much as three months each year? Yes No (33)

Do you cough on any particular day of the week? Yes No (34)

(1) (2) (3) (4) (5) (6) (7)

If 'Yes': Which day? Mon. Tues. Wed. Thur. Fri. Sat. Sun. (35)

C. PHLEGM or alternative word to suit local custom.

(on getting up)†
Do you usually bring up any phlegm from your chest first thing in the morning? (Count phlegm with the first smoke or on "first going out of doors." Exclude phlegm from the nose, Count swallowed phlegm.) Yes No (36)

Do you usually bring up any phlegm from your chest during the day or at night? (Accept twice or more.) Yes No (37)

If 'Yes' to either question (36) or (37):

Do you bring up phlegm like this on most days for as much as three months each year? Yes No (38)

If 'Yes' to question (33) or (39):

(cough)
How long have you had this phlegm? (Write in number of years)
(1) [] 2 years or less
(2) [] More than 2 years-9 years
(3) [] 10-19 years
(4) [] 20+ years

†These words are for subjects who work at night

D. TIGHTNESS

Does your chest ever feel tight or your breathing become difficult? Yes No (39)

Is your chest tight or your breathing difficult on any particular day of the week? (after a week or 10 days away from the mill) Yes No (40)

If 'Yes': Which day? Mon. (1) Sometimes (2) Always Tues. (3) Wed. (4) Thur. (5) Fri. (6) Sat. (7) Sun. (8) (41)

If 'Yes' Monday: At what time on Monday does your chest feel tight or your breathing difficult? 1 [] Before entering the mill (42) 2 [] After entering the mill

(Ask only if NO to Question (45)*)

In the past, has your chest ever been tight or your breathing difficult on any particular day of the week? Yes No (43)

If 'Yes': Which day? Mon. (1) Sometimes (2) Always Tues. (3) Wed. (4) Thur. (5) Fri. (6) Sat. (7) Sun. (8) (44)

E. TOBACCO SMOKING*

*Have you changed your smoking habits since last interview? If yes specify what changes.

NEW SECTION

WAC 296-62-14539 APPENDIX C—SPIROMETRY PREDICTION TABLES FOR NORMAL MALES AND FEMALES.

TABLE 1. PREDICTED FVC FOR MALES (KNUDSON, ET AL; AM REV RESPIR DIS. 1976; 113: 587.)

HT	AGE																								
	17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
60.0	3.44	3.59	3.75	3.91	3.72	3.66	3.61	3.55	3.49	3.43	3.37	3.32	3.26	3.20	3.14	3.08	3.03	2.97	2.91	2.85	2.79	2.74	2.68	2.62	2.56
60.5	3.50	3.66	3.81	3.97	3.80	3.75	3.69	3.63	3.57	3.51	3.46	3.40	3.34	3.28	3.22	3.17	3.11	3.05	2.99	2.93	2.88	2.82	2.76	2.70	2.64
61.0	3.56	3.72	3.88	4.03	3.89	3.83	3.77	3.71	3.66	3.60	3.54	3.48	3.42	3.37	3.31	3.25	3.19	3.13	3.08	3.02	2.96	2.90	2.84	2.79	2.73
61.5	3.63	3.79	3.94	4.10	3.97	3.91	3.85	3.80	3.74	3.68	3.62	3.56	3.51	3.45	3.39	3.33	3.27	3.22	3.16	3.10	3.04	2.98	2.93	2.87	2.81
62.0	3.69	3.85	4.00	4.16	4.05	3.99	3.94	3.88	3.82	3.76	3.70	3.65	3.59	3.53	3.47	3.41	3.36	3.30	3.24	3.18	3.12	3.07	3.01	2.95	2.89
62.5	3.76	3.91	4.07	4.22	4.13	4.08	4.02	3.96	3.90	3.84	3.79	3.73	3.67	3.61	3.55	3.50	3.44	3.38	3.32	3.26	3.21	3.15	3.09	3.03	2.97
63.0	3.82	3.97	4.13	4.29	4.22	4.16	4.10	4.04	3.99	3.93	3.87	3.81	3.75	3.70	3.64	3.58	3.52	3.46	3.41	3.35	3.29	3.23	3.17	3.12	3.06
63.5	3.88	4.04	4.19	4.35	4.30	4.24	4.18	4.13	4.07	4.01	3.95	3.89	3.84	3.78	3.72	3.66	3.60	3.55	3.49	3.43	3.37	3.31	3.26	3.20	3.14
64.0	3.95	4.10	4.26	4.41	4.30	4.22	4.21	4.15	4.09	4.03	3.97	3.92	3.86	3.80	3.74	3.69	3.63	3.57	3.51	3.45	3.40	3.34	3.28	3.22	3.16
64.5	4.01	4.17	4.32	4.48	4.45	4.41	4.35	4.29	4.23	4.17	4.12	4.06	4.00	3.94	3.88	3.83	3.77	3.71	3.65	3.59	3.54	3.48	3.42	3.36	3.30
65.0	4.07	4.23	4.39	4.54	4.55	4.49	4.43	4.37	4.32	4.26	4.20	4.14	4.08	4.03	3.97	3.91	3.85	3.79	3.74	3.68	3.62	3.56	3.50	3.45	3.39
65.5	4.14	4.29	4.45	4.60	4.63	4.57	4.51	4.46	4.40	4.34	4.28	4.22	4.17	4.11	4.05	3.99	3.93	3.88	3.82	3.76	3.70	3.64	3.59	3.53	3.47
66.0	4.20	4.36	4.51	4.67	4.71	4.65	4.60	4.54	4.48	4.42	4.36	4.31	4.25	4.19	4.13	4.07	4.02	3.96	3.90	3.84	3.78	3.73	3.67	3.61	3.55
66.5	4.26	4.42	4.58	4.73	4.80	4.74	4.68	4.62	4.56	4.51	4.45	4.39	4.33	4.27	4.22	4.16	4.10	4.04	3.98	3.93	3.87	3.81	3.75	3.69	3.64
67.0	4.33	4.48	4.64	4.80	4.80	4.82	4.76	4.70	4.65	4.59	4.53	4.47	4.41	4.36	4.30	4.24	4.18	4.12	4.07	4.01	3.95	3.89	3.83	3.78	3.72
67.5	4.39	4.55	4.70	4.86	4.96	4.90	4.84	4.79	4.73	4.67	4.61	4.55	4.50	4.44	4.38	4.32	4.26	4.21	4.15	4.09	4.03	3.97	3.92	3.86	3.80
68.0	4.45	4.61	4.77	4.92	5.04	4.98	4.93	4.87	4.81	4.75	4.69	4.64	4.58	4.52	4.46	4.40	4.35	4.29	4.23	4.17	4.11	4.06	4.00	3.94	3.88
68.5	4.52	4.67	4.83	4.99	5.13	5.07	5.01	4.95	4.89	4.84	4.78	4.72	4.66	4.60	4.55	4.49	4.43	4.37	4.31	4.26	4.20	4.14	4.08	4.02	3.97
69.0	4.50	4.74	4.89	5.05	5.21	5.15	5.09	5.03	4.98	4.92	4.86	4.80	4.74	4.69	4.63	4.57	4.51	4.45	4.40	4.34	4.28	4.22	4.16	4.11	4.05
69.5	4.64	4.80	4.96	5.11	5.29	5.23	5.17	5.12	5.06	5.00	4.94	4.88	4.82	4.77	4.71	4.65	4.59	4.54	4.48	4.42	4.36	4.30	4.25	4.19	4.13
70.0	4.71	4.86	5.02	5.18	5.37	5.32	5.26	5.20	5.14	5.08	5.02	4.97	4.91	4.85	4.79	4.74	4.68	4.62	4.56	4.50	4.44	4.39	4.33	4.27	4.21
70.5	4.77	4.93	5.00	5.24	5.46	5.40	5.34	5.28	5.22	5.17	5.11	5.05	4.99	4.93	4.88	4.82	4.76	4.70	4.64	4.59	4.53	4.47	4.41	4.35	4.30
71.0	4.83	4.99	5.15	5.30	5.54	5.48	5.42	5.36	5.31	5.25	5.19	5.13	5.07	5.02	4.96	4.90	4.84	4.78	4.73	4.67	4.61	4.55	4.49	4.44	4.38
71.5	4.90	5.05	5.21	5.37	5.62	5.56	5.50	5.45	5.39	5.33	5.27	5.21	5.16	5.10	5.04	4.98	4.92	4.87	4.81	4.75	4.69	4.64	4.58	4.52	4.46
72.0	4.96	5.12	5.27	5.43	5.70	5.65	5.59	5.53	5.47	5.41	5.36	5.30	5.24	5.18	5.12	5.07	5.01	4.95	4.89	4.83	4.78	4.72	4.66	4.60	4.54
72.5	5.03	5.10	5.34	5.49	5.79	5.73	5.67	5.61	5.55	5.50	5.44	5.38	5.32	5.26	5.21	5.15	5.09	5.03	4.97	4.92	4.86	4.80	4.74	4.68	4.63
73.0	5.09	5.24	5.40	5.56	5.87	5.81	5.75	5.69	5.64	5.58	5.52	5.46	5.40	5.35	5.29	5.23	5.17	5.11	5.06	5.00	4.94	4.88	4.82	4.77	4.71
73.5	5.15	5.31	5.46	5.62	5.95	5.89	5.83	5.78	5.72	5.66	5.60	5.54	5.49	5.43	5.37	5.31	5.25	5.20	5.14	5.08	5.02	4.96	4.91	4.85	4.79
74.0	5.22	5.37	5.53	5.68	6.03	5.98	5.92	5.86	5.80	5.74	5.69	5.63	5.57	5.51	5.45	5.40	5.34	5.28	5.22	5.16	5.11	5.05	4.99	4.93	4.87
74.5	5.20	5.44	5.59	5.75	6.12	6.06	6.00	5.94	5.88	5.83	5.77	5.71	5.65	5.59	5.54	5.48	5.42	5.36	5.30	5.25	5.19	5.13	5.07	5.01	4.96
75.0	5.34	5.50	5.65	5.81	6.20	6.14	6.08	6.02	5.97	5.91	5.85	5.79	5.73	5.68	5.62	5.56	5.50	5.44	5.39	5.33	5.27	5.21	5.15	5.10	5.04
75.5	5.41	5.56	5.72	5.87	6.28	6.22	6.17	6.11	6.05	5.99	5.93	5.88	5.82	5.76	5.70	5.64	5.59	5.53	5.47	5.41	5.35	5.30	5.24	5.18	5.12
76.0	5.47	5.63	5.78	5.94	6.36	6.31	6.25	6.19	6.13	6.07	6.02	5.96	5.90	5.84	5.78	5.73	5.67	5.61	5.55	5.49	5.44	5.38	5.32	5.26	5.20
76.5	5.53	5.69	5.85	6.00	6.45	6.39	6.33	6.27	6.21	6.16	6.10	6.04	5.98	5.92	5.87	5.81	5.75	5.69	5.63	5.58	5.52	5.46	5.40	5.34	5.29
77.0	5.60	5.75	5.91	6.06	6.53	6.47	6.41	6.35	6.30	6.24	6.18	6.12	6.06	6.01	5.95	5.89	5.83	5.77	5.72	5.66	5.60	5.54	5.48	5.43	5.37
77.5	5.66	5.82	5.97	6.13	6.61	6.55	6.50	6.44	6.38	6.32	6.26	6.21	6.15	6.09	6.03	5.97	5.92	5.86	5.80	5.74	5.68	5.63	5.57	5.51	5.45
78.0	5.72	5.88	6.04	6.19	6.69	6.64	6.58	6.52	6.46	6.40	6.35	6.29	6.23	6.17	6.11	6.06	6.00	5.94	5.88	5.82	5.77	5.71	5.65	5.59	5.53
78.5	5.79	5.94	6.10	6.26	6.78	6.72	6.66	6.60	6.54	6.49	6.43	6.37	6.31	6.25	6.20	6.14	6.08	6.02	5.96	5.91	5.85	5.79	5.73	5.67	5.62
79.0	5.85	6.01	6.16	6.32	6.86	6.80	6.74	6.68	6.63	6.57	6.51	6.45	6.39	6.34	6.28	6.22	6.16	6.10	6.05	5.99	5.93	5.87	5.81	5.76	5.70
79.5	5.91	6.07	6.23	6.38	6.94	6.88	6.83	6.77	6.71	6.65	6.59	6.54	6.48	6.42	6.36	6.30	6.23	6.19	6.13	6.07	6.01	5.96	5.90	5.84	5.78
80.0	5.98	6.13	6.29	6.45	7.02	6.97	6.91	6.85	6.79	6.73	6.68	6.62	6.56	6.50	6.44	6.39	6.33	6.27	6.21	6.15	6.10	6.04	5.98	5.92	5.86
80.5	6.04	6.20	6.35	6.51	7.11	7.05	6.99	6.93	6.87	6.82	6.76	6.70	6.64	6.58	6.53	6.47	6.41	6.35	6.29	6.24	6.18	6.12	6.06	6.00	5.95
81.0	6.10	6.26	6.42	6.57	7.19	7.13	7.07	7.02	6.96	6.90	6.84	6.78	6.73	6.67	6.61	6.55	6.49	6.44	6.38	6.32	6.26	6.20	6.15	6.09	6.03
81.5	6.17	6.33	6.48	6.64	7.27	7.21	7.16	7.10	7.04	6.98	6.92	6.87	6.81	6.75	6.69	6.63	6.58	6.52	6.46	6.40	6.34	6.29	6.23	6.17	6.11
82.0	6.23	6.39	6.54	6.70	7.35	7.30	7.24	7.18	7.12	7.06	7.01	6.95	6.89	6.83	6.77	6.72	6.66	6.60	6.54	6.48	6.43	6.37	6.31	6.25	6.20
82.5	6.30	6.45	6.61	6.76	7.44	7.38	7.32	7.26	7.20	7.15	7.09	7.03	6.97	6.91	6.85	6.80	6.74	6.68	6.62	6.57	6.51	6.45	6.39	6.33	6.28
83.0	6.36	6.51	6.67	6.83	7.52	7.46	7.40	7.35	7.29	7.23	7.17	7.11	7.06	7.00	6.94	6.88	6.82	6.77	6.71	6.65	6.59	6.53	6.48	6.42	6.36
83.5	6.42	6.58	6.73	6.89	7.60	7.54	7.49	7.43	7.37	7.31	7.25	7.20	7.14	7.08	7.02	6.96	6.91	6.85	6.79	6.73	6.67	6.62	6.56	6.50	6.44
84.0	6.49	6.64	6.80	6.95	7.68	7.63	7.57	7.51	7.45	7.39	7.34	7.28	7.22	7.16	7.10	7.05	6.99	6.93	6.87	6.81	6.76	6.70	6.64	6.58	6.52
84.																									

TABLE 2. PREDICTED FEV1 FOR MALES (KHUNDSON, ET AL: AM REV RESPIR DIS. 1976. 113. 567.)

HT	AGE																								
	17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
60.0	2.97	3.06	3.15	3.24	3.05	2.99	2.94	2.88	2.83	2.78	2.72	2.67	2.61	2.56	2.51	2.45	2.40	2.34	2.29	2.24	2.18	2.13	2.07	2.02	1.97
60.5	3.03	3.12	3.21	3.30	3.11	3.06	3.00	2.95	2.90	2.84	2.79	2.73	2.68	2.63	2.57	2.52	2.46	2.41	2.36	2.30	2.25	2.19	2.14	2.09	2.03
61.0	3.08	3.17	3.26	3.35	3.16	3.12	3.07	3.02	2.96	2.91	2.85	2.80	2.75	2.69	2.64	2.58	2.53	2.48	2.42	2.37	2.31	2.26	2.21	2.15	2.10
61.5	3.14	3.23	3.32	3.41	3.24	3.19	3.14	3.08	3.03	2.97	2.92	2.87	2.81	2.76	2.70	2.65	2.60	2.54	2.49	2.43	2.38	2.33	2.27	2.22	2.16
62.0	3.20	3.29	3.38	3.47	3.31	3.26	3.20	3.15	3.09	3.04	2.99	2.93	2.88	2.82	2.77	2.72	2.66	2.61	2.55	2.50	2.45	2.39	2.34	2.28	2.23
62.5	3.26	3.35	3.44	3.53	3.36	3.32	3.27	3.22	3.16	3.11	3.05	3.00	2.95	2.89	2.84	2.78	2.73	2.68	2.62	2.57	2.51	2.46	2.41	2.35	2.30
63.0	3.32	3.41	3.50	3.59	3.44	3.39	3.34	3.28	3.23	3.17	3.12	3.07	3.01	2.96	2.90	2.85	2.80	2.74	2.69	2.63	2.58	2.53	2.47	2.42	2.36
63.5	3.38	3.47	3.56	3.65	3.51	3.46	3.40	3.35	3.29	3.24	3.19	3.13	3.08	3.02	2.97	2.92	2.86	2.81	2.75	2.70	2.65	2.59	2.54	2.48	2.43
64.0	3.43	3.52	3.61	3.70	3.56	3.52	3.47	3.41	3.36	3.31	3.25	3.20	3.14	3.09	3.04	2.98	2.93	2.87	2.82	2.77	2.71	2.66	2.60	2.55	2.50
64.5	3.49	3.58	3.67	3.76	3.64	3.61	3.55	3.49	3.44	3.38	3.33	3.28	3.23	3.17	3.11	3.06	3.01	2.95	2.90	2.84	2.79	2.74	2.68	2.63	2.58
65.0	3.55	3.64	3.73	3.82	3.71	3.67	3.61	3.55	3.50	3.44	3.38	3.33	3.28	3.23	3.17	3.11	3.06	3.01	2.95	2.90	2.84	2.79	2.74	2.68	2.63
65.5	3.61	3.70	3.79	3.88	3.77	3.72	3.67	3.61	3.55	3.50	3.45	3.40	3.34	3.29	3.23	3.18	3.13	3.07	3.02	2.96	2.91	2.86	2.80	2.75	2.69
66.0	3.67	3.76	3.85	3.94	3.84	3.79	3.73	3.68	3.62	3.57	3.52	3.46	3.41	3.35	3.30	3.25	3.19	3.14	3.08	3.03	2.98	2.92	2.87	2.81	2.76
66.5	3.73	3.82	3.91	4.00	3.91	3.85	3.80	3.74	3.69	3.64	3.58	3.53	3.47	3.42	3.37	3.31	3.26	3.20	3.15	3.10	3.04	2.99	2.93	2.88	2.83
67.0	3.79	3.88	3.97	4.06	3.97	3.92	3.86	3.81	3.76	3.70	3.65	3.59	3.54	3.49	3.43	3.38	3.32	3.27	3.22	3.16	3.11	3.05	3.00	2.95	2.89
67.5	3.84	3.93	4.02	4.11	4.04	3.98	3.93	3.88	3.82	3.77	3.71	3.66	3.61	3.55	3.50	3.44	3.39	3.34	3.28	3.23	3.17	3.12	3.07	3.01	2.96
68.0	3.90	3.99	4.08	4.17	4.10	4.05	4.00	3.94	3.89	3.83	3.78	3.73	3.67	3.62	3.56	3.51	3.46	3.40	3.35	3.29	3.24	3.19	3.13	3.08	3.02
68.5	3.96	4.05	4.14	4.23	4.17	4.12	4.06	4.01	3.95	3.90	3.85	3.79	3.74	3.68	3.63	3.58	3.52	3.47	3.41	3.36	3.31	3.25	3.20	3.14	3.09
69.0	4.02	4.11	4.20	4.29	4.24	4.18	4.13	4.07	4.02	3.97	3.91	3.86	3.80	3.75	3.70	3.64	3.59	3.53	3.48	3.43	3.37	3.32	3.26	3.21	3.16
69.5	4.08	4.17	4.26	4.35	4.30	4.25	4.19	4.14	4.09	4.03	3.98	3.92	3.87	3.82	3.76	3.71	3.65	3.60	3.55	3.49	3.44	3.38	3.33	3.28	3.22
70.0	4.14	4.23	4.32	4.41	4.37	4.31	4.26	4.21	4.15	4.10	4.04	3.99	3.94	3.88	3.83	3.77	3.72	3.67	3.61	3.56	3.50	3.45	3.40	3.34	3.29
70.5	4.19	4.28	4.37	4.46	4.43	4.38	4.33	4.27	4.22	4.16	4.11	4.06	4.00	3.95	3.89	3.84	3.79	3.73	3.68	3.62	3.57	3.52	3.46	3.41	3.35
71.0	4.25	4.34	4.43	4.52	4.50	4.45	4.39	4.34	4.28	4.23	4.18	4.12	4.07	4.01	3.96	3.91	3.85	3.80	3.74	3.69	3.64	3.58	3.53	3.47	3.42
71.5	4.31	4.40	4.49	4.58	4.57	4.51	4.46	4.40	4.35	4.30	4.24	4.19	4.13	4.08	4.03	3.97	3.92	3.86	3.81	3.76	3.70	3.65	3.59	3.54	3.49
72.0	4.37	4.46	4.55	4.64	4.63	4.58	4.52	4.47	4.42	4.36	4.31	4.25	4.20	4.15	4.09	4.04	3.98	3.93	3.88	3.82	3.77	3.71	3.66	3.61	3.55
72.5	4.43	4.52	4.61	4.70	4.70	4.64	4.59	4.54	4.48	4.43	4.37	4.32	4.27	4.21	4.16	4.10	4.05	4.00	3.94	3.89	3.83	3.78	3.73	3.67	3.62
73.0	4.49	4.58	4.67	4.76	4.76	4.71	4.66	4.60	4.55	4.49	4.44	4.39	4.33	4.28	4.22	4.17	4.12	4.06	4.01	3.95	3.90	3.85	3.79	3.74	3.68
73.5	4.54	4.63	4.72	4.81	4.83	4.78	4.72	4.67	4.61	4.56	4.51	4.45	4.40	4.34	4.29	4.24	4.18	4.13	4.07	4.02	3.97	3.91	3.86	3.80	3.75
74.0	4.60	4.69	4.78	4.87	4.90	4.84	4.79	4.73	4.68	4.63	4.57	4.52	4.46	4.41	4.36	4.30	4.25	4.19	4.14	4.09	4.03	3.98	3.92	3.87	3.82
74.5	4.66	4.75	4.84	4.93	4.96	4.91	4.85	4.80	4.75	4.69	4.64	4.58	4.53	4.48	4.42	4.37	4.31	4.26	4.21	4.15	4.10	4.04	3.99	3.94	3.88
75.0	4.72	4.81	4.90	4.99	5.03	4.97	4.92	4.87	4.81	4.76	4.70	4.65	4.60	4.54	4.49	4.43	4.38	4.33	4.27	4.22	4.16	4.11	4.06	4.00	3.95
75.5	4.78	4.87	4.96	5.05	5.09	5.04	4.99	4.93	4.88	4.82	4.77	4.72	4.66	4.61	4.55	4.50	4.45	4.39	4.34	4.28	4.23	4.18	4.12	4.07	4.01
76.0	4.84	4.93	5.02	5.11	5.16	5.11	5.05	5.00	4.94	4.89	4.84	4.78	4.73	4.67	4.62	4.57	4.51	4.46	4.40	4.35	4.30	4.24	4.19	4.13	4.08
76.5	4.90	4.99	5.08	5.17	5.23	5.17	5.12	5.06	5.01	4.96	4.90	4.85	4.79	4.74	4.69	4.63	4.58	4.52	4.47	4.42	4.36	4.31	4.25	4.20	4.15
77.0	4.95	5.04	5.13	5.22	5.29	5.24	5.18	5.13	5.08	5.02	4.97	4.91	4.86	4.81	4.75	4.70	4.64	4.59	4.54	4.48	4.43	4.37	4.32	4.27	4.21
77.5	5.01	5.10	5.19	5.28	5.36	5.30	5.25	5.20	5.14	5.09	5.03	4.98	4.93	4.87	4.82	4.76	4.71	4.66	4.60	4.55	4.49	4.44	4.39	4.33	4.28
78.0	5.07	5.16	5.25	5.34	5.42	5.37	5.32	5.26	5.21	5.15	5.10	5.05	4.99	4.94	4.88	4.83	4.78	4.72	4.67	4.61	4.56	4.51	4.45	4.40	4.34
78.5	5.13	5.22	5.31	5.40	5.49	5.44	5.38	5.33	5.27	5.22	5.17	5.11	5.06	5.00	4.95	4.90	4.84	4.79	4.73	4.68	4.63	4.57	4.52	4.46	4.41
79.0	5.19	5.28	5.37	5.46	5.56	5.50	5.45	5.39	5.34	5.29	5.23	5.18	5.12	5.07	5.02	4.96	4.91	4.85	4.80	4.75	4.69	4.64	4.58	4.53	4.48
79.5	5.25	5.34	5.43	5.52	5.62	5.57	5.51	5.46	5.41	5.35	5.30	5.24	5.19	5.14	5.08	5.03	4.97	4.92	4.87	4.81	4.76	4.70	4.65	4.60	4.54
80.0	5.30	5.39	5.48	5.57	5.67	5.63	5.58	5.53	5.47	5.42	5.36	5.31	5.26	5.20	5.15	5.09	5.04	4.99	4.93	4.88	4.82	4.77	4.72	4.66	4.61
80.5	5.36	5.45	5.54	5.63	5.75	5.70	5.65	5.59	5.54	5.48	5.43	5.38	5.32	5.27	5.21	5.16	5.11	5.05	5.00	4.94	4.89	4.84	4.78	4.73	4.67
81.0	5.42	5.51	5.60	5.69	5.82	5.77	5.71	5.66	5.60	5.55	5.50	5.44	5.39	5.33	5.28	5.23	5.17	5.12	5.06	5.01	4.96	4.90	4.85	4.79	4.74
81.5	5.48	5.57	5.66	5.75	5.89	5.83	5.78	5.72	5.67	5.62	5.56	5.51	5.45	5.40	5.35	5.29	5.24	5.18	5.13	5.07	5.02	4.97	4.91	4.86	4.81
82.0	5.54	5.63	5.72	5.81	5.95	5.90	5.84	5.79	5.74	5.68	5.63	5.57	5.52	5.47	5.41	5.36	5.30	5.25	5.20	5.14	5.09	5.03	4.98	4.93	4.87
82.5	5.60	5.69	5.78	5.87	6.02	5.96	5.91	5.86	5.80	5.75	5.69	5.64	5.59	5.53	5.48	5.42	5.37	5.32	5.26	5.21	5.15	5.10	5.05	4.99	4.94
83.0	5.65	5.74	5.83	5.92	6.08	6.03	5.98	5.92	5.87	5.81	5.76	5.71	5.65	5.60	5.54	5.49	5.44	5.38	5.33	5.27	5.22	5.17	5.11	5.06	5.00
83.5	5.71	5.80	5.89	5.98	6.15	6.10	6.04	5.99	5.93	5.88	5.83	5.77	5.72	5.66	5.61	5.56	5.50	5.45	5.39	5.34	5.29	5.23	5.18	5.12	5.07
84.0	5.77	5.86	5.95	6.04	6.22	6.16	6.11	6.05	6.00	5.95	5.89	5.84	5.78	5.73	5.66	5.62	5.57	5.51	5.46	5.41	5.35	5.30	5.24	5.19	5.14
84.5	5.83	5.92	6.01	6.10	6.28	6.23	6.17	6.12	6.07	6.01	5.96	5.90	5.85	5.80	5.74	5.69	5.63	5.58	5.53	5.47	5.42	5.36	5.31	5.26	5.21
85.																									

TABLE 3. PREDICTED FVC FOR FEMALES (HUDSON, ET AL: AM REV RESPIR DIS, 1976, 113, 587.)

HT	AGE																								
	17	19	21	23	25	27	29	31	33	35	37	39	41	43	45	47	49	51	53	55	57	59	61	63	65
52.0	2.45	2.64	2.63	2.61	2.56	2.52	2.47	2.43	2.39	2.34	2.30	2.25	2.21	2.17	2.12	2.08	2.03	1.99	1.95	1.90	1.86	1.81	1.77	1.73	1.68
52.5	2.50	2.68	2.70	2.65	2.61	2.57	2.52	2.48	2.43	2.39	2.35	2.30	2.26	2.21	2.17	2.13	2.08	2.04	1.99	1.95	1.91	1.86	1.82	1.77	1.73
53.0	2.54	2.72	2.74	2.70	2.65	2.61	2.57	2.52	2.48	2.44	2.39	2.35	2.30	2.26	2.22	2.17	2.13	2.08	2.04	2.00	1.95	1.91	1.86	1.82	1.78
53.5	2.50	2.76	2.79	2.75	2.70	2.66	2.62	2.57	2.53	2.48	2.44	2.40	2.35	2.31	2.26	2.22	2.18	2.13	2.09	2.04	2.00	1.96	1.91	1.87	1.82
54.0	2.62	2.81	2.84	2.79	2.75	2.71	2.66	2.62	2.57	2.53	2.49	2.44	2.40	2.35	2.31	2.27	2.22	2.18	2.13	2.09	2.05	2.00	1.96	1.91	1.87
54.5	2.66	2.85	2.89	2.84	2.80	2.75	2.71	2.67	2.62	2.58	2.53	2.49	2.45	2.40	2.36	2.31	2.27	2.23	2.18	2.14	2.09	2.05	2.01	1.96	1.92
55.0	2.71	2.89	2.93	2.89	2.84	2.80	2.76	2.71	2.67	2.62	2.58	2.54	2.49	2.45	2.40	2.36	2.32	2.27	2.23	2.18	2.14	2.10	2.05	2.01	1.96
55.5	2.75	2.93	2.98	2.94	2.89	2.85	2.80	2.76	2.72	2.67	2.63	2.58	2.54	2.50	2.45	2.41	2.36	2.32	2.28	2.23	2.19	2.14	2.10	2.06	2.01
56.0	2.79	2.97	3.03	2.99	2.94	2.89	2.85	2.81	2.76	2.72	2.67	2.63	2.59	2.54	2.50	2.45	2.41	2.37	2.32	2.28	2.23	2.19	2.15	2.10	2.06
56.5	2.83	3.01	3.07	3.03	2.99	2.94	2.90	2.85	2.81	2.77	2.72	2.68	2.63	2.59	2.55	2.50	2.46	2.41	2.37	2.33	2.28	2.24	2.19	2.15	2.11
57.0	2.87	3.06	3.12	3.08	3.03	2.99	2.94	2.90	2.86	2.81	2.77	2.72	2.68	2.64	2.59	2.55	2.50	2.46	2.42	2.37	2.33	2.28	2.24	2.20	2.15
57.5	2.91	3.10	3.17	3.12	3.08	3.04	2.99	2.95	2.90	2.86	2.82	2.77	2.73	2.68	2.64	2.60	2.55	2.51	2.47	2.42	2.38	2.33	2.29	2.24	2.20
58.0	2.96	3.14	3.21	3.17	3.13	3.08	3.04	2.99	2.95	2.91	2.86	2.82	2.77	2.73	2.69	2.64	2.60	2.55	2.51	2.47	2.42	2.38	2.33	2.29	2.25
58.5	3.00	3.18	3.26	3.22	3.17	3.13	3.09	3.04	3.00	2.95	2.91	2.87	2.82	2.78	2.73	2.69	2.65	2.60	2.56	2.51	2.47	2.43	2.38	2.34	2.29
59.0	3.04	3.22	3.31	3.26	3.22	3.18	3.13	3.09	3.04	3.00	2.96	2.91	2.87	2.82	2.78	2.74	2.69	2.65	2.60	2.56	2.52	2.47	2.43	2.38	2.34
59.5	3.08	3.27	3.36	3.31	3.27	3.22	3.18	3.14	3.09	3.05	3.00	2.96	2.92	2.87	2.83	2.78	2.74	2.70	2.65	2.61	2.56	2.52	2.48	2.43	2.39
60.0	3.12	3.31	3.40	3.36	3.31	3.27	3.23	3.18	3.14	3.09	3.05	3.01	2.96	2.92	2.87	2.83	2.79	2.74	2.70	2.65	2.61	2.57	2.52	2.48	2.43
60.5	3.17	3.35	3.45	3.41	3.36	3.32	3.27	3.23	3.19	3.14	3.10	3.05	3.01	2.97	2.92	2.88	2.83	2.79	2.75	2.70	2.66	2.61	2.57	2.53	2.48
61.0	3.21	3.39	3.50	3.45	3.41	3.36	3.32	3.28	3.23	3.19	3.14	3.10	3.06	3.01	2.97	2.92	2.88	2.83	2.79	2.75	2.70	2.66	2.62	2.57	2.53
61.5	3.25	3.43	3.54	3.50	3.46	3.41	3.37	3.32	3.28	3.24	3.19	3.15	3.10	3.06	3.02	2.97	2.93	2.88	2.84	2.80	2.75	2.71	2.66	2.62	2.58
62.0	3.29	3.48	3.59	3.55	3.50	3.46	3.41	3.37	3.33	3.28	3.24	3.19	3.15	3.11	3.06	3.02	2.97	2.93	2.89	2.84	2.80	2.75	2.71	2.67	2.62
62.5	3.33	3.52	3.64	3.59	3.55	3.51	3.46	3.42	3.37	3.33	3.29	3.24	3.20	3.15	3.11	3.07	3.02	2.98	2.93	2.89	2.85	2.80	2.76	2.71	2.67
63.0	3.38	3.56	3.68	3.64	3.60	3.55	3.51	3.46	3.42	3.38	3.33	3.29	3.24	3.20	3.16	3.11	3.07	3.02	2.98	2.94	2.89	2.85	2.80	2.76	2.72
63.5	3.42	3.60	3.73	3.69	3.64	3.60	3.56	3.51	3.47	3.42	3.38	3.34	3.29	3.25	3.20	3.16	3.12	3.07	3.03	2.98	2.94	2.89	2.85	2.81	2.76
64.0	3.46	3.64	3.78	3.73	3.69	3.65	3.60	3.56	3.51	3.47	3.43	3.38	3.34	3.29	3.25	3.21	3.16	3.12	3.07	3.03	2.99	2.94	2.90	2.85	2.81
64.5	3.50	3.69	3.83	3.78	3.74	3.69	3.65	3.61	3.56	3.52	3.47	3.43	3.39	3.34	3.30	3.25	3.21	3.17	3.12	3.08	3.03	2.99	2.95	2.90	2.86
65.0	3.54	3.73	3.87	3.83	3.78	3.74	3.70	3.65	3.61	3.56	3.52	3.48	3.43	3.39	3.34	3.30	3.26	3.21	3.17	3.12	3.08	3.04	2.99	2.95	2.90
65.5	3.59	3.77	3.92	3.88	3.83	3.79	3.74	3.70	3.66	3.61	3.57	3.52	3.48	3.44	3.39	3.35	3.30	3.26	3.22	3.17	3.13	3.08	3.04	3.00	2.95
66.0	3.63	3.81	3.97	3.92	3.88	3.83	3.79	3.75	3.70	3.66	3.61	3.57	3.53	3.48	3.44	3.39	3.35	3.31	3.26	3.22	3.17	3.13	3.09	3.04	3.00
66.5	3.67	3.85	4.01	3.97	3.93	3.88	3.84	3.79	3.75	3.71	3.66	3.62	3.57	3.53	3.49	3.44	3.40	3.35	3.31	3.27	3.22	3.18	3.13	3.09	3.05
67.0	3.71	3.89	4.06	4.02	3.97	3.93	3.88	3.84	3.80	3.75	3.71	3.66	3.62	3.58	3.53	3.49	3.44	3.40	3.36	3.31	3.27	3.22	3.18	3.14	3.09
67.5	3.75	3.94	4.11	4.06	4.02	3.98	3.93	3.89	3.84	3.80	3.76	3.71	3.67	3.62	3.58	3.54	3.49	3.45	3.40	3.36	3.32	3.27	3.23	3.18	3.14
68.0	3.79	3.98	4.15	4.11	4.07	4.02	3.98	3.93	3.89	3.85	3.80	3.76	3.71	3.67	3.63	3.58	3.54	3.49	3.45	3.41	3.36	3.32	3.27	3.23	3.19
68.5	3.84	4.02	4.20	4.16	4.11	4.07	4.03	3.98	3.94	3.89	3.85	3.81	3.76	3.72	3.67	3.63	3.59	3.54	3.50	3.45	3.41	3.37	3.32	3.28	3.23
69.0	3.88	4.06	4.25	4.20	4.16	4.12	4.07	4.03	3.98	3.94	3.90	3.85	3.81	3.76	3.72	3.68	3.63	3.59	3.54	3.50	3.46	3.41	3.37	3.32	3.28
69.5	3.92	4.10	4.30	4.25	4.21	4.16	4.12	4.08	4.03	3.99	3.94	3.90	3.86	3.81	3.77	3.72	3.68	3.64	3.59	3.55	3.50	3.46	3.42	3.37	3.33
70.0	3.96	4.15	4.34	4.30	4.25	4.21	4.17	4.12	4.08	4.03	3.99	3.95	3.90	3.86	3.81	3.77	3.73	3.68	3.64	3.59	3.55	3.51	3.46	3.42	3.37
70.5	4.00	4.19	4.39	4.35	4.30	4.26	4.21	4.17	4.13	4.08	4.04	3.99	3.95	3.91	3.86	3.82	3.77	3.73	3.69	3.64	3.60	3.55	3.51	3.47	3.42
71.0	4.05	4.23	4.44	4.39	4.35	4.30	4.26	4.22	4.17	4.13	4.08	4.04	4.00	3.95	3.91	3.86	3.82	3.78	3.73	3.69	3.64	3.60	3.56	3.51	3.47
71.5	4.09	4.27	4.48	4.44	4.40	4.35	4.31	4.26	4.22	4.18	4.13	4.09	4.04	4.00	3.96	3.91	3.87	3.82	3.78	3.74	3.69	3.65	3.60	3.56	3.52
72.0	4.13	4.31	4.53	4.49	4.44	4.40	4.35	4.31	4.27	4.22	4.18	4.13	4.09	4.05	4.00	3.96	3.91	3.87	3.83	3.78	3.74	3.69	3.65	3.61	3.56
72.5	4.17	4.36	4.58	4.53	4.49	4.45	4.40	4.36	4.31	4.27	4.23	4.18	4.14	4.09	4.05	4.01	3.96	3.92	3.88	3.83	3.79	3.74	3.70	3.65	3.61
73.0	4.21	4.40	4.62	4.58	4.54	4.49	4.45	4.40	4.36	4.32	4.27	4.23	4.18	4.14	4.10	4.05	4.01	3.96	3.92	3.88	3.83	3.79	3.74	3.70	3.66
73.5	4.26	4.44	4.67	4.63	4.58	4.54	4.50	4.45	4.41	4.36	4.32	4.28	4.23	4.19	4.14	4.10	4.06	4.01	3.97	3.92	3.88	3.84	3.79	3.75	3.70
74.0	4.30	4.48	4.72	4.67	4.63	4.59	4.54	4.50	4.45	4.41	4.37	4.32	4.28	4.23	4.19	4.15	4.10	4.06	4.01	3.97	3.93	3.88	3.84	3.79	3.75
74.5	4.34	4.52	4.77	4.72	4.68	4.63	4.59	4.55	4.50	4.46	4.41	4.37	4.33	4.28	4.24	4.19	4.15	4.11	4.06	4.02	3.97	3.93	3.89	3.84	3.80
75.0	4.38	4.57	4.81	4.77	4.72	4.68	4.64	4.59	4.55	4.50	4.46	4.42	4.37	4.33	4.28	4.24	4.20	4.15	4.11	4.06	4.02	3.98	3.93	3.89	3.84
75.5	4.42	4.61	4.86	4.82	4.77	4.73	4.68	4.64	4.60	4.55	4.51	4.46	4.42	4.38	4.33	4.29	4.24	4.20	4.16	4.11	4.07	4.02	3.98	3.94	3.89
76.0	4.47	4.65	4.91	4.86	4.82	4.77	4.73	4.69	4.64	4.60	4.55	4.51	4.47	4.42	4.38	4.33	4.29	4.25	4.20	4.16	4.11	4.07	4.03	3.98	3.94
76.5	4.51	4.69	4.95	4.91	4.87	4.82	4.78	4.73	4.69	4.65	4.60	4.56	4.51	4.47	4.43	4.38	4.34	4.29	4.25	4.21	4.16	4.12	4.07	4.03	3.99
77.0	4.55	4.73																							

TABLE 4. PREDICTED FEV1 FOR FEMALES (HUDSON, ET AL.; AM REV RESPIR DIS, 1976, 113, S07.)

HT	AGE																								
	17	19	21	23	25	27	29	31	33	35															
52.0	2.31	2.48	2.33	2.29	2.25	2.21	2.16	2.12	2.00	2.04	2.00	1.95	1.91	1.87	1.83	1.79	1.74	1.70	1.66	1.62	1.58	1.53	1.49	1.45	1.41
52.5	2.34	2.51	2.37	2.32	2.20	2.24	2.20	2.16	2.11	2.07	2.03	1.99	1.95	1.90	1.86	1.82	1.78	1.74	1.69	1.65	1.61	1.57	1.53	1.48	1.44
53.0	2.30	2.55	2.40	2.36	2.32	2.27	2.23	2.19	2.15	2.11	2.06	2.02	1.98	1.94	1.90	1.85	1.81	1.77	1.73	1.69	1.64	1.60	1.56	1.52	1.48
53.5	2.41	2.58	2.43	2.39	2.35	2.31	2.27	2.22	2.18	2.14	2.10	2.06	2.01	1.97	1.93	1.89	1.85	1.80	1.76	1.72	1.68	1.64	1.59	1.55	1.51
54.0	2.45	2.62	2.47	2.43	2.38	2.34	2.30	2.26	2.22	2.17	2.13	2.09	2.05	2.01	1.96	1.92	1.88	1.84	1.80	1.75	1.71	1.67	1.63	1.59	1.54
54.5	2.40	2.65	2.50	2.46	2.42	2.38	2.33	2.29	2.25	2.21	2.17	2.12	2.08	2.04	2.00	1.96	1.91	1.87	1.83	1.79	1.75	1.70	1.66	1.62	1.58
55.0	2.51	2.68	2.54	2.49	2.45	2.41	2.37	2.33	2.28	2.24	2.20	2.16	2.12	2.07	2.03	1.99	1.95	1.91	1.86	1.82	1.78	1.74	1.70	1.65	1.61
55.5	2.55	2.72	2.57	2.53	2.49	2.45	2.40	2.36	2.32	2.28	2.24	2.19	2.15	2.11	2.07	2.03	1.98	1.94	1.90	1.86	1.82	1.77	1.73	1.69	1.65
56.0	2.50	2.75	2.61	2.56	2.52	2.48	2.44	2.40	2.35	2.31	2.27	2.23	2.19	2.14	2.10	2.06	2.02	1.98	1.93	1.89	1.85	1.81	1.77	1.72	1.68
56.5	2.62	2.79	2.64	2.60	2.56	2.51	2.47	2.43	2.39	2.35	2.30	2.26	2.22	2.18	2.14	2.09	2.05	2.01	1.97	1.93	1.88	1.84	1.80	1.76	1.72
57.0	2.65	2.82	2.67	2.63	2.59	2.55	2.51	2.46	2.42	2.38	2.34	2.30	2.26	2.22	2.18	2.14	2.10	2.06	2.02	1.98	1.94	1.90	1.86	1.82	1.78
57.5	2.69	2.86	2.71	2.67	2.62	2.58	2.54	2.50	2.45	2.41	2.37	2.33	2.29	2.25	2.20	2.16	2.12	2.08	2.04	1.99	1.95	1.91	1.87	1.83	1.78
58.0	2.72	2.89	2.74	2.70	2.66	2.62	2.57	2.53	2.49	2.45	2.41	2.36	2.32	2.28	2.24	2.20	2.15	2.11	2.07	2.03	1.99	1.94	1.90	1.86	1.82
58.5	2.75	2.92	2.77	2.73	2.69	2.65	2.61	2.57	2.52	2.48	2.44	2.40	2.36	2.31	2.27	2.23	2.19	2.15	2.10	2.06	2.02	1.98	1.94	1.90	1.85
59.0	2.79	2.96	2.81	2.77	2.73	2.69	2.64	2.60	2.56	2.52	2.48	2.43	2.39	2.35	2.31	2.27	2.22	2.18	2.14	2.10	2.06	2.01	1.97	1.93	1.89
59.5	2.82	2.99	2.85	2.80	2.76	2.72	2.68	2.64	2.59	2.55	2.51	2.46	2.42	2.38	2.33	2.29	2.25	2.21	2.17	2.12	2.08	2.04	2.00	1.96	1.92
60.0	2.86	3.03	2.88	2.84	2.80	2.75	2.71	2.67	2.63	2.59	2.55	2.50	2.46	2.42	2.38	2.33	2.29	2.25	2.21	2.17	2.12	2.08	2.04	2.00	1.96
60.5	2.89	3.06	2.91	2.87	2.83	2.79	2.75	2.70	2.66	2.62	2.58	2.54	2.49	2.45	2.41	2.37	2.33	2.28	2.24	2.20	2.16	2.12	2.07	2.03	1.99
61.0	2.93	3.10	2.95	2.91	2.86	2.82	2.78	2.74	2.70	2.65	2.61	2.57	2.53	2.49	2.44	2.40	2.36	2.32	2.28	2.23	2.19	2.15	2.11	2.07	2.02
61.5	2.96	3.13	2.98	2.94	2.90	2.86	2.81	2.77	2.73	2.69	2.65	2.60	2.56	2.52	2.48	2.44	2.39	2.35	2.31	2.27	2.23	2.18	2.14	2.10	2.06
62.0	2.99	3.16	3.02	2.97	2.93	2.89	2.85	2.81	2.76	2.72	2.68	2.64	2.60	2.55	2.51	2.47	2.43	2.39	2.34	2.30	2.26	2.22	2.18	2.13	2.09
62.5	3.03	3.20	3.05	3.01	2.97	2.93	2.88	2.84	2.80	2.76	2.72	2.67	2.63	2.59	2.55	2.51	2.46	2.42	2.38	2.34	2.30	2.25	2.21	2.17	2.13
63.0	3.06	3.23	3.09	3.04	3.00	2.96	2.92	2.88	2.83	2.79	2.75	2.71	2.67	2.62	2.58	2.54	2.50	2.46	2.41	2.37	2.33	2.29	2.25	2.20	2.16
63.5	3.10	3.27	3.12	3.08	3.04	2.99	2.95	2.91	2.87	2.83	2.78	2.74	2.70	2.66	2.62	2.57	2.53	2.49	2.45	2.41	2.36	2.32	2.28	2.24	2.20
64.0	3.13	3.30	3.15	3.11	3.07	3.03	2.99	2.94	2.90	2.86	2.82	2.78	2.74	2.70	2.66	2.62	2.57	2.53	2.49	2.45	2.41	2.36	2.32	2.27	2.23
64.5	3.17	3.34	3.19	3.15	3.10	3.06	3.02	2.98	2.94	2.89	2.85	2.81	2.77	2.73	2.68	2.64	2.60	2.56	2.52	2.47	2.43	2.39	2.35	2.31	2.26
65.0	3.20	3.37	3.22	3.18	3.14	3.10	3.05	3.01	2.97	2.93	2.89	2.84	2.80	2.76	2.72	2.68	2.63	2.59	2.55	2.51	2.47	2.42	2.38	2.34	2.30
65.5	3.23	3.40	3.26	3.21	3.17	3.13	3.09	3.05	3.00	2.96	2.92	2.88	2.84	2.79	2.75	2.71	2.67	2.63	2.59	2.54	2.50	2.46	2.42	2.37	2.33
66.0	3.27	3.44	3.29	3.25	3.21	3.17	3.12	3.08	3.04	3.00	2.95	2.91	2.87	2.83	2.79	2.75	2.70	2.66	2.62	2.58	2.54	2.49	2.45	2.41	2.37
66.5	3.30	3.47	3.33	3.28	3.24	3.20	3.16	3.12	3.07	3.03	2.99	2.95	2.91	2.87	2.83	2.79	2.75	2.70	2.66	2.62	2.57	2.53	2.49	2.44	2.40
67.0	3.34	3.51	3.36	3.32	3.28	3.23	3.19	3.15	3.11	3.07	3.02	2.98	2.94	2.90	2.86	2.81	2.77	2.73	2.69	2.65	2.60	2.56	2.52	2.48	2.44
67.5	3.37	3.54	3.39	3.35	3.31	3.27	3.23	3.18	3.14	3.10	3.06	3.02	2.97	2.93	2.89	2.85	2.81	2.76	2.72	2.68	2.64	2.60	2.55	2.51	2.47
68.0	3.41	3.58	3.43	3.39	3.34	3.30	3.26	3.22	3.18	3.13	3.09	3.05	3.01	2.97	2.92	2.88	2.84	2.80	2.76	2.71	2.67	2.63	2.59	2.55	2.50
68.5	3.44	3.61	3.46	3.42	3.38	3.34	3.29	3.25	3.21	3.17	3.13	3.08	3.04	3.00	2.96	2.92	2.87	2.83	2.79	2.75	2.71	2.66	2.62	2.58	2.54
69.0	3.47	3.64	3.50	3.46	3.41	3.37	3.33	3.28	3.24	3.20	3.16	3.12	3.08	3.04	3.00	2.96	2.92	2.87	2.83	2.78	2.74	2.70	2.66	2.62	2.57
69.5	3.51	3.68	3.53	3.49	3.45	3.41	3.36	3.32	3.28	3.24	3.20	3.15	3.11	3.07	3.03	2.99	2.94	2.90	2.86	2.82	2.78	2.73	2.69	2.65	2.61
70.0	3.54	3.71	3.57	3.52	3.48	3.44	3.40	3.36	3.31	3.27	3.23	3.19	3.15	3.10	3.06	3.02	2.98	2.94	2.89	2.85	2.81	2.77	2.73	2.68	2.64
70.5	3.58	3.75	3.60	3.56	3.52	3.47	3.43	3.39	3.35	3.31	3.26	3.22	3.18	3.14	3.10	3.05	3.01	2.97	2.93	2.89	2.84	2.80	2.76	2.72	2.68
71.0	3.61	3.78	3.63	3.59	3.55	3.51	3.47	3.42	3.38	3.34	3.30	3.26	3.21	3.17	3.13	3.09	3.05	3.00	2.96	2.92	2.88	2.84	2.79	2.75	2.71
71.5	3.65	3.82	3.67	3.63	3.59	3.54	3.50	3.46	3.42	3.37	3.33	3.29	3.25	3.21	3.16	3.12	3.08	3.04	3.00	2.95	2.91	2.87	2.83	2.79	2.74
72.0	3.66	3.85	3.70	3.66	3.62	3.58	3.53	3.49	3.45	3.41	3.37	3.32	3.28	3.24	3.20	3.16	3.11	3.07	3.03	2.99	2.95	2.90	2.86	2.82	2.78
72.5	3.71	3.90	3.74	3.70	3.66	3.62	3.58	3.54	3.50	3.46	3.42	3.37	3.33	3.29	3.25	3.21	3.16	3.12	3.08	3.04	3.00	2.96	2.92	2.88	2.84
73.0	3.75	3.92	3.77	3.73	3.69	3.65	3.60	3.56	3.52	3.48	3.44	3.39	3.35	3.31	3.27	3.23	3.18	3.14	3.10	3.06	3.02	2.97	2.93	2.89	2.85
73.5	3.78	3.95	3.81	3.76	3.72	3.68	3.64	3.60	3.55	3.51	3.47	3.43	3.39	3.34	3.30	3.26	3.22	3.18	3.13	3.09	3.05	3.01	2.97	2.92	2.88
74.0	3.82	3.99	3.84	3.80	3.76	3.71	3.67	3.63	3.59	3.55	3.50	3.46	3.42	3.38	3.34	3.29	3.25	3.21	3.17	3.13	3.08	3.04	3.00	2.96	2.92
74.5	3.85	4.02	3.87	3.83	3.79	3.75	3.71	3.66	3.62	3.58	3.54	3.50	3.45	3.41	3.37	3.33	3.29	3.24	3.20	3.16	3.12	3.08	3.03	2.99	2.95
75.0	3.89	4.06	3.91	3.87	3.82	3.78	3.74	3.70	3.66	3.61	3.57	3.53	3.49	3.45	3.40	3.36	3.32	3.28	3.24	3.19	3.15	3.11	3.07	3.03	2.98
75.5	3.92	4.09	3.94	3.90	3.86	3.82	3.77	3.73	3.69	3.65	3.61	3.56	3.52	3.48	3.44	3.40	3.35	3.31	3.27	3.23	3.19	3.14	3.10	3.06	3.02
76.0	3.95	4.12	3.90	3.84	3.80	3.75	3.71	3.67	3.63	3.59	3.54	3.50	3.46	3.42	3.38	3.34	3.30	3.26	3.22	3.18	3.14	3.10	3.05	3.01	2.97
76.5	3.99	4.16	4.01	3.97	3.93	3.89	3.84	3.80	3.76	3.72	3.68	3.63	3.59	3.55	3.51	3.47	3.42	3.38	3.34	3.30	3.26	3.21	3.17	3.13	3.09
77.0	4.02	4.19	4.05	4.00	3.96	3.92	3.88	3.84	3.79	3.75	3.														

NEW SECTION

WAC 296-62-14541 APPENDIX D—PULMONARY FUNCTION STANDARDS FOR COTTON DUST STANDARD. The spirometric measurements of pulmonary function shall conform to the following minimum standards, and these standards are not intended to preclude additional testing or alternate methods which can be determined to be superior.

(1) APPARATUS

(a) The instrument shall be accurate to within ± 50 milliliters or within ± 3 percent of reading, whichever is greater.

(b) The instrument should be capable of measuring vital capacity from 0 to 7 liters BTPS.

(c) The instrument shall have a low inertia and offer low resistance to airflow such that the resistance to airflow at 12 liters per second must be less than 1.5 cm. H₂O/liter/sec.

(d) The zero time point for the purpose of timing the FEV₁ shall be determined by extrapolating the steepest portion of the volume time curve back to the maximal inspiration volume (1, 2, 3, 4) or by an equivalent method.

(e) Instruments incorporating measurements of airflow to determine volume shall conform to the same volume accuracy stated in (a) of this subsection when presented with flow rates from at least 0 to 12 liters per second.

(f) The instrument or user of the instrument must have means of correcting volumes to a body temperature saturated with water vapor (BTPS) under conditions of varying ambient spirometer temperatures and barometric pressures.

(g) The instrument used shall provide a tracing or display of either flow versus volume or volume versus time during the entire forced expiration. A tracing or display is necessary to determine whether the patient has performed the test properly. The tracing must be stored and available for recall and must be of sufficient size that hand measurements may be made within requirement of paragraph (a) of this subsection. If a paper record is made it must have a paper speed of at least 2 cm/sec and a volume sensitivity of at least 10.0 mm of chart per liter of volume.

(h) The instrument shall be capable of accumulating for a minimum of ten seconds and shall not stop accumulating volume before (i) the volume change for a 0.5 second interval is less than 25 milliliters or (ii) the flow is less than 50 milliliters per second for a 0.5 second interval.

(i) The forced vital capacity (FVC) and forced inspiratory volume in 1 second (FEV_{1.0}) measurements shall comply with the accuracy requirements stated in paragraph (a) of this subsection. That is, they should be accurately measured to within ± 50 ml or within ± 3 percent of reading, whichever is greater.

(j) The instrument must be capable of being calibrated in the field with respect to the FEV₁ and FVC. This calibration of the FEV₁ and FVC may be either directly or indirectly through volume and time base measurements. The volume calibration source should provide a volume displacement of at least 2 liters and should be accurate to within ± 30 milliliters.

(2) TECHNIQUE FOR MEASUREMENT OF FORCED VITAL CAPACITY MANEUVER.

(a) Use of a nose clip is recommended but not required. The procedures shall be explained in simple terms to the patient who shall be instructed to loosen any tight clothing and stand in front of the apparatus. The subject may sit, but care should be taken on repeat testing that same position be used and, if possible, the same spirometer. Particular attention shall be given to insure that the chin is slightly elevated with the neck slightly extended. The patient shall be instructed to make a full inspiration from a normal breathing pattern and then blow into the apparatus, without interruption, as hard, fast, and completely as possible. At least three forced expirations shall be carried out. During the maneuvers, the patient shall be observed for compliance with instructions. The expirations shall be checked visually for reproducibility from flow-volume or volume-time tracings or displays. The following efforts shall be judged unacceptable when the patient:

(i) has not reached full inspiration preceding the forced expiration,

(ii) has not used maximal effort during the entire forced expiration,

(iii) has not continued the expiration for at least 5 seconds or until an obvious plateau in the volume time curve has occurred,

(iv) has coughed or closed his glottis,

(v) has an obstructed mouthpiece or a leak around the mouthpiece (obstruction due to tongue being placed in front of mouthpiece, false teeth falling in front of mouthpiece, etc.),

(vi) has an unsatisfactory start of expiration, one characterized by excessive hesitation (or false starts), and therefore not allowing back

extrapolation of time 0 (extrapolated volume on the volume time tracing must be less than 10 percent of the FVC),

(vii) has an excessive variability between the three acceptable curves. The variation between the two largest FVC's and FEV₁'s of the three satisfactory tracings should not exceed 10 percent or ± 100 milliliters, whichever is greater.

(b) Periodic and routine recalibration of the instrument or method for recording FVC and FEV_{1.0} should be performed using a syringe or other volume source of at least 2 liters.

(3) INTERPRETATION OF SPIROGRAM.

(a) The first step in evaluating a spirogram should be to determine whether or not the patient has performed the test properly or as described in subsection (2) of this section. From the three satisfactory tracings, the forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV_{1.0}) shall be measured and recorded. The largest observed FVC and largest observed FEV_{1.0} shall be used in the analysis regardless of the curve(s) on which they occur.

(b) The following guidelines are recommended by NIOSH for the evaluation and management of workers exposed to cotton dust. It is important to note that employees who show reductions in FEV₁/FVC ratio below .75 or drops in Monday FEV₁ of 5 percent or greater on their initial screening exam, should be reevaluated within a month of the first exam. Those who show consistent decrease in lung function, as shown on the following table, should be managed as recommended.

(4) QUALIFICATIONS OF PERSONNEL ADMINISTERING THE TEST.

Technicians who perform pulmonary function testing should have the basic knowledge required to produce meaningful results. Training consisting of approximately 16 hours of formal instruction should cover the following areas.

(a) Basic physiology of the forced vital capacity maneuver and the determinants of airflow limitation with emphasis on the relation to reproducibility of results.

(b) Instrumentation requirements including calibration procedures, sources of error and their correction.

(c) Performance of the testing including subject coaching, recognition of improperly performed maneuvers and corrective actions.

(d) Data quality with emphasis on reproducibility.

(e) Actual use of the equipment under supervised conditions.

(f) Measurement of tracings and calculations of results.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-14531 EXPOSURE TO COTTON DUST IN COTTON GINS.

WAC 296-62-146 APPENDICES.

WAC 296-62-14603 APPENDIX B-1—RESPIRATORY QUESTIONNAIRE.

NEW SECTION

WAC 296-62-07355 SCOPE AND APPLICATION. (1) WAC 296-62-07355 through 296-62-07389 applies to all occupational exposures to ethylene oxide (EtO), Chemical Abstracts Service Registry No. 75-21-8, except as provided in subsection (2) of this section.

(2) WAC 296-62-07355 through 296-62-07389 does not apply to the processing, use, or handling of products containing EtO where objective data are reasonably relied upon that demonstrate that the product is not capable of releasing EtO in airborne concentrations at or above the action level under the expected conditions of processing, use, or handling that will cause the greatest possible release.

(3) Where products containing EtO are exempted under subsection (2) of this section, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in WAC 296-62-07375 (1).

NEW SECTION

WAC 296-62-07357 DEFINITIONS. For the purpose of WAC 296-62-07355 through 296-62-07389, the following definitions shall apply:

(1) "Action level" means a concentration of airborne EtO of 0.5 ppm calculated as an eight-hour time-weighted average.

(2) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe

monitoring and measuring procedures under WAC 296-62-07377, or any other person authorized by chapter 49.17 RCW or regulations issued under chapter 49.17 RCW.

(3) "Director" means the director of the department of labor and industries, or designee.

(4) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that is likely to or does result in an unexpected significant release of EtO.

(5) "Employee exposure" means exposure to airborne EtO which would occur if the employee were not using respiratory protective equipment.

(6) "Ethylene oxide" or "EtO" means the three-membered ring organic compound with chemical formula C₂H₄O.

NEW SECTION

WAC 296-62-07359 PERMISSIBLE EXPOSURE LIMITS (PEL). Eight-hour time-weighted average (TWA). The employer shall ensure that no employee is exposed to an airborne concentration of EtO in excess of one part EtO per million parts of air (1 ppm) as an eight-hour time-weighted average. (Eight-hour TWA.)

NEW SECTION

WAC 296-62-07361 EXPOSURE MONITORING. (1) General.
(a) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the eight-hour TWA of each employee.

(b) Representative eight-hour TWA employee exposure shall be determined on the basis of one or more samples representing full-shift exposure for each shift for each job classification in each work area.

(c) Where the employer can document that exposure levels are equivalent for similar operations in different work shifts, the employer need only determine representative employee exposure for that operation during one shift.

(2) Initial monitoring.

(a) Each employer who has a workplace or work operation covered by WAC 296-62-07355 through 296-62-07389, except as provided in WAC 296-62-07355(2) or 296-62-07361 (2)(b), shall perform initial monitoring to determine accurately the airborne concentrations of EtO to which employees may be exposed.

(b) Where the employer has monitored after June 15, 1983, and the monitoring satisfies all other requirements of WAC 296-62-07355 through 296-62-07389, the employer may rely on such earlier monitoring results to satisfy the requirements of (a) of this subsection.

(3) Monitoring frequency (periodic monitoring).

(a) If the monitoring required by subsection (2) of this section reveals employee exposure at or above the action level but at or below the eight-hour TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(b) If the monitoring required by subsection (2)(a) of this section reveals employee exposure above the eight-hour TWA, the employer shall repeat such monitoring for each such employee at least every three months.

(c) The employer may alter the monitoring schedule from quarterly to semiannually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee's exposure has decreased to or below the eight-hour TWA.

(4) Termination of monitoring.

(a) If the initial monitoring required by subsection (2)(a) of this section reveals employee exposure to be below the action level, the employer may discontinue the monitoring for those employees whose exposures are represented by the initial monitoring.

(b) If the periodic monitoring required by subsection (3) of this section reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(5) Additional monitoring. Notwithstanding the provisions of subsection (4) of this section, the employer shall institute the exposure monitoring required under subsections (2)(a) and (3) of this section whenever there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures to EtO or when the employer has any reason to suspect that a change may result in new or additional exposures.

(6) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five

percent for airborne concentrations of EtO at the 1 ppm TWA and to within plus or minus thirty-five percent for airborne concentrations of EtO at the action level of 0.5 ppm.

(7) Employee notification of monitoring results.

(a) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under WAC 296-62-07355 through 296-62-07389, notify the affected employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(b) The written notification required by (a) of this subsection shall contain the corrective action being taken by the employer to reduce employee exposure to or below the PEL, wherever monitoring results indicated that the PEL has been exceeded.

NEW SECTION

WAC 296-62-07363 REGULATED AREAS. (1) The employer shall establish a regulated area wherever occupational exposures to airborne concentrations of EtO may exceed the TWA.

(2) Access to regulated areas shall be limited to authorized persons.

(3) Regulated areas shall be demarcated in any manner that minimizes the number of employees within the regulated area.

NEW SECTION

WAC 296-62-07365 METHODS OF COMPLIANCE. (1) Engineering controls and work practices.

(a) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the TWA, except to the extent that such controls are not feasible.

(b) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce employee exposure to or below the TWA, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07367.

(c) Engineering controls are generally infeasible for the following operations: Collection of quality assurance sampling from sterilized materials removal of biological indicators from sterilized materials; Loading and unloading of tank cars; changing of ethylene oxide tanks on sterilizers; and vessel cleaning. For these operations, engineering controls are required only where the director demonstrates that such controls are feasible.

(2) Compliance program.

(a) Where the TWA is exceeded, the employer shall establish and implement a written program to reduce employee exposure to or below the TWA by means of engineering and work practice controls, as required by subsection (1) of this section, and by the use of respiratory protection where required or permitted under WAC 296-62-07355 through 296-62-07389.

(b) The compliance program shall include a schedule for periodic leak detection surveys and a written plan for emergency situations, as specified in WAC 296-62-07369 (1)(a).

(c) Written plans for a program required in this subsection shall be developed and furnished upon request for examination and copying to the director, affected employees and designated employee representatives. Such plans shall be reviewed at least every twelve months, and shall be updated as necessary to reflect significant changes in the status of the employer's compliance program.

(d) The employer shall not implement a schedule of employee rotation as a means of compliance with the TWA.

NEW SECTION

WAC 296-62-07367 RESPIRATORY PROTECTION AND PERSONAL PROTECTIVE EQUIPMENT. (1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-07355 through 296-62-07389. Respirators shall be used in the following circumstances.

(a) During the interval necessary to install or implement feasible engineering and work practice controls;

(b) In work operations, such as maintenance and repair activities, vessel cleaning, or other activities for which engineering and work practice controls are not feasible;

(c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the TWA; and

(d) In emergencies.

(2) Respirator selection.

(a) Where respirators are required under WAC 296-62-07355 through 296-62-07389, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1, and shall ensure that the employee uses the respirator provided.

(b) The employer shall select respirators from among those jointly approved as being acceptable for protection against EtO by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(3) Respirator program. Where respiratory protection is required by WAC 296-62-07355 through 296-62-07389, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(4) Protective clothing and equipment. Where eye or skin contact with liquid EtO or EtO solutions may occur, the employer shall select and provide, at no cost to the employee, appropriate protective clothing or other equipment in accordance with WAC 296-24-07501 and 296-24-07801 and to protect any area of the body that may come in contact with liquid EtO or EtO in solution, and shall ensure that the employee wears the protective clothing and equipment provided.

NEW SECTION

WAC 296-62-07369 EMERGENCY SITUATIONS. (1) Written plan.

(a) A written plan for emergency situations shall be developed for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.

(b) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped with respiratory protection as required by WAC 296-62-07367 until the emergency is abated.

(c) The plan shall include the elements prescribed in WAC 296-24-567, "Employee emergency plans and fire prevention plans."

(2) Alerting employees. Where there is the possibility of employee exposure to EtO due to an emergency, means shall be developed to alert potentially affected employees of such occurrences promptly. Affected employees shall be immediately evacuated from the area in the event that an emergency occurs.

Table 1.—Minimum Requirements for Respiratory Protection for Airborne EtO

Condition of use or concentration of airborne EtO (ppm)	Minimum required respirator
Equal to or less than 50.	(a) Full facepiece respirator with EtO approved canister, front- or back-mounted.
Equal to or less than 2,000.	(a) Positive-pressure supplied air respirator, equipped with full facepiece, hood, or helmet, or
	(b) Continuous-flow supplied air respirator (positive pressure) equipped with hood, helmet or suit.
Concentration above 2,000 or unknown concentration (such as in emergencies).	(a) Positive-pressure self-contained breathing apparatus (SCBA), equipped with full facepiece, or
	(b) Positive-pressure full facepiece supplied air respirator equipped with an auxiliary positive-pressure self-contained breathing apparatus.
Firefighting	(a) Positive pressure self-contained breathing apparatus equipped with full facepiece.
Escape	(a) Any respirator described above.

Note.—Respirators approved for use in higher concentrations are permitted to be used in lower concentrations.

NEW SECTION

WAC 296-62-07371 MEDICAL SURVEILLANCE. (1) General.

(a) Employees covered.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed to EtO at or above the action

level, without regard to the use of respirators, for at least thirty days a year.

(ii) The employer shall make available medical examinations and consultations to all employees who have been exposed to EtO in an emergency situation.

(b) Examination by a physician. The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(2) Medical examinations and consultations.

(a) Frequency. The employer shall make available medical examinations and consultations to each employee covered under subsection (1)(a) of this section on the following schedules:

(i) Prior to assignment of the employee to an area where exposure may be at or above the action level for at least thirty days a year.

(ii) At least annually each employee exposed at or above the action level for at least thirty days in the past year.

(iii) At termination of employment or reassignment to an area where exposure to EtO is not at or above the action level for at least thirty days a year.

(iv) As medically appropriate for any employee exposed during an emergency.

(v) As soon as possible, upon notification by an employee either (A) that the employee has developed signs or symptoms indicating possible overexposure to EtO, or (B) that the employee desires medical advice concerning the effects of current or past exposure to EtO on the employee's ability to produce a healthy child.

(vi) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies recommended by the physician.

(b) Content.

(i) Medical examinations made available pursuant to (a) (i) through (iv) of this subsection shall include:

(A) A medical and work history with special emphasis directed to symptoms related to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(B) A physical examination with particular emphasis given to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(C) A complete blood count to include at least a white cell count (including differential cell count), red cell count, hematocrit, and hemoglobin.

(D) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

(ii) The content of medical examinations or consultation made available pursuant to (a)(i)(v) of this subsection shall be determined by the examining physician, and shall include pregnancy testing or laboratory evaluation of fertility, if requested by the employee and deemed appropriate by the physician.

(3) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of WAC 296-62-07355 through 296-62-07389.

(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(4) Physician's written opinion.

(a) The employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to EtO;

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators; and

(iii) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from EtO exposure that require further explanation or treatment.

(b) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to EtO.

(c) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days from its receipt.

NEW SECTION

WAC 296-62-07373 COMMUNICATION OF ETO HAZARDS TO EMPLOYEES. (1) Signs and labels.

(a) The employer shall post and maintain legible signs demarcating regulated areas and entrances or accessways to regulated areas that bear the following legend:

DANGER
ETHYLENE OXIDE
CANCER HAZARD AND REPRODUCTIVE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE REQUIRED
TO BE WORN IN THIS AREA

(b) The employer shall ensure that precautionary labels are affixed to all containers of EtO whose contents are capable of causing employee exposure at or above the action level, and that the labels remain affixed when the containers of EtO leave the workplace. For the purposes of this subsection, reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers. The labels shall comply with the requirements of WAC 296-62-05411 of WISHA's hazard communication standard, and shall include the following legend:

(i)

DANGER
CONTAINS ETHYLENE OXIDE
CANCER HAZARD AND REPRODUCTIVE HAZARD; and

(ii) A warning statement against breathing airborne concentrations of EtO.

(c) The labeling requirements under WAC 296-62-07355 through 296-62-07389 do not apply where EtO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when it is labeled pursuant to that act and regulations issued under that act by the Environmental Protection Agency.

(2) Material safety data sheets. Employers who are manufacturers or importers of EtO shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413 of the hazard communication standard.

(3) Information and training.

(a) The employer shall provide employees who are potentially exposed to EtO at or above the action level with information and training on EtO at the time of initial assignment and at least annually thereafter.

(b) Employees shall be informed of the following:

(i) The requirements of WAC 296-62-07353 through 296-62-07389 with an explanation of its contents, including Appendices A and B;

(ii) Any operations in their work area where EtO is present;

(iii) The location and availability of the written EtO final rule; and

(iv) The medical surveillance program required by WAC 296-62-07371 with an explanation of the information in Appendix C.

(c) Employee training shall include at least:

(i) Methods and observations that may be used to detect the presence or release of EtO in the work area (such as monitoring conducted by the employer, continuous monitoring devices, etc.);

(ii) The physical and health hazards of EtO;

(iii) The measures employees can take to protect themselves from hazards associated with EtO exposure, including specific procedures the employer has implemented to protect employees from exposure to EtO, such as work practices, emergency procedures, and personal protective equipment to be used; and

(iv) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and how employees can obtain and use the appropriate hazard information.

NEW SECTION

WAC 296-62-07375 RECORDKEEPING. (1) Objective data for exempted operations.

(a) Where the processing, use, or handling of products made from or containing EtO are exempted from other requirements of WAC 296-62-07355 through 296-62-07389 under WAC 296-62-07355, or

where objective data have been relied on in lieu of initial monitoring under WAC 296-62-07361 (2)(b), the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(b) This record shall include at least the following information:

(i) The product qualifying for exemption;

(ii) The source of the objective data;

(iii) The testing protocol, results of testing, and/or analysis of the material for the release of EtO;

(iv) A description of the operation exempted and how the data support the exemption; and

(v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(2) Exposure measurements.

(a) The employer shall keep an accurate record of all measurements taken to monitor employee exposure to EtO as prescribed in WAC 296-62-07361.

(b) This record shall include at least the following information:

(i) The date of measurement;

(ii) The operation involving exposure to EtO which is being monitored;

(iii) Sampling and analytical methods used and evidence of their accuracy;

(iv) Number, duration, and results of samples taken;

(v) Type of protective devices worn, if any; and

(vi) Name, Social Security number and exposure of the employees whose exposures are represented.

(c) The employer shall maintain this record for at least thirty years, in accordance with WAC 296-62-05207.

(3) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by WAC 296-62-07371 (1)(a), in accordance with WAC 296-62-05207.

(b) The record shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physicians' written opinions;

(iii) Any employee medical complaints related to exposure to EtO; and

(iv) A copy of the information provided to the physician as required by WAC 296-62-07371(3).

(c) The employer shall ensure that this record is maintained for the duration of employment plus thirty years, in accordance with WAC 296-62-05207.

(4) Availability.

(a) The employer, upon written request, shall make all records required to be maintained by WAC 296-62-07355 through 296-62-07389 available to the director for examination and copying.

(b) The employer, upon request, shall make any exemption and exposure records required by WAC 296-62-07377 (1) and (2) available for examination and copying to affected employees, former employees, designated representatives and the director, in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) The employer, upon request, shall make employee medical records required by subsection (3) of this section available for examination and copying to the subject employee, anyone having the specific written consent of the subject employee, and the director, in accordance with WAC 296-62-052.

(5) Transfer of records.

(a) The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director at least ninety days prior to disposal and transmit them to the director.

NEW SECTION

WAC 296-62-07377 OBSERVATION OF MONITORING. (1) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to EtO conducted in accordance with WAC 296-62-07361.

(2) Observation procedures. When observation of the monitoring of employee exposure to EtO requires entry into an area where the use of

protective clothing or equipment is required, the observer shall be provided with and be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

NEW SECTION

WAC 296-62-07379 DATES. (1) Effective date. WAC 296-62-07355 through 296-62-07389 shall become effective thirty days after filing with the code reviser.

(2) Start-up dates.

(a) The requirements of WAC 296-62-07359 through 296-62-07377, including feasible work practice controls but not including engineering controls specified in WAC 296-62-07365(1), shall be complied with within one hundred eighty days after the effective date of WAC 296-62-07355 through 296-62-07389.

(b) Engineering controls specified by WAC 296-62-07365(1) shall be implemented within one year after the effective date of WAC 296-62-07355 through 296-62-07389.

NEW SECTION

WAC 296-62-07381 APPENDICES. The information contained in the appendices is not intended by itself to create any additional obligations not otherwise imposed or to detract from any existing obligation.

NEW SECTION

WAC 296-62-07383 APPENDIX A—SUBSTANCE SAFETY DATA SHEET FOR ETHYLENE OXIDE (NONMANDATORY).

I. Substance Identification

A. Substance: Ethylene oxide (C₂H₄O).

B. Synonyms: dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyclopropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

C. Ethylene oxide can be found as a liquid or vapor.

D. EtO is used in the manufacture of ethylene glycol, surfactants, ethanolamines, glycol ethers, and other organic chemicals. EtO is also used as a sterilant and fumigant.

E. Appearance and odor: Colorless liquid below 10.7°C (51.3°F) or colorless gas with ether-like odor detected at approximately 700 parts EtO per million parts of air (700 ppm).

F. Permissible exposure: Exposure may not exceed 1 part EtO per million parts of air averaged over the 8-hour work day.

II. Health Hazard Data

A. Ethylene oxide can cause bodily harm if you inhale the vapor, if it comes into contact with your eyes or skin, or if you swallow it.

B. Effects of overexposure:

1. Ethylene oxide in liquid form can cause eye irritation and injury to the cornea, frostbite, and severe irritation and blistering of the skin upon prolonged or confined contact. Ingestion of EtO can cause gastric irritation and liver injury. Acute effects from inhalation of EtO vapors include respiratory irritation and lung injury, headache, nausea, vomiting, diarrhea, shortness of breath, and cyanosis (blue or purple coloring of skin). Exposure has also been associated with the occurrence of cancer, reproductive effects, mutagenic changes, neurotoxicity, and sensitization.

1. EtO has been shown to cause cancer in laboratory animals and has been associated with higher incidences of cancer in humans. Adverse reproductive effects and chromosome damage may also occur from EtO exposure.

a. Reporting signs and symptoms: You should inform your employer if you develop any signs or symptoms and suspect that they are caused by exposure to EtO.

III. Emergency First Aid Procedures

A. Eye exposure: If EtO gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper eyelids. Get medical attention immediately. Contact lenses should not be worn when working with this chemical.

B. Skin exposure: If EtO gets on your skin, immediately wash the contaminated skin with water. If EtO soaks through your clothing, especially your shoes, remove the clothing immediately and wash the skin with water using an emergency deluge shower. Get medical attention immediately. Thoroughly wash contaminated clothing before reusing. Contaminated leather shoes or other leather articles should not be reused and should be discarded.

C. Inhalation: If large amounts of EtO are inhaled, the exposed person must be moved to fresh air at once. If breathing has stopped, perform cardiopulmonary resuscitation. Keep the affected person warm and at rest. Get medical attention immediately.

D. Swallowing: When EtO has been swallowed, give the person large quantities of water immediately. After the water has been swallowed, try to get the person to vomit by having him or her touch the back of the throat with his or her finger. Do not make an unconscious person vomit. Get medical attention immediately.

E. Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, attempt rescue only after notifying at least one other person of the emergency and putting into effect established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the location of the emergency equipment before the need arises.

IV. Respirators and Protective Clothing

A. Respirators: You may be required to wear a respirator for non-routine activities, in emergencies, while your employer is in the process of reducing EtO exposure through engineering controls, and where engineering controls are not feasible. As of the effective date of the standard, only air supplied positive-pressure, full-facepiece respirators are approved for protection against EtO. If air-purifying respirators are worn in the future, they must have a joint Mine Safety and Health Administration (MSHA) and National Institute for Occupational Safety and Health (NIOSH) label of approval for use with ethylene oxide. For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required.

EtO does not have a detectable odor except at levels well above the permissible exposure limits. If you can smell EtO while wearing a respirator, proceed immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. Protective clothing: You may be required to wear impermeable clothing, gloves, a face shield, or other appropriate protective clothing to prevent skin contact with liquid EtO or EtO-containing solutions. Where protective clothing is required, your employer must provide clean garments to you as necessary to assure that the clothing protects you adequately.

Replace or repair protective clothing that has become torn or otherwise damaged.

EtO must never be allowed to remain on the skin. Clothing and shoes which are not impermeable to EtO should not be allowed to become contaminated with EtO, and if they do, the clothing should be promptly removed and decontaminated. Contaminated leather shoes should be discarded. Once EtO penetrates shoes or other leather articles, they should not be worn again.

C. Eye protection: You must wear splashproof safety goggles in areas where liquid EtO or EtO-containing solutions may contact your eyes. In addition, contact lenses should not be worn in areas where eye contact with EtO can occur.

V. Precautions for Safe Use, Handling, and Storage

A. EtO is a flammable liquid, and its vapors can easily form explosive mixtures in air.

B. EtO must be stored in tightly closed containers in a cool, well-ventilated area, away from heat, sparks, flames, strong oxidizers, alkalines, and acids, strong bases, acetylide forming metals such as copper, silver, mercury and their alloys.

C. Sources of ignition such as smoking material, open flames and some electrical devices are prohibited wherever EtO is handled, used, or stored in a manner that could create a potential fire or explosion hazard.

D. You should use non-sparking tools when opening or closing metal containers of EtO, and containers must be bonded and grounded in the rare instances in which liquid EtO is poured or transferred.

E. Impermeable clothing wet with liquid EtO or EtO-containing solutions may be easily ignited. If you are wearing impermeable clothing and are splashed with liquid EtO or EtO-containing solution, you should immediately remove the clothing while under an emergency deluge shower.

F. If your skin comes into contact with liquid EtO or EtO-containing solutions, you should immediately remove the EtO using an emergency deluge shower.

G. You should not keep food, beverages, or smoking materials in regulated areas where employee exposures are above the permissible exposure limits.

H. Fire extinguishers and emergency deluge showers for quick drenching should be readily available, and you should know where they are and how to operate them.

I. Ask your supervisor where EtO is used in your work area and for any additional plant safety and health rules.

VI. Access to Information

A. Each year, your employer is required to inform you of the information contained in this standard and appendices for EtO. In addition, your employer must instruct you in the proper work practices for using EtO emergency procedures, and the correct use of protective equipment.

B. Your employer is required to determine whether you are being exposed to EtO. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits.

C. Your employer is required to keep records of your exposures and medical examinations. These exposure records must be kept by the employer for at least thirty (30) years. Medical records must be kept for the period of your employment plus thirty (30) years.

D. Your employer is required to release your exposure and medical records to your physician or designated representative upon your written request.

VII. Sterilant Use of EtO in Hospitals and Health Care Facilities.

This section of Appendix A, for informational purposes, sets forth EPA's recommendations for modifications in workplace design and practice in hospitals and health care facilities for which the Environmental Protection Agency has registered EtO for uses as a sterilant or fumigant under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq. These new recommendations, published in the Federal Register by EPA at 49 FR 15268, as modified in today's Register, are intended to help reduce the exposure of hospital and health care workers to EtO to 1 ppm. EPA's recommended workplace design and workplace practice are as follows:

1. Workplace Design

a. Installation of gas line hand valves. Hand valves must be installed on the gas supply line at the connection to the supply cylinders to minimize leakage during cylinder change.

b. Installation of capture boxes. Sterilizer operations result in a gas/water discharge at the completion of the process. This discharge is routinely piped to a floor drain which is generally located in an equipment or an adjacent room. When the floor drain is not in the same room as the sterilizer and workers are not normally present, all that is necessary is that the room be well ventilated.

The installation of a "capture box" will be required for those work place layouts where the floor drain is located in the same room as the sterilizer or in a room where workers are normally present. A "capture box" is a piece of equipment that totally encloses the floor drain where the discharge from the sterilizer is pumped. The "capture box" is to be vented directly to a non-recirculating or dedicated ventilation system. Sufficient air intake should be allowed at the bottom of the box to handle the volume of air that is ventilated from the top of the box. The "capture box" can be made of metal, plastic, wood or other equivalent material. The box is intended to reduce levels of EtO discharged into the work room atmosphere. The use of a "capture box" is not required if: (1) The vacuum pump discharge floor drain is located in a well ventilated equipment or other room where workers are not normally present or (2) the water sealed vacuum pump discharges directly to a closed sealed sewer line (check local plumbing codes).

If it is impractical to install a vented "capture box" and a well ventilated equipment or other room is not feasible, a box that can be sealed over the floor drain may be used if: (1) The floor drain is located in a room where workers are not normally present and EtO cannot leak into an occupied area, and (2) the sterilizer in use is less than 12 cubic feet in capacity (check local plumbing codes.)

c. Ventilation of aeration units.

i. Existing aeration units. Existing units must be vented to a non-recirculating or dedicated system or vented to an equipment or other room where workers are not normally present and which is well ventilated. Aerator units must be positioned as close as possible to the sterilizer to minimize the exposure from the off-gassing of sterilized items.

ii. Installation of new aerator units (where none exist). New aerator units must be vented as described above for existing aerators. Aerators must be in place by July 1, 1986.

d. Ventilation during cylinder change. Workers may be exposed to short but relatively high levels of EtO during the change of gas cylinders. To reduce exposure from this route, users must select one of three alternatives designed to draw off gas that may be released when the line from the sterilizer to the cylinder is disconnected:

i. Location of cylinders in a well ventilated equipment room or other room where workers are not normally present.

ii. Installation of a flexible hose (at least 4" in diameter) to a non-recirculating or dedicated ventilation system and located in the area of cylinder change in such a way that the hose can be positioned at the point where the sterilizer gas line is disconnected from the cylinder.

iii. Installation of a hood that is part of a non-recirculating or dedicated system and positioned no more than one foot above the point where the change of cylinders takes place.

e. Ventilation of sterilizer door area. One of the major sources of exposure to EtO occurs when the sterilizer door is opened following the completion of the sterilization process. In order to reduce this avenue of exposure, a hood or metal canopy closed on each end must be installed over the sterilizer door. The hood or metal canopy must be connected to a non-recirculating or dedicated ventilation system or one that exhausts gases to a well ventilated equipment or other room where workers are not normally present. A hood or canopy over the sterilizer door is required for use even with those sterilizers that have a purge cycle and must be in place by July 1, 1986.

f. Ventilation of sterilizer relief valve. Sterilizers are typically equipped with a safety relief device to release gas in case of increased pressure in the sterilizer. Generally, such relief devices are used on pressure vessels. Although these pressure relief devices are rarely opened for hospital and health care sterilizers, it is suggested that they be designed to exhaust vapor from the sterilizer by one of the following methods:

i. Through a pipe connected to the outlet of the relief valve ventilated directly outdoors at a point high enough to be away from passers by, and not near any windows that open, or near any air conditioning or ventilation air intakes.

ii. Through a connection to an existing or new nonrecirculating or dedicated ventilation system.

iii. Through a connection to a well ventilated equipment or other room where workers are not normally present.

g. Ventilation systems. Each hospital and health care facility affected by this notice that uses EtO for the sterilization of equipment and supplies must have a ventilation system which enables compliance with the requirements of section (b) through (f) in the manner described in these sections and within the timeframes allowed. Thus, each affected hospital and health care facility must have or install a nonrecirculating or dedicated ventilation equipment or other room where workers are not normally present in which to vent EtO.

h. Installation of alarm systems. An audible and visual indicator alarm system must be installed to alert personnel of ventilation system failures, i.e., when the ventilation fan motor is not working.

2. Workplace Practices

All the workplace practices discussed in this unit must be permanently posted near the door of each sterilizer prior to use by any operator.

a. Changing of supply line filters.

Filters in the sterilizer liquid line must be changed when necessary, by the following procedure:

i. Close the cylinder valve and the hose valve.

ii. Disconnect the cylinder hose (piping) from the cylinder.

iii. Open the hose valve and bleed slowly into a proper ventilating system at or near the in-use supply cylinders.

iv. Vacate the area until the line is empty.

v. Change the filter.

vi. Reconnect the lines and reverse the valve position.

vii. Check hoses, filters, and valves for leaks with a fluorocarbon leak detector (for those sterilizers using the 88 percent chlorofluorocarbon, 12 percent ethylene oxide mixture (12/88)).

b. Restricted access area.

i. Areas involving use of EtO must be designated as restricted access areas. They must be identified with signs or floor marks near the sterilizer door, aerator, vacuum pump floor drain discharge, and in-use cylinder storage.

ii. All personnel must be excluded from the restricted area when certain operations are in progress, such as discharging a vacuum pump, emptying a sterilizer liquid line, or venting a non-purge sterilizer with the door ajar or other operations where EtO might be released directly into the face of workers.

c. Door opening procedures.

i. Sterilizers with purge cycles. A load treated in a sterilizer equipped with a purge cycle should be removed immediately upon completion of the cycle (provided no time is lost opening the door after cycle is completed). If this is not done, the purge cycle should be repeated before opening door.

ii. Sterilizers without purge cycles. For a load treated in a sterilizer not equipped with a purge cycle, the sterilizer door must be ajar 6" for 15 minutes, and then fully opened for at least another 15 minutes before removing the treated load. The length of time of the second period should be established by peak monitoring for one hour after the two 15-minute periods suggested. If the level is above 10 ppm time-weighted average for 8 hours, more time should be added to the second waiting period (door wide open). However, in no case may the second period be shortened to less than 15 minutes.

d. Chamber unloading procedures.

i. Procedures for unloading the chamber must include the use of baskets or rolling carts, or baskets and rolling tables to transfer treated loads quickly, thus avoiding excessive contact with treated articles, and reducing the duration of exposures.

ii. If rolling carts are used, they should be pulled not pushed by the sterilizer operators to avoid offgassing exposure.

e. Maintenance. A written log should be instituted and maintained documenting the date of each leak detection and any maintenance procedures undertaken. This is a suggested use practice and is not required.

i. Leak detection. Sterilizer door gaskets, cylinder and vacuum piping, hoses, filters, and valves must be checked for leaks under full pressure with a Fluorocarbon leak detector (for 12/88 systems only) every two weeks by maintenance personnel. Also, the cylinder piping connections must be checked after changing cylinders. Particular attention in leak detection should be given to the automatic solenoid valves that control the flow of EtO to the sterilizer. Specifically, a check should be made at the EtO gasline entrance port to the sterilizer, while the sterilizer door is open and the solenoid valves are in a closed position.

ii. Maintenance procedures. Sterilizer/aerator door gaskets, valves, and fittings must be replaced when necessary as determined by maintenance personnel in their biweekly checks; in addition, visual inspection of the door gaskets for cracks, debris, and other foreign substances should be conducted daily by the operator.

NEW SECTION

WAC 296-62-07385 APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES FOR ETHYLENE OXIDE (NONMANDATORY). I. Physical and Chemical Data

A. Substance identification:

1. Synonyms: dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyclopropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

2. Formula: (C₂H₄O).

3. Molecular weight: 44.06

B. Physical data:

1. Boiling point (760 mm Hg): 10.70°C (51.3°F);

2. Specific gravity (water = 1): 0.87 (at 20°C or 68°F);

3. Vapor density (air = 1): 1.49;

4. Vapor pressure (at 20°C): 1,095 mm Hg;

5. Solubility in water: complete;

6. Appearance and odor: colorless liquid; gas at temperature above 10.7°F or 51.3°C with ether-like odor above 700 ppm.

II. Fire, Explosion, and Reactivity Hazard Data

A. Fire;

1. Flash point; less than 0°F (open cup);

2. Stability: decomposes violently at temperatures above 800°F;

3. Flammable limits in air, percent by volume: Lower: 3, Upper: 100;

4. Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires;

5. Special fire fighting procedures: Dilution of ethylene oxide with 23 volumes of water renders it non-flammable;

6. Unusual fire and explosion hazards: Vapors of EtO will burn without the presence of air or other oxidizers. EtO vapors are heavier than air and may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which EtO is being used.

7. For purposes of compliance with the requirements of 29 CFR 1910.106, EtO is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

8. For purposes of compliance with 29 CFR 1910.155, EtO is classified as a Class B fire hazard.

9. For purpose of compliance with 29 CFR 1919.307, locations classified as hazardous due to the presence of EtO shall be Class I.

B. Reactivity:

1. Conditions contributing to instability: EtO will polymerize violently if contaminated with aqueous alkalis, amines, mineral acids, metal chlorides, or metal oxides. Violent decomposition will also occur at temperatures above 800 °F;

2. Incompatibilities: Alkalines and acids;

3. Hazardous decomposition products: Carbon monoxide and carbon dioxide.

III. Spill, Leak, and Disposal Procedures

A. If EtO is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. The area should be evacuated at once and re-entered only after the area has been thoroughly ventilated and washed down with water.

B. Persons not wearing appropriate protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

C. Waste disposal method: Waste material should be disposed of in a manner that is not hazardous to employees or to the general population. In selecting the method of waste disposal, applicable local, State, and Federal regulations should be consulted.

IV. Monitoring and Measurement Procedures

A. Exposure above the Permissible Exposure limit:

1. Eight-hour exposure evaluation: Measurements taken for the purpose of determining employee exposure under this section are best taken with consecutive samples covering the full shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee.)

2. Monitoring techniques: The sampling and analysis under this section may be performed by collection of the EtO vapor on charcoal adsorption tubes or other composition adsorption tubes, with subsequent chemical analysis. Sampling and analysis may also be performed by instruments such as real time continuous monitoring systems, portable direct reading instruments, or passive dosimeters as long as measurements taken using these methods accurately evaluate the concentration of EtO in employees' breathing zones.

Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with EtO. Other available methods are also described in Appendix D. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring should be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of EtO at 1 ppm, and to plus or minus 35 percent for concentrations at 0.5 ppm. In addition to the method described in Appendix D, there are numerous other methods available for monitoring for EtO in the workplace. Details on these other methods have been submitted by various companies to the rulemaking record, and are available at the OSHA Docket Office.

B. Since many of the duties relating to employee exposure are dependent on the results of measurement procedures, employers should assure that the evaluation of employee exposures is performed by a technically qualified person.

V. Protective Clothing and Equipment

Employees should be provided with and be required to wear appropriate protective clothing wherever there is significant potential for skin contact with liquid EtO or EtO-containing solutions. Protective clothing shall include impermeable coveralls or similar full-body work clothing, gloves, and head coverings, as appropriate to protect areas of the body which may come in contact with liquid EtO or EtO-containing solutions.

Employers should ascertain that the protective garments are impermeable to EtO. Permeable clothing, including items made of rubber, and leather shoes should not be allowed to become contaminated with

liquid EtO. If permeable clothing does become contaminated, it should be immediately removed, while the employer is under an emergency deluge shower. If leather footwear or other leather garments become wet from EtO they should be discarded and not be worn again, because leather absorbs EtO and holds it against the skin.

Any protective clothing that has been damaged or is otherwise found to be defective should be repaired or replaced. Clean protective clothing should be provided to the employee as necessary to assure employee protection. Whenever impermeable clothing becomes wet with liquid EtO, it should be washed down with water before being removed by the employee. Employees are also required to wear splashproof safety goggles where there is any possibility of EtO contacting the eyes.

VI. Miscellaneous Precautions

- A. Store EtO in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.
- B. Non-sparking tools must be used to open and close metal containers. These containers must be effectively grounded and bonded.
- C. Do not incinerate EtO cartridges, tanks or other containers.
- D. Employers should advise employees of all areas and operations where exposure to EtO occurs.

VII. Common Operations

Common operations in which exposure to EtO is likely to occur include the following: Manufacture of EtO, surfactants, ethanolamines, glycol ethers, and specialty chemicals, and use as a sterilant in the hospital, health product and spice industries.

NEW SECTION

WAC 296-62-07387 APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR ETHYLENE OXIDE (NONMANDATORY).

I. Route of Entry

Inhalation.

II. Toxicology

Clinical evidence of adverse effects associated with the exposure to EtO is present in the form of increased incidence of cancer in laboratory animals (leukemia, stomach, brain), mutation in offspring in animals, and resorptions and spontaneous abortions in animals and human populations respectively. Findings in humans and experimental animals exposed to airborne concentrations of EtO also indicate damage to the genetic material (DNA). These include hemoglobin alkylation, unscheduled DNA synthesis, sister chromatid exchange chromosomal aberration, and functional sperm abnormalities.

Ethylene oxide in liquid form can cause eye irritation and injury to the cornea, frostbite, severe irritation, and blistering of the skin upon prolonged or confined contact. Ingestion of EtO can cause gastric irritation and liver injury. Other effects from inhalation of EtO vapors include respiratory irritation and lung injury, headache, nausea, vomiting, diarrhea, dyspnea and cyanosis.

III. Signs and Symptoms of Acute Overexposure

The early effects of acute overexposure to EtO are nausea and vomiting, headache, and irritation of the eyes and respiratory passages. The patient may notice a "peculiar taste" in the mouth. Delayed effects can include pulmonary edema, drowsiness, weakness, and incoordination. Studies suggest that blood cell changes, an increase in chromosomal aberrations, and spontaneous abortion may also be casually related to acute overexposure to EtO.

Skin contact with liquid or gaseous EtO causes characteristic burns and possible even an allergic-type sensitization. The edema and erythema occurring from skin contact with EtO progress to vesiculation with a tendency to coalesce into blebs with desquamation. Healing occurs within three weeks, but there may be a residual brown pigmentation. A 40-80% solution is extremely dangerous, causing extensive blistering after only brief contact. Pure liquid EtO causes frostbite because of rapid evaporation. In contrast, the eye is relatively insensitive to EtO, but there may be some irritation of the cornea.

Most reported acute effects of occupational exposure to EtO are due to contact with EtO in liquid phase. The liquid readily penetrates rubber and leather, and will produce blistering if clothing or footwear contaminated with EtO are not removed.

IV. Surveillance and Preventive Considerations

As noted above, exposure to EtO has been linked to an increased risk of cancer and reproductive effects including decreased male fertility, fetotoxicity, and spontaneous abortion. EtO workers are more likely to have chromosomal damage than similar groups not exposed to EtO. At the present, limited studies of chronic effects in humans resulting from exposure to EtO suggest a causal association with leukemia. Animal studies indicate leukemia and cancers at other sites (brain, stomach) as well. The physician should be aware of the findings of these studies in evaluating the health of employees exposed to EtO.

Adequate screening tests to determine an employee's potential for developing serious chronic diseases, such as cancer, from exposure to EtO do not presently exist. Laboratory tests may, however, give evidence to suggest that an employee is potentially overexposed to EtO. It is important for the physician to become familiar with the operating conditions in which exposure to EtO is likely to occur. The physician also must become familiar with the signs and symptoms that indicate a worker is receiving otherwise unrecognized and unacceptable exposure to EtO. These elements are especially important in evaluating the medical and work histories and in conducting the physical exam. When an unacceptable exposure in an active employee is identified by the physician, measures taken by the employer to lower exposure should also lower the risk of serious long-term consequences.

The employer is required to institute a medical surveillance program for all employees who are or will be exposed to EtO at or above the action level (0.5 ppm) for at least 30 days per year, without regard to respirator use. All examinations and procedures must be performed by or under the supervision of a licensed physician at a reasonable time and place for the employee and at no cost to the employee.

Although broad latitude in prescribing specific tests to be included in the medical surveillance program is extended to the examining physician, OSHA requires inclusion of the following elements in the routine examination:

- (i) Medical and work histories with special emphasis directed to symptoms related to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.
- (ii) Physical examination with particular emphasis given to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.
- (iii) Complete blood count to include at least a white cell count (including differential cell count), red cell count, hematocrit, and hemoglobin.
- (iv) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

If requested by the employee, the medical examinations shall include pregnancy testing or laboratory evaluation of fertility as deemed appropriate by the physician.

In certain cases, to provide sound medical advice to the employer and the employee, the physician must evaluate situations not directly related to EtO. For example, employees with skin diseases may be unable to tolerate wearing protective clothing. In addition those with chronic respiratory diseases may not tolerate the wearing of negative pressure (air purifying) respirators. Additional tests and procedures that will help the physician determine which employees are medically unable to wear such respirators should include: An evaluation of cardiovascular function, a baseline chest x-ray to be repeated at five year intervals, and a pulmonary function test to the repeated every three years. The pulmonary function test should include measurement of the employee's forced vital capacity (FVC), forced expiratory volume at one second (FEV1), as well as calculation of the ratios of FEV1 to FVC, and measured FVC and measured FEV1 to expected values corrected for variation due to age, sex, race, and height.

The employer is required to make the prescribed tests available at least annually to employees who are or will be exposed at or above the action level, for 30 or more days per year; more often than specified if recommended by the examining physician; and upon the employee's termination of employment or reassignment to another work area. While little is known about the long-term consequences of high short-term exposures, it appears prudent to monitor such affected employees closely in light of existing health data. The employer shall provide physician recommended examinations to any employee exposed to EtO in emergency conditions. Likewise, the employer shall make available medical consultations including physician recommended exams to employees who believe they are suffering signs or symptoms of exposure to EtO.

The employer is required to provide the physician with the following information: a copy of this standard and its appendices; a description

of the affected employee's duties as they relate to the employee exposure level; and information from the employee's previous medical examinations which is not readily available to the examining physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, when required.

The employer is required to obtain a written opinion from the examining physician containing the results of the medical examinations; the physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of his or her health from exposure to EtO; any recommended restrictions upon the employee's exposure to EtO, or upon the use of protective clothing or equipment such as respirators; and a statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to occupational exposure to EtO, and a copy of the opinion must be provided to the affected employee.

The purpose in requiring the examining physician to supply the employer with a written opinion is to provide the employer with a medical basis to aid in the determination of initial placement of employees and to assess the employee's ability to use protective clothing and equipment.

NEW SECTION

WAC 296-62-07389 APPENDIX D—SAMPLING AND ANALYTICAL METHODS FOR ETHYLENE OXIDE (NONMANDATORY).

A number of methods are available for monitoring employee exposures to EtO. Most of these involve the use of charcoal tubes and sampling pumps, followed by analysis of the samples by gas chromatograph. The essential differences between the charcoal tube methods include, among others, the use of different desorbing solvents, the use of different lots of charcoal, and the use of different equipment for analysis of the samples.

Besides charcoal, methods using passive dosimeters, gas sampling bags, impingers, and detector tubes have been utilized for determination of EtO exposure. In addition, there are several commercially available portable gas analyzers and monitoring units.

This appendix contains details for the method which has been tested at the OSHA Analytical Laboratory in Salt Lake City. Inclusion of this method in the appendix does not mean that this method is the only one which will be satisfactory. Copies of descriptions of other methods available are available in the rulemaking record, and may be obtained from the OSHA Docket Office. These include the Union Carbide, Dow Chemical, 3M, and DuPont methods, as well as NIOSH Method S-286. These methods are briefly described at the end of this appendix.

Employers who note problems with sample breakthrough using the OSHA or other charcoal methods should try larger charcoal tubes. Tubes of larger capacity are available. In addition, lower flow rates and shorter sampling times should be beneficial in minimizing breakthrough problems. Whatever method the employer chooses, he must assure himself of the method's accuracy and precision under the unique conditions present in his workplace.

Ethylene Oxide

Method No.: 30.

Matrix: Air.

Target Concentration: 1.0 ppm (1.8 mg/m³)

Procedure: Samples are collected on two charcoal tubes in series and desorbed with 1% CS₂ in benzene. The samples are derivatized with HBr and treated with sodium carbonate. Analysis is done by gas chromatography with an electron capture detector.

Recommended Air Volume and Sampling Rate: 1 liter and 0.05 Lpm.

Detection Limit of the Overall Procedure: 13.3 ppb (0.024 mg/m³) (Based on 1.0 liter air sample).

Reliable Quantitation Limit: 52.2 ppb (0.094 mg/m³) (Based on 1.0 liter air sample).

Standard Error of Estimate: 6.59% (See Backup Section 4.6).

Special Requirements: Samples must be analyzed within 15 days of sampling date.

Status of Method: The sampling and analytical method has been subject to the established evaluation procedures of the Organic Method Evaluations Branch.

Date: August 1981.

Chemist: Wayne D. Potter

Organic Solvents Branch, OSHA Analytical Laboratory, Salt Lake City, Utah

1. General Discussion.

1.1 Background.

1.1.1 History of Procedure.

Ethylene oxide samples analyzed at the OSHA Laboratory have normally been collected on activated charcoal and desorbed with carbon disulfide. The analysis is performed with a gas chromatograph equipped with a FID (Flame ionization detector) as described in NIOSH Method S286 (Ref. 5.1). This method is based on a PEL of 50 ppm and has a detection limit of about 1 ppm.

Recent studies have prompted the need for a method to analyze and detect ethylene oxide at very low concentrations.

Several attempts were made to form an ultraviolet (UV) sensitive derivative with ethylene oxide for analysis with HPLC. Among those tested that gave no detectable product were: p-anisidine, methylimidazole, aniline, and 2,3,6-trichlorobenzoic acid. Each was tested with catalysts such as triethylamine, aluminum chloride, methylene chloride and sulfuric acid but no detectable derivative was produced.

The next derivatization attempt was to react ethylene oxide with HBr to form 2-bromoethanol. This reaction was successful. An ECD (electron capture detector) gave a very good response for 2-bromoethanol due to the presence of bromine. The use of carbon disulfide as the desorbing solvent gave too large a response and masked the 2-bromoethanol. Several other solvents were tested for both their response on the ECD and their ability to desorb ethylene oxide from the charcoal. Among those tested were toluene, xylene, ethyl benzene, hexane, cyclohexane and benzene. Benzene was the only solvent tested that gave a suitable response on the ECD and a high desorption. It was found that the desorption efficiency was improved by using 1% CS₂ with the benzene. The carbon disulfide did not significantly improve the recovery with the other solvents. SKC Lot 120 was used in all tests done with activated charcoal.

1.1.2 Physical Properties (Ref. 5.2-5.4).

Synonyms: Oxirane; dimethylene oxide; 1,2-epoxy-ethane; oxane; C₂H₄O; ETO;

Molecular Weight: 44.06

Boiling Point: 10.7°C (51.3°)

Melting Point: -111°C

Description: Colorless, flammable gas

Vapor Pressure: 1095 mm. at 20 °C

Odor: Ether-like odor

Lower Explosive Limits: 3.0% (by volume)

Flash Point (TOC): Below 0°F

Molecular Structure: CH₂-CH₂

1.2 Limit Defining Parameters.

1.2.1 Detection Limit of the Analytical Procedure.

The detection limit of the analytical procedure is 12.0 picograms of ethylene oxide per injection. This is the amount of analyte which will give a peak whose height is five times the height of the baseline noise. (See Backup Data Section 4.1).

1.2.2 Detection Limit of the Overall Procedure.

The detection limit of the overall procedure is 24.0 ng of ethylene oxide per sample.

This is the amount of analyte spiked on the sampling device which allows recovery of an amount of analyte equivalent to the detection limit of the analytical procedure. (See Backup Data Section 4.2).

1.2.3 Reliable Quantitation Limit.

The reliable quantitation limit is 94.0 nanograms of ethylene oxide per sample. This is the smallest amount of analyte which can be quantitated within the requirements of 75% recovery and 95% confidence limits. (See Backup Data Section 4.2).

It must be recognized that the reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operating parameters. In this case, the limits reported on analysis reports will be based on the operating parameters used during the analysis of the samples.

1.2.4 Sensitivity.

The sensitivity of the analytical procedure over a concentration range representing 0.5 to 2 times the target concentration based on the

recommended air volume is 34105 area units per $\mu\text{g}/\text{mL}$. The sensitivity is determined by the slope of the calibration curve (See Backup Data Section 4.3).

The sensitivity will vary somewhat with the particular instrument used in the analysis.

1.2.5 Recovery.

The recovery of analyte from the collection medium must be 75% or greater. The average recovery from spiked samples over the range of 0.5 to 2 times the target concentration is 88.0% (See Backup Section 4.4). At lower concentrations the recovery appears to be non-linear.

1.2.6 Precision (Analytical Method Only).

The pooled coefficient of variation obtained from replicate determination of analytical standards at 0.5X, 1X and 2X the target concentration is 0.036 (See Backup Data Section 4.5).

1.2.7 Precision (Overall Procedure).

The overall procedure must provide results at the target concentration that are 25% or better at the 95% confidence level. The precision at the 95% confidence level for the 15 day storage test is plus or minus 12.9% (See Backup Data Section 4.6).

This includes an additional plus or minus 5% for sampling error.

1.3 Advantages.

1.3.1 The sampling procedure is convenient.

1.3.2 The analytical procedure is very sensitive and reproducible.

1.3.3 Reanalysis of samples is possible.

1.3.4 Samples are stable for at least 15 days at room temperature.

1.3.5 Interferences are reduced by the longer GC retention time of the new derivative.

1.4 Disadvantages.

1.4.1 Two tubes in series must be used because of possible breakthrough and migration.

1.4.2 The precision of the sampling rate may be limited by the reproducibility of the pressure drop across the tubes. The pumps are usually calibrated for one tube only.

1.4.3 The use of benzene as the desorption solvent increases the hazards of analysis because of the potential carcinogenic effects of benzene.

1.4.4 After repeated injections there can be a buildup of residue formed on the electron capture detector which decreases sensitivity.

1.4.5 Recovery from the charcoal tubes appears to be non-linear at low concentrations.

2. Sampling Procedure.

2.1 Apparatus.

2.1.1 A calibrated personal sampling pump whose flow can be determined within plus or minus 5% of the recommended flow.

2.1.2 SKC Lot 120 Charcoal tubes; glass tube with both ends flame sealed, 7 cm long with a 6 mm O.D. and a 4-mm I.D., containing 2 sections of coconut shell charcoal separated by a 2-mm portion of urethane foam. The adsorbing section contains 100 mg of charcoal, the backup section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the backup section. A plug of silylated glass wool is placed in front of the adsorbing section.

2.2 Reagents.

2.2.1 None required.

2.3 Sampling Technique.

2.3.1 Immediately before sampling, break the ends of the charcoal tubes. All tubes must be from the same lot.

2.3.2 Connect two tubes in series to the sampling pump with a short section of flexible tubing. A minimum amount of tubing is used to connect the two sampling tubes together. The tube closer to the pump is used as a backup. This tube should be identified as the backup tube.

2.3.3 The tubes should be placed in a vertical position during sampling to minimize channeling.

2.3.4 Air being sampled should not pass through any hose or tubing before entering the charcoal tubes.

2.3.5 Seal the charcoal tubes with plastic caps immediately after sampling. Also, seal each sample with OSHA seals lengthwise.

2.3.6 With each batch of samples, submit at least one blank tube from the same lot used for samples. This tube should be subjected to exactly the same handling as the samples (break, seal, transport) except that no air is drawn through it.

2.3.7 Transport the samples (and corresponding paperwork) to the lab for analysis.

2.3.8 If bulk samples are submitted for analysis, they should be transported in glass containers with Teflon-lined caps. These samples must be mailed separately from the container used for the charcoal tubes.

2.4 Breakthrough.

2.4.1 The breakthrough (5% breakthrough) volume for a 3.0 mg/m ethylene oxide sample stream at approximately 85% relative humidity, 22°C and 633 mm is 2.6 liters sampled at 0.05 liters per minute. This is equivalent to 7.8 μg of ethylene oxide. Upon saturation of the tube it appeared that the water may be displacing ethylene oxide during sampling.

2.5 Desorption Efficiency.

2.5.1 The desorption efficiency, from liquid injection onto charcoal tubes, averaged 88.0% from 0.5 to 2.0 x the target concentration for a 1.0 liter air sample. At lower ranges it appears that the desorption efficiency is non-linear (See Backup Data Section 4.2).

2.5.2 The desorption efficiency may vary from one laboratory to another and also from one lot of charcoal to another. Thus, it is necessary to determine the desorption efficiency for a particular lot of charcoal.

2.6 Recommended Air Volume and Sampling Rate.

2.6.1 The recommended air volume is 1.0 liter.

2.6.2 The recommended maximum sampling rate is 0.05 Lpm.

2.7 Interferences.

2.7.1 Ethylene glycol and Freon 12 at target concentration levels did not interfere with the collection of ethylene oxide.

2.7.2 Suspected interferences should be listed on the sample data sheets.

2.7.3 The relative humidity may affect the sampling procedure.

2.8 Safety Precautions.

2.8.1 Attach the sampling equipment to the employee so that it does not interfere with work performance.

2.8.2 Wear safety glasses when breaking the ends of the sampling tubes.

2.8.3 If possible, place the sampling tubes in a holder so the sharp end is not exposed while sampling.

3. Analytical Method.

3.1 Apparatus.

3.1.1 Gas chromatograph equipped with a linearized electron capture detector.

3.1.2 GC column capable of separating the derivative of ethylene oxide (2-bromoethanol) from any interferences and the 1% CS_2 in benzene solvent. The column used for validation studies was: 10 ft x 1/8 inch stainless steel 20% SP-2100, .1% Carbowax 1500 on 100/120 Supelcoport.

3.1.3 An electronic integrator or some other suitable method of measuring peak areas.

3.1.4 Two milliliter vials with Teflon-lined caps.

3.1.5 Gas tight syringe—500 μL or other convenient sizes for preparing standards.

3.1.6 Microliter syringes—10 μL or other convenient sizes for diluting standards and 1 μL for sample injections.

3.1.7 Pipets for dispensing the 1% CS_2 in benzene solvent. The Glenco 1 mL dispenser is adequate and convenient.

3.1.8 Volumetric flasks—5 mL and other convenient sizes for preparing standards.

3.1.9 Disposable Pasteur pipets.

3.2 Reagents.

3.2.1 Benzene, reagent grade.

3.2.2 Carbon Disulfide, reagent grade.

3.2.3 Ethylene oxide, 99.7% pure.

3.2.4 Hydrobromic Acid, 48% reagent grade.

3.2.5 Sodium Carbonate, anhydrous, reagent grade.

3.2.6 Desorbing reagent, 99% Benzene/1% CS_2 .

3.3 Sample Preparation.

3.3.1 The front and back sections of each sample are transferred to separate 2-mL vials.

3.3.2 Each sample is desorbed with 1.0 mL of desorbing reagent.

3.3.3 The vials are sealed immediately and allowed to desorb for one hour with occasional shaking.

3.3.4 Desorbing reagent is drawn off the charcoal with a disposable pipet and put into clean 2-mL vials.

3.3.5 One drop of HBr is added to each vial. Vials are resealed and HBr is mixed well with the desorbing reagent.

3.3.6 About 0.15 gram of sodium carbonate is carefully added to each vial. Vials are again resealed and mixed well.

3.4 Standard Preparation.

3.4.1 Standards are prepared by injecting the pure ethylene oxide gas into the desorbing reagent.

3.4.2 A range of standards are prepared to make a calibration curve. A concentration of 1.0 μL of ethylene oxide gas per 1 mL desorbing reagent is equivalent to 1.0 ppm air concentration (all gas volumes at 25°C and 760 mm) for the recommended 1 liter air sample. This

amount is uncorrected for desorption efficiency (See Backup Data Section 4.2, for desorption efficiency corrections).

3.4.3 One drop of HBr per mL of standard is added and mixed well.

3.4.4 About 0.15 grams of sodium carbonate is carefully added for each drop of HBr (A small reaction will occur).

3.5 Analysis.

3.5.1 GC conditions.

Nitrogen flow rate—10mL/min.

Injector Temperature—250°C

Detector Temperature—300°C

Column Temperature—100°C

Injection size—0.8 µL

Elution time—3.9 minutes

3.5.2 Peak areas are measured by an integrator or other suitable means.

3.5.3 The integrator results are in area units and a calibration curve is set up with concentration vs. area units.

3.6 Interferences.

3.6.1 Any compound having the same retention time of 2-bromoethanol is a potential interference. Possible interferences should be listed on the sample data sheets.

3.6.2 GC parameters may be changed to circumvent interferences.

3.6.3 There are usually trace contaminants in benzene.

These contaminants, however, posed no problem of interference.

3.6.4 Retention time date on a single column is not considered proof of chemical identity. Samples over the 1.0 ppm target level should be confirmed by GC/Mass Spec or other suitable means.

3.7 Calculations.

3.7.1 The concentration in µg/mL for a sample is determined by comparing the area of a particular sample to the calibration curve, which has been prepared from analytical standards.

3.7.2 The amount of analyte in each sample is corrected for desorption efficiency by use of a desorption curve.

3.7.3 Analytical results (A) from the two tubes that compose a particular air sample are added together.

3.7.4 The concentration for a sample is calculated by the following equation:

$$ETO, \text{ mg/m}^3 = \frac{AXB}{C}$$

where:

A = µg/mL

B = desorption volume in milliliters

C = air volume in liters.

3.7.5 To convert mg/m³ to parts per million (ppm) the following relationship is used:

$$\text{ppm} = \frac{ETO, \text{ mg/m}^3 \times 24.45}{44.05}$$

where:

mg/m³ = results from 3.7.4

24.45 = molar volume at 25°C and 760mm Hg

44.05 = molecular weight of ETO.

3.8 Safety Precaution

3.8.1 Ethylene oxide and benzene are potential carcinogens and care must be exercised when working with these compounds.

3.8.2 All work done with the solvents (preparation of standards, desorption of samples, etc.) should be done in a hood.

3.8.3 Avoid any skin contact with all of the solvents.

3.8.4 Wear safety glasses at all times.

3.8.5 Avoid skin contact with HBr because it is highly toxic and a strong irritant to eyes and skin.

4. Backup Data.

4.1 Detection Limit Data.

The detection limit was determined by injecting 0.8 µL of a 0.015 µg/mL standard of ethylene oxide into 1% CS₂ in Benzene. The detection limit of the analytical procedure is taken to be 1.20 x 10⁻⁵ µg per injection. This is equivalent to 8.3 ppb (0.015 mg/m³) for the recommended air volume.

4.2 Desorption Efficiency.

Ethylene oxide was spiked into charcoal tubes and the following recovery data was obtained.

Amount spiked (µg)	Amount recovered (µg)	Percent recovery
4.5	4.32	96.0
3.0	2.61	87.0
2.25	2.025	90.0
1.5	1.365	91.0
1.5	1.38	92.0
.75	.6525	87.0
.375	.315	84.0
.375	.312	83.2
.1875	.151	80.5
.094	.070	74.5

At lower amounts the recovery appears to be non-linear.

4.3 Sensitivity Data.

The following data was used to determine the calibration curve.

Injection	0.5 x .75 µg/mL	1 x 1.5 µg/mL	2 x 3.0 µg/mL
1	30904	59567	111778
2	30987	62914	106016
3	32555	58578	106122
4	32242	57173	109716
X	31672	59558	108408

Slope = 34.105.

4.4 Recovery.

The recovery was determined by spiking ethylene oxide onto lot 120 charcoal tubes and desorbing with 1% CS₂ in Benzene. Recoveries were done at 0.5, 1.0, and 2.0 X the target concentration (1 ppm) for the recommended air volume.

Sample	Percent Recovery		
	0.5x	1.0x	2.0x
1	88.7	95.0	91.7
2	83.8	95.0	87.3
3	84.2	91.0	86.0
4	88.0	91.0	83.0
5	88.0	86.0	85.0
X	86.5	90.5	87.0

Weighted Average = 88.2

4.5 Precision of the Analytical Procedure.

The following data was used to determine the precision of the analytical method:

Concentration	0.5 x .75 µg/mL	1 x 1.5 µg/mL	2 x 3.0 µg/mL
Injection	.7421	1.4899	3.1184
	.7441	1.5826	3.0447
	.7831	1.4628	2.9149
	.7753	1.4244	2.9185
Average	.7612	1.4899	2.9991
Standard Deviation	.0211	.0674	.0998
CV	.0277	.0452	.0333

$$CV = \frac{3(.0277)^2 + 3(.0452)^2 + 3(.0333)^2}{3 + 3 + 3}$$

CV + 0.036

4.6 Storage Data.

Samples were generated at 1.5 mg/m³ ethylene oxide at 85% relative humidity, 22°C and 633 mm. All samples were taken for 20 minutes at 0.05 Lpm. Six samples were analyzed as soon as possible and fifteen samples were stored at refrigerated temperature (5°C) and fifteen samples were stored at ambient temperature (23°C). These stored samples were analyzed over a period of nineteen days.

Percent Recovery

Day analyzed	Refrigerated	Ambient
1	87.0	87.0
1	93.0	93.0
1	94.0	94.0
1	92.0	92.0
4	92.0	91.0
4	93.0	88.0
4	91.0	89.0
6	92.0	
6	92.0	
8		92.0
8		86.0
10	91.7	
10	95.5	
10	95.7	
11		90.0
11		82.0
13	78.0	
13	81.4	
13	82.4	
14		78.5
14		72.1
18	66.0	
18	68.0	
19		64.0
19		77.0

4.7 Breakthrough Data.

Breakthrough studies were done at 2 ppm (3.6 mg/m³) at approximately 85% relative humidity at 22°C (ambient temperature). Two charcoal tubes were used in series. The backup tube was changed every 10 minutes and analyzed for breakthrough. The flow rate was 0.050 Lpm.

Tube No.	Time (minutes)	Percent breakthrough
1	10	()
2	20	()
3	30	()
4	40	1.23
5	50	3.46
6	60	18.71
7	70	39.2
8	80	53.3
9	90	72.0
10	100	96.0
11	110	113.0
12	120	133.9

¹None.

The 5% breakthrough volume was reached when 2.6 liters of test atmosphere were drawn through the charcoal tubes.

5. References.

5.1 "NIOSH Manual of Analytical Methods," 2nd ed. NIOSH: Cincinnati, 1977; Method S 286.

5.2 "IARC Monographs on the Evaluation of Carcinogenic Risk of Chemicals to Man." International Agency for Research on Cancer: Lyon, 1976; Vol. II, p. 157.

5.3 Sax., N.I. "Dangerous Properties of Industrial Materials," 4th ed.; Van Nostrand Reinhold Company, New York, 1975; p. 741.

5.4 "The Condensed Chemical Dictionary", 9th ed.; Hawley, G.G., ed.; Van Nostrand Reinhold Company, New York, 1977; p. 361.

Summary of Other Sampling Procedures

OSHA believes that several other types of monitoring equipment and techniques exist for monitoring time-weighted averages. Considerable research and method development is currently being performed, which will lead to improvements and a wider variety of monitoring techniques. A combination of monitoring procedures can be used. There probably is no one best method for monitoring personal exposure to ethylene oxide in all cases. There are advantages, disadvantages, and limitations to each method. The method of choice will depend on the need and requirements. Some commonly used methods include the use of charcoal tubes, passive dosimeters, Tedlar gas sampling bags, detector tubes, photoionization detection units, infrared detection units and gas chromatographs. A number of these methods are described below.

A. Charcoal Tube Sampling Procedures

Qazi-Ketcham method (Ex-11-133)—This method consists of collecting EtO on Columbia JXC activated carbon, desorbing the EtO with carbon disulfide and analyzing by gas chromatography with flame ionization detection. Union Carbide has recently updated and revalidated this monitoring procedure. This method is capable of determining both eight-hour time-weighted average exposures and short-term exposures. The method was validated to 0.5 ppm. Like other charcoal collecting procedures, the method requires considerable analytical expertise.

ASTM-proposed method—The Ethylene Oxide Industry Council (EOIC) has contracted with Clayton Environmental Consultants, Inc. to conduct a collaborative study for the proposed method. The ASTM-Proposed method is similar to the method published by Qazi and Ketcham in the November 1977 American Industrial Hygiene Association Journal, and to the method of Pilney and coyne, presented at the 1979 American Industrial Hygiene Conference. After the air to be sampled is drawn through an activated charcoal tube, the ethylene oxide is desorbed from the tube using carbon disulfide and is quantitated by gas chromatography utilizing a flame ionization detector. The ASTM-proposed method specifies a large two-section charcoal tube, shipment in dry ice, storage at less than -5°C, and analysis within three weeks to prevent migration and sample loss. Two types of charcoal tubes are being tested—Pittsburgh Coconut-Based (PCB) and Columbia JXC charcoal. This collaborative study will give an indication of the inter- and intralaboratory precision and accuracy of the ASTM/proposed method. Several laboratories have considerable expertise using the Qazi-Ketcham and Dow methods.

B. Passive Monitors—Ethylene oxide diffuses into the monitor and is collected in the sampling media. The DuPont Pro-Tek badge collects EtO in an absorbing solution, which is analyzed colorimetrically to determine the amount of EtO present. The 3M 350 badge collects the EtO on chemically treated charcoal. Other passive monitors are currently being developed and tested. Both 3M and DuPont have submitted data indicating their dosimeters meet the precision and accuracy requirements of the proposed ethylene oxide standard. Both presented laboratory validation data to 0.2 ppm (Exs. 11-65, 4-20, 108, 109, 130).

C. Tedlar Gas Sampling Bags—Samples are collected by drawing a known volume of air into a Tedlar gas sampling bag. The ethylene oxide concentration is often determined on-site using a portable gas chromatograph or portable infrared spectrometer.

D. Detector tubes—A known volume of air is drawn through a detector tube using a small hand pump. The concentration of EtO is related to the length of stain developed in the tube. Detector tubes are economical, easy to use, and give an immediate readout. Unfortunately, partly because they are nonspecific, their accuracy is often questionable. Since the sample is taken over a short period of time, they may be useful for determining the source of leaks.

E. Direct Reading Instruments—There are numerous types of direct reading instruments, each having its own strengths and weaknesses (Exs. 135B, 135C, 107, 11-78, 11-153). Many are relatively new, offering greater sensitivity and specificity. Popular ethylene oxide direct reading instruments include infrared detection units, photoionization detection units, and gas chromatographs.

Portable infrared analyzers provide an immediate, continuous indication of a concentration value; making them particularly useful for locating high concentration pockets, in leak detection and in ambient air monitoring. In infrared detection units, the amount of infrared light absorbed by the gas being analyzed at selected infrared wavelengths is related to the concentration of a particular component. Various models have either fixed or variable infrared filters, differing cell pathlengths, and microcomputer controls for greater sensitivity, automation, and interference elimination.

A fairly recent detection system is photoionization detection. The molecules are ionized by high energy ultraviolet light. The resulting current is measured. Since different substances have different ionization potentials, other organic compounds may be ionized. The lower the lamp energy, the better the selectivity. As a continuous monitor, photoionization detection can be useful for locating high concentration pockets, in leak detection, and continuous ambient air monitoring. Both portable and stationary gas chromatographs are available with various types of detectors, including photoionization detectors. A gas chromatograph with a photoionization detector retains the photoionization sensitivity, but minimizes or eliminates interferences. For several GC/PID units, the sensitivity is in the 0.1-0.2 ppm EtO range. The GC/PID with microprocessors can sample up to 20 sample points sequentially, calculate and record data, and activate alarms or ventilation systems. Many are quite flexible and can be configured to meet the specific analysis needs for the workplace.

DuPont presented their laboratory validation data of the accuracy of the Qazi-Ketcham charcoal tube, the PCB charcoal tube, Miran 103 IR analyzer, 3M #3550 monitor and the DuPont C-70 badge. Quoting Elbert V. Kring:

We also believe that OSHA's proposed accuracy in this standard is appropriate. At plus or minus 25 percent at one part per million, and plus or minus 35 percent below that. And, our data indicates there's only one monitoring method, right now, that we've tested thoroughly, that meets that accuracy requirements. That is the DuPont Pro-Tek badge* * *. We also believe that this kind of data should be confirmed by another independent laboratory, using the same type dynamic chamber testing (Tr. 1470). Additional data by an independent laboratory following their exact protocol was not submitted. However, information was submitted on comparisons and precision and accuracy of those monitoring procedures which indicate far better precision and accuracy of those monitoring procedures than that obtained by DuPont (Ex. 4-20, 130, 11-68, 11-133, 130, 135A)

The accuracy of any method depends to a large degree upon the skills and experience of those who not only collect the samples but also those who analyze the samples. Even for methods that are collaboratively tested, some laboratories are closer to the true values than others. Some laboratories may meet the precision and accuracy requirements of the method; others may consistently far exceed them for the same method.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07353 ETHYLENE OXIDE.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-500 CITATION AND NOTICE—COPY TO EMPLOYEE REPRESENTATIVE. (1) RCW 49.17.120 provides in pertinent part

"The director shall provide by rule for procedures to be followed by an employee representative upon written application to receive copies of CITATIONS AND NOTICES issued to any employer having employees who are represented by such employee representative. Such rule may prescribe the forms of such application, the time for renewal of applications, and the eligibility of the applicant to receive copies of CITATIONS AND NOTICES."

(2) "Employee representative" means:

(a) Any officer of the recognized bargaining agent of employees, acting on behalf of the employees of the employer.

(b) Any employee representative of an employer-employee safety committee within an establishment or the firm of the employer.

(c) Any employee of an employer who has been selected by the employees of that employer to act as their representative for the purposes indicated in subsection (1) of this section. Such selection shall be evidenced by a letter or other written communication to the division of industrial safety and health stating the name of the employee so selected and signed by not less than one-half of the employees of the employer so represented.

(3) An employee representative may receive copies of CITATIONS AND NOTICES issued to any employer having employees who are represented by such employee representative upon the filing of a complete application Form ((~~LI-418-23~~) F418-023-000, a facsimile of which constitutes Appendix A of this section, with the division of industrial safety and health, Department of Labor and Industries, Olympia, Washington 98504.

(4) In the event that the director or his/her authorized representative finds that application for copies of the CITATION AND NOTICE have been received by more than one employee representative of the same employees of the employer, the director or his/her authorized representative may elect which of the applicants to which the copies of the CITATION AND NOTICE shall be sent.

(5) The director or his/her authorized representative may deny an application for copies of CITATIONS AND NOTICES upon finding that the applicant is not an employee representative as defined in subsection (2) of this section or upon finding that more than one employee representative of the same employees has applied for copies of CITATIONS AND NOTICES.

(6) An application for copies of CITATIONS AND NOTICES may be granted for a period not exceeding one year and may be renewed upon re-application for another one year period. The director or his/her authorized representative may, at the request of the applicant, waive the one year limitation.

(7) Upon the granting of the application for copies of CITATIONS AND NOTICES, the applicant shall be informed of the granting and of the date on which that grant shall expire.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-990 APPENDIX A—FORM ((~~LI-418-23~~) F418-023-000—APPLICATION FOR COPIES OF CITATIONS AND NOTICES.

APPENDIX A

((APPLICATION FOR COPIES OF CITATIONS AND NOTICES ISSUED PURSUANT TO THE WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT
DIVISION OF INDUSTRIAL SAFETY AND HEALTH
P.O. BOX 207, OLYMPIA, WA 98504
DEPARTMENT OF LABOR AND INDUSTRIES

- 1) Name and address of employer having employees who are represented by the applicant:
- 2) Name and address of applicant to which copies of CITATIONS AND NOTICES should be sent:
- 3) Applicant is an employee representative by virtue of (see WAC 296-350-500 reproduced below) (check the appropriate category):
(3)(a) (3)(b) (3)(c)
- 4) How long does applicant desire to receive copies of CITATIONS AND NOTICES? (Unless a longer time is requested, application will be granted for not longer than one year.)
.....

For departmental use only

Application received
Application granted by

~~Date application granted~~
~~Applicant notified~~
~~Expiration date~~
~~Comment~~

~~.....~~
~~.....~~
~~CERTIFICATION: I hereby certify under penalty of perjury that the~~
~~above entries are true to the best of my knowledge.~~

~~(Signed)~~
~~Position~~
~~Date~~

~~(1) If employee representative is such by virtue of WAC 296-350-~~
~~500, evidence of that capacity, such as a letter indicating the number~~
~~of employees and signed by at least one-half of them, as specified in~~
~~WAC 296-27-400 (2)(c), must accompany this application.~~

~~(2) The director or his authorized representative may deny this ap-~~
~~plication if he finds that more than one employee representative has~~
~~applied or if the applicant does not qualify as an employee~~
~~representative.~~

~~(3) WAC 296-350-500 "Employee representative" means:~~
~~(a) Any officer of the recognized bargaining agent of employees,~~
~~acting on behalf of the employees of the employer.~~
~~(b) Any employee representative of an employer-employee safety~~
~~committee within an establishment or the firm of the employer.~~
~~(c) Any employee of an employer who has been selected by the em-~~
~~ployees of that employer to act as their representative for the purposes~~
~~indicated in subsection (1) of this section. Such selection shall be evi-~~
~~denced by a letter or other written communication to the division of~~
~~industrial safety and health stating the name of the employee so se-~~
~~lected and signed by not less than one-half of the employees of the~~
~~employer.))~~

DEPT. OF LABOR & INDUSTRIES
Div. of Industrial Safety & Health
P.O. Box 207
Olympia, WA 98504

APPLICATION FOR COPIES OF CITATION AND NOTICES
ISSUED PURSUANT TO THE WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT

Any employee of an employer who has been selected by the employees of that employer to act as their representative as defined in WAC 296-350-500 may apply for copies of CITATION AND NOTICES issued to said employer.

DEFINITION:

WAC 296-350-500(2) - "Employee representative" means:

- (a) Any officer of the recognized bargaining unit of employees, acting on behalf of the employees of the employer.
- (b) Any employee representative of an employer-employee safety committee within an establishment of the firm of the employer.
- (c) Any employee of an employer who has been selected by the employees of that employer to act as their representative for the purposes indicated in subsection (1) of this section. Such selection shall be evidenced by a letter or other written communication to the Division of Industrial Safety and Health stating the name of the employee so selected and signed by not less than one-half of the employees of the employer.

Applicant certifies he/she is an employee representative by virtue of WAC 296-350-500(2)

CERTIFICATION: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE.

Signature	position	date

Name and address of applicant to which copies of CITATION AND NOTICES should be sent:

Name, address and Labor & Industries account I.D. and/or Unified Business Identifier of EMPLOYER HAVING EMPLOYEES WHO ARE REPRESENTED by the applicant (please give full information for each employer you represent - use extra paper if required):

The director or his/her authorized representative may deny this application if more than one employee representative has applied or if the applicant does not qualify as an employee representative.

For Department Use Only		
Application Rcvd. _____	Application Granted by _____	Date Application Granted _____
Applicant Notified _____	Expiration Date _____	
Comment:		

F418-023-000 app for copies of citation and notice 4-87 (Wish 300)

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-12007 TOILET FACILITIES. (1) General.

(a) Except as otherwise indicated in this section, toilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment in accordance with Table B-1 of this section. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where such single-occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose to Table B-1.

TABLE B-1

Number of employees:	Minimum number of water closets
1 to 15 _____	1
16 to 35 _____	2
36 to 55 _____	3
56 to 80 _____	4
81 to 110 _____	5
111 to 150 _____	6
Over 150 _____	One additional fixture for each additional 40 employees

Where toilet facilities will not be used by women, urinals may be provided instead of water closets, except that the number of water closets in such cases shall not be reduced to less than 2/3 of the minimum specified.

(b) The requirements of subdivision (a) of this subsection do not apply to mobile crews or to normally unattended work locations so long as employees working at these locations have transportation immediately available to nearby toilet facilities which meet the other requirements of this section.

(c) The sewage disposal method shall not endanger the health of employees.

(d) Toilet paper with holder shall be provided for every water closet.

(2) Construction of toilet rooms. Each water closet shall occupy a separate compartment with a door and walls or partitions between fixtures sufficiently high to assure privacy.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-95601 DEFINITIONS APPLICABLE TO WAC 296-24-956 THROUGH 296-24-95615. Unless the context indicates otherwise, words used in this section shall have the meaning given.

(1) Acceptable. An installation or equipment is acceptable to the director of labor and industries, and approved within the meaning of this section:

(a) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc. and Factory Mutual Engineering Corp; or

(b) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his authorized representatives.

(2) Accepted. An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

(3) Accessible. (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure of finish,

or not permanently closed in by the structure or finish of the building. (See "concealed" and "exposed.")

(4) Accessible. (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "readily accessible.")

(5) Ampacity. Current-carrying capacity of electric conductors expressed in amperes.

(6) Appliances. Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

(7) Approved. Acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of "acceptable" indicates what is acceptable to the director and therefore approved within the meaning of this section.

(8) Approved for the purpose. Approved for a specific purpose, environment, or application described in a particular standard requirement.

Suitability of equipment or materials for a specific purpose, environment or application may be determined by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation as part of its listing and labeling program. (See "labeled" or "listed.")

(9) Armored cable. Type AC armored cable is a fabricated assembly of insulated conductors in a flexible metallic enclosure.

(10) Askarel. A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(11) Attachment plug (plug cap) (cap). A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(12) Automatic. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature, or mechanical configuration.

(13) Bare conductor, see "conductor."

(14) Bonding. The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(15) Bonding jumper. A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(16) Branch circuit. The circuit conductors between the final over-current device protecting the circuit and the outlet(s).

(17) Building. A structure which stands alone or which is cut off from adjoining structures by fire walls with all openings therein protected by approved fire doors.

(18) Cabinet. An enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which a swinging door or doors are or may be hung.

(19) Cable tray system. A cable tray system is a unit or assembly of units or sections, and associated fittings, made of metal or other non-combustible materials forming a rigid structural system used to support cables. Cable tray systems include ladders, troughs, channels, solid bottom trays, and other similar structures.

(20) Cablebus. Cablebus is an approved assembly of insulated conductors with fittings and conductor terminations in a completely enclosed, ventilated, protective metal housing.

(21) Center pivot irrigation machine. A center pivot irrigation machine is a multimotored irrigation machine which revolves around a central pivot and employs alignment switches or similar devices to control individual motors.

(22) Certified. Equipment is "certified" if it (a) has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or (b) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and (c) it bears a label, tag, or other record of certification.

(23) Circuit breaker.

(a) (600 volts nominal, or less.) A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without injury to itself when properly applied within its rating.

(b) (Over 600 volts, nominal.) A switching device capable of making, carrying, and breaking currents under normal circuit conditions,

and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(24) Class I locations. Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) Class I, Division 1. A Class I, Division 1 location is a location:

(i) In which hazardous concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release hazardous concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; locations containing fat and oil extraction equipment using volatile flammable solvents; portions of cleaning and dyeing plants where flammable liquids are used; gas generator rooms and other portions of gas manufacturing plants where flammable gas may escape; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; the interiors of refrigerators and freezers in which volatile flammable materials are stored in open, lightly stoppered, or easily ruptured containers; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) Class I, Division 2. A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

Note: This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or a liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(25) Class II locations. Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) Class II, Division 1. A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosives or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

Note: This classification may include areas of grain handling and processing plants, starch plants, sugar-pulverizing plants, malting plants, hay-grinding plants, coal pulverizing plants, areas where metal dusts and powders are produced or processed, and other similar locations which contain dust producing machinery and equipment (except where the equipment is dust-tight or vented to the outside). These areas would have combustible dust in the air, under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures. Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) Class II, Division 2. A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures; and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be ignitable by abnormal operation or failure of electrical equipment or other apparatus.

Note: This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

(26) Class III locations. Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) Class III, Division 1. A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

Note: Such locations usually include some parts of rayon, cotton, and other textile mills; combustible fiber manufacturing and processing plants; cotton gins and cottonseed mills; flax-processing plants; clothing manufacturing plants; woodworking plants, and establishments; and industries involving similar hazardous processes or conditions.

Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, and other materials of similar nature.

(b) Class III, Division 2. A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture.

(27) Collector ring. A collector ring is an assembly of slip rings for transferring electrical energy from a stationary to a rotating member.

(28) Concealed. Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "accessible. (As applied to wiring methods.)")

(29) Conductor.

(a) Bare. A conductor having no covering or electrical insulation whatsoever.

(b) Covered. A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) Insulated. A conductor encased within material of composition and thickness that is recognized as electrical insulation.

(30) Conduit body. A separate portion of a conduit or tubing system that provides access through a removable cover(s) to the interior of the system at a junction of two or more sections of the system or at a terminal point of the system. Boxes such as FS and FD or larger cast or sheet metal boxes are not classified as conduit bodies.

(31) Controller. A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(32) Cooking unit, counter-mounted. A cooking appliance designed for mounting in or on a counter and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "oven, wall-mounted.")

(33) Covered conductor. See "conductor."

(34) Cutout. (Over 600 volts, nominal.) An assembly of a fuse support with either a fuseholder, fuse carrier, or disconnecting blade. The fuseholder or fuse carrier may include a conducting element (fuse link), or may act as the disconnecting blade by the inclusion of a nonfusible member.

(35) Cutout box. An enclosure designed for surface mounting and having swinging doors or covers secured directly to and telescoping with the walls of the box proper. (See "cabinet.")

(36) Damp location. See "location."

(37) Dead front. Without live parts exposed to a person on the operating side of the equipment.

(38) Device. A unit of an electrical system which is intended to carry but not utilize electric energy.

(39) Dielectric heating. Dielectric heating is the heating of a nominally insulating material due to its own dielectric losses when the materials is placed in a varying electric field.

(40) Disconnecting means. A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(41) Disconnecting (or isolating) switch. (Over 600 volts, nominal.) A mechanical switching device used for isolating a circuit or equipment from a source of power.

(42) Dry location. See "location."

(43) Electric sign. A fixed, stationary, or portable self-contained, electrically illuminated utilization equipment with words or symbols designed to convey information or attract attention.

(44) Enclosed. Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

(45) Enclosure. The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

(46) Equipment. A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like, used as a part of, or in connection with, an electrical installation.

(47) Equipment grounding conductor. See "grounding conductor, equipment."

(48) Explosion-proof apparatus. Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

(49) Exposed. (As applied to live parts.) Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "accessible" and "concealed.")

(50) Exposed. (As applied to wiring methods.) On or attached to the surface or behind panels designed to allow access. (See "accessible. (As applied to wiring methods.")

(51) Exposed. (For the purpose of WAC 296-24-95615(5), communications systems.) Where the circuit is in such a position that in case of failure of supports or insulation, contact with another circuit may result.

(52) Externally operable. Capable of being operated without exposing the operator to contact with live parts.

(53) Feeder. All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

(54) Fitting. An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

(55) Fuse. (Over 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.

(56) Ground. A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

(57) Grounded. Connected to earth or to some conducting body that serves in place of the earth.

(58) Grounded, effectively. (Over 600 volts, nominal.) Permanently connected to earth through a ground connection of sufficiently low impedance and having sufficient ampacity that ground fault current which may occur cannot build up to voltages dangerous to personnel.

(59) Grounded conductor. A system or circuit conductor that is intentionally grounded.

(60) Grounding conductor. A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(61) Grounding conductor, equipment. The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

(62) Grounding electrode conductor. The conductor used to connect the grounding electrode to the equipment grounding conductor and/or to the grounded conductor of the circuit at the service equipment or at the source of a separately derived system.

(63) Ground-fault circuit-interrupter. A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

(64) Guarded. Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach to a point of danger or contact by persons or objects.

(65) Health care facilities. Buildings or portions of buildings and mobile homes that contain, but are not limited to, hospitals, nursing homes, extended care facilities, clinics, and medical and dental offices, whether fixed or mobile.

(66) Heating equipment. For the purposes of WAC 296-24-95611(7), the term "heating equipment" includes any equipment used for heating purposes if heat is generated by induction or dielectric methods.

(67) Hoistway. Any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter is designed to operate.

(68) Identified. Identified, as used in reference to a conductor or its terminal, means that such conductor or terminal can be readily recognized as grounded.

(69) Induction heating. Induction heating is the heating of a nominally conductive material due to its own I²R losses when the material is placed in a varying electromagnetic field.

(70) Insulated conductor. See "conductor."

(71) Interrupter switch. (Over 600 volts, nominal.) A switch capable of making, carrying, and interrupting specified currents.

(72) Irrigation machine. An irrigation machine is an electrically driven or controlled machine, with one or more motors, not hand portable, and used primarily to transport and distribute water for agricultural purposes.

(73) Isolated. Not readily accessible to persons unless special means for access are used.

(74) Isolated power system. A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(75) Labeled. Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, (a) makes periodic inspections of the production of such equipment, and (b) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

(76) Lighting outlet. An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(77) Listed. Equipment is "listed" if it is of a kind mentioned in a list which, (a) is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and (b) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner.

(78) Location.

(a) Damp location. Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements, some barns, and some cold-storage warehouses.

(b) Dry location. A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) Wet location. Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as vehicle-washing areas, and locations exposed to weather and unprotected.

(79) Medium voltage cable. Type MV medium voltage cable is a single or multiconductor solid dielectric insulated cable rated 2000 volts or higher.

(80) Metal-clad cable. Type MC cable is a factory assembly of one or more conductors, each individually insulated and enclosed in a metallic sheath of interlocking tape, or a smooth or corrugated tube.

(81) Mineral-insulated metal-sheathed cable. Type MI mineral-insulated metal-sheathed cable is a factory assembly of one or more conductors insulated with a highly compressed refractory mineral insulation and enclosed in a liquidtight and ((~~gas~~light)) gastight continuous copper sheath.

(82) Mobile x-ray. X-ray equipment mounted on a permanent base with wheels and/or casters for moving while completely assembled.

(83) Nonmetallic-sheathed cable. Nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors having an outer sheath of moisture resistant, flame-retardant, nonmetallic material. Nonmetallic sheathed cable is manufactured in the following types:

(a) Type NM. The overall covering has a flame-retardant and moisture-resistant finish.

(b) Type NMC. The overall covering is flame-retardant, moisture-resistant, fungus-resistant, and corrosion-resistant.

(84) Oil (filled) cutout. (Over 600 volts, nominal.) A cutout in which all or part of the fuse support and its fuse link or disconnecting blade are mounted in oil with complete immersion of the contacts and the fusible portion of the conducting element (fuse link), so that arc interruption by severing of the fuse link or by opening of the contacts will occur under oil.

(85) Open wiring on insulators. Open wiring on insulators is an exposed wiring method using cleats, knobs, tubes, and flexible tubing for the protection and support of single insulated conductors run in or on buildings, and not concealed by the building structure.

(86) Outlet. A point on the wiring system at which current is taken to supply utilization equipment.

(87) Outline lighting. An arrangement of incandescent lamps or electric discharge tubing to outline or call attention to certain features such as the shape of a building or the decoration of a window.

(88) Oven, wall-mounted. An oven for cooking purposes designed for mounting in or on a wall or other surface and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "cooking unit, counter-mounted.")

(89) Overcurrent. Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by certain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

(90) Overload. Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A fault, such as a short circuit or ground fault, is not an overload. (See "overcurrent.")

(91) Panelboard. A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "switchboard.")

(92) Permanently installed decorative fountains and reflection pools. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage and are served by electrical circuits of any nature. These units are primarily constructed for their aesthetic value and not intended for swimming or wading.

(93) Permanently installed swimming pools, wading and therapeutic pools. Those that are constructed in the ground, on the ground, or in a building in such a manner that the pool cannot be readily disassembled for storage whether or not served by electrical circuits of any nature.

(94) Portable x-ray. X-ray equipment designed to be hand-carried.

(95) Power and control tray cable. Type TC power and control tray cable is a factory assembly of two or more insulated conductors, with

or without associated bare or covered grounding conductors under a nonmetallic sheath, approved for installation in cable trays, in raceways, or where supported by a messenger wire.

(96) Power fuse. (Over 600 volts, nominal.) See "fuse."

(97) Power-limited tray cable. Type PLTC nonmetallic-sheathed power limited tray cable is a factory assembly of two or more insulated conductors under a nonmetallic jacket.

(98) Power outlet. An enclosed assembly which may include receptacles, circuit breakers, fuseholders, fused switches, buses and watt-hour meter mounting means; intended to supply and control power to mobile homes, recreational vehicles or boats, or to serve as a means for distributing power required to operate mobile or temporarily installed equipment.

(99) Premises wiring system. That interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all of its associated hardware, fittings, and wiring devices, both permanently and temporarily installed, which extends from the load end of the service drop, or load end of the service lateral conductors to the outlet(s). Such wiring does not include wiring internal to appliances, fixtures, motors, controllers, motor control centers, and similar equipment.

(100) Qualified person. One familiar with the construction and operation of the equipment and the hazards involved.

(101) Raceway. A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this subpart. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(102) Readily accessible. Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "accessible.")

(103) Receptacle. A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(104) Receptacle outlet. An outlet where one or more receptacles are installed.

(105) Remote-control circuit. Any electric circuit that controls any other circuit through a relay or an equivalent device.

(106) Sealable equipment. Equipment enclosed in a case or cabinet that is provided with a means of sealing or locking so that live parts cannot be made accessible without opening the enclosure. The equipment may or may not be operable without opening the enclosure.

(107) Separately derived system. A premises wiring system whose power is derived from generator, transformer, or converter winding and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(108) Service. The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(109) Service cable. Service conductors made up in the form of a cable.

(110) Service conductors. The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(111) Service drop. The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(112) Service-entrance cable. Service-entrance cable is a single conductor or multiconductor assembly provided with or without an overall covering, primarily used for services and of the following types:

(a) Type SE, having a flame-retardant, moisture-resistant covering, but not required to have inherent protection against mechanical abuse.

(b) Type USE, recognized for underground use, having a moisture-resistant covering, but not required to have a flame-retardant covering or inherent protection against mechanical abuse. Single-conductor cables having an insulation specifically approved for the purpose do not require an outer covering.

(113) Service-entrance conductors, overhead system. The service conductors between the terminals of the service equipment and a point

usually outside the building, clear of building walls, where joined by tap or splice to the servicedrap.

(114) Service entrance conductors, underground system. The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(115) Service equipment. The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(116) Service raceway. The raceway that encloses the service-entrance conductors.

(117) Shielded nonmetallic-sheathed cable. Type SNM, shielded nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors in an extruded core of moisture-resistant, flame-resistant ((~~metallic~~) nonmetallic) material, covered with an overlapping spiral metal tape and wire shield and jacketed with an extruded moisture-resistant, flame-resistant, oil-resistant, corrosion-resistant, fungus-resistant, and sunlight-resistant nonmetallic material.

(118) Show window. Any window used or designed to be used for the display of goods or advertising material, whether it is fully or partly enclosed or entirely open at the rear and whether or not it has a platform raised higher than the street floor level.

(119) Sign. See "electric sign."

(120) Signaling circuit. Any electric circuit that energizes signaling equipment.

(121) Special permission. The written consent of the authority having jurisdiction.

(122) Storable swimming or wading pool. A pool with a maximum dimension of 15 feet and a maximum wall height of 3 feet and is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

(123) Switchboard. A large single panel, frame, or assembly of panels which have switches, buses, instruments, overcurrent and other protective devices mounted on the face or back or both. Switchboards are generally accessible from the rear as well as from the front and are not intended to be installed in cabinets. (See "panelboard.")

(124) Switches.

(a) General-use switch. A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) General-use snap switch. A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this subpart.

(c) Isolating switch. A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) Motor-circuit switch. A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(125) Switching devices. (Over 600 volts, nominal.) Devices designed to close and/or open one or more electric circuits. Included in this category are circuit breakers, cutouts, disconnecting (or isolating) switches, disconnecting means, interrupter switches, and oil (filled) cutouts.

(126) Transportable x-ray. X-ray equipment installed in a vehicle or that may readily be disassembled for transport in a vehicle.

(127) Utilization equipment. Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

(128) Utilization system. A utilization system is a system which provides electric power and light for employee workplaces, and includes the premises wiring system and utilization equipment.

(129) Ventilated. Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(130) Volatile flammable liquid. A flammable liquid having a flash point below 38 degrees C (100 degrees F) or whose temperature is above its flash point.

(131) Voltage (of a circuit). The greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned.

(132) Voltage, nominal. A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as

120/240, 480Y/277, 600, etc.). The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(133) Voltage to ground. For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for ungrounded circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(134) Watertight. So constructed that moisture will not enter the enclosure.

(135) Weatherproof. So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

(136) Wet location. See "location."

(137) Wireways. Wireways are sheet-metal troughs with hinged or removable covers for housing and protecting electric wires and cable and in which conductors are laid in place after the wireway has been installed as a complete system.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-95603 ELECTRIC UTILIZATION SYSTEMS.

(1) Scope.

(a) Covered. The provisions of WAC 296-24-95603 through 296-24-95617 cover electrical installations and utilization equipment installed or used within or on buildings, structures, and other premises including:

- (i) Yards;
- (ii) Carnivals;
- (iii) Parking and other lots;
- (iv) Mobile homes;
- (v) Recreational vehicles;

(vi) Industrial substations under 750 volts (~~and over~~); Chapter 296-44 WAC, Safety standards—Electrical Construction Code, shall apply to industrial substations of 750 volts or more;

(vii) Conductors that connect the installations to a supply of electricity; and

(viii) Other outside conductors on the premises.

(b) Not covered. The provisions of WAC 296-24-95603 through 296-24-95617 do not cover:

(i) Installations in ships, watercraft, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.

(ii) Installations underground in mines.

(iii) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

(iv) Installations of communication equipment under the exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

(v) Installations under the exclusive control of electric utilities for the purpose of communication or metering; or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(2) Extent of application.

(a) The requirements contained in the sections listed below shall apply to all electrical installations and utilization equipment, regardless of when they were designed or installed:

Sections:

WAC 296-24-95605(2)	_____	Examination, installation, and use of equipment.
"	" (3)	Splices.
"	" (4)	Arcing parts.
"	" (5)	Marking.
"	" (6)	Identification of disconnecting means.
"	" (7)(b)	Guarding of live parts.
WAC 296-24-95607 (5)(a)(i)	_____	Protection of conductors and equipment.
"	" (5)(a)(iv)	Location in or on premises.
"	" (5)(a)(v)	Arcing or suddenly moving parts.

Sections:

<ul style="list-style-type: none"> • " (6)(a)(ii) _____ 2-Wire DC systems to be grounded. • " (6)(a)(iii) and (iv) _____ AC systems to be grounded. • " (6)(a)(v) _____ AC systems 50 to 1000 volts not required to be grounded. • " (6)(c) _____ Grounding connections. • " (6)(d) _____ Grounding path. <p>WAC 296-24-95607 (6)(e)(iv)(A) through (D) _____</p> <ul style="list-style-type: none"> • " (6)(e)(v) _____ Fixed equipment required to be grounded. • " (6)(e)(vi) _____ Grounding of equipment connected by cord and plug. • " (6)(f)(i) _____ Grounding or nonelectrical equipment. <p>WAC 296-24-95609 (7)(a)(i) and (ii) _____</p> <ul style="list-style-type: none"> • " (7)(a)(iii) _____ Flexible cords and cables, uses. • " (7)(b)(ii) _____ Flexible cords and cables, splices. • " (7)(b)(iii) _____ Pull at joints and terminals of flexible cords and cables. <p>WAC 296-24-95613 _____ Hazardous (classified) locations.</p>	<p>Fixed equipment required to be grounded.</p> <p>Grounding of equipment connected by cord and plug.</p> <p>Grounding or nonelectrical equipment.</p> <p>Methods of grounding fixed equipment.</p> <p>Flexible cords and cables, uses.</p> <p>Flexible cords and cables prohibited.</p> <p>Flexible cords and cables, splices.</p> <p>Pull at joints and terminals of flexible cords and cables.</p> <p>Hazardous (classified) locations.</p>
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(b) Every electric utilization system and all utilization equipment installed after March 15, 1972, and every major replacement, modification, repair, or rehabilitation, after March 15, 1972, of any part of any electric utilization system or utilization equipment installed before March 15, 1972, shall comply with the provisions of WAC 296-24-956 through 296-24-95617.

Note: "Major replacements, modifications, repairs, or rehabilitations" include work similar to that involved when a new building or facility is built, a new wing is added, or an entire floor is renovated.

(c) The following provisions apply to electric utilization systems and utilization equipment installed after ~~((effective date of this section))~~ April 16, 1981:

<ul style="list-style-type: none"> WAC 296-24-95605 (8)(d)(i) and (ii) _____ WAC 296-24-95607 (5)(a)(vi)(B) _____ • " (5)(a)(vi)(C) _____ • " (6)(g)(ii) _____ <p>WAC 296-24-95609 (10)(f)(ii)(B) _____</p> <ul style="list-style-type: none"> WAC 296-24-95611 (3)(b) _____ • " (9) _____ • " (10)(e) _____ <p>WAC 296-24-95615 (1)(a)(ii) _____</p> <ul style="list-style-type: none"> • " (3)(b) _____ • " (4) _____ 	<p>Entrance and access to work space (over 600 volts).</p> <p>Circuit breakers operated vertically.</p> <p>Circuit breakers used as switches.</p> <p>Grounding of systems of 1000 volts or more supplying portable or mobile equipment.</p> <p>Switching series capacitors over 600 volts.</p> <p>Warning signs for elevators and escalators.</p> <p>Electrically controlled irrigation machines.</p> <p>Ground-fault circuit interrupters for fountains.</p> <p>Physical protection of conductors over 600 volts.</p> <p>Marking of Class 2 and Class 3 power supplies.</p> <p>Fire protective signaling circuits.</p>
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AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-95605 GENERAL REQUIREMENTS. (1) Approval. The conductors and equipment required or permitted by this section shall be acceptable only if approved.

(2) Examination, installation, and use of equipment.

(a) Examination. Electrical equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations:

(i) Suitability for installation and use in conformity with the provisions of this subpart. Suitability of equipment for an identified purpose may be evidenced by listing or labeling for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

(iii) Electrical insulation.

(iv) Heating effects under conditions of use.

(v) Arcing effects.

(vi) Classification by type, size, voltage, current capacity, specific use.

(vii) Other factors which contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(b) Installation and use. Listed or labeled equipment shall be used or installed in accordance with any instructions included in the listing or labeling.

(3) Splices. Conductors shall be spliced or joined with splicing devices suitable for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device suitable for the purpose.

(4) Arcing parts. Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(5) Marking. Electrical equipment may not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment. Other markings shall be provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be of sufficient durability to withstand the environment involved.

(6) Identification of disconnecting means and circuits. Each disconnecting means required by this subpart for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

(7) 600 volts, nominal, or less.

(a) Working space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) Working clearances. Except as required or permitted elsewhere in this chapter, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

Table S-1—Working clearances

Nominal voltage to ground	Minimum clear distance for condition ² (ft)		
	(a)	(b)	(c)
0-150 _____	3	3	3
151-600 _____	3	3 1/2	4

¹Minimum clear distances may be 2 feet 6 inches for installations built prior to effective date of this section.

²Conditions (a), (b), (c), are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side (c) Exposed live parts on both sides of the workspace (not guarded as provided in condition (a)) with the operator between.

(ii) Clear spaces. Working space required by this subpart may not be used for storage. When normally enclosed live parts are exposed for

inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(iii) Access and entrance to working space. At least one entrance of sufficient area shall be provided to give access to the working space about electric equipment.

(iv) Front working space. Where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment may not be less than 3 feet.

(v) Illumination. Illumination shall be provided for all working spaces about service equipment, switchboards, panelboards, and motor control centers installed indoors.

(vi) Headroom. The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches.

Note: As used in this section, a motor control center is an assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(b) Guarding of live parts.

(i) Except as required or permitted elsewhere in this section, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by approved cabinets or other forms of approved enclosures, or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(B) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with live parts or to bring conducting objects into contact with them.

(C) By location on a suitable balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(D) By elevation of 8 feet or more above the floor or other working surface.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(8) Over 600 volts, nominal.

(a) General. Conductors and equipment used on circuits exceeding 600 volts, nominal, shall comply with all applicable provisions of subsections (1) through (7) of this section and with the following provisions which supplement or modify those requirements. The provisions of (b), (c) and (d) of this subsection do not apply to equipment on the supply side of the service conductors.

(b) Enclosure for electrical installations. Electrical installations in a vault, room, closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other approved means, are considered to be accessible to qualified persons only. A wall, screen, or fence less than 8 feet in height is not considered to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot fence. The entrances to all buildings, rooms, or enclosures containing exposed live parts or exposed conductors operating at over 600 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(i) Installations accessible to qualified persons only. Electrical installations having exposed live parts shall be accessible to qualified persons only and shall comply with the applicable provisions of (c) of this subsection.

(ii) Installations accessible to unqualified persons. Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, access to which is controlled by a lock. If metal-enclosed equipment is installed so that the bottom of the enclosure is less than 8 feet above the floor, the door or cover shall be kept locked. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other similar associated equipment shall be marked with appropriate caution signs. If equipment is exposed to physical damage from vehicular traffic, suitable guards shall be provided to prevent such damage. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(c) Workspace about equipment. Sufficient space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment. Where energized parts

are exposed, the minimum clear workspace may not be less than 6 feet 6 inches high (measured vertically from the floor or platform), or less than 3 feet wide (measured parallel to the equipment). The depth shall be as required in Table S-2. The workspace shall be adequate to permit at least a 90-degree opening of doors or hinged panels.

(i) Working space. The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment may not be less than specified in Table S-2 unless otherwise specified in this subpart. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. However, working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on deenergized parts on the back of enclosed equipment, a minimum working space of 30 inches horizontally shall be provided.

Table S-2—Minimum Depth of Clear Working Space in Front of Electric Equipment

Nominal voltage to ground	Conditions ² (ft)		
	(a)	(b)	(c)
601 to 2,500	3	4	5
2,501 to 9,000	4	5	6
9,001 to 25,000	5	6	9
25,001 to 75kV ¹	6	8	10
Above 75kV ¹	8	10	12

¹Minimum depth of clear working space in front of electric equipment with a nominal voltage to ground above 25,000 volts may be the same as for 25,000 volts under conditions (a), (b) and (c) for installations built prior to April 16, 1981. (2) Conditions (a), (b) and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating materials. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. Concrete, brick, or tile walls will be considered as grounded surfaces. (c) Exposed live parts on both sides of the workspace not guarded as provided in condition (a) with the operator between.

(ii) Illumination. Adequate illumination shall be provided for all working spaces about electric equipment. The lighting outlets shall be so arranged that persons changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment. The points of control shall be so located that persons are not likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(iii) Elevation of unguarded live parts. Unguarded live parts above working space shall be maintained at elevations not less than specified in Table S-3.

Table S-3—Elevation of Unguarded Energized Parts Above Working Space

Nominal voltage between phases	Minimum elevation
601 to 7,500	*8 feet 6 inches.
7,501 to 35,000	9 feet.
Over 35kV	9 feet + 0.37 inches per kV above 35kV.

*Note: Minimum elevation may be 8 feet 0 inches for installations built prior to April 16, 1981, if the nominal voltage between phases is in the range of 601-6600 volts.

(d) Entrance and access to workspace. (See WAC 296-24-95603 (2)(c).)

(i) At least one entrance not less than 24 inches wide and 6 feet 6 inches high shall be provided to give access to the working space about

electric equipment. On switchboard and control panels exceeding 48 inches in width, there shall be one entrance at each end of such board where practicable. Where bare energized parts at any voltage or insulated energized parts above 600 volts are located adjacent to such entrance, they shall be suitably guarded.

(ii) Permanent ladders or stairways shall be provided to give safe access to the working space around electric equipment installed on platforms, balconies, mezzanine floors, or in attic or roof rooms or spaces.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-95607 WIRING DESIGN AND PROTECTION.

(1) Use and identification of grounded and grounding conductors.

(a) Identification of conductors. A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors. A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors.

(b) Polarity of connections. No grounded conductor may be attached to any terminal or lead so as to reverse designated polarity.

(c) Use of grounding terminals and devices. A grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug may not be used for purposes other than grounding.

(2) Branch circuits.

(a) Ground-fault protection for personnel on construction sites. The employer shall use either ground-fault circuit interrupters as specified in item (a)(i) of this subsection or an assured equipment grounding conductor program as specified in item (a)(ii) of this subsection, to protect employees on construction sites. These requirements are in addition to any other requirements for equipment grounding conductors.

(i) Ground-fault circuit interrupters. All 120-volt, single-phase, 15-ampere and 20-ampere receptacle outlets on construction sites, which are not a part of the permanent wiring of the building or structure and which are in use by employees, shall have approved ground-fault circuit interrupters for personnel protection. Receptacles on a two-wire, single-phase portable or vehicle-mounted generator rated not more than 5 kW, where the circuit conductors of the generator are insulated from the generator frame and all other grounded surfaces, need not be protected with ground-fault circuit interrupters.

(ii) Assured equipment grounding conductor program. The employer shall establish and implement an assured equipment grounding conductor program on construction sites covering all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and equipment connected by cord and plug, which are available for use or used by employees. This program shall comply with the following minimum requirements:

(A) A written description of the program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the director and any affected employee.

(B) The employer shall designate one or more competent persons (as defined in WAC ((296-155-012) 296-24-012) to implement the program.

(C) Each cord set, attachment cap, plug and receptacle of cord sets, and any equipment connected by cord and plug, except cord sets and receptacles which are fixed and not exposed to damage, shall be visually inspected before each day's use for external defects, such as deformed or missing pins or insulation damage, and for indication of possible internal damage. Equipment found damaged or defective may not be used until repaired.

(D) The following tests shall be performed on all cord sets, receptacles which are not a part of the permanent wiring of the building or structure, and cord-connected and plug-connected equipment required to be grounded:

(I) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous.

(II) Each receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal.

(E) All required tests shall be performed:

(I) Before first use;

(II) Before equipment is returned to service following any repairs;

(III) Before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and

(IV) At intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months.

(F) The employer may not make available or permit the use by employees of any equipment which has not met the requirements of this item (a)(ii) of this subsection.

(G) Tests performed as required in this section shall be recorded. This test record shall identify each receptacle, cord set, and cord-connected and plug-connected equipment that passed the test, and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means, and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the director and any affected employee.

(b) Outlet devices. Outlet devices shall have an ampere rating not less than the load to be served.

(3) Outside conductors, 600 volts, nominal, or less. Subdivisions (a), (b), (c) and (d) of this subsection apply to branch circuit, feeder, and service conductors rated 600 volts, nominal, or less and run outdoors as open conductors. Subdivision (e) of this subsection applies to lamps installed under such conductors.

(a) Conductors on poles. Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(i) Power conductors below communication conductors—30 inches.

(ii) Power conductors alone or above communication conductors: 300 volts or less—24 inches; more than 300 volts—30 inches.

(iii) Communication conductors below power conductors with power conductors 300 volts or less—24 inches; more than 300 volts—30 inches.

(b) Clearance from ground. Open conductors shall conform to the following minimum clearances:

(i) 10 feet—above finished grade, sidewalks, or from any platform or projection from which they might be reached.

(ii) 12 feet—over areas subject to vehicular traffic other than truck traffic.

(iii) 15 feet—over areas other than those specified in item (b)(iv) of this subsection that are subject to truck traffic.

(iv) 18 feet—over public streets, alleys, roads, and driveways.

(c) Clearance from building openings. Conductors shall have a clearance of at least 3 feet from windows, doors, porches, fire escapes, or similar locations. Conductors run above the top level of a window are considered to be out of reach from that window and, therefore, do not have to be 3 feet away.

(d) Clearance over roofs. Conductors shall have a clearance of not less than 8 feet from the highest point of roofs over which they pass, except that:

(i) Where the voltage between conductors is 300 volts or less and the roof has a slope of not less than 4 inches in 12, the clearance from the roofs shall be at least 3 feet; or

(ii) Where the voltage between conductors is 300 volts or less and the conductors do not pass over more than 4 feet of the overhang portion of the roof and they are terminated at a through-the-roof raceway or approved support, the clearance from the roofs shall be at least 18 inches.

(e) Location of outdoor lamps. Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

(4) Services.

(a) Disconnecting means.

(i) General. Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) Simultaneous opening of poles. Each service disconnecting means shall simultaneously disconnect all ungrounded conductors.

(b) Services over 600 volts, nominal. The following additional requirements apply to services over 600 volts, nominal.

(i) Guarding. Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(ii) Warning signs. Signs warning of high voltage shall be posted where other than qualified employees might come in contact with live parts.

(5) Overcurrent protection.

(a) 600 volts, nominal, or less. The following requirements apply to overcurrent protection of circuits rated 600 volts, nominal, or less.

(i) Protection of conductors and equipment. Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current.

(ii) Grounded conductors. Except for motor running overload protection, overcurrent devices may not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.

(iii) Disconnection of fuses and thermal cutouts. Except for service fuses, all cartridge fuses which are accessible to other than qualified persons and all fuses and thermal cutouts on circuits over 150 volts to ground shall be provided with disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

(iv) Location in or on premises. Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices may not be located where they will be exposed to physical damage nor in the vicinity of easily ignitable material.

(v) Arcing or suddenly moving parts. Fuses and circuit breakers shall be so located or shielded that employees will not be burned or otherwise injured by their operation.

(vi) Circuit breakers.

(A) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.

(B) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position. (See WAC 296-24-95603 (2)(c).)

(C) If used as switches in 120-volt, fluorescent lighting circuits, circuit breakers shall be approved for the purpose and marked "SWD." (See WAC 296-24-95603 (2)(c).)

(b) Over 600 volts, nominal. Feeders and branch circuits over 600 volts, nominal, shall have short-circuit protection.

(6) Grounding. Subdivisions (a) through (g) of this subsection contain grounding requirements for systems, circuits, and equipment.

(a) Systems to be grounded. The following systems which supply premises wiring shall be grounded:

(i) All 3-wire DC systems shall have their neutral conductor grounded.

(ii) Two-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless:

(A) They supply only industrial equipment in limited areas and are equipped with a ground detector; or

(B) They are rectifier-derived from an AC system complying with items (a)(iii), (a)(iv), and (a)(v) of this subsection; or

(C) They are fire-signaling circuits having a maximum current of 0.030 amperes.

(iii) AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(iv) AC systems of 50 volts to 1000 volts shall be grounded under any of the following conditions, unless exempted by item (a)(v) of this subsection:

(A) If the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts;

(B) If the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor;

(C) If the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor; or

(D) If a service conductor is uninsulated.

(v) AC systems of 50 volts to 1000 volts are not required to be grounded under any of the following conditions:

(A) If the system is used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like.

(B) If the system is separately derived and is used exclusively for rectifiers supplying only adjustable speed industrial drives.

(C) If the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

(I) The system is used exclusively for control circuits;

(II) The conditions of maintenance and supervision assure that only qualified persons will service the installation;

(III) Continuity of control power is required; and

(IV) Ground detectors are installed on the control system.

(D) If the system is an isolated power system that supplies circuits in health care facilities.

(b) Conductors to be grounded. For AC premises wiring systems the identified conductor shall be grounded.

(c) Grounding connections.

(i) For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means, or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(ii) For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(iii) On extensions of existing branch circuits which do not have an equipment grounding conductor, grounding-type receptacles may be grounded to a grounded cold water pipe near the equipment.

(d) Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(e) Supports, enclosures, and equipment to be grounded.

(i) Supports and enclosures for conductors. Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded, except that:

(A) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; or

(B) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:

(I) Runs are less than 25 feet;

(II) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and

(III) Enclosures are guarded against employee contact.

(ii) Service equipment enclosures. Metal enclosures for service equipment shall be grounded.

(iii) Frames of ranges and clothes dryers. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and metal outlet or junction boxes which are part of the circuit for these appliances shall be grounded.

(iv) Fixed equipment. Exposed noncurrent-carrying metal parts of fixed equipment which may become energized shall be grounded under any of the following conditions:

(A) If within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to employee contact.

(B) If located in a wet or damp location and not isolated.

(C) If in electrical contact with metal.

(D) If in a hazardous (classified) location.

(E) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.

(F) If equipment operates with any terminal at over 150 volts to the ground; however, the following need not be grounded:

(I) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(II) Metal frames of electrically heated appliances which are permanently and effectively insulated from ground; and

(III) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles at a height exceeding 8 feet above ground or grade level.

(v) Equipment connected by cord and plug. Under any of the conditions described in subitems (e)(v)(A) through (e)(v)(C) of this subsection, exposed noncurrent-carrying metal parts of cord-connected and plug-connected equipment which may become energized shall be grounded.

(A) If in hazardous (classified) locations (see WAC 296-24-95613).

(B) If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground.

(C) If the equipment is of the following types:

(I) Refrigerators, freezers, and air conditioners;

(II) Clothes-washing, clothes-drying and dishwashing machines, sump pumps, and electrical aquarium equipment;

(III) Hand-held motor-operated tools;

(IV) Motor-operated appliances of the following types: Hedge clippers, lawn mowers, snow blowers, and wet scrubbers;

(V) Cord-connected and plug-connected appliances used in damp or wet locations or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;

(VI) Portable and mobile x-ray and associated equipment;

(VII) Tools likely to be used in wet and conductive locations; and

(VIII) Portable hand lamps. Tools likely to be used in wet and conductive locations need not be grounded if supplied through an isolating transformer with an ungrounded secondary of not over 50 volts. Listed or labeled portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. If such a system is employed, the equipment shall be distinctively marked to indicate that the tool or appliance utilizes an approved system of double insulation.

(vi) Nonelectrical equipment. The metal parts of the following non-electrical equipment shall be grounded: Frames and tracks of electrically operated cranes; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and similar metal enclosures around equipment of over 750 volts between conductors.

(f) Methods of grounding fixed equipment.

(i) Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this section, shall be grounded by an equipment grounding conductor which is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(ii) Electric equipment is considered to be effectively grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded by the method specified for the noncurrent-carrying metal parts of fixed equipment in item (f)(i) of this subsection. For installations made before ~~((eff. date))~~ May 30, 1982, only, electric equipment is also considered to be effectively grounded if it is secured to, and in metallic contact with, the grounded structural metal frame of a building. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered to be effectively grounded.

(g) Grounding of systems and circuits of 1000 volts and over (high voltage).

(i) General. If high voltage systems are grounded, they shall comply with all applicable provisions of subdivisions (a) through (f) of this subsection as supplemented and modified by the subdivision (g) of this subsection.

(ii) Grounding of systems supplying portable or mobile equipment. (See WAC 296-24-95603 (2)(c).) Systems supplying portable or mobile high voltage equipment, other than substations installed on a temporary basis, shall comply with the following:

(A) Portable and mobile high voltage equipment shall be supplied from a system having its neutral grounded through an impedance. If a delta-connected high voltage system is used to supply the equipment, a system neutral shall be derived.

(B) Exposed noncurrent-carrying metal parts of portable and mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(C) Ground-fault detection and relaying shall be provided to automatically deenergize any high voltage system component which has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored so as to deenergize automatically the high voltage feeder to the portable equipment upon loss of continuity of the equipment grounding conductor.

(D) The grounding electrode to which the portable or mobile equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 20 feet from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe, fence, etc.

(iii) Grounding of equipment. All noncurrent-carrying metal parts of portable equipment and fixed equipment including their associated fences, housings, enclosures, and supporting structures shall be grounded. However, equipment which is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus at a height exceeding 8 feet above ground or grade level need not be grounded.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-95609 WIRING METHODS, COMPONENTS, AND EQUIPMENT FOR GENERAL USE. (1) Wiring methods. The provisions of this section do not apply to the conductors that are an integral part of factory-assembled equipment.

(a) General requirements.

(i) Electrical continuity of metal raceways and enclosures. Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) Wiring in ducts. No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type may be installed in any duct used for vapor removal or for ventilation of commercial-type cooking equipment, or in any shaft containing only such ducts.

(b) Temporary wiring. Temporary electrical power and lighting wiring methods may be of a class less than would be required for a permanent installation. Except as specifically modified in this paragraph, all other requirements of this subpart for permanent wiring shall apply to temporary wiring installations.

(i) Uses permitted, 600 volts, nominal or less. Temporary electrical power and lighting installations 600 volts, nominal, or less may be used only:

(A) During and for remodeling, maintenance, repair, or demolition of buildings, structures, or equipment, and similar activities;

(B) For experimental or development work; and

(C) For a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

(ii) Uses permitted, over 600 volts, nominal. Temporary wiring over 600 volts, nominal, may be used only during periods of tests, experiments, or emergencies.

(iii) General requirements for temporary wiring.

(A) Feeders shall originate in an approved distribution center. The conductors shall be run as multiconductor cord or cable assemblies, or, where not subject to physical damage, they may be run as open conductors on insulators not more than 10 feet apart.

(B) Branch circuits shall originate in an approved power outlet or panelboard. Conductors shall be multiconductor cord or cable assemblies or open conductors. If run as open conductors they shall be fastened at ceiling height every 10 feet. No branch-circuit conductor may be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if run as open conductors.

(C) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor and all receptacles shall be electrically connected to the grounding conductor.

(D) No bare conductors nor earth returns may be used for the wiring of any temporary circuit.

(E) Suitable disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(F) Lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least 7 feet from normal working surface or by a suitable fixture or lampholder with a guard.

(G) Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. Where passing through doorways or other pinch points, flexible cords and cables shall be provided with protection to avoid damage.

(c) Cable trays.

(i) Uses permitted.

(A) Only the following may be installed in cable tray systems:

(I) Mineral-insulated metal-sheathed cable (Type MI);

(II) Armored cable (Type AC);

(III) Metal-clad cable (Type MC);

(IV) Power-limited tray cable (Type PLTC);

(V) Nonmetallic-sheathed cable (Type NM or NMC);

(VI) Shielded nonmetallic-sheathed cable (Type SNM);

(VII) Multiconductor service-entrance cable (Type SE or USE);

(VIII) Multiconductor underground feeder and branch-circuit cable (Type UF);

(IX) Power and control tray cable (Type TC);

(X) Other factory-assembled, multiconductor control, signal, or power cables which are specifically approved for installation in cable trays; or

(XI) Any approved conduit or raceway with its contained conductors.

(B) In industrial establishments only, where conditions of maintenance and supervision assure that only qualified persons will service the installed cable tray system, the following cables may also be installed in ladder, ventilated trough, or 4 inch ventilated channel-type cable trays:

(I) Single conductor cables which are 250 MCM or larger and are Types RHH, RHW, MV, USE, or THW, and other 250 MCM or larger single conductor cables if specifically approved for installation in cable trays. Where exposed to direct rays of the sun, cables shall be sunlight-resistant.

(II) Type MV cables, where exposed to direct rays of the sun, shall be sunlight-resistant.

(C) Cable trays in hazardous (classified) locations shall contain only the cable types permitted in such locations.

(ii) Uses not permitted. Cable tray systems may not be used in hoistways or where subjected to severe physical damage.

(d) Open wiring on insulators.

(i) Uses permitted. Open wiring on insulators is only permitted on systems of 600 volts, nominal, or less for industrial or agricultural establishments and for services.

(ii) Conductor supports. Conductors shall be rigidly supported on noncombustible, nonabsorbent insulating materials and may not contact any other objects.

(iii) Flexible nonmetallic tubing. In dry locations where not exposed to severe physical damage, conductors may be separately enclosed in flexible nonmetallic tubing. The tubing shall be in continuous lengths not exceeding 15 feet and secured to the surface by straps at intervals not exceeding 4 feet 6 inches.

(iv) Through walls, floors, wood cross members, etc. Open conductors shall be separated from contact with walls, floors, and wood cross members, or partitions through which they pass by tubes or bushings of noncombustible, nonabsorbent insulating material. If the bushing is shorter than the hole, a waterproof sleeve of nonconductive material shall be inserted in the hole and an insulating bushing slipped into the sleeve at each end in such a manner as to keep the conductors absolutely out of contact with the sleeve. Each conductor shall be carried through a separate tube or sleeve.

(v) Protection from physical damage. Conductors within 7 feet from the floor are considered exposed to physical damage. Where open conductors cross ceiling joints and wall studs and are exposed to physical damage, they shall be protected.

(2) Cabinets, boxes, and fittings.

(a) Conductors entering boxes, cabinets, or fittings. Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall also be effectively closed.

(b) Covers and canopies. All pull boxes, junction boxes, and fittings shall be provided with covers approved for the purpose. If metal covers are used they shall be grounded. In completed installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(c) Pull and junction boxes for systems over 600 volts, nominal. In addition to other requirements in this section for pull and junction boxes, the following shall apply to these boxes for systems over 600 volts, nominal:

(i) Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Boxes shall be closed by suitable covers securely fastened in place. Underground box covers that weight over 100 pounds meet this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(3) Switches.

(a) Knife switches. Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical a locking device

shall be provided to ensure that the blades remain in the open position when so set.

(b) Faceplates for flush-mounted snap switches. Flush snap switches that are mounted in ungrounded metal boxes and located within reach of conducting floors or other conducting surfaces shall be provided with faceplates of nonconducting, noncombustible material.

(4) Switchboards and panelboards. Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures approved for the purpose and shall be dead front. However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(b) Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) Conductors for general wiring. All conductors used for general wiring shall be insulated unless otherwise permitted in this section. The conductor insulation shall be of a type that is approved for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other suitable means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Flexible cords and cables shall be approved and suitable for conditions of use and location. Flexible cords and cables shall be used only for:

(A) Pendants;

(B) Wiring of fixtures;

(C) Connection of portable lamps or appliances;

(D) Elevator cables;

(E) Wiring of cranes and hoists;

(F) Connection of stationary equipment to facilitate their frequent interchange;

(G) Prevention of the transmission of noise or vibration;

(H) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair; or

(I) Data processing cables approved as a part of the ~~(date)~~ data processing system.

(ii) If used as permitted in subitem (a)(i)(C), (a)(i)(F) or (a)(i)(H) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet.

(iii) Unless specifically permitted in item (a)(i) of this subsection, flexible cords and cables may not be used:

(A) As a substitute for the fixed wiring of a structure;

(B) Where run through holes in walls, ceilings, or floors;

(C) Where run through doorways, windows, or similar openings;

(D) Where attached to building surfaces; or

(E) Where concealed behind building walls, ceilings, or floors.

(iv) Flexible cords used in show windows and showcases shall be Type S, SO, SJ, SJO, ST, STO, SJT, SJTO, or AFS except for the wiring of chain-supported lighting fixtures and supply cords for portable lamps and other merchandise being displayed or exhibited.

(b) Identification, splices, and terminations.

(i) A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors. Types SJ, SJO, SJT, SJTO, S, SO, ST, and STO shall be durably marked on the surface with the type designation, size, and number of conductors.

(ii) Flexible cords shall be used only in continuous lengths without splice or tap. Hard service flexible cords No. 12 or larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iii) Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(8) Portable cables over 600 volts, nominal. Multiconductor portable cable for use in supplying power to portable or mobile equipment at over 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2,000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these

cables shall be of a locking type with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables may not be operated with splices unless the splices are of the permanent molded, vulcanized, or other approved type. Termination enclosures shall be suitably marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified personnel.

(9) Fixture wires.

(a) General. Fixture wires shall be approved for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) Uses permitted. Fixture wires may be used:

(i) For installation in lighting fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) Uses not permitted. Fixture wires may not be used as branch-circuit conductors except as permitted for Class 1 power limited circuits.

(10) Equipment for general use.

(a) Lighting fixtures, lampholders, lamps, and receptacles.

(i) Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet above the floor may have exposed parts.

(ii) Handlamps of the portable type supplied through flexible cords shall be equipped with a handle of molded composition or other material approved for the purpose, and a substantial guard shall be attached to the lampholder or the handle.

(iii) Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(iv) Fixtures installed in wet or damp locations shall be approved for the purpose and shall be so constructed or installed that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) Receptacles, cord connectors, and attachment plugs (caps).

(i) Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

(ii) A receptacle installed in a wet or damp location shall be suitable for the location.

(c) Appliances.

(i) Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, may have no live parts normally exposed to employee contact.

(ii) A means shall be provided to disconnect each appliance.

(iii) Each appliance shall be marked with its rating in volts and amperes or volts and watts.

(d) Motors. This paragraph applies to motors, motor circuits, and controllers.

(i) In sight from. If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet from the other.

(ii) Disconnecting means.

(A) A disconnecting means shall be located in sight from the controller location. However, a single disconnecting means may be located adjacent to a group of coordinated controllers mounted adjacent to each other or a multimotor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means which is to be locked in the open position.

(B) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(C) If a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(I) The controller disconnecting means shall be capable of being locked in the open position.

(II) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(D) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(E) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(F) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(I) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or woodworking machine, crane, or hoist;

(II) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(III) If a group of motors is in a single room in sight from the location of the disconnecting means.

(iii) Motor overload, short-circuit, and ground-fault protection. Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions shall not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(iv) Protection of live parts—all voltages.

(A) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not have such parts guarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(I) By installation in a room or enclosure that is accessible only to qualified persons;

(II) By installation on a suitable balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons; or

(III) By elevation 8 feet or more above the floor.

(B) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, suitable insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(e) Transformers.

(i) The following paragraphs cover the installation of all transformers except the following:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers which are an integral part of an x-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signalling circuits; and

(E) Liquid-filled or dry-type transformers used for research, development, or testing, where effective safeguard arrangements are provided.

(ii) The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35kV shall be in a vault.

(iv) If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires which may originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Any pipe or duct system foreign to the vault installation may not enter or pass through a transformer vault.

(viii) Materials may not be stored in transformer vaults.

(f) Capacitors.

(i) All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge after the capacitor is disconnected from its source of supply.

(ii) Capacitors rated over 600 volts, nominal, shall comply with the following additional requirements:

(A) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(B) For series capacitors (see WAC 296-24-95603 (2)(c)), the proper switching shall be assured by use of at least one of the following:

- (I) Mechanically sequenced isolating and bypass switches;
- (II) Interlocks; or
- (III) Switching procedure prominently displayed at the switching location.

(g) Storage batteries. Provisions shall be made for sufficient diffusion and ventilation of gases from storage batteries to prevent the accumulation of explosive mixtures.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-95611 SPECIFIC PURPOSE EQUIPMENT AND INSTALLATIONS. (1) Electric signs and outline lighting.

(a) Disconnecting means. Signs operated by electronic or electromechanical controllers located outside the sign shall have a disconnecting means located inside the controller enclosure or within sight of the controller location, and it shall be capable of being locked in the open position. Such disconnecting means shall have no pole that can be operated independently, and it shall open all ungrounded conductors that supply the controller and sign. All other signs, except the portable type, and all outline lighting installations shall have an externally operable disconnecting means which can open all ungrounded conductors and is within the sight of the sign or outline lighting it controls.

(b) Doors or covers giving access to uninsulated parts of indoor signs or outline lighting exceeding 600 volts and accessible to other than qualified persons shall either be provided with interlock switches to disconnect the primary circuit or shall be so fastened that the use of other than ordinary tools will be necessary to open them.

(2) Cranes and hoists. This subsection applies to the installation of electric equipment and wiring used in connection with cranes, monorail hoists, hoists, and all runways.

(a) Disconnecting means.

(i) A readily accessible disconnecting means shall be provided between the runway contact conductors and the power supply.

(ii) Another disconnecting means, capable of being locked in the open position, shall be provided in the leads from the runway contact conductors or other power supply on any crane or monorail hoist.

(A) If this additional disconnection means is not readily accessible from the crane or monorail hoist operating station means shall be provided at the operating station, to open the power circuit to all motors of the crane or monorail hoist.

(B) The additional disconnect may be omitted if a monorail hoist or hand-propelled crane bridge installation meets all of the following:

- (I) The unit is floor controlled;
- (II) The unit is within view of the power supply disconnecting means; and
- (III) No fixed work platform has been provided for servicing the unit.

(b) Control. A limit switch or other device shall be provided to prevent the load block from passing the safe upper limit of travel of any hoisting mechanism.

(c) Clearance. The dimension of the working space in the direction of access to live parts which may require examination, adjustment, servicing, or maintenance while alive shall be a minimum of 2 feet 6 inches. Where controls are enclosed in cabinets, the door(s) shall either open at least 90 degrees or be removable.

(3) Elevators, dumbwaiters, escalators, and moving walks.

(a) Disconnecting means. Elevators, dumbwaiters, escalators, and moving walks shall have a single means for disconnecting all ungrounded main power supply conductors for each unit.

(b) Warning signs. If interconnections between control panels are necessary for operation of the system on a multicar installation that remains energized from a source other than the disconnecting means, a warning sign shall be mounted on or adjacent to the disconnecting means. The sign shall be clearly legible and shall read "Warning—

Parts of the control panel are not de-energized by this switch." (See WAC 296-24-95603 (2)(c).)

(c) Control panels. If control panels are not located in the same space as the drive machine, they shall be located in cabinets with doors or panels capable of being locked closed.

(4) Electric welders—disconnecting means.

(a) A disconnecting means shall be provided in the supply circuit for each motor-generator arc welder, and for each AC transformer and DC rectifier arc welder which is not equipped with a disconnect mounted as an integral part of the welder.

(b) A switch or circuit breaker shall be provided by which each resistance welder and its control equipment can be isolated from the supply circuit. The ampere rating of this disconnecting means may not be less than the supply conductor ampacity.

(5) Data processing systems—disconnecting means. A disconnecting means shall be provided to disconnect the power to all electronic equipment in data processing or computer rooms. This disconnecting means shall be controlled from locations readily accessible to the operator at the principal exit doors. There shall also be a similar disconnecting means to disconnect the air conditioning system serving this area.

(6) X-ray equipment. This subsection applies to x-ray equipment for other than medical or dental use.

(a) Disconnecting means.

(i) A disconnecting means shall be provided in the supply circuit. The disconnecting means shall be operable from a location readily accessible from the x-ray control. For equipment connected to a 120-volt branch circuit of 30 amperes or less, a grounding-type attachment plug cap and receptacle of proper rating may serve as a disconnecting means.

(ii) If more than one piece of equipment is operated from the same high-voltage circuit, each piece or each group of equipment as a unit shall be provided with a high-voltage switch or equivalent disconnecting means. This disconnecting means shall be constructed, enclosed, or located so as to avoid contact by employees with its live parts.

(b) Control.

(i) Radiographic and fluoroscopic types. Radiographic and fluoroscopic-type equipment shall be effectively enclosed or shall have interlocks that de-energize the equipment automatically to prevent ready access to live current-carrying parts.

(ii) Diffraction and irradiation types. Diffraction-type and irradiation-type equipment shall be provided with a means to indicate when it is energized unless the equipment or installation is effectively enclosed or is provided with interlocks to prevent access to live current-carrying parts during operation.

(7) Induction and dielectric heating equipment.

(a) Scope. Subdivisions (b) and (c) of this subsection cover induction and dielectric heating equipment and accessories for industrial and scientific applications, but not for medical dental applications or for appliances.

(b) Guarding and grounding.

(i) Enclosures. The converting apparatus (including the DC line) and high-frequency electric circuits (excluding the output circuits and remote-control circuits) shall be completely contained within enclosures of noncombustible material.

(ii) Panel controls. All panel controls shall be of dead-front construction.

(iii) Access to internal equipment. Where doors are used for access to voltages from 500 to 1000 volts AC or DC, either door locks or interlocks shall be provided. Where doors are used for access to voltages of over 1000 volts AC or DC, either mechanical lockouts with a disconnecting means to prevent access until voltage is removed from the cubicle, or both door interlocking and mechanical door locks, shall be provided.

(iv) Warning labels. "Danger" labels shall be attached on the equipment and shall be plainly visible even when doors are open or panels are removed from compartments containing voltages of over 250 volts AC or DC.

(v) Work applicator shielding. Protective cages or adequate shielding shall be used to guard work applicators other than induction heating coils. Induction heating coils shall be protected by insulation and/or refractory materials. Interlock switches shall be used on all hinged access doors, sliding panels, or other such means of access to the applicator. Interlock switches shall be connected in such a manner as to remove all power from the applicator when any one of the access doors or panels is open. Interlocks on access doors or panels are not

required if the applicator is an induction heating coil at DC ground potential or operating at less than 150 volts AC.

(vi) Disconnecting means. A readily accessible disconnecting means shall be provided by which each unit of heating equipment can be isolated from its supply circuit.

(c) Remote control. If remote controls are used for applying power, a selector switch shall be provided and interlocked to provide power from only one control point at a time. Switches operated by foot pressure shall be provided with a shield over the contact button to avoid accidental closing the switch.

(8) Electrolytic cells.

(a) Scope. These provisions for electrolytic cells apply to the installation of the electrical components and accessory equipment of electrolytic cells, electrolytic cell lines, and process power supply for the production of aluminum, cadmium, chlorine, copper, fluorine, hydrogen peroxide, magnesium, sodium, sodium chlorate, and zinc. Cells used as a source of electric energy and for electroplating processes and cells used for production of hydrogen are not covered by these provisions.

(b) Definitions applicable to this subsection.

Cell line: An assembly of electrically interconnected electrolytic cells supplied by a source of direct-current power.

Cell line attachments and auxiliary equipment: Cell line attachments and auxiliary equipment include, but are not limited to: Auxiliary tanks; process piping; duct work; structural supports; exposed cell line conductors; conduits and other raceways; pumps; positioning equipment and cell cutout or bypass electrical devices. Auxiliary equipment also includes tools, welding machines, crucibles, and other portable equipment used for operation and maintenance within the electrolytic cell line working zone. In the cell line working zone, auxiliary equipment includes the exposed conductive surfaces of ungrounded cranes and crane-mounted cell-servicing equipment.

Cell line working zone: The cell line working zone is the space envelope wherein operation or maintenance is normally performed on or in the vicinity of exposed energized surfaces of cell lines or their attachments.

Electrolytic cells: A receptacle or vessel in which electrochemical reactions are caused by applying energy for the purpose of refining or producing usable materials.

(c) Application. Installations covered by subsection (8) of this section shall comply with all applicable provisions of this section except as follows:

(i) Overcurrent protection of electrolytic cell DC process power circuits need not comply with the requirements of WAC 296-24-95607(5).

(ii) Equipment located or used within the cell line working zone or associated with the cell line DC power circuits need not comply with the provisions of WAC 296-24-95607(6).

(iii) Electrolytic cells, cell line conductors, cell line attachments, and the wiring of auxiliary equipment and devices within the cell line working zone need not comply with the provisions of WAC 296-24-95605 and 296-24-95607 (2) and (3).

(d) Disconnecting means.

(i) If more than one DC cell line process power supply serves the same cell line, a disconnecting means shall be provided on the cell line circuit side of each power supply to disconnect it from the cell line circuit.

(ii) Removable links or removable conductors may be used as the disconnecting means.

(e) Portable electric equipment.

(i) The frames and enclosures of portable electric equipment used within the cell line working zone may not be grounded. However, these frames and enclosures may be grounded if the cell line circuit voltage does not exceed 200 volts DC or if the frames are guarded.

(ii) Ungrounded portable electric equipment shall be distinctively marked and may not be interchangeable with grounded portable electric equipment.

(f) Power supply circuits and receptacles for portable electric equipment.

(i) Circuits supplying power to ungrounded receptacles for hand-held, cord-and-plug-connected equipment shall be electrically isolated from any distribution system supplying areas other than the cell line working zone and shall be ungrounded. Power for these circuits shall be supplied through isolating transformers.

(ii) Receptacles and their mating plugs for ungrounded equipment may not have provision for a grounding conductor and shall be of a configuration which prevents their use for equipment required to be grounded.

(iii) Receptacles on circuits supplied by an isolating transformer with an ungrounded secondary shall have a distinctive configuration, shall be distinctively marked, and may not be used in any other location in the plant.

(g) Fixed and portable electric equipment.

(i) AC systems supplying fixed and portable electric equipment within the cell line working zone need not be grounded.

(ii) Exposed conductive surfaces, such as electric equipment housings, cabinets, boxes, motors, raceways and the like that are within the cell line working zone need not be grounded.

(iii) Auxiliary electrical devices, such as motors, transducers, sensors, control devices, and alarms, mounted on an electrolytic cell or other energized surface, shall be connected by any of the following means:

(A) Multiconductor hard usage or extra hard usage flexible cord;

(B) Wire or cable in suitable raceways; or

(C) Exposed metal conduit, cable tray, armored cable, or similar metallic systems installed with insulating breaks such that they will not cause a potentially hazardous electrical condition.

(iv) Fixed electric equipment may be bonded to the energized conductive surfaces of the cell line, its attachments, or auxiliaries. If fixed electric equipment is mounted on an energized conductive surface, it shall be bonded to that surface.

(h) Auxiliary nonelectric connections. Auxiliary nonelectric connections, such as air hoses, water hoses, and the like, to an electrolytic cell, its attachments, or auxiliary equipment may not have continuous conductive reinforcing wire, armor, braids, and the like. Hoses shall be of a nonconductive material.

(i) Cranes and hoists.

(i) The conductive surfaces of cranes and hoists that enter the cell line working zone need not be grounded. The portion of an overhead crane or hoist which contacts an energized electrolytic cell or energized attachments shall be insulated from ground.

(ii) Remote crane or hoist controls which may introduce hazardous electrical conditions into the cell line working zone shall employ one or more of the following systems:

(A) Insulated and ungrounded control circuit;

(B) Nonconductive rope operator;

(C) Pendant pushbutton with nonconductive supporting means and having nonconductive surfaces or ungrounded exposed conductive surfaces; or

(D) Radio.

(9) Electrically driven or controlled irrigation machines. (See WAC 296-24-95603 (2)(c).)

(a) Lightning protection. If an electrically driven or controlled irrigation machines has a stationary point, a driven ground rod shall be connected to the machine at the stationary point for lightning protection.

(b) Disconnecting means. The main disconnecting means for a center pivot irrigation machine shall be located at the point of connection of electrical power to the machine and shall be readily accessible and capable of being locked in the open position. A disconnecting means shall be provided for each motor and controller.

(10) Swimming pools, fountains, and similar installations.

(a) Scope. Subdivisions (b) through (e) of this subsection apply to electric wiring for and equipment in or adjacent to all swimming, wading, therapeutic, and decorative pools and fountains, whether permanently installed or storable, and to metallic auxiliary equipment, such as pumps, filters, and similar equipment. Therapeutic pools in health care facilities are exempt from these provisions.

(b) Lighting and receptacles.

(i) Receptacles. A single receptacle of the locking and grounding type that provides power for a permanently installed swimming pool recirculating pump motor may be located not less than 5 feet from the inside walls of a pool. All other receptacles on the property shall be located at least 10 feet from the inside walls of a pool. Receptacles which are located within 15 feet of the inside walls of the pool shall be protected by ground-fault circuit interrupters.

Note: In determining these dimensions, the distance to be measured is the shortest path the supply cord of an appliance connected to the receptacle would follow without piercing a floor, wall, or ceiling of a building or other effective permanent barrier.

(ii) Lighting fixtures and lighting outlets.

(A) Unless they are 12 feet above the maximum water level, lighting fixtures and lighting outlets may not be installed over a pool or over the area extending 5 feet horizontally from the inside walls of a pool. However, a lighting fixture or lighting outlet which has been installed

before ~~((eff. date))~~ April 16, 1981, may be located less than 5 feet measured horizontally from the inside walls of a pool if it is at least 5 feet above the surface of the maximum water level and shall be rigidly attached to the existing structure. It shall also be protected by a ground-fault circuit interrupter installed in the branch circuit supplying the fixture.

(B) Unless installed 5 feet above the maximum water level and rigidly attached to the structure adjacent to or enclosing the pool, lighting fixtures and lighting outlets installed in the area extending between 5 feet and 10 feet horizontally from the inside walls of a pool shall be protected by a ground-fault circuit interrupter.

(c) Cord-connected and plug-connected equipment. Flexible cords used with the following equipment may not exceed 3 feet in length and shall have a copper equipment grounding conductor with a grounding-type attachment plug.

(i) Cord-connected and plug-connected lighting fixtures installed within 16 feet of the water surface of permanently installed pools.

(ii) Other cord-connected and plug-connected, fixed or stationary equipment used with permanently installed pools.

(d) Underwater equipment.

(i) A ground-fault circuit interrupter shall be installed in the branch circuit supplying underwater fixtures operating at more than 15 volts. Equipment installed underwater shall be approved for the purpose.

(ii) No underwater lighting fixtures may be installed for operation at over 150 volts between conductors.

(e) Fountains. All electric equipment operating at more than 15 volts, including power supply cords, used with fountains shall be protected by ground-fault circuit interrupters. (See WAC 296-24-95603 (2)(c).)

Part V Rollover protective structures and overhead protection.
(WAC 296-155-950 through 296-155-965)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-175	SCOPE AND APPLICATION.
WAC 296-155-17505	DEFINITIONS.
WAC 296-155-17510	PERMISSIBLE EXPOSURE LIMITS (PEL).
WAC 296-155-17515	COMMUNICATION AMONG EMPLOYERS.
WAC 296-155-17520	IDENTIFICATION.
WAC 296-155-17525	REGULATED AREAS.
WAC 296-155-17530	EXPOSURE MONITORING.
WAC 296-155-17532	METHODS OF COMPLIANCE.
WAC 296-155-17535	RESPIRATORY PROTECTION.
WAC 296-155-17540	PROTECTIVE CLOTHING.
WAC 296-155-17545	HYGIENE FACILITIES AND PRACTICES.
WAC 296-155-17550	COMMUNICATION OF HAZARDS TO EMPLOYEES.
WAC 296-155-17555	HOUSEKEEPING.
WAC 296-155-17560	MEDICAL SURVEILLANCE.
WAC 296-155-17565	RECORDKEEPING.
WAC 296-155-17570	DATES.
WAC 296-155-17575	APPENDICES.
WAC 296-155-177	APPENDIX A—WISHA REFERENCE METHOD—MANDATORY.
WAC 296-155-179	APPENDIX B—DETAILED PROCEDURE FOR ASBESTOS, TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE SAMPLING AND ANALYSIS—NONMANDATORY.
WAC 296-155-181	APPENDIX C—QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES—MANDATORY.
WAC 296-155-183	APPENDIX D—MEDICAL QUESTIONNAIRES—MANDATORY.
WAC 296-155-185	APPENDIX E—INTERPRETATION AND CLASSIFICATION OF CHEST ROENTGENOGRAMS—MANDATORY.
WAC 296-155-187	APPENDIX F—WORK PRACTICES AND ENGINEERING CONTROLS FOR MAJOR ASBESTOS REMOVAL, RENOVATION, AND DEMOLITION OPERATIONS—NONMANDATORY.
WAC 296-155-189	APPENDIX G—WORK PRACTICES AND ENGINEERING CONTROLS FOR SMALL-SCALE, SHORT-DURATION ASBESTOS RENOVATION AND MAINTENANCE OPERATIONS—NONMANDATORY.
WAC 296-155-191	APPENDIX H—SUBSTANCE TECHNICAL INFORMATION FOR ASBESTOS—NONMANDATORY.
WAC 296-155-193	APPENDIX I—MEDICAL SURVEILLANCE GUIDELINES FOR ASBESTOS, TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE—NONMANDATORY.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05403 SCOPE AND APPLICATION. (1) This ~~((section))~~ part requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this ~~((section))~~ part requires distributors to transmit the required information to employers.

(2) This ~~((section))~~ part applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This ~~((section))~~ part applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees; and,

Chapter 296-155 WAC

SAFETY STANDARDS FOR CONSTRUCTION WORK

Subchapters

- Part A General safety and health provisions.
(WAC 296-155-001 through 296-155-040)
- Part B ~~(=+)~~ Occupational health and environmental control.
(WAC 296-155-100 through 296-155-170)
- ~~((Part B-2—Asbestos, tremolite, anthophyllite, and actinolite.))~~
- Part C Personal protective and life saving equipment.
(WAC 296-155-200 through 296-155-240)
- Part D Fire protection and prevention.
(WAC 296-155-250 through 296-155-280)
- Part E Signs, signals, and barricades.
(WAC 296-155-300 through 296-155-315)
- Part F Material handling, storage, use and disposal.
(WAC 296-155-325 through 296-155-34920)
- Part G Tools—Hand and power.
(WAC 296-155-350 through 296-155-375)
- Part H Welding and cutting.
(WAC 296-155-400 through 296-155-420)
- Part I Electrical.
(WAC 296-155-425 through 296-155-455)
- Part J Ladders, scaffolds and elevating work platforms.
(WAC 296-155-475 through 296-155-48533)
- Part K Floor openings, wall openings and stairways.
(WAC 296-155-500 through 296-155-515)
- Part L Cranes, derricks, hoists, elevators, and conveyors.
(WAC 296-155-525 through 296-155-59920)
- Part M Motor vehicles, mechanized equipment, and marine operations.
(WAC 296-155-600 through 296-155-630)
- Part N Excavation, trenching, and shoring.
(WAC 296-155-650 through 296-155-66505)
- Part O Concrete, concrete forms and shoring.
(WAC 296-155-675 through 296-155-695)
- Part P Steel erection.
(WAC 296-155-700 through 296-155-720)
- Part Q Tunnels and shafts, caissons, cofferdams, and compressed air.
(WAC 296-155-725 through 296-155-74501)
- Part R Miscellaneous construction requirements.
(WAC 296-155-750 through 296-155-770)
- Part S Demolition.
(WAC 296-155-775 through 296-155-830)
- Part T Refer to chapter 296-52 WAC, Safety standards for the possession, handling and use of explosives.
- Part U Power distribution and transmission lines. (Reserved)

(c) Employers shall ensure that laboratory employees are apprised of the hazards of the chemicals in their workplaces in accordance with WAC 296-62-05415.

(4) This ((section)) part applies to agriculture (SIC Codes 01, 02, and 07) only as follows:

(a) Employers shall ensure that each container of hazardous chemicals in the workplace is labeled in accordance with WAC 296-62-05411;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are accessible to agricultural employees upon request; and

(c) Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Such information and training shall be tailored to the types of hazards to which the employees will be exposed. Seasonal and temporary employees who are not exposed to hazardous chemicals in their work area need not be trained.

(i) Information. Employees shall be informed of:

(A) The requirements of this subsection;

(B) Any operations in their work area where hazardous chemicals are present; and

(C) The location and availability of material safety data sheets.

(ii) Training. Employee training shall include:

(A) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as visual appearance or odor of hazardous chemicals when being released or other methods used by the employer);

(B) The physical and health hazards of the chemicals in the work area including the likely physical symptoms or effects of overexposure;

(C) The measures employees can take to protect themselves from these hazards, including procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and

(D) An explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

(d) The provisions of WAC 296-62-05415 (3) and (4).

(5) This ((section)) part does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

(b) Any food, food additive, color additive, drug, or cosmetic, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and regulations issued under that act, when they are subject to the labeling requirements of that act and labeling regulations issued under that act by the Food and Drug Administration;

(c) Any distilled spirits (beverage alcohols), wine, or malt beverages intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms; and,

(d) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.

(6) This ((section)) part does not apply to:

(a) Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology which describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;

(b) Tobacco or tobacco products;

(c) Wood or wood products;

(d) Articles; ((and));

(e) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace((-));

(f) Any transportation of a hazardous chemical or substance, provided such transportation is subject to regulations issued by the United States department of transportation or the Washington utilities and transportation commission((-)); and

(g) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can demonstrate it is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers.

(7) Any distributor who makes retail sales to the general public of consumer products packaged for distribution to, and used by, the general public, shall not be required to disseminate material safety data sheets to the retail purchasers of such products.

((7)) (8) Where there are two or more employers at the same workplace, each employer shall be solely responsible under the provisions of WAC 296-62-054 through 296-62-05425 for his or her own employees.

AMENDATORY SECTION (Amending Order 86-28, filed 7/25/86)

WAC 296-62-07515 CONTROL OF CHEMICAL AGENTS. Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Abate, see Temephos		
Acetaldehyde	100	180
Acetic acid	10	25
C Acetic anhydride	5	20
Acetone	750	1,780
Acetonitrile	40	70
2-Acetylaminofluorene, see WAC 296-62-073		
Acetylene	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	15
Acetylsalicylic acid	—	5
Acrolein	0.1	0.25
Acrylamide-skin	—	((6-3)) 0.03
Acrylic acid	10	30
Acrylonitrile-skin, see WAC 296-62-07341		
Aldrin-skin	—	0.25
Allyl alcohol-skin	2	5
Allyl chloride	1	3
Allyl propyl disulfide	2	12
α-Alumina, see Aluminum oxide		
Aluminum metal and oxide	—	10
pyro powders	—	5
welding fumes	—	5
soluble salts	—	2
alkyls (NOC)	—	2
Alundum, see aluminum oxide		
4-Aminodiphenyl, see WAC 296-62-073		
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
Ammonia	25	18
Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	530
sec-Amyl acetate	125	((678)) 665
Aniline & ((homologues-skin)) homologues-skin	2	10
Anisidine (o, p-isomers)-skin	0.1	0.5
Antimony & Compounds (as Sb)	—	0.5
ANTU (alpha Naphthyl thiourea)	—	0.3
Argon	Simple	Asphyxiant

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Arsenic & Compounds (as As) which are exempt from WAC 296-62-07347	—	0.2
Arsine	0.05	0.2
Asbestos, see WAC 296-62- 07517	—	5
Asphalt (petroleum) fumes	—	5
Atrazine	—	0.2
Azinphos methyl-skin	—	0.5
Barium (soluble compounds)	—	10
Benomyl	0.8	10
Benidine, see WAC 296-62-073 (<i>p</i> -Benzoquinone) <i>p</i> - Benzoquinone, see Quinone	—	5
Benzoic peroxide	—	5
Benzyl chloride	1	5
Biphenyl, see Diphenyl	—	10
Bismuth telluride	—	5
Se-doped	—	1
Borates, tetra, sodium salts anhydrous	—	5
decahydrate	—	1
pentahydrate	—	10
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromacil	1	10
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromochloromethane	200	1,050
Bromoform-skin	0.5	5.0
Butadiene (1,3-butadiene)	10	22
Butane	800	1,900
Butanethiol, see Butyl mercaptan	—	590
2-Butanone	200	120
2-Butoxy ethanol (Butyl Cello- solve)-skin	25	710
Butyl acetate (n-butyl acetate)	150	950
sec-Butyl acetate	200	950
tert-Butyl acetate	200	55
Butyl acrylate	10	150
C n-Butyl alcohol-skin	50	305
sec-Butyl alcohol	100	300
tert-Butyl alcohol	100	15
C Butylamine-skin	5	0.1
C tert-Butyl chromate (as CrO ₃)- skin	—	135
n-Butyl glycidyl ether (BGE)	25	25
n-Butyl lactate	5	1.5
Butyl mercaptan	0.5	30
o-sec-Butylphenol-skin	5	60
p-tert-Butyl-toluene	10	0.05
C Cadmium oxide fume, as Cd	—	0.05
Cadmium dust and salts, as Cd	—	0.05
Calcium arsenate, see WAC 296- 62-07347	—	10
Calcium carbonate	—	0.5
Calcium cyanamide	—	5
Calcium hydroxide	—	2
Calcium oxide	—	10
Calcium silicate	—	12
Camphor (synthetic)	2	1
Caprolactam	—	20
dust	—	0.1
vapor	5	5
Captafol-skin	—	5
Captan	—	5
Carbaryl (Sevin ^[R])	—	0.1
Carbofuran	—	3.5
Carbon black	—	9,000
Carbon dioxide	5,000	55
Carbon monoxide	50	1.4
Carbon tetrabromide	0.1	5
Carbonyl chloride, see phosgene	—	20
Carbonyl fluoride	2	10
Catechol	5	2
Cellulose (paper fiber)	—	0.5
Cesium hydroxide	—	0.5
Chlordane-skin	—	0.5
Chlorinated camphene-skin	—	0.5
Chlorinated diphenyl oxide	—	3
C Chlorine	1	

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (Phenacyl/chloride)	0.05	0.3
Chloroacetyl chloride	0.05	0.2
Chlorobenzene (Monochlorobenzene)	75	350
C o-Chlorobenzylidene malononitrile (OCBM)-skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	3,500
Chlorodifluoromethane	1,000	1
Chlorodiphenyl (42% Chlorine)- skin	—	0.5
Chlorodiphenyl (54% Chlorine)- skin	—	10
1-Chloro-2,3-epoxy propane, see Epichlorhydrin	—	50
2-Chloroethanol, see Ethylene chlorohydrin	—	10
Chloroethylene, see vinylchloride	—	2
Chloroform (Trichloromethane)	10	50
1-Chloro-1-nitropropane	2	10
bis-Chloromethyl ether, see WAC 296-62-073	—	6,320
Chloropentafluoroethane	1,000	0.7
Chloropicrin	0.1	35
Chloroprene (2-chloro-1,3-bu- tadiene)-skin	10	285
o-Chlorostyrene	50	250
o-Chlorotoluene	50	0.2
2-Chloro-6-(trichloromethyl) pyridine, see Nitrapyrin	—	0.5
Chlorpyrifos-skin	—	0.5
Chromium Metal	—	0.5
Chromium (II) compounds, as Cr	—	0.5
Chromium (III) compounds, as Cr	—	0.5
Chromium (VI) compounds, as Cr	—	0.05
Chromyl chloride	0.025	0.15
Clopidol	—	10
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—	0.2
Cobalt, metal fume & dust, as Co	—	0.1
Cobalt carbonyl, as Co	—	0.1
Cobalt hydrocarbonyl, as Co	—	0.1
Copper, as Cu	—	0.1
Fume	—	1.0
Dusts and Mists	—	1.0
Corundum, see Aluminum oxide	—	1.0
Cotton Dust (raw)	—	10
Crag ^[R] herbicide	—	22
Cresol (all isomers)-skin	5	6
Crotonaldehyde	2	5
Cruformate	—	245
Cumene-skin	50	2
Cyanamide	—	5
Cyanide (as CN)-skin	—	20
Cyanogen	10	0.6
C Cyanogen chloride	0.3	1,050
Cyclohexane	300	200
Cyclohexanol	50	100
Cyclohexanone-skin	25	1,015
Cyclohexene	300	40
Cyclohexylamine-skin	10	200
Cyclonite-skin, see RDX	—	1,720
Cyclopentadiene	75	5
Cyclopentane	600	10
Cyhexatin	—	1
DDT	—	—
DDVP, see Dichlorvos	—	0.3
Decaborane-skin	0.05	0.1
Demeton ^[R] -skin	0.01	240
Diacetone alcohol (4-hydroxy-4- methyl-2-pentanone)	50	

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon-skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom ^[R] , see Naled		
1,2-Dibromo-3-chloropropane, see WAC 296-62-07345		
2-N-Dibutylamino ethanol-skin	2	14
Dibutyl phosphate	1	5
Dibutyl phthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
1,1-Dichloroethane	100	400
1,2-Dichloroethane, see Ethylene dichloride		
1,2-Dichloroethylene	200	790
1,1-Dichloroethylene, see Vinylidene chloride		
Dichloromethane, see Methylene chloride		
Dichlorofluoromethane	10	40
1,2-Dichloropropane, see Propylene dichloride		
Dichloropropene-skin	1	5
2,2-Dichloropropionic acid	1	6
Dichlorotetrafluoroethane	1,000	7,000
Dichlorvos (DDVP)-skin	0.1	1
Dicrotophos-skin	—	0.25
Dicyclopentadiene	5	30
Dicyclopentadienyl iron	—	10
Dieldrin-skin	—	0.25
Diethanolamine	3	15
Diethylamine	10	30
Diethylaminoethanol-skin	10	50
C Diethylene triamine-skin	1	4
Diethylether, see Ethyl ether		
Diethyl ketone	200	705
Diethyl phthalate	—	5
Difluorodibromomethane	100	860
Diglycidyl ether (DGE)	0.1	0.5
Dihydroxybenzene, see Hydroquinone		
Diisobutyl ketone	25	250
Diisopropylamine-skin	5	20
Dimethoxymethane, see Methylal		
Dimethyl acetamide-skin	10	35
Dimethylamine	10	18
4-Dimethylaminoazobenzene, see WAC 296-62-073		
Dimethylaminobenzene, see Xylidene		
Dimethylaniline (N, N-Dimethylaniline)-skin	5	25
Dimethylbenzene, see Xylene		
Dimethyl-1,2-dibromo-2,2-dichloroethyl phosphate, see Naled		
Dimethylformamide-skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone		
1,1-Dimethylhydrazine-skin	0.5	1
Dimethyl phthalate	—	5
Dimethyl sulfate-skin	0.1	0.5
Dinitolmide	—	5
Dinitrobenzene (all isomers)-skin	0.15	1
Dinitro-o-cresol-skin	—	0.2
Dinitrotoluene-skin	—	1.5
Dioxane (Diethylene dioxide)-skin	25	90
Dioxathion-skin	—	0.2
Diphenyl	0.2	1.5
Diphenylamine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))		
Dipropylene glycol methyl ether-skin	100	600

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Dipropyl ketone	50	235
Diquat	—	0.5
Di-sec-octyl phthalate (Di-2-ethylhexylphthalate) ((Disulfuram)) Disulfuram	—	5
Disulfoton	—	2
2,6-Ditert-butyl-p-cresol	—	0.1
Diuron	—	10
Divinyl benzene	10	10
Emery	—	50
Endosulfan (Thiodan ^[R])-skin	—	10
Endrin-skin	—	0.1
Epichlorhydrin-skin	—	0.1
EPN-skin	2	10
1,2-Epoxypropane, see Propylene-oxide		0.5
2,3-Epoxy-1-propanol, see Glycidol		
Ethane	Simple	Asphyxiant
Ethanethiol, see Ethyl/mercaptan		
Ethanolamine	3	8
Ethion-skin	—	0.4
2-Ethoxyethanol-skin	5	19
2-Ethoxyethyl/acetate (Cellosolve acetate)-skin	5	27
Ethyl acetate	400	1,400
Ethyl acrylate-skin	5	20
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl amyl ketone	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethylene	Simple	Asphyxiant
C Ethylene chlorohydrin-skin	1	3
Ethylenediamine	10	25
C Ethylene glycol	50	125
Ethylene glycol dinitrate and/or Nitroglycerin-skin	0.05 (see note d)	0.3
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)-skin	5	24
Ethylene imine-skin, see WAC 296-62-073		
Ethylene oxide (see WAC 296-62-07353)	1	2
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethylidene chloride, see 1,1-Dichloroethane		
C Ethylidene norbornene	5	25
Ethyl mercaptan	0.5	1
n-Ethylmorpholine-skin	5	23
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl silicate	10	85
Fenamiphos-skin	—	0.1
Fensulfothion	—	0.1
Fenthion-skin	—	0.2
Ferbam	—	10
Ferrovanadium dust	—	1
Fluorides, as F	—	2.5
Fluorine	0.1	0.2
Fluorotrichloromethane, see Trichlorofluoro methane		
Fonofos-skin	—	0.1
Formamide	20	30
Formic acid	5	9
Furfural-skin	2	8
Furfuryl alcohol-skin	10	40
Gasoline	300	900
Germanium tetrahydride	0.2	0.6
Glass, fibrous or dust (see note e)	—	10
C Gluteraldehyde	0.2	0.7
Glycerin mist	—	10
Glycidol (2,3-Epoxy-1-propanol)	25	75
Glycol monoethyl ether, see 2-Ethoxyethanol		

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Graphite, (Synthetic)	—	10
Guthion ^[R] , see Azinphosmethyl	—	—
Gypsum	—	10
Hafnium	—	0.5
Helium	Simple	Asphyxiant
Heptachlor-skin	—	0.5
Heptane (n-heptane)	400	1,600
2-Heptanone, see Methyl n-amyl ketone	—	—
3-Heptanone, see Ethyl butyl ketone	—	—
Hexachlorobutadiene-skin	0.02	0.24
Hexachlorocyclopentadiene	0.01	0.1
Hexachloroethane	10	100
Hexachloronaphthalene-skin	—	0.2
Hexafluoroacetone-skin	0.1	0.7
Hexane	—	—
n-hexane	50	180
other Isomers	500	1,800
2-Hexanone	5	20
Hexone (Methyl isobutyl ketone)	50	205
sec-Hexyl acetate	50	300
C Hexylene Glycol	25	125
Hydrazine-skin	0.1	0.1
Hydrogen	Simple	Asphyxiant
Hydrogenated terphenyls	0.5	5
C Hydrogen bromide	3	10
C Hydrogen chloride	5	7
C Hydrogen cyanide-skin	10	10
C Hydrogen fluoride	((3-5))	((2))
	3	2.5
	1	1.5
Hydrogen peroxide	0.05	0.2
Hydrogen selenide	—	2
Hydroquinone	—	—
4-Hydroxy-4-methyl-2-pentanone, see Diacetone alcohol	—	—
2-Hydroxypropyl acrylate-skin	0.5	3
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iodoform	0.6	10
Iron oxide fume	—	5
Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	50	150
Isooctyl alcohol	50	270
C Isophorone	5	25
Isophorone diisocyanate-skin	0.01	0.09
Isopropoxyethanol	25	105
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
N-Isopropylaniline-skin	2	10
Isopropyl ether	250	1,050
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	10
Ketene	0.5	0.9
Lead and its inorganic compounds which are exempt from WAC 296-62-07521	—	0.15
Lead arsenate -see WAC 296-62-07347	—	0.15
Lead chromate	—	0.05
Limestone	—	10
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (liquified petroleum gas)	1,000	1,800
Magnesite	—	10
Magnesium oxide fume	—	10
Malathion-skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Manganese tetroxide and fume	—	1
Manganese ((cyclopentadienyl) cyclopentadienyl tricarbonyl, as Mn-skin	—	0.1
Marble	—	10
Mesityl oxide	15	60

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Methacrylic acid	20	70
Methane	Simple	Asphyxiant
Methanethiol, see Methyl mercaptan	—	—
Methyl-skin	—	2.5
Methoxychlor	—	10
2-Methoxyethanol-skin (Methyl cellosolve)	5	16
4-Methoxyphenol	—	5
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate-skin	10	35
Methylacrylonitrile-skin	1	3
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—	—
Methyl n-amyl ketone (2-Heptanone)	50	235
N-Methyl aniline, see Monomethyl aniline	—	—
Methyl bromide-skin	5	20
Methyl butyl ketone, see 2-Hexanone	—	—
Methyl cellosolve-skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate-skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	50	105
Methyl chloroform	350	1,900
Methyl chloromethyl ether, see WAC 296-62-073	—	—
Methyl 2-cyano acrylate	2	8
Methylcyclohexane	400	1,600
Methylcyclohexanol	50	235
Methylcyclohexanone-skin	50	230
Methylcyclopentadienyl manganese tricarbonyl (as Mn)-skin	—	0.2
Methyl demeton-skin	—	0.5
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
4,4'-Methylene bis (2-chloroaniline), see WAC 296-62-073	—	—
C Methylene bis (4-cyclohexylisocyanate)	0.01	0.11
4,4'-Methylene dianiline-skin	0.1	0.8
Methyl ethyl ketone (MEK), see 2-Butanone	—	—
C Methyl ethyl ketone peroxide	0.2	1.5
Methyl formate	100	250
5-Methyl-3-heptanone, see Ethyl amyl ketone	—	—
Methyl hydrazine, see Monomethyl hydrazine	—	—
Methyl iodide-skin	2	10
Methyl isoamyl ketone	50	240
Methyl isobutyl carbinol-skin	25	100
Methyl isobutyl ketone, see Hexone	—	—
Methyl isocyanate-skin	0.02	0.05
Methyl isopropyl ketone	200	705
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion-skin	—	0.2
Methyl propyl ketone, see 2-Pentanone	—	—
Methyl silicate	1	6
Mevinphos ^[R] , see Phosdrin	—	—
Metribuzin	—	5
Molybdenum, as Mo	—	—
Soluble compounds	—	5
Insoluble compounds	—	10
Monomethyl aniline-skin	0.5	2
Monocrotophos	—	0.25
C Monomethyl hydrazine-skin	0.2	0.35
Morpholine-skin	20	70
Naled-skin	—	3

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Naphtha (coal tar)	100	400
Naphthalene	10	50
α-Naphthylamine, see WAC 296-62-073		
β-Naphthylamine, see WAC 296-62-073		
Neon	Simple	Asphyxiant
Nickel carbonyl	0.001	0.007
Nickel, as Ni		
Metal	—	1
Soluble compounds	—	0.1
Nicotine-skin	—	0.5
Nitrapyrin	—	10
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline-skin	—	3
Nitrobenzene-skin	1	5
4-Nitrobiphenyl, see WAC 296-62-073		
p-Nitrochlorobenzene-skin	—	0.5
Nitroethane	100	310
Nitrogen	Simple	Asphyxiant
Nitrogen trifluoride	10	((29)) 30
Nitroglycerin-skin	0.05	0.5
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	10	35
N-Nitrosodimethylamine, see WAC 296-62-073		
Nitrotoluene-skin	2	11
Nitrotrichloromethane, see Chloropicrin		
Nitrous Oxide	30	54
Nonane	200	1,050
Octachloronaphthalene-skin	—	0.1
Octane	300	1,450
Oil mist, particulate	—	5
Osmium tetroxide	0.0002	0.002
Oxalic acid	—	1
C Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraffin wax fume	—	2
Paraquat-skin	—	0.1
Parathion-skin	—	0.1
Particulate polycyclic aromatic hydrocarbons (PPAH), see coal tar ((ptch)) pitch volatiles		
Pentaborane	0.005	0.01
Pentachloronaphthalene-skin	—	0.5
Pentachlorophenol-skin	—	0.5
Pentaerythritol	—	10
Pentane	600	1,800
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Phenol-skin	5	19
Phenothiazine-skin	—	5
p-Phenylene diamine-skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether-Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	1	6
Phenylhydrazine-skin	5	((22)) 20
Phenyl mercaptan	0.5	2
C Phenylphosphine	0.05	0.25
Phorate-skin	—	0.05
Phosdrin (Mevinphos ^[R])-skin	0.01	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorous oxychloride	0.1	0.6
Phosphorus pentachloride	0.1	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.2	1.5
Phthalic anhydride	1	6
m-Phthalodinitrile	—	5
Picloram	—	10
Picric acid-skin	—	0.1

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Pindone, see Pival		
Piperazine dihydrochloride	—	5
Pival ^[R] (2-Pivalyl-1,3-indandione)	—	0.1
Plaster of Paris	—	10
Platinum, as Pt		
Metal	—	1
Soluble salts	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls		
C Potassium hydroxide	—	2
Propane	Simple	Asphyxiant
Propargyl alcohol-skin	1	2
β-Propiolactone, see WAC 296-62-073		
Propionic acid	10	30
Propoxur	—	0.5
n-Propyl acetate	200	840
Propyl alcohol-skin	200	500
Propylene	Simple	Asphyxiant
Propylene dichloride (1,2-Dichloropropane)	75	350
Propylene glycol ((dinitrite-skin)) dinitrate-skin	0.05	0.3
Propylene glycol monomethyl ether	100	360
Propylene imine-skin	2	5
Propylene oxide	20	50
n-Propyl nitrate	25	((+H)) 105
Propyne, see Methyl/acetylene		
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX-skin	—	1.5
Resorcinol	10	45
Rhodium, as Rh		
Metal fumes and dusts	—	0.1
Soluble salts	—	0.001
Ronnel	—	10
Rosin Core Solder, pyrolysis products (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	10
Rubber solvent (naphtha)	400	1,600
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.2
Sesone, see Crag herbicide		
Silane, see Silicon tetrahydride		
Silicon	—	10
Silicon Carbide	—	10
Silicon tetrahydride	5	7
Silver, metal and soluble compounds	—	0.01
C Sodium azide	0.1	0.3
Sodium bisulfite	—	5
Sodium-2, 4-dichlorophenoxyethyl sulfate, see Crag herbicide		
Sodium fluoroacetate (1080)-skin	—	0.05
C Sodium hydroxide	—	2
Sodium metabisulfite	—	5
Starch	—	10
Stibine	0.1	0.5
Stoddard solvent	100	525
Strychnine	—	0.15
C Subtilisins (proteolytic enzymes)	—	0.00006
Sucrose	—	10
Sulfotep-skin, see TEDP		
Sulfur dioxide	2	5
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
C Sulfur monochloride	1	6
C Sulfur pentafluoride	0.01	0.1
C Sulfur tetrafluoride	0.1	0.4
Sulfuryl fluoride	5	20
Sulprofos	—	1
Systox, see Demeton ^[R]	—	—
2,4,5-T	—	10
Tantalum	—	5
TEDP-skin	—	0.2
Tellurium	—	0.1

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Tellurium hexafluoride	0.02	0.2
Temephos	—	10
TEPP-skin	0.004	0.05
C Terphenyls	0.5	5
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane-skin	1	7
Tetrachloromethane, see Carbon tetrachloride	—	—
Tetrachloronaphthalene-skin	—	2
Tetraethyl lead (as Pb)-skin	—	0.1 (see note f)
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)-skin	—	0.15 (see note f)
Tetramethyl succinonitrile-skin	0.5	3
Tetranitromethane	1	8
Tetrasodium pyrophosphate	—	5
Tetryl (2,4,6-trinitrophenyl-methylnitramine)-skin	—	1.5
Thallium (soluble compounds)-skin (as Tl)	—	0.1
4,4-Thiobis (6-tert.butyl-m-cresol)	—	10
Thioglycolic acid-skin	1	4
C Thionyl chloride	1	5
Thiram[R] ¹ , see WAC 296-62-07519	—	5
Tin, as Sn	—	2
Metal	—	2
Oxide and inorganic compounds, except SnH ₄	—	2
Organic compounds-skin	—	0.1
Titanium dioxide	—	10
C Toluene-2,4-diisocyanate (TDI)	0.005	0.04
o-Toluidine-skin	2	9
p-Toluidine-skin	2	((=)) 9
Toxaphene, see Chlorinated camphene	—	—
Tributyl phosphate	0.2	2.5
Trichloroacetic acid	1	7
C 1,2,4-Trichlorobenzene	5	40
1,1,1-Trichloroethane, see Methyl chloroform	—	—
1,1,2-Trichloroethane-skin	10	45
C Trichlorofluoromethane	1,000	5,600
Trichloromethane, see Chloroform	—	—
Trichloronaphthalene-skin	—	5
1,2,3-Trichloropropane-skin	10	60
1,1,2-Trichloro-1,2,2-trifluoroethane	1,000	7,600
Tricyclohexyltin hydroxide, see Cyhexatin	—	—
Triethylamine	10	40
Trifluorobromomethane	1,000	6,100
Trimellitic anhydride	0.005	0.04
Trimethylamine	10	24
Trimethyl benzene	25	((+20)) 125
Trimethyl phosphite	2	10
2,4,6-Trinitrophenol, see Picric acid	—	—
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl	—	—
Trinitrotoluene-skin	—	0.5
Triorthoecresyl phosphate-skin	—	0.1
Triphenyl/amine	—	5
Triphenyl phosphate	—	3
Tungsten & Compounds, as W	—	—
Soluble	—	1
Insoluble	—	5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Valeraldehyde	50	175
Vanadium (V ₂ O ₅), as V	—	0.05
Vegetable oil mist	—	10
Vinyl acetate	10	30

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Vinyl bromide	5	20
Vinyl chloride, see WAC 296-62-07329	—	—
Vinyl cyanide, see Acrylonitrile	—	—
Vinyl cyclohexene dioxide	10	60
Vinyl toluene	50	240
Vinylidene chloride	5	20
VM&P naphtha	300	1,350
Warfarin	—	0.1
Welding fume	—	5
Wood dust	—	—
Nonallergenic	—	5
Allergenic (e.g. cedar, mahogany, teak)	—	2.5
C m-Xylene- α,α -diamine-skin	—	0.1
Xylene (xylol)	100	435
Xylidine-skin	2	10
Yttrium	—	1
Zinc chloride fume	—	1
Zinc chromate	—	((0.5)) 0.05
Zinc oxide dust	—	10
Zinc oxide fume	—	5
Zinc stearate	—	10
Zirconium compounds (as Zr)	—	5

a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.

b) Approximate milligrams of substance per cubic meter of air.

c) No footnote "c" is used to avoid confusion with ceiling value notations.

d) An atmospheric concentration of more than 0.02 ppm may require personal protection to avoid headache.

e) This 8-hour time-weighted average is for respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. This time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garnetting.

f) Biologic monitoring is essential for personnel control.

TABLE 2
PERMISSIBLE EXPOSURE AND SHORT TERM LIMITS
(see note a)

Substance	8-hour time-weighted average permissible exposure limit	Short term permissible exposure limit
Allyl glycidal ether-skin	5 ppm	10 ppm
Benzene	1 ppm	5 ppm
Beryllium and beryllium compounds	2 $\mu\text{g}/\text{M}^3$	5 $\mu\text{g}/\text{M}^3$
Carbon disulfide-skin	10 ppm	15 ppm
Carbon tetrachloride-skin	5 ppm	20 ppm
Dichloroethyl ether-skin	5 ppm	10 ppm
1,1-Dichloro-1-nitroethane	2 ppm	10 ppm
Ethylene dibromide-skin	0.1 ppm	0.5 ppm
Ethylene dichloride	10 ppm	15 ppm
Formaldehyde	1 ppm	2 ppm
Hydrogen sulfide	10 ppm	15 ppm
Mercury	—	—
Organo-skin	0.01 mg/M ³	((0.04 mg/M ³)) 0.03 mg/M ³
All other compounds except organo	0.05 mg/M ³	0.1 mg/M ³
Methylene chloride	100 ppm	500 ppm
α Methyl styrene	50 ppm	100 ppm
Nitrogen dioxide	3 ppm	5 ppm
Styrene, monomer (vinyl benzene)	100 ppm	200 ppm
Tetrachloroethylene (perchloroethylene)	50 ppm	200 ppm
Toluene	100 ppm	150 ppm
Trichloroethylene	50 ppm	200 ppm

Note: a A short term permissible exposure limit is defined as a 15-minute time-weighted average exposure which shall not be exceeded at any time during a work day even if the 8-hour time-weighted average is within the permissible exposure limit. Exposures at the short term limit shall not be longer than 15 minutes and shall not be repeated more than four times per day. There shall be at least 60 minutes between successive exposures at the short term limit.

TABLE 3
PARTICULATES

Substance	Respirable Fraction mg/M ³ (See note a)	Total Dust mg/M ³
Silica:		
Crystalline: (See note b)		
Quartz	0.1	30mg/M ³ %SiO ₂ +3
Cristobalite: Use 1/2 the value for quartz.		
Tridymite: Use 1/2 the value for quartz.		
Amorphous, including natural diatomaceous earth	3	6
Silicates (less than 1% crystalline silica):		
Mica	3	6
Soapstone	3	6
Talc	2	2
Talc containing no asbestos fibers		
Fibrous form—see WAC 296-62-07517		
Portland cement	5	10
Graphite (natural)	2.5	5
Coal dust (respirable fraction)		
Less than 5% SiO ₂	2.4	
For more than 5% SiO ₂	0.1	
Inert or nuisance dust	5	10
Total particulates (less than 1% SiO ₂)	5	10

(a) Both concentration and percent quartz for the application of these limits are to be determined from the fraction passing a size-selector with the following characteristics:

(b) The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)
WAC 296-306-27095 EXHIBIT B—FIGURES V-1 THROUGH V-28.

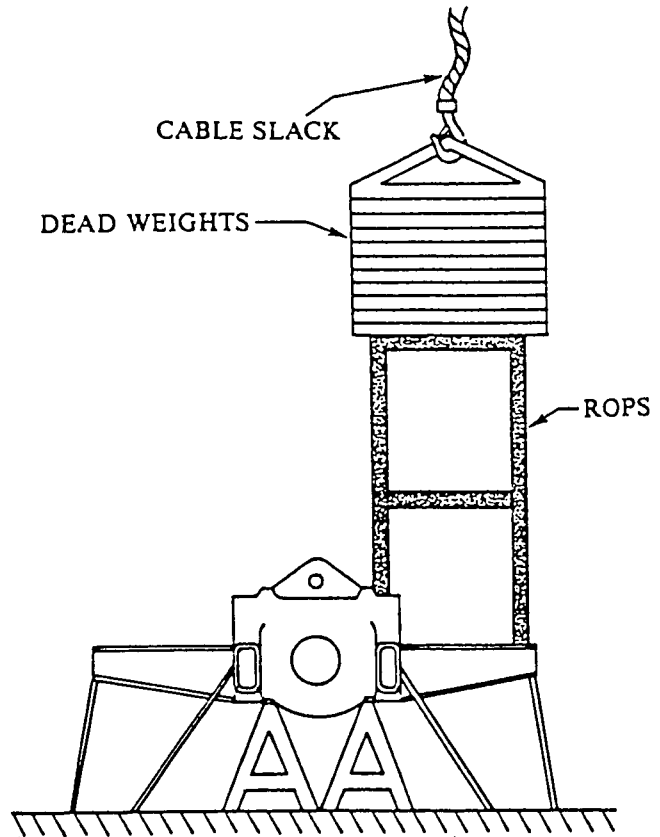


Figure V-1
Vertical loading setup for all types of equipment described in WAC 296-306-270.

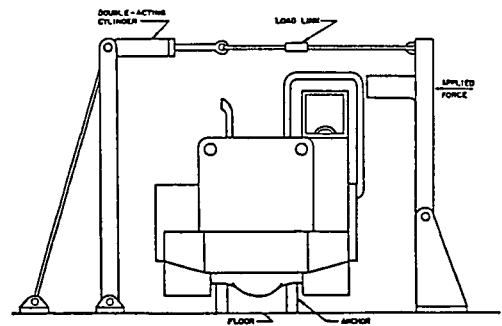


Figure V-2
Test setup for rubber-tired self-propelled scrapers.

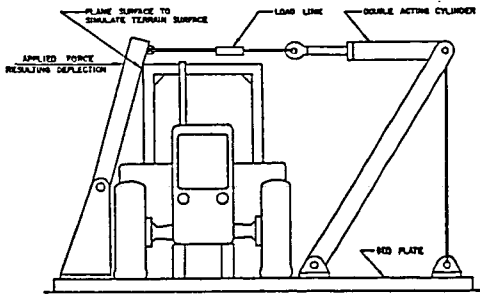


Figure V-3
Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

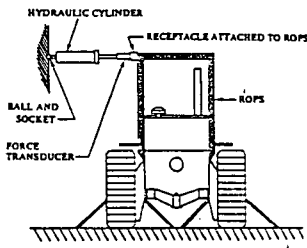
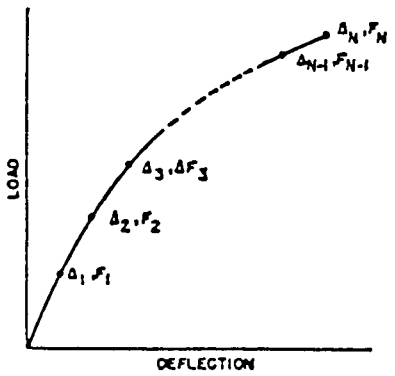


Figure V-4
Side-loading setup for crawler tractors and crawler loaders.



Δ - TOTAL DEFLECTION
F - FORCE APPLIED

$$\text{AREA} = \frac{\Delta_1 F_1}{2} + (\Delta_2 - \Delta_1) \frac{F_1 + F_2}{2} + (\Delta_3 - \Delta_2) \frac{F_2 + F_3}{2} + \dots + (\Delta_N - \Delta_{N-1}) \frac{F_{N-1} + F_N}{2}$$

Figure V-5
Determination of energy area under force deflection curve.

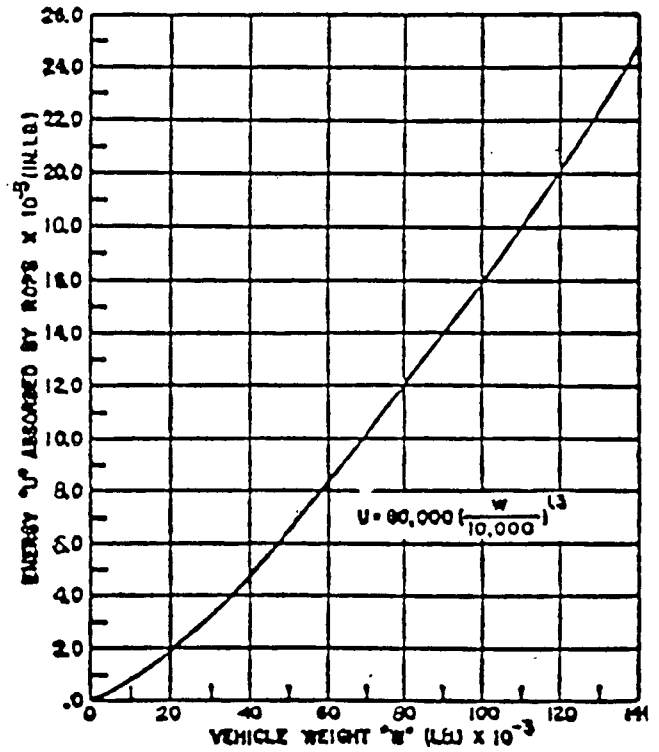


Figure V-6
Energy absorbed versus vehicle weight.

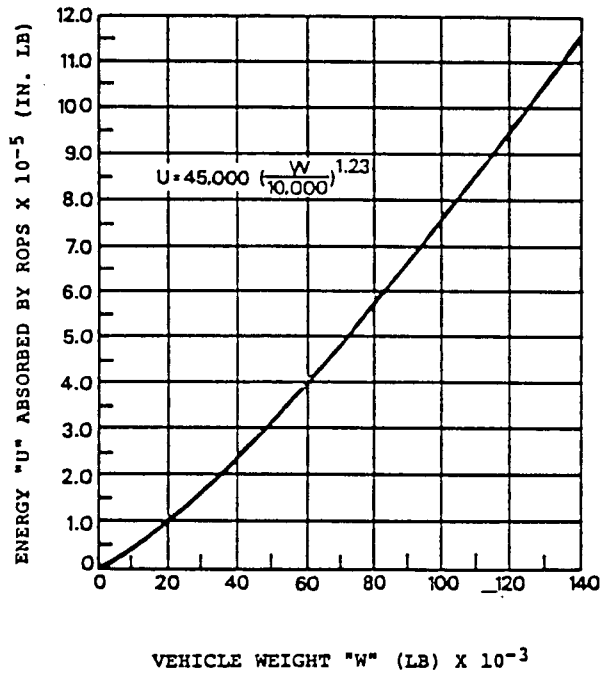


Figure V-7
Energy absorbed versus vehicle weight.

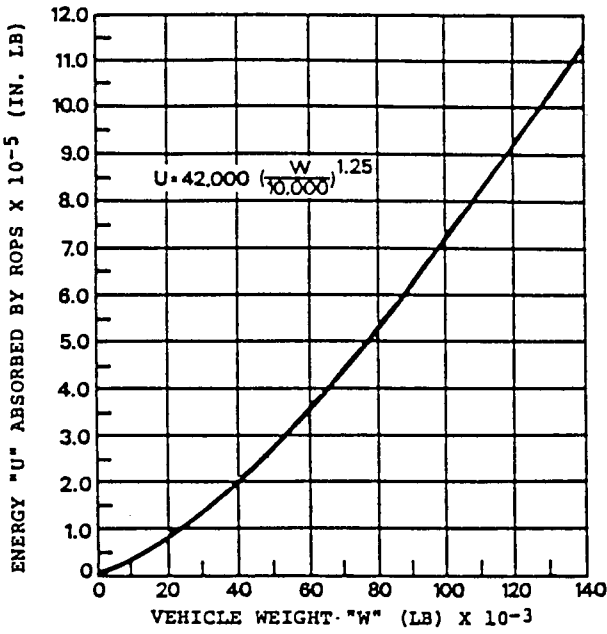


Figure V-8
Energy absorbed versus vehicle weight.

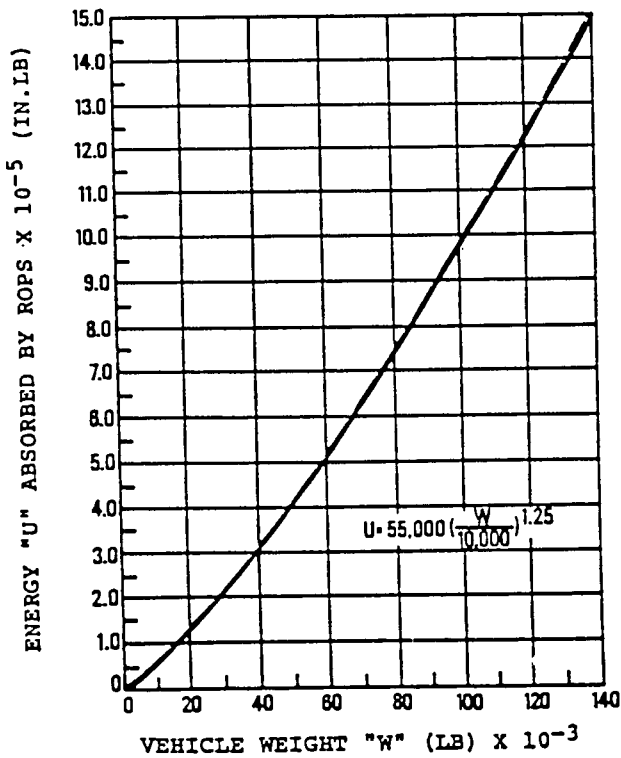


Figure V-9
Energy absorbed versus vehicle weight.

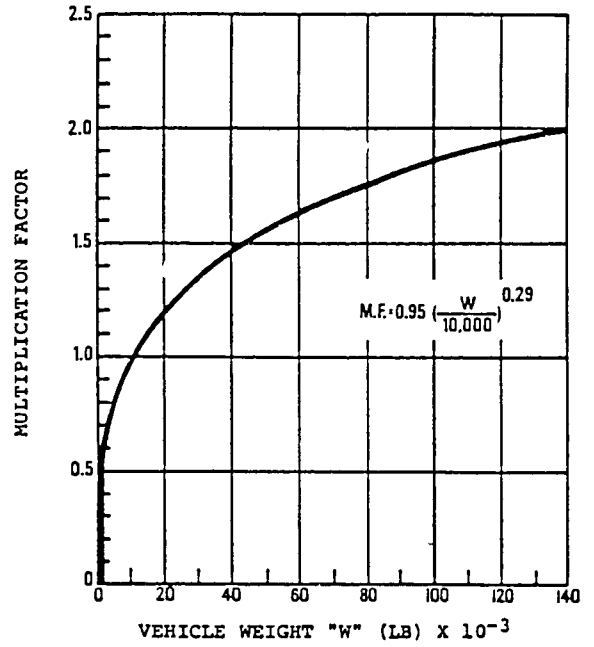


Figure V-10
Minimum horizontal load factor for self-propelled ((scrapers)) scrapers.

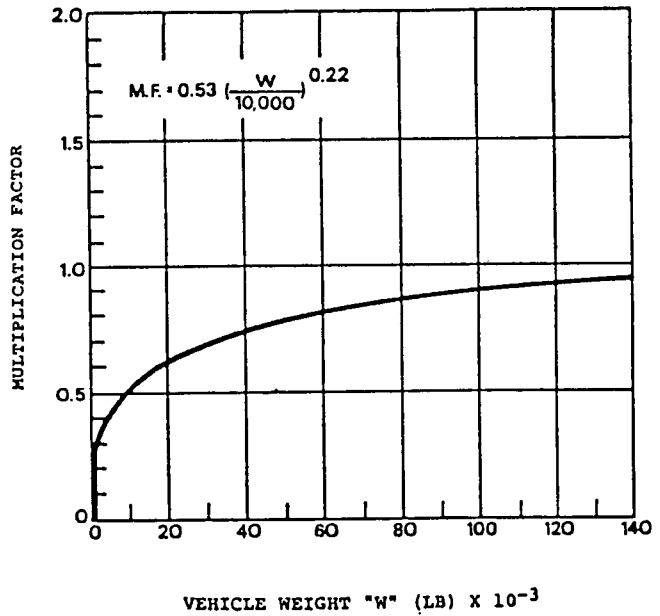


Figure V-11
Minimum horizontal load factor for rubber-tired loaders and dozers.

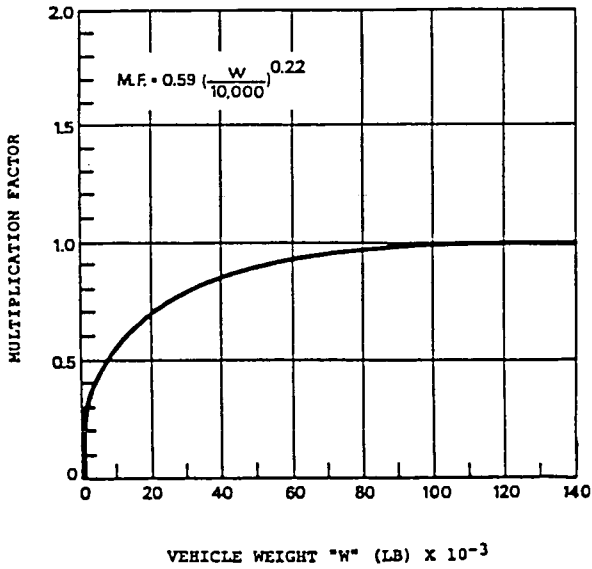


Figure V-12

Minimum horizontal load factor for crawler tractors and crawler-type loaders.

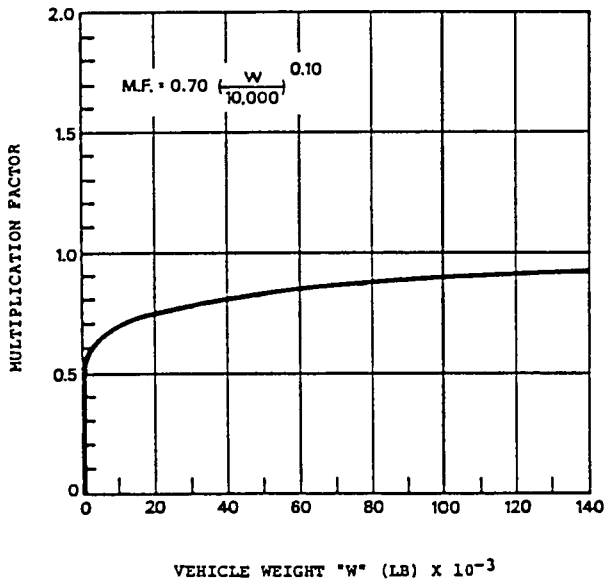


Figure V-13

Minimum horizontal load factor for motor graders.

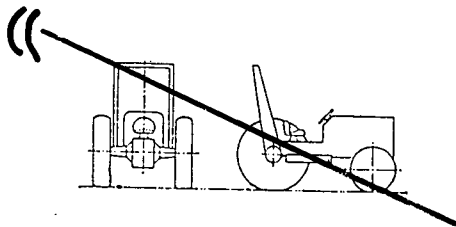


Figure V-14

Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.

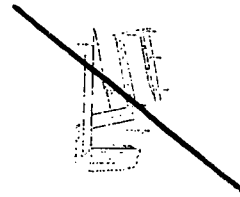


Figure V-15

Typical frame configuration.

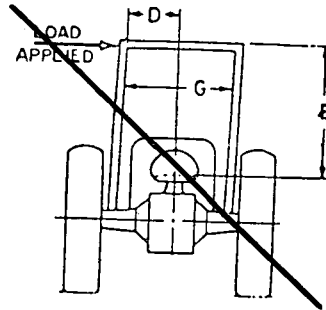


Figure V-16))

NOTATION OF FORMULAE

$H = 4.92 + 0.00190 W$ OR $(H' = 125 + 0.107 W')$

W = TRACTOR WEIGHT AS DEFINED IN PARAGRAPH

3.2 IN POUNDS (W' = kg)

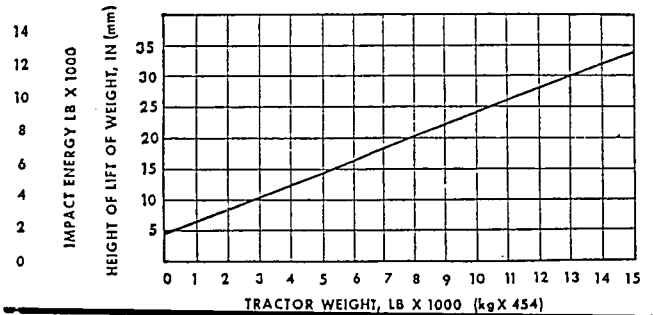


Figure V-14

Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.

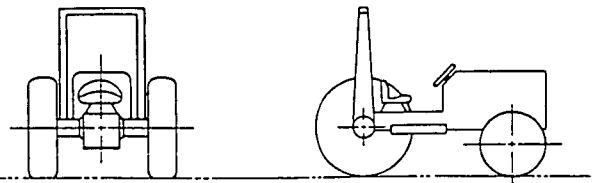


Figure V-15

Typical frame configuration.

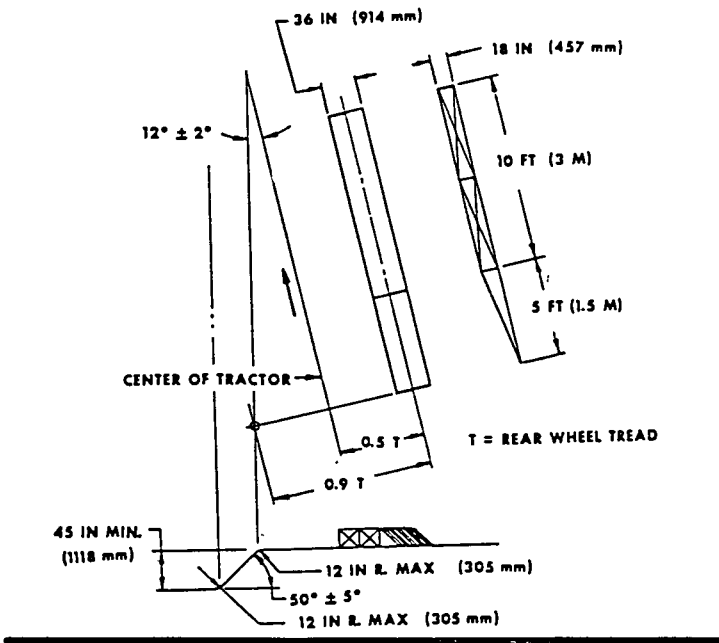


Figure V-16
Bank and ramp configuration for side overturn testing.

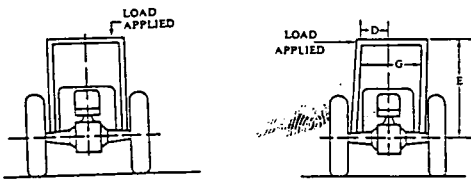


Figure V-17
Side load application.

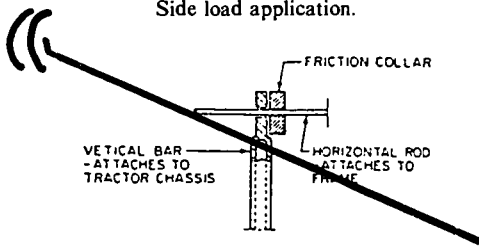


Figure V-18
Rear load application.

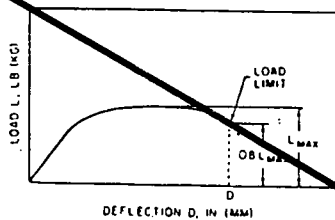


Figure V-19
Method of measuring instantaneous deflection.

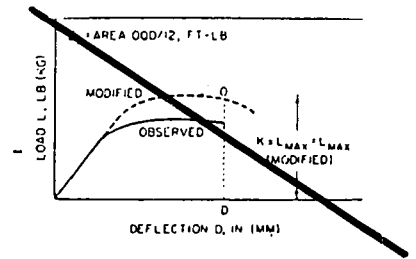


Figure V-20
Typical L-D diagram.

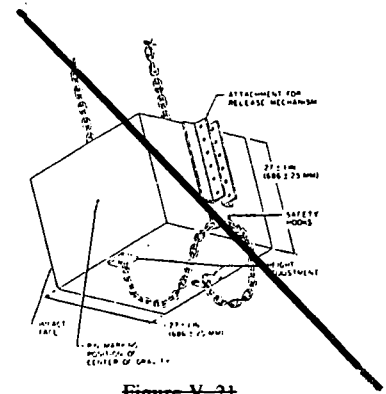


Figure V-21
Typical modified L_m-D_m diagram.

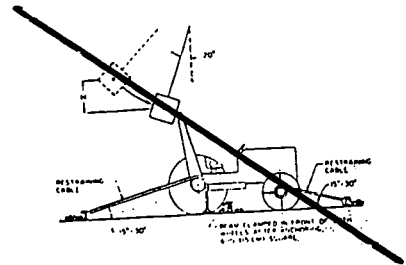


Figure V-22
Pendulum.

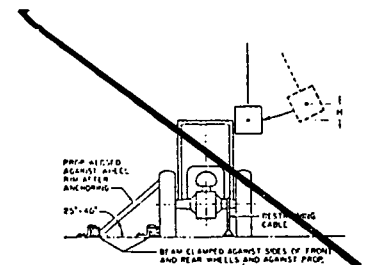
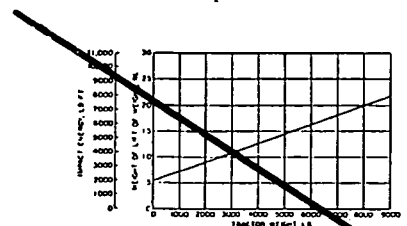


Figure V-23
Method of impact from rear.



NOTATION OF FORMULA
M = 0.001 = CONVERSION OF LB TO KG
W = TRACTOR WEIGHT, AS DEFINED IN PARAGRAPH 3.5 IN POUNDS OR IN KG

Figure V-24
Method of impact from side.))

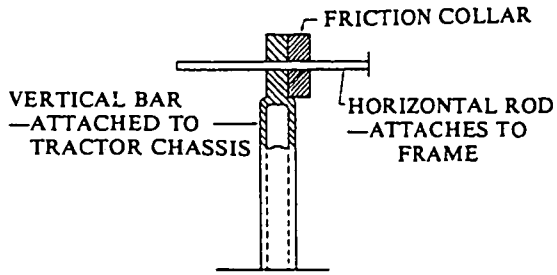


Figure V-18
 Rear load application.

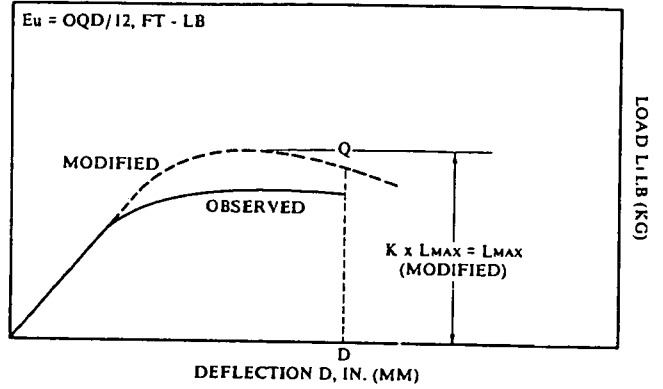


Figure V-21
 Typical modified L_m-D_m diagram.

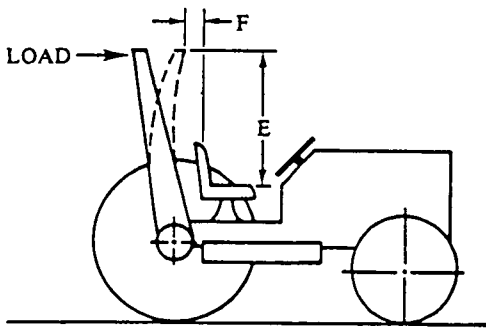


Figure V-19
 Method of measuring instantaneous deflection.

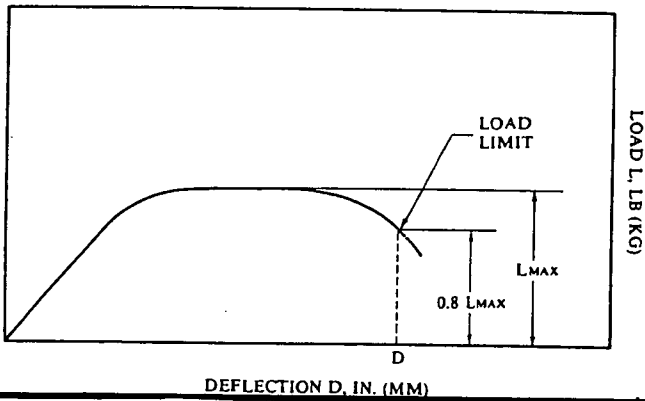


Figure V-20
 Typical L-D diagram.

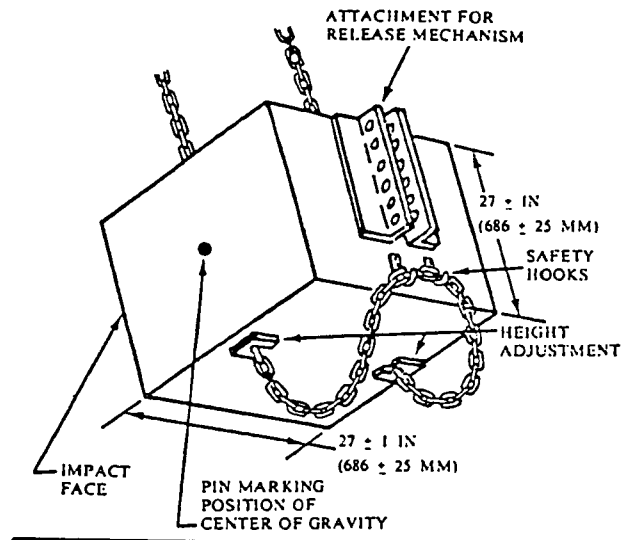


Figure V-22
 Pendulum.

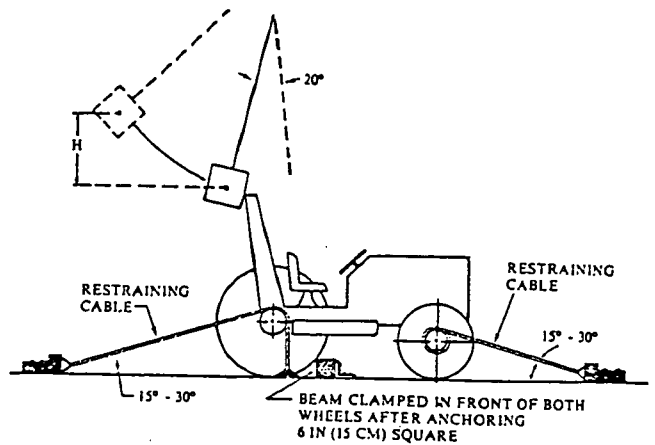


Figure V-23
 Method of impact from rear.

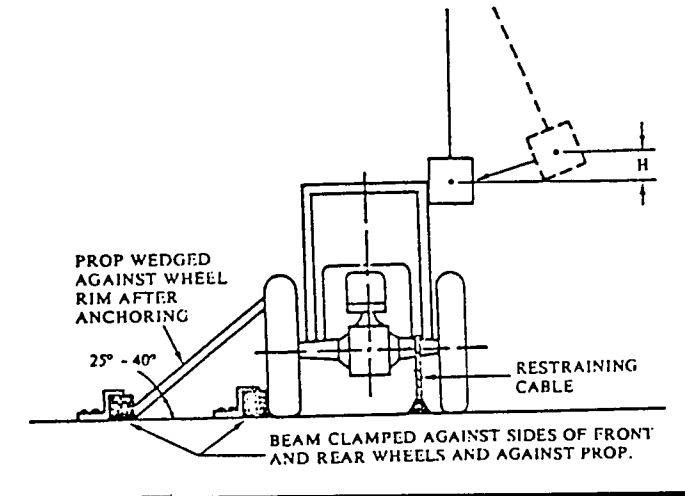


Figure V-24
Method of impact from side.

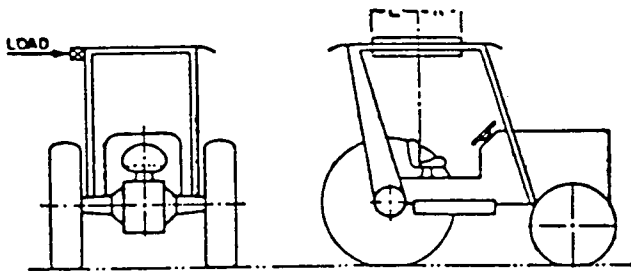


Figure V-25
Location for side load.

ALL POSSIBLE LATERAL
WORKING POSITIONS OF
SEAT

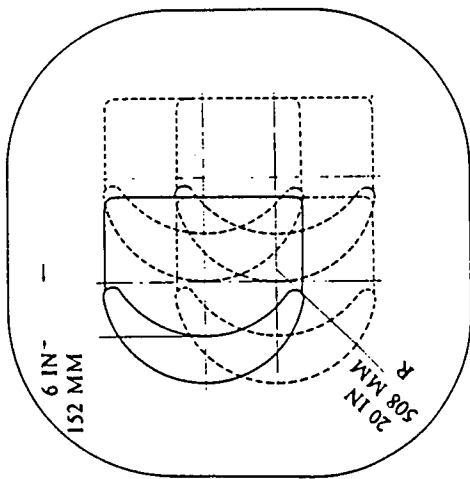


Figure V-26
Zone of protection for drop test.

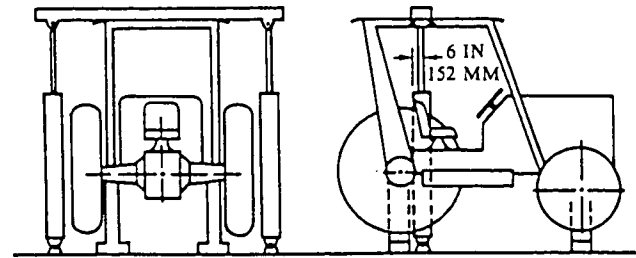


Figure V-27
Method of load application for crush test.

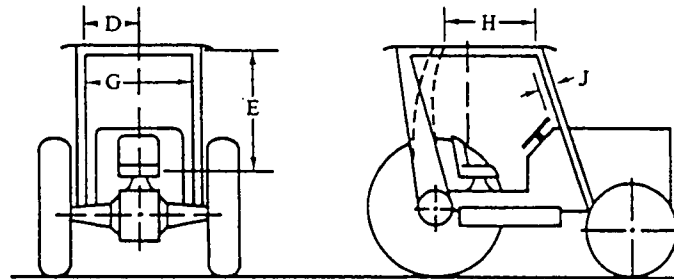


Figure V-28
Protected zone during crush and drop tests.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-62-073 CARCINOGENS—SCOPE AND APPLICATION. (1) All sections of this chapter which include WAC 296-62-073 in the section number apply to the manufacturing, processing, repackaging, releasing, handling or storing of carcinogens.

(2) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of the carcinogens listed in WAC 296-62-07302.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-62-07304 DEFINITIONS. ((†)) The definitions set forth in this section apply throughout WAC 296-62-073 through 296-62-07316.

((‡)) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of the carcinogens listed in WAC 296-62-07302.

(*) (1) Absolute filter - is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 micron size particles.

((b)) (2) Authorized employee - an employee whose duties require him to be in the regulated area and who has been specifically assigned to those duties by the employer.

((c)) (3) Clean change room - a room where employees put on clean clothing and/or protective equipment in an environment free of carcinogens listed in WAC 296-62-07302. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

((d)) (4) Closed system - an operation involving carcinogens listed in WAC 296-62-07302 where containment prevents the release of carcinogens into regulated areas, or the external environment.

((e)) (5) Decontamination - the inactivation of a carcinogen listed in WAC 296-62-07302 or its safe disposal.

((f)) (6) Disposal - the safe removal of a carcinogen listed in WAC 296-62-07302 from the work environment.

((g)) (7) Emergency - an unforeseen circumstance or set of circumstances resulting in the release of a carcinogen which may result in exposure to or contact with any carcinogen listed in WAC 296-62-07302.

~~((††))~~ (8) External environment – any environment external to regulated and nonregulated areas.

~~((††))~~ (9) Isolated system – a fully enclosed structure other than the vessel of containment of a listed carcinogen which is impervious to the passage of listed carcinogens and which would prevent the entry of carcinogens into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

~~((††))~~ (10) Laboratory-type hood – a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute, designed, constructed and maintained such that an operation involving a listed carcinogen within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

~~((††))~~ (11) Nonregulated area – any area under the control of the employer where entry and exit is neither restricted nor controlled.

~~((††))~~ (12) Open-vessel system – an operation involving listed carcinogens in an open vessel, which is not in an isolated system, a laboratory-type hood, nor in any other system affording equivalent protection against the entry of carcinogens into regulated areas, nonregulated areas, or the external environment.

~~((††))~~ (13) Protective clothing – clothing designed to protect an employee against contact with or exposure to listed carcinogens.

~~((††))~~ (14) Regulated area – an area where entry and exit is restricted and controlled.

AMENDATORY SECTION (Amending Order 81-4, filed 3/17/81)

WAC 296-62-07310 SIGNS, INFORMATION AND TRAINING. (1) Signs.

(a) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT
AUTHORIZED PERSONNEL ONLY

(b) Entrances to regulated areas containing operations covered in WAC 296-62-07306 (2)(e) shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA
IMPERVIOUS SUIT INCLUDING GLOVES,
BOOTS, AND AIR-SUPPLIED HOOD
REQUIRED AT ALL TIMES
AUTHORIZED PERSONNEL ONLY

(c) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) Container contents, identification.

(a) Containers of carcinogens named in WAC 296-62-07302 and containers required in WAC 296-62-07306 (2)(d)(v) and 296-62-07306 (2)(f)(vii)(B) and 296-62-07306 (2)(f)(viii)(B) which are accessible only to, and handled only by authorized employees, or by other employees training in accordance with WAC 296-62-07310(5), may have contents identification limited to a generic or proprietary name, or other proprietary identification of the carcinogen and percent.

(b) Containers of carcinogens and containers required under WAC 296-62-07306 (2)(d)(v) and 296-62-07306 (2)(f)(vii)(B) and 296-62-07306 (2)(f)(viii)(B) which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with WAC 296-62-07310(5) shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in WAC 296-62-07302.

(c) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(d) Containers which have carcinogenic contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) Lettering. Lettering on signs and instructions required by WAC 296-62-07310(1) shall be a minimum letter height of two inches. Labels on containers required under this section shall not be less than one-half the size of the largest lettering on the package, and not less

than eight point type in any instance: Provided, that no such required lettering need be more than one inch in height.

(4) Prohibited statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) Training and indoctrination.

(a) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(i) The nature of the carcinogenic hazards of listed carcinogens, including local and systemic toxicity;

(ii) The specific nature of the operation involving carcinogens which could result in exposure;

(iii) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(iv) The purpose for and application of decontamination practices and purposes;

(v) The purpose for and significance of emergency practices and procedures;

(vi) The employee's specific role in emergency procedures;

(vii) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of listed carcinogens;

(viii) The purpose for ~~((††))~~ and application of specific first-aid procedures and practices~~((:))~~;

~~((††))~~ (ix) A review of this section at the employee's first training and indoctrination program and annually thereafter.

~~((††))~~ (b) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

~~((††))~~ (c) All materials relating to the program shall be provided upon request to the director.

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

WAC 296-54-505 DEFINITIONS APPLICABLE TO THIS CHAPTER. (1) A-frame – a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) Alternate communication system – a system approved by the department of labor and industries, which by voice or other media than horn or whistle, provides a safe and reliable method of communication between crew members.

(3) A side – any place of activity involving a group in the yarding and loading of logs.

(4) An operation – any place where logging or log related activities are taking place.

(5) Approved – approved by the department of labor and industries, division of industrial safety and health.

(6) Arch – any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.

(7) Authorized person – a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).

(8) Back line – that section of the haulback that runs between the spar tree and the corner block.

(9) Ballistic nylon – a fabric of high tensile properties designed to provide protection from lacerations.

(10) Barrier – a fence, wall or railing to prevent passage or approach.

(11) Base of tree – that portion of a natural tree not more than three feet above ground level.

(12) Bight of the line – any area where a person is exposed to a controlled or uncontrolled moving line.

(13) Binder – a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.

(14) Boombot – any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.

(15) Boomscooter – a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.

(16) Brailing – when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.

(17) Brow log – a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.

(18) Bullback – the supervisor of the cutting crew.

- (19) Butt welding – the practice of welding something end to end.
- (20) Cable tree thinning – the selective thinning of a timber stand utilizing mobile yarding equipment specifically designed or adapted for the purpose. Such systems may be of the skyline, slackline, or modified slackline, overhead cable system.
- (21) Choker – a length of wire rope with attachments for encircling the end of a log to be yarded.
- (22) Chunking – the clearing of nonusable material from a specified area.
- (23) Cold deck – any pile of logs which is yarded and left for future removal.
- (24) Competent person – one who is capable of identifying hazards in the surrounding or working conditions which are unsanitary, hazardous or dangerous.
- (25) Corner block – the first block the haulback passes through on its way to the tail block.
- (26) Crew bus or vehicle – any vehicle furnished by or for the employer that will transport five or more persons.
- (27) Crotch line – two short lines attached to the same ring or shackle, used for loading or unloading.
- (28) Danger trees – ~~((trees with evidence of deterioration or physical damage to the root system or stem, as well as the degree and/or direction of lean. (See snag)))~~ any tree of any height, dead or alive, that presents a hazard to workers because of rot, root, stem or limb damage, lean, or any other observable condition created by natural process or man-made activity.
- (29) Directional falling – a mechanical means to control the direction of falling timber.
- (30) Dog line – type of line used to fasten logs or timber products together by the use of dogs.
- (31) Donkey – any machine with a series of drums used to yard logs.
- (32) Double ended logs – two logs end to end on the same lay.
- (33) Droplines – a short line attached to the carriage or carriage block which is used as an extension to the main line.
- (34) Drum – a mechanical device on which line is spooled or unspooled.
- (35) Dry land storage – decks of logs stored for future removal or use.
- (36) Dutchman –
 (a) a block used to change direction of line lead.
 (b) A method of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose.
- (37) Experienced person – a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.
- (38) F.O.P.S. – falling object protective structure.
- (39) Fair lead – sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.
- (40) Front end loader – a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.
- (41) Guard rail – a railing to restrain a person.
- (42) Guyline – a line used to support or stabilize a spar.
- (43) Gypsy drum – a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.
- (44) Haulback – a line used to pull the buttrigging and mainline to the logs to be yarded.
- (45) Haulback block – any block the haulback line passes through including the corner block and tailblock.
- (46) Hay rack –
 (a) a type of loading boom where two tongs are used and logs are suspended.
 (b) A transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.
- (47) Hazardous falling area – the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.
- (48) Head tree – the tree where yarding and/or loading takes place. (See spar tree)
- (49) Heel boom – a type of loading boom where one tong is used and one end of the log is pulled up against the boom.
- (50) High lead – a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.
- (51) Hobo log and/or hitchhiker – a free or unattached log that is picked up by a turn and is transported with the turn.
- (52) Hooktender – the worker that supervises the method of moving the logs from the woods to the landing.
- (53) Hot deck – a landing where logs are being moved.
- (54) Hydraulic jack – a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.
- (55) In the clear – being in a position where the possibility of harmful physical contact is minimized.
- (56) Jackstrawed – trees or logs piled in an unorderly manner.
- (57) Jiggers – any projecting broken wire in a strand of cable.
- (58) Kerf – that portion of timber products taken out by the saw teeth.
- (59) Knob – a metal ferrule attached to the end of a line.
- (60) Landing – any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.
- (61) Lift tree – an intermediate support for skylines.
- (62) Loading boom – any structure projecting from a pivot point to guide a log when lifted.
- (63) Lodged tree – a tree leaning against another tree or object which prevents it from falling to the ground.
- (64) Log bronco – a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.
- (65) Log dump – a place where logs are removed from transporting equipment. It may be either dry land or water, parbuckled over a brow log or removed by machine.
- (66) Logging machine – a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.
- (67) Logs – tree segments suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks and bolts.
- (68) Log stacker – a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.
- (69) Long sticks – an overlength log that creates a hazard by exceeding the safe perimeters of the landing.
- (70) Mainline – the line attached to the buttrigging used to pull logs to the landing.
- (71) Mainline block – the block hung in the spar through which the mainline passes.
- (72) Mainline train – any train that is made up for travel between the woods and log dump.
- (73) Matchcutting – the felling of trees without using an undercut.
- (74) Mechanized falling – falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.
- (75) Mechanized feller – any such machine as described in WAC 296-54-535 and 296-54-537, and includes feller/bunchers and similar machines performing multiple functions.
- (76) Mobile log loader – a self-propelled log loading machine mounted on wheels or tracks, incorporating a grapple-rigged Bohemian, goose neck, or straight boom fabricated structure, employed in the loading or unloading of logs by means of grapples or tongs.
- (77) Mobile yarder – a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead, or grapple overhead cable yarding systems.
- (78) Must – the same as "shall" and is mandatory.
- (79) New area or setting – a location of operations when both the loading station and the yarder are moved.
- (80) Pass line – a small line threaded through a block at the top of the spar to assist the high climber.
- (81) Permissible (as applied to any device, equipment or appliance) – such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.
- (82) Portable spar or tower – a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.

- (83) Qualified person – a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.
- (84) Reach – a steel tube or wood timber or pole connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.
- (85) Receding line – the line on a skidder or slackline comparable to the haulback line on a yarder.
- (86) Reload – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.
- (87) Rollway – any place where logs are dumped and they roll or slide to their resting place.
- (88) R.O.P.S. – roll over protection structure.
- (89) Rub tree – a tree used to guide a turn around a certain area.
- (90) Running line – any line which moves.
- (91) SAE – society of automotive engineers.
- (92) Safety factor – the ratio of breaking strength to a safe working strength or loading.
- (93) Safety glass – a type of glass that will not shatter when broken.
- (94) Sail block – a block hung inverted on the sail guy to hold the tong block in proper position.
- (95) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.
- (96) Shall – a requirement that is mandatory.
- (97) Shear log – a log placed in a strategic location to divert passage of objects.
- (98) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.
- (99) Signal person – the person designated to give signals to the machine operator.
- (100) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.
- (101) Skidder – a machine or animal used to move logs or trees to a landing.
- (102) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.
- (103) Skyline – the line suspended between two points on which a block or carriage travels.
- (104) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.
- (105) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.
- (106) Snag – a dead standing tree or a portion thereof. (See Danger tree)
- (107) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.
- (108) Spar – a device rigged for highlead, skyline or slackline yarding.
- (109) Spar tree – (see spar).
- (110) Speeder – a small self-powered vehicle that runs on a railroad track.
- (111) Spike – a long heavy nail similar to a railroad spike.
- (112) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.
- (113) Square lead – the angle of 90 degrees.
- (114) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.
- (115) Squirrel tree – a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.
- (116) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.
- (117) Strap – any short piece of line with an eye or "D" in each end.
- (118) Strawline – a small line used for miscellaneous purposes.
- (119) Strap socket or D – a socket with a closed loop and arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.
- (120) Strip – a definite location of timber on which one or more cutting crews work.
- (121) Swamping – the falling or cutting of brush around or along a specified place.
- (122) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.
- (123) Swing cut – a back cut in which the holding wood on one side is cut through.
- (124) Tail block – the haulback block at the back end of the show.
- (125) Tail hold – an anchor used for making fast any line or block.
- (126) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.
- (127) Tight line – when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.
- (128) Tong line block – the block hung in a boom through which the tong line operates.
- (129) Tongue – a device used to pull and/or steer a trailer.
- (130) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.
- (131) Tower – (see portable spar or tower).
- (132) Tractor – a machine of wheel or track design used in logging.
- (133) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.
- (134) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.
- (135) Tree jack – a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.
- (136) Tree plates – steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.
- (137) Tree pulling – a method of falling trees in which the tree is pulled down with a line.
- (138) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.
- (139) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.
- (140) "V" lead – a horizontal angle of less than 90 degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding load or turn.
- (141) WAC – Washington Administrative Code.
- (142) Waistline – that portion of the haulback running between the corner block and the tail block.
- (143) Wrapper – a cable assembly or chain used to contain a load of logs.
- (144) Wrapper rack – barrier used to protect a person while removing binders and wrappers from a loaded logging truck.
- (145) Yarder – a machine with a series of drums used to yard logs. (See donkey)
- (146) Yarding – the movement of logs from the place they are felled to a landing.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-95613 HAZARDOUS (CLASSIFIED) LOCATIONS. (1) Scope. This section covers the requirements for electric equipment and wiring in locations which are classified depending on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers which may be present therein and the likelihood that a flammable combustible concentration or quantity is present. Hazardous (classified) locations may be found in occupancies such as, but not limited to, the following: Aircraft hangars, gasoline dispensing and service stations, bulk storage plants for gasoline or other volatile flammable liquids, paint-finishing process plants, health care facilities, agricultural or other facilities where excessive combustible dusts may be present, marinas, boat yards, and petroleum and chemical processing plants. Each room, section or area shall be considered individually in determining its classification. These hazardous (classified) locations are assigned six designations as follows:

Class I,	Division 1
Class I,	Division 2
Class II,	Division 1
Class II,	Division 2
Class III,	Division 1
Class III,	Division 2

For definitions of these locations see WAC 296-24-95601(1). All applicable requirements in this subpart shall apply to hazardous (classified) locations, unless modified by provisions of this section.

(2) Electrical installations. Equipment, wiring methods, and installations of equipment in hazardous (classified) locations shall be intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location. Requirements for each of these options are as follows:

(a) Intrinsically safe. Equipment and associated wiring approved as intrinsically safe shall be permitted in any hazardous (classified) location for which it is approved.

(b) Approved for the hazardous (classified) location.

(i) Equipment shall be approved not only for the class of location but also for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present.

Note: NFPA 70, the National Electrical Code, lists or defines hazardous gases, vapors, and dusts by "groups" characterized by their ignitable or combustible properties.

(ii) Equipment shall be marked to show the class, group, and operating temperature or temperature range, based on operation in a 40 degrees C ambient, for which it is approved. The temperature marking may not exceed the ignition temperature of the specific gas or vapor to be encountered. However, the following provisions modify this marking requirement for specific equipment:

(A) Equipment of the nonheat-producing type, such as junction boxes, conduit, and fittings, and equipment of the heat-producing type having a maximum temperature not more than 100 degrees C (212 degrees F) need not have a marked operating temperature or temperature range.

(B) Fixed lighting fixtures marked for use in Class I, Division 2 locations only, need not be marked to indicate the group.

(C) Fixed general-purpose equipment in Class I locations, other than lighting fixtures, which is acceptable for use in Class I, Division 2 locations need not be marked with the class, group, division, or operating temperature.

(D) Fixed dust-tight equipment, other than lighting fixtures, which is acceptable for use in Class II, Division 2 and Class III locations need not be marked with the class, group, division, or operating temperature.

(c) Safe for the hazardous (classified) location. Equipment which is safe for the location shall be of a type and design which the employer demonstrates will provide protection from the hazards arising from the combustibility and flammability of vapors, liquids, gases, dusts, or fibers.

Note: The National Electrical Code, NFPA 70, contains guidelines for determining the type and design of equipment and installations which will meet this requirement. The guidelines of this document address electric wiring, equipment, and systems installed in hazardous (classified) locations and contain specific provisions for the following: Wiring methods, wiring connections; conductor insulation, flexible cords, sealing and drainage, transformers, capacitors, switches, circuit breakers, fuses, motor controllers, receptacles, attachment plugs, meters, relays, instruments, resistors, generators, motors, lighting fixtures, storage battery charging equipment, electric cranes, electric hoists and similar equipment, utilization equipment, signaling systems, alarm systems, remote control systems, local loud speaker and communication systems, ventilation piping, live parts, lighting surge protection, and grounding. Compliance with these guidelines will constitute one means, but not the only means, of compliance with this subsection.

(3) Conduits. All conduits shall be threaded and shall be made wrench-tight. Where it is impractical to make a threaded joint tight, a bonding jumper shall be utilized.

(4) Equipment in Division 2 locations. Equipment that has been approved for a Division 1 location may be installed in a Division 2 location of the same class and group. General-purpose equipment or equipment in general-purpose enclosures may be installed in Division 2 locations if the equipment does not constitute a source of ignition under normal operating conditions.

(5) Motors and generators. ~~((a))~~ Motors and generators shall conform to the following: Class I, Division 1. In Class I, Division 1 locations, motors, generators and other rotating electric machinery shall be: ~~((a))~~ (a) Approved for Class I, Division 1 locations (explosion-proof); or ~~((b))~~ (b) of the totally enclosed type supplied with positive-pressure ventilation from a source of clean air with discharge to a safe area, so arranged to prevent energizing of the machine until ventilation has been established and the enclosure has been purged with at least 10 volumes of air, and also arranged to automatically deenergize the equipment when the air supply fails; or ~~((c))~~ (c) of the totally enclosed inert-gas-filled type supplied with a suitable reliable source

of inert gas for pressuring the enclosure, with devices provided to ensure a positive pressure in the enclosure and arranged to automatically deenergize the equipment when the gas supply fails; or ~~((d))~~ (d) of a type designed to be submerged in a liquid which is flammable only when vaporized and mixed with air, or in a gas or vapor at a pressure greater than atmospheric and which is flammable only when mixed with air; and the machine is so arranged to prevent energizing it until it has been purged with the liquid or gas to exclude air, and also arranged to automatically deenergize the equipment when the supply of liquid, or gas or vapor fails or the pressure is reduced to atmospheric. Totally enclosed motors of types ~~((b))~~ (b) and ~~((c))~~ (c) shall have no external surface with an operating temperature in degrees Celsius in excess of eighty percent of the ignition temperature of the gas or vapor involved, as determined by ASTM test procedure (Designation: D-2155-69). Appropriate devices shall be provided to detect any increase in temperature of the motor beyond design limits and automatically deenergize the equipment or provide an adequate alarm. Auxiliary equipment shall be of a type approved for the location in which it is installed.

~~((b)) An installation or equipment is acceptable to the director of labor and industries, and approved within the meaning of WAC 296-24-95601(1) under the following conditions as stated in WAC 296-24-950 (4)(b):~~

~~(i) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc., and Factory Mutual Engineering Corporation; or~~

~~(ii) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in WAC 296-24-956, or~~

~~(iii) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by, a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his authorized representatives.)~~

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07517 ASBESTOS.

~~((Note: This standard applies to occupational exposure to nonasbestiform tremolite, anthophyllite, and actinolite during the stay of the revised standards (WAC 296-62-077 through 296-62-07749 and 296-155-175 through 296-155-193).))~~

This standard ~~((also))~~ applies whenever all or part of the revised standards are rendered unenforceable because of a stay or judicial action. In such a case, to preclude a gap in coverage, parallel provisions of this standard will take effect. The department will publish an appropriate notice announcing each such application of this standard. This standard also applies pursuant to the requirements of WAC 296-62-07701 ~~((and 296-155-175)).~~

(1) Definitions. For the purpose of this section,

(a) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, ~~((and))~~ actinolite asbestos and any of these materials that have been chemically treated and/or altered.

(b) "Asbestos fibers" means asbestos fibers ~~((longer than))~~ five micrometers or longer.

(2) Permissible exposure to airborne concentrations of asbestos fibers.

(a) The eight-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.

(b) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of ten fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.

(3) Methods of compliance.

(a) Engineering methods.

(i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection,

shall be used to meet the exposure limits prescribed in subsection (2) of this section.

(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(iii) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (a)(ii) of this subsection.

(b) Work practices.

(i) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in subsection (2) of this section, unless the usefulness of the product would be diminished thereby.

(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in subsection (2) of this section.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with subsection (4)(b)(iii) of this section and with special clothing in accordance with subsection (4)(c) of this section.

(4) Personal protective equipment.

(a) Compliance with the exposure limits prescribed by subsection (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by subsection (3) of this section.

(ii) In work situations in which the methods prescribed in subsection (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by subsection (2) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by (a)(i), (ii), or (iii) of this subsection, and both are practicable, personnel rotation shall be preferred and used.

(b) Where a respirator is permitted by (a)(i), (ii), or (iii) of this subsection, it shall comply with the applicable provisions of WAC 296-62-071.

(i) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in (b)(ii) or (iii) of this subsection shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than ten times those limits.

(ii) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in (b)(iii) of this subsection, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed ten times, but not one hundred times, those limits.

(iii) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed one hundred times those limits.

(iv) Establishment of a respirator program.

(A) The employer shall establish a respirator program in accordance with the requirements of chapter 296-62 WAC and shall include the respirator protection factors listed in Table 1 of this section.

(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(c) Special clothing: The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed eight-hour time-weighted average airborne concentrations of asbestos fibers prescribed in subsection (2)(a) of this section.

(d) Change rooms:

(i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section, the employer shall provide change rooms for employees working regularly at the place.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

(iii) Laundering:

(A) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section.

(B) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (d) of this subsection to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section.

(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with subsection (7)(b) of this section.

(5) Method of measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) four millimeter objective) with phase contrast illumination.

(6) Monitoring.

(a) Initial determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in subsection (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with subsection (3) of this section.

(b) Personal monitoring.

(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than six months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by subsection (2) of this section.

(c) Environmental monitoring.

(i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than six months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in subsection (2) of this section.

(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe

any monitoring required by this subsection and shall have access to the records thereof.

(7) Caution signs and labels.

(a) Caution signs.

(i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers are reasonably expected to be released or where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in subsection (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing airborne asbestos fibers.

(ii) Sign specifications. The warning signs required by (a)(i) of this subsection shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Asbestos _____	1" Sans Serif, Gothic or Block.
Dust hazard _____	3/4" Sans Serif, Gothic or Block.
Avoid breathing dust _____	1/4" Gothic.
Wear assigned protective equipment _____	1/4" Gothic.
Do not remain in area unless your work requires it _____	1/4" Gothic.
Breathing asbestos dust may be hazardous to your health _____	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(b) Caution labels.

(i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers will be released.

(ii) Label specifications. The caution labels required by (b)(i) of this subsection shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION
 Contains Asbestos Fibers
 Avoid Creating Dust
 Breathing Asbestos Dust May Cause
 Serious Bodily Harm

(8) Housekeeping.

(a) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers.

(b) Waste disposal. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.

(c) Deterioration. Friable asbestos or friable asbestos containing material which has become damaged or deteriorated shall be contained, treated, or replaced.

(9) Recordkeeping.

(a) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by subsection (6) of this section. Records shall be maintained for a period of at least twenty years and shall be made available upon request to the director of the department of labor and industries.

(b) Access. Employee exposure records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) Employee notification. Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in subsection (2) of this section shall be notified in writing of the exposure as soon as practicable but not later than five days of the finding. The employee shall also be timely notified of the corrective action being taken.

(10) Medical examinations.

(a) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this section.

(b) Preplacement. The employer shall provide or make available to each of his employees, within thirty calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(c) Annual examinations. Every employer shall provide or make available on an annual basis, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(d) Termination of employment. The employer shall provide, or make available, within thirty calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(e) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past one-year period.

(f) Medical records.

(i) Maintenance. Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least twenty years.

(ii) Access. Records of the medical examinations required by this subsection shall be provided upon request to employees, designated representative and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and WAC 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director of the department of labor and industries. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection, and any other medical information related to occupational exposure to asbestos fibers.

TABLE 1
 RESPIRATOR PROTECTION FOR AIRBORNE CONCENTRATIONS OF ASBESTOS

Airborne concentration of asbestos	Required respirator ¹
Not in excess of 20 f/cc	Reusable or single use air purifying respirator.
Not in excess of 100 f/cc	Full facepiece air purifying respirator.
Not in excess of 200 f/cc	Powered air purifying respirator.
Greater than 200 f/cc	A type "C" continuous flow or pressure demand, supplied air respirator.

¹Respirators specified for high concentrations may be used at lower concentrations of asbestos.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07701 SCOPE AND APPLICATION. ((+)) WAC 296-62-07701 through ((296-62-07749)) 296-62-07753 applies to all occupational exposures to asbestos((~~tremolite, anthophyllite, and actinolite.~~)) in all industries covered by the Washington Industrial Safety and Health Act((~~except as provided in subsection (2) of this section.~~)).

~~((2)) This section does not apply to construction work as defined in WAC 296-155-012(6). Exposure to asbestos, tremolite, anthophyllite, and actinolite in construction work is covered by WAC 296-155-175 through 296-155-193.~~

~~Note. Enforcement of WAC 296-62-077 through 296-62-07749 is stayed as it applies to nonasbestiform tremolite, anthophyllite, and actinolite. During the period of this stay, the provisions of WAC 296-62-07517 will remain in effect with respect to regulation of nonasbestiform tremolite, anthophyllite, and actinolite.))~~

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07703 DEFINITIONS. For the purpose of WAC 296-62-077 through ~~((296-62-07749))~~ 296-62-07753:

(1) "Action level" means an airborne concentration of asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals;))~~) of 0.1 fiber per cubic centimeter (f/cc) of air calculated as an eight-hour time-weighted average.

(2) "Air lock" means a system for ingress or egress to minimize air movement between a contaminated area and an uncontaminated area, consisting of an enclosure with two curtained doorways at least six feet apart unless space prohibits.

(3) "Asbestos" includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

~~((3))~~ (4) "Authorized person" means any person authorized by the employer and required by work duties to be present in regulated areas.

~~((4))~~ (5) "Clean room" means an uncontaminated room having facilities for the storage of employees' street clothing and uncontaminated materials and equipment.

(6) "Competent person" means one who is capable of identifying existing asbestos hazards in the workplace and who has the authority to take prompt corrective measures to eliminate them, as specified in WAC 296-155-012(4). The duties of the competent person include at least the following: Establishing the negative-pressure enclosure, ensuring its integrity, and controlling entry to and exit from the enclosure; supervising any employee exposure monitoring required by the standard; ensuring that all employees working within such an enclosure wear the appropriate personal protective equipment, are trained in the use of appropriate methods of exposure control, and use the hygiene facilities and decontamination procedures specified in the standard; and ensuring that engineering controls in use are in proper operating condition and are functioning properly. To be designated as a competent person, the worker must satisfactorily complete a training course in accordance with WAC 296-62-07712(3).

(7) "Curtained doorway" means overlapping plastic sheeting curtains, at least four mils in thickness, constructed and used at entrance and exit of regulated areas, and designed to restrict the movement of air from one area to another.

(8) "Decontamination area" means an enclosed area adjacent and connected to the regulated area and consisting of an equipment room, shower area, and clean room, which is used for the decontamination of workers, materials, and equipment contaminated with asbestos.

(9) "Demolition" means the wrecking or taking out of any load-supporting structural member and any related razing, removing, or stripping of asbestos products.

(10) "Department" means the department of labor and industries. ~~((5))~~ (11) "Director" means the director of the department of labor and industries or his/her authorized representatives.

~~((6))~~ (12) "Employee exposure" means that exposure to airborne asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals;))~~) that would occur if the employee were not using respiratory protective equipment.

~~((7))~~ (13) "Equipment room" means a contaminated room located within the decontamination area that is supplied with impermeable bags or containers for the disposal of contaminated protective clothing and equipment.

(14) "Fiber" means a particulate form of asbestos, ~~((tremolite, anthophyllite, or actinolite;))~~ five micrometers or longer, with a length-to-diameter ratio of at least three to one.

~~((8))~~ (15) "High-efficiency particulate air (HEPA) filter" means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.

~~((9))~~ (16) "Regulated area" means an area established by the employer to demarcate areas where airborne concentrations of asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these~~

minerals)) exceed, or can reasonably be expected to exceed, the permissible exposure limit. The regulated area may take the form of (a) a temporary enclosure, as required by WAC 296-62-07711, or (b) an area demarcated in any manner that minimizes the number of employees exposed to asbestos.

~~((10))~~ "Tremolite, anthophyllite, or actinolite" means the nonasbestos form of these minerals, and any of these minerals that have been chemically treated and/or altered.)) (17) "Removal" means the taking out or stripping of asbestos or materials containing asbestos.

(18) "Renovation" means the modifying of any existing structure, or portion thereof, where exposure to airborne asbestos may result.

(19) "Repair" means overhauling, rebuilding, reconstructing, or re-conditioning of structure or substrates where asbestos is present.

(20) "Small-scale, short duration operations" means tasks involving less than ten linear feet and less than eleven square feet of material. This means a total of eleven square feet of material whether on flat surfaces or not and includes pipes. Regardless of pipe diameter, runs cannot exceed ten linear feet.

(21) "Structural member" means any load-supporting or nonload-supporting member of a facility such as beams, walls, and ceilings.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07705 PERMISSIBLE EXPOSURE LIMITS (PEL). (1) The employer shall ensure that no employee is exposed to an airborne concentration of asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals;))~~) in excess of 0.2 fiber per cubic centimeter (0.2 f/cc) of air as an eight-hour time-weighted average (TWA) as determined by the method prescribed in WAC 296-62-07735, Appendix A, or by an equivalent method recognized by the department.

(2) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals;))~~) in excess of 1.0 fiber per cubic centimeter (1.0 f/cc) of air during any fifteen minute period, as determined by the methods prescribed in WAC 296-62-07735, Appendix A, or by an equivalent method recognized by the department.

NEW SECTION

WAC 296-62-07706 COMMUNICATION AMONG EMPLOYERS. On multi-employer worksites, an employer performing asbestos work requiring the establishment of a regulated area shall inform other employers on the site of the nature of the employer's work with asbestos and of the existence of and requirements pertaining to regulated areas.

Note: Notified employers shall ensure their employees are informed and trained as required by the hazard communication standard, WAC 296-62-054 through 296-62-05427.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07707 IDENTIFICATION. The employer shall determine if materials to be worked on or removed contain asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals;))~~). Determinations shall be documented (e.g., laboratory analysis report, manufacturer's product information), maintained on file and made available upon request to the director. A determination shall not be required when an employer assumes that the suspect material contains asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals;))~~) and handles the material in accordance with WAC 296-62-077 through ~~((296-62-07749))~~ 296-62-07753.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07709 EXPOSURE MONITORING. (1) General.

(a) Each employer shall perform monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed.

(b) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the eight-hour TWA of each employee and of the ceiling concentrations of each employee.

~~((b))~~ (c) Representative eight-hour TWA employee exposures shall be determined on the basis of one or more samples representing full-shift exposures for each shift for each employee in each job classification in each work area.

(d) Representative employee ceiling exposure shall be determined on the basis of one or more samples representing the highest exposure for employees in each work area. Sampling periods for ceiling concentration evaluations shall not exceed fifteen minutes.

(2) Initial monitoring.

(a) Each employer who has a workplace or work operation covered by this standard, except as provided for in (b) and (c) of this subsection, shall perform initial monitoring of employees who are, or may reasonably be expected to be exposed to airborne concentrations at or above the action level. The initial monitoring shall be at the initiation of each asbestos job to accurately determine the airborne concentration of asbestos to which employees may be exposed.

(b) Where the employer has monitored after December 20, 1985, ((and)) the monitoring satisfies all other requirements of this section, and the monitoring data was obtained during work operations conducted at the same workplace and under workplace conditions closely resembling the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of (a) of this subsection, except for employees engaged in removal, demolition, or renovation operations using negative-pressure enclosures as required by WAC 296-62-07712. The employer may rely on such earlier monitoring results to satisfy the requirements of (a) of this subsection.

(c) Where the employer has relied upon objective data that demonstrates that asbestos((, tremolite, anthophyllite, actinolite, or a combination of these minerals)) is not capable of being released in airborne concentrations at or above the action level under ((the expected)) those work conditions of processing, use, or handling expected to have the greatest potential for releasing asbestos, then no initial monitoring is required.

(3) Monitoring frequency (periodic monitoring) and patterns. After the initial determinations required by subsection (2)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees.

(a) In no case shall sampling be at intervals greater than six months for employees whose exposures may reasonably be foreseen to exceed the action level.

(b) Daily monitoring within regulated areas: The employer shall conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area. Exception: When all employees within a regulated area are equipped with full facepiece supplied-air respirators operated in the pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter, the employer may dispense with the daily monitoring required by this subsection.

(c) Monitoring outside negative-pressure enclosures: The employer shall conduct periodic monitoring that is representative of the airborne fiber levels in areas adjacent to negative-pressure enclosures required by WAC 296-62-07712.

(4) Changes in monitoring frequency. If either the initial or the periodic monitoring required by subsections (2) and (3) of this section statistically indicates that employee exposures are below the action level, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(5) Additional monitoring. Notwithstanding the provisions of subsections (2)(b) and (4) of this section, the employer shall institute the exposure monitoring required under subsections (2)(a) and (3) of this section whenever there has been a change in the production, process, control equipment, personnel, or work practices that may result in new or additional exposures above the action level or when the employer has any reason to suspect that a change may result in new or additional exposures above the action level.

(6) Method of monitoring.

(a) All samples taken to satisfy the monitoring requirements of this section shall be personal samples collected following the procedures specified in WAC 296-62-07735, Appendix A.

(b) Monitoring shall be performed by persons having a thorough understanding of monitoring principles and procedures and who can demonstrate proficiency in sampling techniques.

(c) All samples taken to satisfy the monitoring requirements of this section shall be evaluated using the WISHA reference method specified in WAC 296-62-07735, Appendix A, or an equivalent counting method recognized by the department.

(d) If an equivalent method to the WISHA reference method is used, the employer shall ensure that the method meets the following criteria:

(i) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons;

(ii) The comparison indicates that ninety percent of the samples collected in the range 0.1 to 0.4 f/cc have an accuracy range of plus or minus twenty-five percent of the WISHA reference method results with a ninety-five percent confidence level as demonstrated by a statistically valid protocol; and

(iii) The equivalent method is documented and the results of the comparison testing are maintained.

(e) To satisfy the monitoring requirements of this section, employers must use the results of monitoring analysis performed by laboratories which have instituted quality assurance programs that include the elements as prescribed in WAC 296-62-07735, Appendix A.

(7) Employee notification of monitoring results.

(a) The employer shall, ((within)) as soon as possible but no later than fifteen working days after the receipt of the results of any monitoring performed under the standard, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(b) The written notification required by (a) of this subsection shall contain the corrective action being taken by the employer to reduce employee exposure to or below the PEL, wherever monitoring results indicated that the PEL had been exceeded.

(8) Observation of monitoring.

(a) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to asbestos conducted in accordance with this section.

(b) When observation of the monitoring of employee exposure to asbestos requires entry into an area where the use of protective clothing or equipment is required, the observer shall be provided with and be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07711 REGULATED AREAS. (1) ((Establishment. The employer shall establish regulated areas wherever airborne concentrations of asbestos, tremolite, anthophyllite, actinolite, or a combination of these minerals are in excess of the permissible exposure limit prescribed in WAC 296-62-07705.

(2) Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to asbestos, tremolite, anthophyllite, or actinolite:)) General. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limit prescribed in WAC 296-62-07705.

(2) Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos in excess of the permissible exposure limit.

(3) Access. Access to regulated areas shall be limited to authorized persons or to persons authorized by the Washington Industrial Safety and Health Act or regulations issued pursuant thereto.

(4) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07715.

(5) Protective clothing. All persons entering a regulated area shall be supplied with and required to wear protective clothing, selected in accordance with WAC 296-62-07717.

(6) Prohibited activities. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated areas.

(7) Confined space. The employer shall determine if a confined space hazard exists and shall take any necessary precautions in accordance with chapter 296-62 WAC.

NEW SECTION

WAC 296-62-07712 REQUIREMENTS FOR ASBESTOS REMOVAL, DEMOLITION, AND RENOVATION OPERATIONS. (1) Except when proper glove bag techniques are used, the employer, wherever feasible, shall establish negative-pressure enclosures having a

minimum of one air exchange every fifteen minutes within the enclosure before commencing removal, demolition, and renovation operations.

(2) The employer shall designate a competent person to perform or supervise the following duties:

- (a) Set up the enclosure;
- (b) Ensure the integrity of the enclosure;
- (c) Control entry to and exit from the enclosure;
- (d) Supervise all employee exposure monitoring required by this section;
- (e) Ensure that employees working within the enclosure wear protective clothing and respirators as required by WAC 296-62-07715 and 296-62-07717;
- (f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;
- (g) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in WAC 296-62-07719; and
- (h) Ensure that engineering controls including HEPA filters are functioning properly.

(3) In addition to the qualifications specified in WAC 296-62-07703, the competent person shall be trained in all aspects of asbestos abatement, the contents of this standard, the identification of asbestos and their removal procedures, and other practices for reducing the hazard. Such training shall be obtained in a comprehensive course conducted by an EPA asbestos training center, or an equivalent training course recognized by the department as complying with the requirements of this subsection. Every competent person shall also maintain a valid asbestos worker certificate as specified in WAC 296-65-010.

(4) Exception: For small-scale, short-duration operations, such as pipe repair, valve replacement, installing electrical conduits, installing or removing drywall, roofing, and other general building maintenance or renovation, the employer is not required to comply with the requirements of WAC 296-62-07712. Employers wishing to take advantage of the exemption in this subsection shall comply with WAC 296-62-07753, Appendix J.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07713 METHODS OF COMPLIANCE. (1) Engineering controls and work practices.

(a) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the exposure limit prescribed in WAC 296-62-07705, except to the extent that such controls are not feasible. Engineering controls and work practices include but are not limited to the following:

- (i) Local exhaust ventilation equipped with HEPA filter dust collection systems;
- (ii) Vacuum cleaners equipped with HEPA filters;
- (iii) Enclosure or isolation of processes producing asbestos, tremolite, anthophyllite, or actinolite dust;
- (iv) Use of wet methods, wetting agents, or removal encapsulants to control employee exposures during asbestos, tremolite, anthophyllite, or actinolite handling, mixing, removal, cutting, application, and cleanup;
- (v) Prompt disposal of wastes contaminated with asbestos, tremolite, anthophyllite, or actinolite in leak-tight containers; or
- (vi) Use of work practices or other engineering controls that the director can show to be feasible.

(b) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of WAC 296-62-07715.

(c) For the following operations, wherever feasible engineering controls and work practices that can be instituted are not sufficient to reduce the employee exposure to or below the permissible exposure limit prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to or below 0.5 fiber per cubic centimeter of air (as an eight-hour time-weighted average) and shall supplement them by the use of any combination of respiratory protection that complies with the requirements of WAC 296-62-07715, work practices and feasible engineering controls that will reduce employee exposure to or below the permissible exposure limit prescribed in WAC 296-62-

07705: Coupling cutoff in primary asbestos cement pipe manufacturing; sanding in primary and secondary asbestos cement sheet manufacturing; grinding in primary and secondary friction product manufacturing; carding and spinning in dry textile processes; and grinding and sanding in primary plastics manufacturing.

(d) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with good practices such as those found in the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1979.

(e) Particular tools. All hand-operated and power-operated tools which would produce or release fibers of asbestos(~~(, tremolite, anthophyllite, actinolite, or a combination of these minerals)~~) so as to expose employees to levels in excess of the exposure limit prescribed in WAC 296-62-07705, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems which comply with (d) of this subsection. High-speed abrasive disc saws that are not equipped with appropriate engineering controls shall not be used for work related to asbestos.

(f) Wet methods. Insofar as practicable, asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers so as to expose employees to levels in excess of the exposure limit prescribed in WAC 296-62-07705, unless the usefulness of the product would be diminished thereby.

(g) Materials containing asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) shall not be applied by spray methods unless the materials contain less than 0.1% asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) by weight, the asbestos is a natural contaminant and objective data indicate employee exposure will not exceed the action level of 0.1 f/cc.

(h) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, enclosed, or ventilated so as to prevent effectively the release of airborne fibers of asbestos(~~(, tremolite, anthophyllite, actinolite, or a combination of these minerals)~~) so as to expose employees to levels in excess of the limit prescribed in WAC 296-62-07705.

(i) Compressed air. Compressed air shall not be used to remove asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) or materials containing asbestos(~~(, tremolite, anthophyllite, or actinolite,)~~) unless the compressed air is used in conjunction with ~~((α))~~ an enclosed ventilation system designed to capture the dust cloud created by the compressed air.

(2) Clean-up.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the action level; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(3) Compliance program.

(a) Where the PEL is exceeded, the employer shall establish and implement a written program to reduce employee exposure to or below the limit by means of engineering and work practice controls as required by subsection (1) of this section, and by the use of respiratory protection where required or permitted under this section.

(b) Such programs shall be reviewed and updated as necessary to reflect significant changes in the status of the employer's compliance program.

(c) Written programs shall be submitted upon request for examination and copying to the director, affected employees and designated employee representatives.

(d) The employer shall not use employee rotation as a means of compliance with the PEL.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07715 RESPIRATORY PROTECTION. (1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-077 through ~~((296-62-~~

~~07749~~) ~~296-62-07753~~. Respirators shall be used in the following circumstances:

- (a) During the interval necessary to install or implement feasible engineering and work practice controls;
 - (b) In work operations, such as maintenance and repair activities, or other activities for which engineering and work practice controls are not feasible;
 - (c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the exposure limit;
 - (d) In emergencies; and
 - (e) Whenever employee exposure exceeds the PEL.
- (2) Respirator selection.
- (a) Where respirators are required under this section, the employer shall select and provide at no cost to the employee, the appropriate respirator as specified in Table 1 of this section and shall ensure that the employee uses the respirator provided. The employer shall select respirators from among those approved as being acceptable for protection by the Mine Safety and Health Administration (MSHA) or by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.
- (b) The employer shall provide a powered, air-purifying respirator in lieu of any negative pressure respirator specified in Table 1 of this section whenever:
- (i) An employee chooses to use this type of respirator; and
 - (ii) This respirator will provide adequate protection to the employee.

TABLE 1—RESPIRATORY PROTECTION FOR ASBESTOS(~~(; TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE)~~) FIBERS

Concentration of asbestos((; tremolite, anthophyllite, actinolite, or a combination of these minerals)) fibers	Required Respirator ^a
Not in excess of 2 f/cc.	1. Half-mask, air-purifying respirator, <u>other than a disposable respirator, equipped with high-efficiency filters.</u> ^b
Not in excess of 10 f/cc.	1. Full facepiece air-purifying respirator equipped with high-efficiency filters.
Not in excess of 20 f/cc.	1. Any powered air-purifying respirator equipped with high-efficiency filters. 2. Any supplied-air respirator operated in continuous flow mode.
Not in excess of 200 f/cc.	1. Full facepiece supplied-air respirator operated in pressure demand mode.
Greater than 200 f/cc or unknown concentration.	1. Full facepiece supplied-air respirator operated in pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter. ^c 2. Full facepiece positive-pressure self-contained breathing apparatus (SCBA).

Note: a. Respirators assigned for higher environmental concentrations may be used at lower concentrations.
 b. A high-efficiency filter means a filter that is capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.
 c. See subsection ~~((4))~~ (5)(c) of this section for fit testing requirements.

(3) Special respiratory protection requirements. Unless specifically identified in this subsection, respirator selection for asbestos removal, demolition, and renovation operations shall be in accordance with Table 1 of subsection (2) of this section. The employer shall provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the pressure demand mode equipped

with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter to employees engaged in the following asbestos operations:

- (a) Inside negative pressure enclosures used for removal, demolition, and renovation of friable asbestos from walls, ceilings, vessels, ventilation ducts, elevator shafts, and other structural members, but does not include pipes or piping systems; or
 - (b) Any dry removal of asbestos.
- (4) Respirator program.
- (a) Where respiratory protection is required, the employer shall institute a respirator program in accordance with WAC 296-62-071.
- (b) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) Employees who wear respirators shall be permitted to leave ~~((the regulated))~~ work areas to wash their faces and respirator facepieces whenever necessary to prevent skin irritation associated with respirator use.

(d) No employee shall be assigned to tasks requiring the use of respirators if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by the use of a respirator. Such employee shall be assigned to another job or given the opportunity to transfer to a different position whose duties he or she is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay the employee had just prior to such transfer, if such a different position is available.

~~((4))~~ (5) Respirator fit testing.

(a) The employer shall ensure that the respirator issued to the employee exhibits the least possible facepiece leakage and that the respirator is fitted properly.

(b) For each employee wearing negative pressure respirators, employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter. The qualitative fit tests may be used only for testing the fit of negative pressure respirators to be worn in concentrations of asbestos not in excess of 2 f/cc, and shall be conducted in accordance with WAC 296-62-07739, Appendix C. The tests shall be used to select facepieces that provide the required protection as prescribed in Table 1 of this section.

(c) Any supplied-air respirator facepiece equipped with a back-up HEPA filter shall be fit tested as a negative pressure respirator in accordance with (b) of this subsection with the air supply disconnected.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07717 PROTECTIVE WORK CLOTHING AND EQUIPMENT. (1) Provision and use. If an employee is exposed to asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals)~~) above the PEL, or where the possibility of eye irritation exists, the employer shall provide at no cost to the employee and ensure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

- (a) Coveralls or similar full-body work clothing;
- (b) Gloves, head coverings, and foot coverings; and
- (c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-07801.

(2) Removal and storage.

(a) The employer shall ensure that employees remove work clothing contaminated with asbestos(~~(; tremolite, anthophyllite, or actinolite)~~) only in change rooms provided in accordance with WAC 296-62-07719(1).

(b) The employer shall ensure that no employee takes contaminated work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(c) Contaminated work clothing shall be placed and stored in closed containers which prevent dispersion of the asbestos(~~(; tremolite, anthophyllite, and actinolite)~~) outside the container.

(d) Containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal, shall bear labels in accordance with WAC 296-62-07721(2).

(3) Cleaning and replacement.

(a) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(b) The employer shall prohibit the removal of asbestos(~~(-tremolite, anthophyllite, and actinolite))~~) from protective clothing and equipment by blowing or shaking.

(c) Laundering of contaminated clothing shall be done so as to prevent the release of airborne fibers of asbestos(~~(-tremolite, anthophyllite, actinolite, or a combination of these minerals))~~) in excess of the permissible exposure limit prescribed in WAC 296-62-07705.

(d) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (c) of this subsection to effectively prevent the release of airborne fibers of asbestos(~~(-tremolite, anthophyllite, actinolite, or a combination of these minerals))~~) in excess of the permissible exposure limit.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos(~~(-tremolite, anthophyllite, or actinolite))~~) of the potentially harmful effects of exposure to asbestos(~~(-tremolite, anthophyllite, or actinolite))~~).

(f) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with WAC 296-62-07721.

(4) Protective clothing for removal, demolition, and renovation operations.

(a) The competent person shall periodically examine worksuits worn by employees for rips or tears that may occur during performance of work.

(b) When rips or tears are detected while an employee is working within a negative-pressure enclosure, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07719 HYGIENE FACILITIES AND PRACTICES. (1) Change rooms.

(a) The employer shall provide clean change rooms for employees (~~(who)~~) required to work in regulated areas (~~(where their airborne exposure to asbestos, tremolite, anthophyllite, actinolite, or a combination of these minerals is above the permissible exposure limit))~~) or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in small-scale, short-duration operations, as described in WAC 296-62-07712(4), to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC 296-24-120, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in areas where their airborne exposure is above the permissible exposure limit shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC 296-24-12009(3).

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements for removal, demolition, and renovation operations.

(a) Decontamination area. Except for small-scale, short-duration operations, as described in WAC 296-155-17525 (7)(d), the employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of employees contaminated with asbestos, tremolite, anthophyllite, or actinolite. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(b) Clean room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(c) Shower area. Where feasible, shower facilities shall be provided which comply with WAC 296-24-12009(3). The showers shall be contiguous both to the equipment room and the clean change room, unless the employer can demonstrate that this location is not feasible.

Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean change room, the employer shall ensure that employees:

(i) Remove asbestos, tremolite, anthophyllite, or actinolite contamination from their worksuits using a HEPA vacuum before proceeding to a shower that is not contiguous to the work area; or

(ii) Remove their contaminated worksuits, don clean worksuits, and proceed to a shower that is not contiguous to the work area.

(d) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective clothing and equipment.

(e) Decontamination area entry procedures.

(i) The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(ii) Before entering the enclosure, the employer shall ensure that employees pass through the equipment room.

(f) Decontamination area exit procedures.

(i) Before leaving the regulated area, the employer shall ensure that employees remove all gross contamination and debris from their protective clothing.

(ii) The employer shall ensure that employees remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers.

(iii) The employer shall ensure that employees do not remove their respirators in the equipment room.

(iv) The employer shall ensure that employees shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing their respirators.

(v) The employer shall ensure that, after showering, employees enter the clean room before changing into street clothes.

(g) Decontamination area for personnel shall not be used for the transportation of asbestos, tremolite, anthophyllite, or actinolite debris.

(h) Waste load-out procedure. The waste load-out area as required by WAC 296-155-17555(3) shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste.

The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into the air lock which is adjacent to the negative-pressure enclosure. The exterior of the waste container shall be decontaminated or placed within a second waste container, and moved into the second air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the permissible exposure limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the permissible exposure limit wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos(~~(-tremolite, anthophyllite, and actinolite))~~) fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos(~~(-tremolite, anthophyllite, or actinolite))~~) to become airborne.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07721 COMMUNICATION OF HAZARDS TO EMPLOYEES. (1) Warning signs.

(a) Warning signs shall be provided and displayed at each regulated area. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA

~~((c))~~ Where minerals in the regulated area are only tremolite, anthophyllite, or actinolite, the employer may replace the term "asbestos" with the appropriate mineral name.)

(2) Warning labels.

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos (~~(, tremolite, anthophyllite, or actinolite)~~) fibers, ~~((or))~~ and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

~~((b))~~ (c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD
AVOID BREATHING AIRBORNE ASBESTOS(~~(;~~
~~TREMOLITE, ANTHOPHYLLITE, OR~~
~~ACTINOLITE)) FIBERS~~

~~((c))~~ (d) Where minerals to be labeled are only tremolite, anthophyllite, or actinolite, the employer may replace the term "asbestos" with the appropriate mineral name.

(3) Material safety data sheets. Employers who are manufacturers or importers of asbestos(~~(, tremolite, anthophyllite, or actinolite)~~), or asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (4) of this section.

(4) The provisions for labels required by subsection (2) of this section or for material safety data sheets required by subsection (3) of this section do not apply where:

(a) Asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos(~~(; tremolite, anthophyllite, actinolite, or a combination of these minerals)~~) in excess of the action level will be released; or

(b) Asbestos(~~(, tremolite, anthophyllite, actinolite, or a combination of these minerals)~~) is present in a product in concentrations less than 0.1 percent by weight.

(5) Employee information and training.

(a) The employer shall institute a training program for all employees who are exposed to airborne concentrations of asbestos(~~(, tremolite, anthophyllite, actinolite, or a combination of these minerals)~~) at or above the action level and ensure their participation in the program.

(b) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(c) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

(i) The health effects associated with asbestos(~~(, tremolite, anthophyllite, or actinolite exposure)~~);

(ii) The relationship between smoking and exposure to asbestos(~~(; tremolite, anthophyllite, and actinolite)~~) in producing lung cancer;

(iii) Methods of recognizing asbestos and the quantity, location, manner of use, release, and storage of asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) and the specific nature of operations which could result in exposure to asbestos(~~(, tremolite, anthophyllite, or actinolite)~~);

(iv) The engineering controls and work practices associated with the employee's job assignment;

(v) The specific procedures implemented to protect employees from exposure to asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures,

(and) personal protective equipment to be used, and waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(vi) The purpose, proper use, and limitations of respirators and protective clothing;

(vii) The purpose and a description of the medical surveillance program required by WAC 296-62-07725; and

(viii) ~~((A review))~~ The content of this standard, including appendices.

(d) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(6) Certification.

(a) All individuals working on asbestos projects, as defined in WAC 296-65-003(4) shall be certified as required by WAC 296-65-010 and 296-65-030.

(b) In cases excepted under WAC 296-65-030 (1) and (2), all employees shall be trained according to subsection (5) of this section.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07723 HOUSEKEEPING. (1) All surfaces shall be maintained as free as practicable of accumulations of dusts and waste containing asbestos(~~(, tremolite, anthophyllite, or actinolite)~~).

(2) All spills and sudden releases of material containing asbestos(~~(; tremolite, anthophyllite, or actinolite)~~) shall be cleaned up as soon as possible.

(3) Surfaces contaminated with asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) may not be cleaned by the use of compressed air.

(4) Vacuuming. HEPA-filtered vacuuming equipment shall be used for vacuuming. The equipment shall be used and emptied in a manner which minimizes the reentry of asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) into the workplace.

(5) Shoveling, dry sweeping, and dry clean-up of asbestos(~~(; tremolite, anthophyllite, or actinolite)~~) may be used only where vacuuming and/or wet cleaning are not feasible.

(6) Waste disposal. Waste, scrap, debris, bags, containers, equipment, and clothing contaminated with asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers. To avoid breakage, bags shall be at least six mils in thickness and shall not be dragged or slid across rough or abrasive surfaces.

(7) Waste removal. Whenever a negative-pressure enclosure is required by WAC 296-62-07712, the employer wherever feasible, shall establish a waste-load-out area that is adjacent and connected to the negative-pressure enclosure, constructed of a two chamber air lock, for the decontamination and removal of asbestos debris.

(8) Deterioration. Asbestos(~~(, tremolite, anthophyllite, or actinolite)~~) and asbestos containing material which has become damaged or deteriorated shall be repaired, enclosed, encapsulated, or removed.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07725 MEDICAL SURVEILLANCE. (1) General.

(a) Employees covered. The employer shall institute a medical surveillance program for all employees who are or will be exposed to airborne concentrations of fibers of asbestos(~~(, tremolite, anthophyllite, actinolite, or a combination of these minerals)~~) at or above the action level. Exception. Employers in the construction industry shall institute a medical surveillance program for all employees engaged in work involving levels of asbestos at or above the action level for thirty or more days per year, or who are required by this section to wear negative-pressure respirators.

(b) Examination by a physician.

(i) The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee and at a reasonable time and place.

(ii) Persons other than licensed physicians, who administer the pulmonary function testing required by this section, shall complete a training course in spirometry sponsored by an appropriate academic or professional institution.

(2) Preplacement examinations.

(a) Except as provided by WAC 296-62-07725 (1)(a), before an employee is assigned to an occupation exposed to airborne concentrations of asbestos, (~~tremolite, anthophyllite, or actinolite fibers,~~) a preplacement medical examination shall be provided or made available by the employer. Examinations administered using the thirty or more days per year criteria of WAC 296-62-07725 (1)(a) shall be given within ten working days following the thirtieth day of exposure. Examinations must be given prior to assignment of employees to areas where negative-pressure respirators are worn.

(b) (~~Such~~) All examinations shall include, as a minimum, a medical and work history: A complete physical examination of all systems with special emphasis on the (~~respiratory system, the cardiovascular system and digestive tract~~) pulmonary, cardiovascular, and gastrointestinal systems; completion of the respiratory disease standardized questionnaire in WAC 296-62-07741, Appendix D, Part 1; a chest roentgenogram (posterior-anterior 14x17 inches); pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}); and any additional tests deemed appropriate by the examining physician. Interpretation and classification of chest roentgenograms shall be conducted in accordance with WAC 296-62-07743, Appendix E.

(3) Periodic examinations.
 (a) Periodic medical examinations shall be made available annually.
 (b) The scope of the medical examination shall be in conformance with the protocol established in subsection (2)(b) of this section, except that the frequency of chest roentgenograms shall be conducted in accordance with Table 2 of this section, and the abbreviated standardized questionnaire contained in WAC 296-62-07741, Appendix D, Part 2, shall be administered to the employee.

TABLE 2—FREQUENCY OF CHEST ROENTGENOGRAMS

	Age of employee		
	15 to 35	35+ to 45	45+
0 to 10.....	Every 5 years	Every 5 years	Every 5 years.
10+	Every 5 years	Every 2 years	Every 1 year.

(c) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician.

(4) Termination of employment examinations.
 (a) The employer shall provide, or make available, a termination of employment medical examination for any employee who has been exposed to airborne concentrations of fibers of asbestos(~~(- tremolite; anthophyllite, actinolite, or a combination of these minerals)~~) at or above the action level.

(b) The medical examination shall be in accordance with the requirements of the periodic examinations stipulated in subsection (3) of this section, and shall be given within thirty calendar days before or after the date of termination of employment.

(5) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with subsection (2), (3), or (4) of this section within the past one-year period.

(6) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this standard and Appendices D (~~and~~), E, and H of WAC 296-62-07741 (~~and~~), 296-62-07743, and 296-62-07749 respectively.

(b) A description of the affected employee's duties as they relate to the employee's exposure.

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(7) Physician's written opinion.

(a) The employer shall obtain a written signed opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to asbestos(~~(- tremolite, anthophyllite, or actinolite)~~);

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators; and

(iii) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from asbestos(~~(- tremolite, anthophyllite, or actinolite)~~) exposure that require further explanation or treatment.

(b) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to asbestos(~~(- tremolite, anthophyllite, or actinolite)~~).

(c) The employer shall provide a copy of the physician's written opinion to the affected employee within thirty days from its receipt.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07727 RECORDKEEPING. (1) Exposure measurements.

(a) The employer shall keep an accurate record of all measurements taken to monitor employee exposure to asbestos(~~(- tremolite; anthophyllite, or actinolite)~~) as prescribed in WAC 296-62-07709.

(b) This record shall include at least the following information:

- (i) Name of employer;
- (ii) Name of person conducting monitoring;
- (iii) The date of measurement;
- (iv) Address of operation or activity;
- (v) Description of the operation or activity involving exposure to asbestos(~~(- tremolite, anthophyllite, or actinolite)~~) that is being monitored;
- (vi) Personal or area sample;
- (vii) Name, Social Security number, and exposure level of the employees whose exposures are represented;
- (viii) Type of protective devices worn, if any;
- (ix) Pump calibration date and flow rate;
- (x) Total volume of air sampled;
- (xi) Name and address of analytical laboratory;
- (xii) Number, duration, and results (f/cc) of samples taken;
- (xiii) Date of analysis; and
- (xiv) Sampling and analytical methods used and evidence of their accuracy.

(c) The employer shall maintain this record for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(2) Objective data for exempted operations.

(a) Where the processing, use, or handling of products made from or containing asbestos(~~(- tremolite, anthophyllite, or actinolite)~~) is exempted from other requirements of this section under WAC 296-62-07709 (2)(c), the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(b) The record shall include at least the following:

- (i) The product qualifying for exemption;
- (ii) The source of the objective data;
- (iii) The testing protocol, results of testing, and/or analysis of the material for the release of asbestos(~~(- tremolite, anthophyllite, or actinolite)~~);
- (iv) A description of the operation exempted and how the data support the exemption; and
- (v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

Note: The employer may utilize the services of competent organizations such as industry trade associations and employee associations to maintain the records required by this section.

(3) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by WAC 296-62-07725 (1)(a), in accordance with WAC 296-62-052.

(b) The record shall include at least the following information:

- (i) The name and Social Security number of the employee;
- (ii) Physician's written opinions;
- (iii) Any employee medical complaints related to exposure to asbestos(~~(- tremolite, anthophyllite, or actinolite)~~); (~~and~~)
- (iv) A copy of the information provided to the physician as required by WAC 296-62-07725(6); and
- (v) A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physicians recommendations.

(c) The employer shall ensure that this record is maintained for the duration of employment plus thirty years, in accordance with WAC 296-62-052.

(4) Training. The employer shall maintain all employee training records for one year beyond the last date of employment of that employee.

(5) Availability.

(a) The employer, upon written request, shall make all records required to be maintained by this section available to the director for examination and copying.

(b) The employer, upon request, shall make any exposure records required by subsection (1) of this section available for examination and copying to affected employees, former employees, designated representatives, and the director, in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(c) The employer, upon request, shall make employee medical records required by subsection (2) of this section available for examination and copying to the subject employee, to anyone having the specific written consent of the subject employee, and the director, in accordance with WAC 296-62-052.

(6) Transfer of records.

(a) The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(b) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director at least ninety days prior to disposal of records and, upon request, transmit them to the director.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07731 DATES. (1) The requirements of the asbestos standard issued in May 1973, as amended, and published in WAC 296-62-07517, remain in effect until compliance is achieved with the parallel provisions of WAC 296-62-077 through ~~(296-62-07749)~~ 296-62-07753.

(2) Start-up dates. All obligations of ~~((this section))~~ WAC 296-62-077 through 296-62-07753 commence on the effective date except as follows:

(a) Hygiene and lunchroom facilities. Changerooms, showers, lavatories, and lunchroom facilities shall be constructed and in use no later than July 20, 1987. However, if as part of the compliance plan for a fixed facility as opposed to mobile or construction type activities it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by July 20, 1988, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

(b) Compliance program. Written compliance programs required by WAC 296-62-07713(2) as a result of initial monitoring shall be completed and available for inspection and copying as soon as possible but no later than July 20, 1987.

(c) Methods of compliance. The engineering and work practice controls as required by WAC 296-62-07713(1) shall be implemented as soon as possible but no later than July 20, 1988.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07733 APPENDICES. (1) The following appendices to this chapter are mandatory.

(a) WAC 296-62-07735, Appendix A—WISHA reference method—Mandatory.

(b) WAC 296-62-07739, Appendix C—Qualitative and quantitative fit testing procedures—Mandatory.

(c) WAC 296-62-07741, Appendix D—Medical questionnaires—Mandatory.

(d) WAC 296-62-07743, Appendix E—Interpretation and classification of chest roentgenograms—Mandatory.

(2) The following appendices to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

(a) WAC 296-62-07737, Appendix B—Detailed procedure for asbestos(~~(-tremolite, anthophyllite, and actinolite))~~) sampling and analysis—Nonmandatory.

(b) WAC 296-62-07745, Appendix F—Work practices and engineering controls for automotive brake repair operations—Nonmandatory.

(c) WAC 296-62-07747, Appendix G—Substance technical information for asbestos—Nonmandatory.

(d) WAC 296-62-07749, Appendix H—Medical surveillance guidelines for asbestos(~~(-tremolite, anthophyllite, and actinolite))~~)—Nonmandatory.

(e) WAC 296-62-07751, Appendix I—Work practices and engineering controls for major asbestos removal, renovation, and demolition operations—Nonmandatory.

(f) WAC 296-62-07753, Appendix J—Work practices and engineering controls for small-scale, short-duration asbestos renovation and maintenance activities—Nonmandatory.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07735 APPENDIX A—WISHA REFERENCE METHOD—MANDATORY. This mandatory appendix specifies the procedure for analyzing air samples for asbestos(~~(-tremolite, anthophyllite, and actinolite))~~) and specifies quality control procedures that must be implemented by laboratories performing the analysis. The sampling and analytical methods described below represent the elements of the available monitoring methods (such as the NIOSH 7400 method) which WISHA considers to be essential to achieve adequate employee exposure monitoring while allowing employers to use methods that are already established within their organizations. All employers who are required to conduct air monitoring under ~~((paragraph (f) of the standard))~~ WAC 296-62-07709 are required to utilize analytical laboratories that use this procedure, or an equivalent method recognized by the department, for collecting and analyzing samples.

(1) Sampling and analytical procedure.

(a) The sampling medium for air samples shall be mixed cellulose ester filter membranes. These shall be designated by the manufacturer as suitable for asbestos(~~(-tremolite, anthophyllite, and actinolite))~~) counting. See below for rejection of blanks.

(b) The preferred collection device shall be the 25-mm diameter cassette with an open-faced 50-mm electrically conductive extension cowl. The 37-mm cassette may be used if necessary but only if written justification for the need to use the 37-mm filter cassette accompanies the sample results in the employee's exposure monitoring record.

(c) An air flow rate between 0.5 liter/min and 4.0 liters/min shall be selected for the 25-mm cassette. If the 37-mm cassette is used, an air flow rate between 1 liter/min and 4.0 liters/min shall be selected.

(d) Where possible, a sufficient air volume for each air sample shall be collected to yield between one hundred and one thousand three hundred fibers per square millimeter on the membrane filter. If a filter darkens in appearance or if loose dust is seen on the filter, a second sample shall be started.

(e) Ship the samples in a rigid container with sufficient packing material to prevent dislodging the collected fibers. Packing material that has a high electrostatic charge on its surface (e.g., expanded polystyrene) cannot be used because such material can cause loss of fibers to the sides of the cassette.

(f) Calibrate each personal sampling pump before and after use with a representative filter cassette installed between the pump and the calibration devices.

(g) Personal samples shall be taken in the "breathing zone" of the employee (i.e., attached to or near the collar or lapel near the worker's face).

(h) Fiber counts shall be made by positive phase contrast using a microscope with an 8 to 10 X eyepiece and a 40 to 45 X objective for a total magnification of approximately 400 X and a numerical aperture of 0.65 to 0.75. The microscope shall also be fitted with a green or blue filter.

(i) The microscope shall be fitted with a Walton-Beckett eyepiece graticule calibrated for a field diameter of one hundred micrometers (+/-2 micrometers).

(j) The phase-shift detection limit of the microscope shall be about 3 degrees measured using the HSE phase shift test slide as outlined below.

(i) Place the test slide on the microscope stage and center it under the phase objective.

(ii) Bring the blocks of grooved lines into focus.

Note: The slide consists of seven sets of grooved lines (ca. 20 grooves to each block) in descending order of visibility from sets one to seven, seven being the least visible. The requirements for asbestos(~~(-tremolite, anthophyllite, and actinolite))~~) counting are that the microscope optics must resolve the grooved lines in set three completely, although they may appear somewhat faint, and that the grooved lines in sets six and seven must be invisible. Sets four and five must be at least partially visible but

may vary slightly in visibility between microscopes. A microscope that fails to meet these requirements has either too low or too high a resolution to be used for asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) counting.

(iii) If the image deteriorates, clean and adjust the microscope optics. If the problem persists, consult the microscope manufacturer.

(k) Each set of samples taken will include ten percent blanks or a minimum of two blanks. The blank results shall be averaged and subtracted from the analytical results before reporting. Any samples represented by a blank having a fiber count in excess of seven fibers/one hundred fields shall be rejected.

(l) The samples shall be mounted by the acetone/triacetin method or a method with an equivalent index of refraction and similar clarity.

(m) Observe the following counting rules.

(i) Count only fibers equal to or longer than five micrometers. Measure the length of curved fibers along the curve.

(ii) In the absence of other information, count all particles as asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) that have a length-to-width ratio (aspect ratio) of three to one or greater.

(iii) Fibers lying entirely within the boundary of the Walton-Beckett graticule field shall receive a count of one. Fibers crossing the boundary once, having one end within the circle, shall receive the count of one-half. Do not count any fiber that crosses the graticule boundary more than once. Reject and do not count any other fibers even though they may be visible outside the graticule area.

(iv) Count bundles of fibers as one fiber unless individual fibers can be identified by observing both ends of an individual fiber.

(v) For a 25mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than ten fibers are found after counting one hundred fields and the sample air volume is less than sixty liters, count a total number of fields calculated from the following formulas:

$$N = 6000/V \quad \text{For TWA Determination (QL = 0.085)}$$

$$N = 2400/V \quad \text{For Ceiling Determinations (QL = 0.21)}$$

Where N = Number of fields counted on a 25mm filter
V = Air volume of sample in liters
QL = Limit of reliable quantification in fibers/cc
for the NIOSH 7400 method

Note: Filter samples (25mm) with air volumes of less than thirty liters will have decreased analytical accuracy and precision and should be avoided.

(vi) For a 37mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than one hundred fibers are found after counting one hundred fields and the sample air volume is less than one hundred thirty-three liters, count a total number of fields calculated from the following formulas:

$$N = 13300/V \quad \text{For TWA Determination (QL = 0.085)}$$

$$N = 5320/V \quad \text{For Ceiling Determinations (QL = 0.21)}$$

Where N = Number of fields counted on a 37mm filter
V = Air volume of sample in liters
QL = Limit of reliable quantification in fibers/cc

Note: Filter samples (37mm) with air volumes of less than seventy liters will have decreased analytical accuracy and precision and should be avoided.

(n) Blind recounts shall be conducted at the rate of ten percent.

(2) Quality control procedures.

(a) Intralaboratory program. Each laboratory and/or each company with more than one microscopist counting slides shall establish a statistically designed quality assurance program involving blind recounts and comparisons between microscopists to monitor the variability of counting by each microscopist and between microscopists. In a company with more than one laboratory, the program shall include all laboratories and shall also evaluate the laboratory-to-laboratory variability.

(b) Interlaboratory program. Each laboratory analyzing asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) samples for compliance determination shall implement an interlaboratory quality assurance program that as a minimum includes participation of at least two other independent laboratories. Each laboratory shall participate in round robin testing at least once every six months with at least all the other laboratories in its interlaboratory quality assurance group. Each laboratory shall submit slides typical of its own work load for use in this program. The round robin shall be designed and results analyzed using appropriate statistical methodology.

(c) All individuals performing asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) analysis must have taken the NIOSH course for sampling and evaluating airborne asbestos(~~(-tremolite, anthophyllite,~~

~~and actinolite)~~) dust or an equivalent course, recognized by the department.

(d) When the use of different microscopes contributes to differences between counters and laboratories, the effect of the different microscope shall be evaluated and the microscope shall be replaced, as necessary.

(e) Current results of these quality assurance programs shall be posted in each laboratory to keep the microscopists informed.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07737 APPENDIX B—DETAILED PROCEDURE FOR ASBESTOS(~~(-TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE)~~) SAMPLING AND ANALYSIS—NON-MANDATORY. This appendix contains a detailed procedure for sampling and analysis and includes those critical elements specified in WAC 296-62-07735, Appendix A. Employers are not required to use this procedure, but they are required to use Appendix A. The purpose of Appendix B is to provide a detailed step-by-step sampling and analysis procedure that conforms to the elements specified in WAC 296-62-07735, Appendix A. Since this procedure may also standardize the analysis and reduce variability, WISHA encourages employers to use this appendix.

Asbestos(~~(-Tremolite, Anthophyllite, and Actinolite)~~) Sampling and Analysis Method

Technique: Microscopy, phase contrast.

Analyte: Fibers (manual count).

Sample preparation: Acetone/triacetin method.

Calibration: Phase-shift detection limit about three degrees.

Range: One hundred to one thousand three hundred fibers/mm² filter area.

Estimated limit of detection: Seven fibers/mm² filter area.

Sampler: Filter (0.8-1.2 um mixed cellulose ester membrane, 25-mm diameter).

Flow rate: 0.5 L/min to 4.0 L/min (25-mm cassette) 1.0 L/min to 4.0 L/min (37-mm cassette).

Sample volume: Adjust to obtain one hundred to one thousand three hundred fibers/mm².

Shipment: Routine.

Sample stability: Indefinite.

Blanks: Ten percent of samples (minimum two).

Standard analytical error: 0.25.

Applicability: The working range is 0.02 f/cc (1920-L air sample) to 1.25 f/cc (400-L air sample). The method gives an index of airborne asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) fibers but may be used for other materials such as fibrous glass by inserting suitable parameters into the counting rules. The method does not differentiate between asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) and other fibers. Asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) fibers less than ca. 0.25 um diameter will not be detected by this method.

Interferences: Any other airborne fiber may interfere since all particles meeting the counting criteria are counted. Chain-like particles may appear fibrous. High levels of nonfibrous dust particles may obscure fibers in the field of view and raise the detection limit.

(1) Reagents.

(a) Acetone.

(b) Triacetin (glycerol triacetate), reagent grade.

Special precautions: Acetone is an extremely flammable liquid and precautions must be taken not to ignite it. Heating of acetone must be done in a ventilated laboratory fume hood using a flameless, spark-free heat source.

(2) Equipment.

(a) Collection device: 25-mm cassette with 50-mm electrically conductive extension cowl with cellulose ester filter, 0.8 to 1.2 mm pore size and backup pad.

Note: Analyze representative filters for fiber background before use and discard the filter lot if more than five fibers/one hundred fields are found.

(b) Personal sampling pump, greater than or equal to 0.5 L/min. with flexible connecting tubing.

(c) Microscope, phase contrast, with green or blue filter, 8 to 10 X eyepiece, and 40 to 45 X phase objective (total magnification ca. 400 X); numerical aperture = 0.65 to 0.75.

(d) Slides, glass, single-frosted, precleaned, 25 x 75 mm.

(e) Cover slips, 25 x 25 mm, No. 1 1/2 unless otherwise specified by microscope manufacturer.

- (f) Knife, No. 1 surgical steel, curved blade.
- (g) Tweezers.
- (h) Flask, Guth-type, insulated neck, 250 to 500 mL (with single-hole rubber stopper and elbow-jointed glass tubing, 16 to 22 cm long).
- (i) Hotplate, spark-free, stirring type; heating mantle; or infrared lamp and magnetic stirrer.
- (j) Syringe, hypodermic, with 22-gauge needle.
- (k) Graticule, Walton-Beckett type with 100 μm diameter circular field at the specimen plane (area = 0.00785 mm^2), (Type G-22).

Note: The graticule is custom-made for each microscope.

- (l) HSE/NPL phase contrast test slide, Mark II.
- (m) Telescope, ocular phase-ring centering.
- (n) Stage micrometer (0.01 mm divisions).
- (3) Sampling.
 - (a) Calibrate each personal sampling pump with a representative sampler in line.
 - (b) Fasten the sampler to the worker's lapel as close as possible to the worker's mouth. Remove the top cover from the end of the cowl extension (open face) and orient face down. Wrap the joint between the extender and the monitor's body with shrink tape to prevent air leaks.
 - (c) Submit at least two blanks (or ten percent of the total samples, whichever is greater) for each set of samples. Remove the caps from the field blank cassettes and store the caps and cassettes in a clean area (bag or box) during the sampling period. Replace the caps in the cassettes when sampling is completed.
 - (d) Sample at 0.5 L/min or greater. Do not exceed 1 mg total dust loading on the filter. Adjust sampling flow rate, Q (L/min), and time to produce a fiber density, E (fibers/ mm^2), of one hundred to one thousand three hundred fibers/ mm^2 (3.85×10^4 to 5×10^5 fibers per 25-mm filter with effective collection area ($A_c=385 \text{ mm}^2$)) for optimum counting precision (see subsection (7)(a) of this section). Calculate the minimum sampling time, T (minutes) at the action level (one-half of the current standard), L (f/cc) of the fibrous aerosol being sampled:

$$T = \frac{(A_c)(E)}{(Q)(L)10^3}$$

- (e) Remove the field monitor at the end of sampling, replace the plastic top cover and small end caps, and store the monitor.
- (f) Ship the samples in a rigid container with sufficient packing material to prevent jostling or damage.

Note: Do not use polystyrene foam in the shipping container because of electrostatic forces which may cause fiber loss from the (sampler) sample filter.

(4) Sample preparation.

Note: The object is to produce samples with a smooth (nongrainy) background in a medium with a refractive index equal to or less than 1.46. The method below collapses the filter for easier focusing and produces permanent mounts which are useful for quality control and interlaboratory comparison. Other mounting techniques meeting the above criteria may also be used, e.g., the nonpermanent field mounting technique used in P & CAM 239.

- (a) Ensure that the glass slides and cover slips are free of dust and fibers.
 - (b) Place 40 to 60 ml of acetone into a Guth-type flask. Stopper the flask with a single-hole rubber stopper through which a glass tube extends 5 to 8 cm into the flask. The portion of the glass tube that exits the top of the stopper (8 to ten cm) is bent downward in an elbow that makes an angle of twenty to thirty degrees with the horizontal.
 - (c) Place the flask in a stirring hotplate or wrap in a heating mantle. Heat the acetone gradually to its boiling temperature (ca. 58°C).
- Caution: The acetone vapor must be generated in a ventilated fume hood away from all open flames and spark sources. Alternate heating methods can be used, providing no open flame or sparks are present.
- (d) Mount either the whole sample filter or a wedge cut from the sample filter on a clean glass slide.
 - (i) Cut wedges of ca. twenty-five percent of the filter area with a curved-blade steel surgical knife using a rocking motion to prevent tearing.
 - (ii) Place the filter or wedge, dust side up, on the slide. Static electricity will usually keep the filter on the slide until it is cleared.
 - (iii) Hold the glass slide supporting the filter approximately 1 to 2 cm from the glass tube port where the acetone vapor is escaping from

the heated flask. The acetone vapor stream should cause a condensation spot on the glass slide ca. 2 to 3 cm in diameter. Move the glass slide gently in the vapor stream. The filter should clear in two to five seconds. If the filter curls, distorts, or is otherwise rendered unusable, the vapor stream is probably not strong enough. Periodically wipe the outlet port with tissue to prevent liquid acetone dripping onto the filter.

(iv) Using the hypodermic syringe with a 22-gauge needle, place one to two drops of triacetin on the filter. Gently lower a clean 25-mm square cover slip down onto the filter at a slight angle to reduce the possibility of forming bubbles. If too many bubbles form or the amount of triacetin is insufficient, the cover slip may become detached within a few hours.

(v) Glue the edges of the cover slip to the glass slide using a lacquer or nail polish.

Note: If clearing is slow, the slide preparation may be heated on a hotplate (surface temperature 50°C) for fifteen minutes to hasten clearing. Counting may proceed immediately after clearing and mounting are completed.

(5) Calibration and quality control.

(a) Calibration of the Walton-Beckett graticule. The diameter, d_c (mm), of the circular counting area and the disc diameter must be specified when ordering the graticule.

(i) Insert any available graticule into the eyepiece and focus so that the graticule lines are sharp and clear.

(ii) Set the appropriate interpupillary distance and, if applicable, reset the binocular head adjustment so that the magnification remains constant.

(iii) Install the 40 to 45 X phase objective.

(iv) Place a stage micrometer on the microscope object stage and focus the microscope on the graduated lines.

(v) Measure the magnified grid length, $L_o(\mu\text{m})$ using the stage micrometer.

(vi) Remove the graticule from the microscope and measure its actual grid length, $L_a(\text{mm})$. This can best be accomplished by using a stage fitted with verniers.

(vii) Calculate the circle diameter, $d_c(\text{mm})$, for the Walton-Beckett graticule:

$$d_c = \frac{L_a \times D}{L_o}$$

Example: If $L_o = 108 \mu\text{m}$, $L_a = 2.93 \text{ mm}$ and $D = 100 \mu\text{m}$, then $d_c = 2.71 \text{ mm}$.

(viii) Check the field diameter, D (acceptable range 100 mm \pm 2 mm) with a stage micrometer upon receipt of the graticule from the manufacturer. Determine field area (mm^2).

(b) Microscope adjustments. Follow the manufacturer's instructions and also the following:

(i) Adjust the light source for even illumination across the field of view at the condenser iris.

Note: Kohler illumination is preferred, where available.

(ii) Focus on the particulate material to be examined.

(iii) Make sure that the field iris is in focus, centered on the sample, and open only enough to fully illuminate the field of view.

(iv) Use the telescope ocular supplied by the manufacturer to ensure that the phase rings (annular diaphragm and phase-shifting elements) are concentric.

(c) Check the phase-shift detection limit of the microscope periodically.

(i) Remove the HSE/NPL phase-contrast test slide from its shipping container and center it under the phase objective.

(ii) Bring the blocks of grooved lines into focus.

Note: The slide consists of seven sets of grooves (ca. 20 grooves to each block) in descending order of visibility from sets one to seven. The requirements for counting are that the microscope optics must resolve the grooved lines in set three completely, although they may appear somewhat faint, and that the grooved lines in sets six to seven must be invisible. Sets four and five must be at least partially visible but may vary slightly in visibility between microscopes. A microscope which fails to meet these requirements has either too low or too high a resolution to be used for asbestos, tremolite, anthophyllite, and actinolite counting.

(iii) If the image quality deteriorates, clean the microscope optics and, if the problem persists, consult the microscope manufacturer.

(d) Quality control of fiber counts.

(i) Prepare and count field blanks along with the field samples. Report the counts on each blank. Calculate the mean of the field blank counts and subtract this value from each sample count before reporting the results.

Note 1: The identity of the blank filters should be unknown to the counter until all counts have been completed.

Note 2: If a field blank yields fiber counts greater than seven fibers/one hundred fields, report possible contamination of the samples.

(ii) Perform blind recounts by the same counter on ten percent of filters counted (slides relabeled by a person other than the counter).

(e) Use the following test to determine whether a pair of counts on the same filter should be rejected because of possible bias. This statistic estimates the counting repeatability at the ninety-five percent confidence level. Discard the sample if the difference between the two counts exceeds $2.77(F)S_r$, where F = average of the two fiber counts and S_r = relative standard deviation, which should be derived by each laboratory based on historical in-house data.

Note: If a pair of counts is rejected as a result of this test, recount the remaining samples in the set and test the new counts against the first counts. Discard all rejected paired counts.

(f) Enroll each new counter in a training course that compares performance of counters on a variety of samples using this procedure.

Note: To ensure good reproducibility, all laboratories engaged in asbestos (tremolite, anthophyllite, and actinolite) counting are required to participate in the proficiency analytical testing (PAT) program and should routinely participate with other asbestos (tremolite, anthophyllite, and actinolite) fiber counting laboratories in the exchange of field samples to compare performance of counters.

(6) Measurement.

(a) Place the slide on the mechanical stage of the calibrated microscope with the center of the filter under the objective lens. Focus the microscope on the plane of the filter.

(b) Regularly check phase-ring alignment and Kohler illumination.

(c) The following are the counting rules:

(i) Count only fibers (~~tonger than~~) 5 um or longer in length. Measure the length of curved fibers along the curve.

(ii) Count only fibers with a length-to-width ratio equal to or greater than three to one.

(iii) For fibers that cross the boundary of the graticule field, do the following:

(A) Count any fiber (~~tonger than~~) 5 um or longer in length that lies entirely within the graticule area.

(B) Count as one-half fiber any fiber with only one end lying within the graticule area.

(C) Do not count any fiber that crosses the graticule boundary more than once.

(D) Reject and do not count all other fibers.

(iv) Count bundles of fibers as one fiber unless individual fibers can be identified by observing both ends of a fiber.

(v) For a 25mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than ten fibers are found after counting one hundred fields and the sample air volume is less than sixty liters, count a total number of fields calculated from the following formulas:

$$\begin{aligned} N &= 6000/V && \text{For TWA Determination (QL = 0.085)} \\ N &= 2400/V && \text{For Ceiling Determinations (QL = 0.21)} \end{aligned}$$

Where N = Number of fields counted on a 25mm filter
 V = Air volume of sample in liters
 QL = Limit of reliable quantification in fibers/cc for the NIOSH 7400 method

Note: Filter samples (25mm) with air volumes of less than thirty liters will have decreased analytical accuracy and precision and should be avoided.

(vi) For a 37mm filter, count enough graticule fields to yield one hundred fibers by counting a minimum of twenty fields. If less than one hundred fibers are found after counting one hundred fields and the sample air volume is less than one hundred thirty-three liters, count a total number of fields calculated from the following formulas:

$$\begin{aligned} N &= 13300/V && \text{For TWA Determination (QL = 0.085)} \\ N &= 5320/V && \text{For Ceiling Determinations (QL = 0.21)} \end{aligned}$$

Where N = Number of fields counted on a 37mm filter
 V = Air volume of sample in liters
 QL = Limit of reliable quantification in fibers/cc

Note: Filter samples (37mm) with air volumes of less than seventy liters will have decreased analytical accuracy and precision and should be avoided.

(d) Start counting from one end of the filter and progress along a radial line to the other end, shift either up or down on the filter, and continue in the reverse direction. Select fields randomly by looking away from the eyepiece briefly while advancing the mechanical stage. When an agglomerate covers ca. 1/6 or more of the field of view, reject the field and select another. Do not report rejected fields in the number of total fields counted.

Note: When counting a field, continuously scan a range of focal planes by moving the fine focus knob to detect very fine fibers which have become embedded in the filter. The small-diameter fibers will be very faint but are an important contribution to the total count.

(7) Calculations.

(a) Calculate and report fiber density on the filter, E (fibers/mm²), by dividing the total fiber count, F ; minus the mean field blank count, B , by the number of fields, n ; and the field area, A_f (0.00785 mm² for a properly calibrated Walton-Beckett graticule):

$$E = \frac{(F-B)}{(n)(A_f)} \text{ fibers/mm}^2$$

$$E = \frac{(F/n_r) - (B/n_b)}{(A_f)} \text{ fibers/mm}^2$$

where:

n_r = number of fields in submission sample

n_b = number of fields in blank sample

(b) Calculate the concentration, C (f/cc), of fibers in the air volume sampled, V (L), using the effective collection area of the filter, A_c (385 mm² for a 25-mm filter):

$$C = \frac{(E)(A_c)}{V(10^3)}$$

Note: Periodically check and adjust the value of A_c , if necessary.

Bulk sample collection and analysis.

Bulk samples should be collected as specified in Appendix G, Section 1 of the United States Environmental Protection Agency (EPA) publication No. 560/5-85-024 (June 1985) entitled Guidance for Controlling Asbestos-Containing Materials in Buildings.

Analysis of the samples should be conducted by polarizing light microscopy in a qualified laboratory. In certain cases, x-ray diffraction may be required to confirm the presence of asbestos. Qualified laboratories must be participants in the EPA bulk asbestos quality assurance program or other bulk asbestos quality assurance program recognized by the department.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07739 APPENDIX C—QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES—MANDATORY. (1) Qualitative fit test protocols.

(a) Isoamyl acetate protocol.

(i) Odor threshold screening:

(A) Three one-liter glass jars with metal lids (e.g., Mason or Ball jars) are required.

(B) Odor free water (e.g., distilled or spring water) at approximately 25°C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding one cc of pure IAA to eight hundred cc of odor free water in a one-liter jar and shaking for thirty seconds. This solution shall be prepared new at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into five hundred cc of odor free water using a clean dropper or pipette. Shake for thirty seconds and allow to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution may be used for only one day.

(F) A test blank is prepared in a third jar by adding five hundred cc of odor free water.

(G) The odor test and test blank jars shall be labelled one and two for jar identification. If the labels are put on the lids they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instructions shall be typed on a card and placed on the table in front of the two test jars (i.e., one and two): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test may not be used.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Respirator selection.

(A) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least five sizes of elastomeric half facepieces, from at least two manufacturers.

(B) The selection process shall be conducted in a room separate from the fit-test chamber to prevent odor fatigue. Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a "comfortable" respirator. A mirror shall be available to assist the subject in evaluating the fit and positioning of the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(C) The test subject should understand that the employee is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape and, if fit properly and used properly will provide adequate protection.

(D) The test subject holds each facepiece up to the face and eliminates those which obviously do not give a comfortable fit. Normally, selection will begin with a half-mask and if a good fit cannot be found, the subject will be asked to test the full facepiece respirators. (A small percentage of users will not be able to wear any half-mask.)

(E) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. All donning and adjustments of the facepiece shall be performed by the test subject without assistance from the test conductor or other person. Assistance in assessing comfort can be given by discussing the points in (a)(ii)(F) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(F) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (I) Positioning of mask on nose.
- (II) Room for eye protection.
- (III) Room to talk.
- (IV) Positioning mask on face and checks.

(G) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (I) Chin properly placed.
- (II) Strap tension.
- (III) Fit across nose bridge.
- (IV) Distance from nose to chin.
- (V) Tendency to slip.
- (VI) Self-observation in mirror.

(H) The test subject shall conduct the conventional negative and positive-pressure fit checks before conducting the negative- or positive-pressure test the subject shall be told to "seat" the mask by rapidly moving the head from side-to-side and up and down, while taking a few deep breaths.

(I) The test subject is now ready for fit testing.

(J) After passing the fit test, the test subject shall be questioned again regarding the comfort of the respirator. If it has become uncomfortable, another model of respirator shall be tried.

(K) The employee shall be given the opportunity to select a different facepiece and be retested if the chosen facepiece becomes increasingly uncomfortable at any time.

(iii) Fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame, so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the following test exercises and "rainbow passage" shall be taped to the inside of the test chamber:

Test exercises.

(I) Breathe normally.

(II) Breathe deeply. Be certain breaths are deep and regular.

(III) Turn head all the way from one side to the other. Inhale on each side. Be certain movement is complete. Do not bump the respirator against the shoulders.

(IV) Nod head up and down. Inhale when head is in the full up position (looking toward ceiling). Be certain motions are complete and made about every second. Do not bump the respirator on the chest.

(V) Talking. Talk aloud and slowly for several minutes. The following paragraph is called the "rainbow passage." Reading it will result in a wide range of facial movements, and thus be useful to satisfy this requirement. Alternative passages which serve the same purpose may also be used.

(VI) Jogging in place.

(VII) Breathe normally.

"Rainbow Passage."

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond reach, his friends say he is looking for the pot of gold at the end of the rainbow.

(E) Each test subject shall wear the respirator for at least ten minutes before starting the fit test.

(F) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel or other porous absorbent single ply material, folded in half and wetted with three-quarters of one cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(G) Allow two minutes for the IAA test concentration to be reached before starting the fit-test exercises. This would be an appropriate time to talk with the test subject, to explain the fit test, the importance of cooperation, the purpose for the head exercises, or to demonstrate some of the exercises.

(H) Each exercise described in (D) of this subsection shall be performed for at least one minute.

(I) If at any time during the test, the subject detects the banana-like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(J) If the test is failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber, and again begin the procedure described in (b)(iii)(D) through (H) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(K) If a person cannot pass the fit test described above wearing a half-mask respirator from the available selection, full facepiece models must be used.

(L) When a respirator is found that passes the test, the subject breaks the face seal and takes a breath before exiting the chamber. This is to assure that the reason the test subject is not smelling the

IAA is the good fit of the respirator facepiece seal and not olfactory fatigue.

(M) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the area from becoming contaminated, the used towels shall be kept in a self-sealing bag so there is no significant IAA concentration buildup in the test chamber during subsequent tests.

(N) At least two facepieces shall be selected for the IAA test protocol. The test subject shall be given the opportunity to wear them for one week to choose the one which is more comfortable to wear.

(O) Persons who have successfully passed this fit test with a half-mask respirator may be assigned the use of the test respirator in atmospheres with up to 2 f/cc of airborne asbestos. ~~((In atmospheres greater than 2 f/cc, and less than 20 f/cc, the subject must pass the IAA test using a full face negative pressure respirator. (The concentration of the IAA inside the test chamber must be increased by ten times for QLT of the full facepiece.))~~

(P) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface.

(Q) If hair growth or apparel interfere with a satisfactory fit, then they shall be altered or removed so as to eliminate interference and allow a satisfactory fit. If a satisfactory fit is still not attained, the test subject must use a positive-pressure respirator such as powered air-purifying respirators, supplied-air respirator, or self-contained breathing apparatus.

(R) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respirator diseases or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(S) Qualitative fit testing shall be repeated at least every six months.

(T) In addition, because the sealing of the respirator may be affected, qualitative fit testing shall be repeated immediately when the test subject has a:

- (I) Weight change of twenty pounds or more,
 - (II) Significant facial scarring in the area of the facepiece seal,
 - (III) Significant dental changes; i.e., multiple extractions without prosthesis, or acquiring dentures,
 - (IV) Reconstructive or cosmetic surgery, or
 - (V) Any other condition that may interfere with facepiece sealing.
- (iv) Recordkeeping.

A summary of all test results shall be maintained in each office for three years. The summary shall include:

- (A) Name of test subject.
- (B) Date of testing.
- (C) Name of the test conductor.
- (D) Respirators selected (indicate manufacturer, model, size and approval number).
- (E) Testing agent.
- (b) Saccharin solution aerosol protocol.

(i) Respirator selection. Respirators shall be selected as described in (a)(ii) of this subsection (respirator selection), except that each respirator shall be equipped with a particulate filter.

(ii) Taste threshold screening.

(A) An enclosure about head and shoulders shall be used for threshold screening (to determine if the individual can taste saccharin) and for fit testing. The enclosure shall be approximately twelve inches in diameter by fourteen inches tall with at least the front clear to allow free movement of the head when a respirator is worn.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The entire screening and testing procedure shall be explained to the test subject prior to conducting the screening test.

(D) During the threshold screening test, the test subject shall don the test enclosure and breathe with open mouth with tongue extended.

(E) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer or equivalent, the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(F) The threshold check solution consists of 0.83 grams of sodium saccharin, USP in water. It can be prepared by putting 1 cc of the test solution (see (b)(iii)(G) of this subsection) in one hundred cc of water.

(G) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then is released and allowed to fully expand.

(H) Ten squeezes of the nebulizer bulb are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(I) If the first response is negative, ten more squeezes of the nebulizer bulb are repeated rapidly and the test subject is again asked whether the saccharin can be tasted.

(J) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin can be tasted.

(K) The test conductor will take note of the number of squeezes required to elicit a taste response.

(L) If the saccharin is not tasted after thirty squeezes ((b)(ii)(J) of this subsection), the saccharin fit test cannot be performed on the test subject.

(M) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(N) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(O) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least every four hours.

(iii) Fit test.

(A) The test subject shall don and adjust the respirator without the assistance from any person.

(B) The fit test uses the same enclosure described in (b)(ii) of this subsection.

(C) Each test subject shall wear the respirator for at least ten minutes before starting the fit test.

(D) The test subject shall don the enclosure while wearing the respirator selected in (a)(ii) of this subsection. This respirator shall be properly adjusted and equipped with a particulate filter.

(E) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(F) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(G) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to one hundred cc of warm water.

(H) As before, the test subject shall breathe with mouth open and tongue extended.

(I) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same technique as for the taste threshold screening and the same number of squeezes required to elicit a taste response in the screening. (See (b)(ii)(H) through (J) of this subsection.)

(J) After generation of the aerosol read the following instructions to the test subject. The test subject shall perform the exercises for one minute each.

(I) Breathe normally.

(II) Breathe deeply. Be certain breaths are deep and regular.

(III) Turn head all the way from one side to the other. Be certain movement is complete. Inhale on each side. Do not bump the respirator against the shoulders.

(IV) Nod head up and down. Be certain motions are complete. Inhale when head is in the full up position (when looking toward the ceiling). Do not bump the respirator on the chest.

(V) Talking. Talk aloud and slowly for several minutes. The following paragraph is called the "rainbow passage." Reading it will result in a wide range of facial movements, and thus be useful to satisfy this requirement. Alternative passages which serve the same purpose may also be used.

(VI) Jogging in place.

(VII) Breathe normally.

"Rainbow Passage."

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond his reach, his friends say he is looking for the pot of gold at the end of the rainbow.

(K) At the beginning of each exercise, the aerosol concentration shall be replenished using one-half the number of squeezes as initially described in (b)(iii)(I) of this subsection.

(L) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(M) If the saccharin is detected the fit is deemed unsatisfactory and a different respirator shall be tried.

(N) At least two facepieces shall be selected by the saccharin test protocol. The test subject shall be given the opportunity to wear them for one week to choose the one which is more comfortable to wear.

(O) Successful completion of the test protocol shall allow the use of the half mask tested respirator in contaminated atmospheres up to 2 f/cc of asbestos. In other words this protocol may be used to assign protection factors no higher than ten.

(P) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface.

(Q) If hair growth or apparel interfere with a satisfactory fit, then they shall be altered or removed so as to eliminate interference and allow a satisfactory fit. If a satisfactory fit is still not attained, the test subject must use a positive-pressure respirator such as powered air-purifying respirators, supplied-air respirator, or self-contained breathing apparatus.

(R) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respirator diseases or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(S) Qualitative fit testing shall be repeated at least every six months.

(T) In addition, because the sealing of the respirator may be affected, qualitative fit testing shall be repeated immediately when the test subject has a:

- (I) Weight change of twenty pounds or more,
- (II) Significant facial scarring in the area of the facepiece seal,
- (III) Significant dental changes; i.e., multiple extractions without prosthesis, or acquiring dentures,
- (IV) Reconstructive or cosmetic surgery, or
- (V) Any other condition that may interfere with facepiece sealing.

(iv) Recordkeeping.

A summary of all test results shall be maintained in each office for three years. The summary shall include:

- (A) Name of test subject.
- (B) Date of testing.
- (C) Name of test conductor.
- (D) Respirators selected (indicate manufacturer, model, size and approval number).
- (E) Testing agent.
- (c) Irritant fume protocol.
- (i) Respirator selection.

Respirators shall be selected as described in (a)(ii) of this subsection, except that each respirator shall be equipped with a ((~~combination of~~) high-efficiency ((~~and acid-gas~~) cartridge(s)).

(ii) Fit test.

(A) The test subject shall be allowed to smell a weak concentration of the irritant smoke to familiarize the subject with the characteristic odor.

(B) The test subject shall properly don the respirator selected as above, and wear it for at least ten minutes before starting the fit test.

(C) The test conductor shall review this protocol with the test subject before testing.

(D) The test subject shall perform the conventional positive pressure and negative pressure fit checks (see ANSI Z88.2 1980). Failure of either check shall be cause to select an alternate respirator.

(E) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part #5645, or equivalent. Attach a short length of tubing to one end of the smoke tube. Attach the other end of the smoke tube to a low pressure air pump set to deliver two hundred milliliters per minute.

(F) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep the eyes closed while the test is performed.

(G) The test conductor shall direct the stream of irritant smoke from the tube towards the facepiece area of the test subject. The person conducting the test shall begin with the tube at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(H) The test subject shall be instructed to do the following exercises while the respirator is being challenged by the smoke. Each exercise shall be performed for one minute.

(I) Breathe normally.

(II) Breathe deeply. Be certain breaths are deep and regular.

(III) Turn head all the way from one side to the other. Be certain movement is complete. Inhale on each side. Do not bump the respirator against the shoulders.

(IV) Nod head up and down. Be certain motions are complete and made every second. Inhale when head is in the full up position (looking toward ceiling). Do not bump the respirator against the chest.

(V) Talking. Talk aloud and slowly for several minutes. The following paragraph is called the "rainbow passage." ((~~Reading it~~) Repeating it after the test conductor (keeping eyes closed)) will result in a wide range of facial movements, and thus be useful to satisfy this requirement. Alternative passages which serve the same purpose may also be used.

"Rainbow Passage."

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond his reach, his friends say he is looking for the pot of gold at the end of the rainbow.

(VI) Jogging in place.

(VII) Breathe normally.

(I) The test subject shall indicate to the test conductor if the irritant smoke is detected. If smoke is detected, the test conductor shall stop the test. In this case, the tested respirator is rejected and another respirator shall be selected.

(J) Each test subject passing the smoke test (i.e., without detecting the smoke) shall be given a sensitivity check of smoke from the same tube to determine if the test subject reacts to the smoke. Failure to evoke a response shall void the fit test.

(K) This fit test protocol, (c)(ii)(D), (I), and (J) of this subsection, shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agents.

(L) At least two facepieces shall be selected by the irritant fume test protocol. The test subject shall be given the opportunity to wear them for one week to choose the one which is more comfortable to wear.

(M) Respirators successfully tested by the protocol may be used in contaminated atmospheres up to 2 f/cc of asbestos.

(N) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface.

(O) If hair growth or apparel interfere with a satisfactory fit, then they shall be altered or removed so as to eliminate interference and allow a satisfactory fit. If a satisfactory fit is still not attained, the test subject must use a positive-pressure respirator such as powered air-purifying respirators, supplied-air respirator, or self-contained breathing apparatus.

(P) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respirator diseases or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(Q) Qualitative fit testing shall be repeated at least every six months.

(R) In addition, because the sealing of the respirator may be affected, qualitative fit testing shall be repeated immediately when the test subject has a:

- (I) Weight change of twenty pounds or more,
- (II) Significant facial scarring in the area of the facepiece seal,
- (III) Significant dental changes; i.e., multiple extractions without prosthesis, or acquiring dentures,
- (IV) Reconstructive or cosmetic surgery, or
- (V) Any other condition that may interfere with facepiece sealing.

(iii) Recordkeeping.

A summary of all test results shall be maintained in each office for three years. The summary shall include:

- (A) Name of test subject.
- (B) Date of testing.
- (C) Name of test conductor.
- (D) Respirators selected (indicate manufacturer, model, size and approval number).
- (E) Testing agent.
- (2) Quantitative fit test procedures.

(a) General.

(i) The method applies to the negative-pressure nonpowered air-purifying respirators only.

(ii) The employer shall assign one individual who shall assume the full responsibility for implementing the respirator quantitative fit test program.

(b) Definition.

(i) "Quantitative fit test" means the measurement of the effectiveness of a respirator seal in excluding the ambient atmosphere. The test is performed by dividing the measured concentration of challenge agent in a test chamber by the measured concentration of the challenge agent inside the respirator facepiece when the normal air-purifying element has been replaced by an essentially perfect purifying element.

(ii) "Challenge agent" means the air contaminant introduced into a test chamber so that its concentration inside and outside the respirator may be compared.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Corn oil, sodium chloride or other appropriate aerosol generation, dilution, and measurement systems shall be used for quantitative fit test.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to freely perform all required exercises without distributing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the respirator shall be equipped with a cartridge or canister approved for removal of the test agent, or with a high efficiency particulate filter. Only approved assemblies shall be tested.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand.

(v) The combination of substitute air-purifying elements (if any), challenge agent, and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of PEL to the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that there is no detectable leak around the port, a free air flow is allowed into the sampling line at all times and so there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set-up shall permit the person administering the test to observe one test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent constant within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and its being recorded on the strip chart) of the instrumentation may not exceed two seconds.

(x) The tubing for the test chamber atmosphere and for the respirator sampling port shall be the same diameter, length and material. It shall be kept as short as possible. The smallest diameter tubing recommended by the manufacturer shall be used.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release to the room.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(d) Procedural requirements.

(i) The fitting of half-mask respirators should be started with those having multiple sizes and a variety of interchangeable cartridges and canisters such as the MSA Comfo II-M, ((Norton)) North M, Survivair M, A-O M, or Scott-M. Use either of the tests outlined below to assure that the facepiece is properly adjusted.

(A) Positive pressure test. With the exhaust port(s) blocked, the negative pressure of slight inhalation should remain constant for several seconds.

(B) Negative pressure test. With the intake port(s) blocked, the negative pressure slight inhalation should remain constant for several seconds.

(ii) After a facepiece is adjusted, the test subject shall wear the facepiece for at least five minutes before conducting a qualitative test by using either of the methods described below and using the exercise regime described in (c)(i) through (v) of this subsection.

(A) Isoamyl acetate test. When using organic vapor cartridges, the test subject who can smell the odor should be unable to detect the odor

of isoamyl acetate squirted into the air near the most vulnerable portions of the facepiece seal. In a location which is separated from the test area, the test subject shall be instructed to close her/his eyes during the test period. A combination cartridge or canister with organic vapor and high-efficiency filters shall be used when available for the particular mask being tested. The test subject shall be given an opportunity to smell the odor of isoamyl acetate before the test is conducted.

(B) Irritant fume test. When using high-efficiency filters, the test subject should be unable to detect the odor of irritant fume (stannic chloride or titanium tetrachloride ventilation smoke tubes) squirted into the air near the most vulnerable portions of the facepiece seal. The test subject shall be instructed to close her/his eyes during the test period.

(iii) The test subject may enter the quantitative testing chamber only if she or he has obtained a satisfactory fit as stated in (d)(ii) of this subsection.

(iv) Before the subject enters the test chamber, a reasonably stable challenge agent concentration shall be measured in the test chamber.

(v) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half-mask and one percent for a full facepiece.

(vi) A stable challenge agent concentration shall be obtained prior to the actual start of testing.

(A) Respirator restraining straps may not be overtightened for testing. The straps shall be adjusted by the wearer to give a reasonably comfortable fit typical of normal use.

(e) Exercise regime. Prior to entering the test chamber, the test subject shall be given complete instructions as to her/his part in the test procedures. The test subject shall perform the following exercises, in the order given, for each independent test.

(i) Normal breathing (NB). In the normal standing position, without talking, the subject shall breathe normally for at least one minute.

(ii) Deep breathing (DB). In the normal standing position the subject shall do deep breathing for at least one minute pausing so as not to hyperventilate.

(iii) Turning head side to side (SS). Standing in place the subject shall slowly turn his/her head from side between the extreme positions to each side. The head shall be held at each extreme position for at least five seconds. Perform for at least three complete cycles.

(iv) Moving head up and down (UD). Standing in place, the subject shall slowly move his/her head up and down between the extreme position straight up and the extreme position straight down. The head shall be held at each extreme position for at least five seconds. Perform for at least three complete cycles.

(v) Reading (R). The test subject (~~shall read out slowly and loud so as~~) (~~keeping eyes closed~~) shall repeat after the test conductor the "rainbow passage" at the end of this section. The subject shall talk slowly and aloud so as to be heard clearly by the test conductor or monitor. The test subject shall read the "rainbow passage" at the end of this section.

(vi) Grimace (G). The test subject shall grimace, smile, frown, and generally contort the face using the facial muscles. Continue for at least fifteen seconds.

(vii) Bend over and touch toes (B). The test subject shall bend at the waist and touch toes and return to upright position. Repeat for at least thirty seconds.

(viii) Jogging in place (J). The test subject shall perform jog in place for at least thirty seconds.

(ix) Normal breathing (NB). Same as exercise (e)(i) of this subsection.

"Rainbow Passage."

When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond reach, his friends say he is looking for the pot of gold at the end of the rainbow.

(f) The test shall be terminated whenever any single peak penetration exceeds five percent for half-masks and one percent for full facepieces. The test subject may be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate. ~~((See (d)(ii) of this subsection.))~~

(g) Calculation of fit factors.

(i) The fit factor is determined by dividing the average challenge agent concentration in the test chamber by the average challenge agent concentration inside the respirator facepiece for the test exercise.

(ii) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(iii) The average peak concentration of the challenge agent inside the respirator shall be the arithmetic average peak concentrations for each of the nine exercises of the test which are computed as the arithmetic average of the peak concentrations found for each breath during the exercise.

(iv) The average peak concentration for an exercise may be determined graphically if there is not a great variation in the peak concentrations during a single exercise.

(h) Interpretation of test results. The fit factor measured by the quantitative fit testing shall be the lowest of the three fit factors resulting from three independent tests.

(i) Other requirements.

(i) The test subject shall not be permitted to wear a half-mask or full facepiece mask if the minimum fit factor of one hundred or one thousand, respectively, cannot be obtained. If hair growth or apparel interfere with a satisfactory fit, then they shall be altered or removed so as to eliminate interference and allow a satisfactory fit. If a satisfactory fit is still not attained, the test subject must use a positive-pressure respirator such as powered air-purifying respirators, supplied-air respirator, or self-contained breathing apparatus.

(ii) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface.

(iii) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respirator diseases or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(iv) The test subject shall be given the opportunity to wear the assigned respirator for one week. If the respirator does not provide a satisfactory fit during actual use, the test subject may request another QNFT which shall be performed immediately.

(v) A respirator fit factor card shall be issued to the test subject with the following information:

(A) Name.

(B) Date of fit test.

(C) Fit factor obtained for each manufacturer, model and approval number of respirator tested.

(D) Name and signature of the person that conducted the test.

(vi) Filters used for qualitative or quantitative fit testing shall be replaced weekly, whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily or sooner if there is any indication of breakthrough by the test agent.

(j) In addition, because the sealing of the respirator may be affected, quantitative fit testing shall be repeated immediately when the test subject has a:

(i) Weight change of twenty pounds or more,

(ii) Significant facial scarring in the area of the facepiece seal,

(iii) Significant dental changes; i.e., multiple extractions without prosthesis, or acquiring dentures,

(iv) Reconstructive or cosmetic surgery, or

(v) Any other condition that may interfere with facepiece sealing.

(k) Recordkeeping.

A summary of all test results shall be maintained for three years. The summary shall include:

(i) Name of test subject.

(ii) Date of testing.

(iii) Name of the test conductor.

(iv) Fit factors obtained from every respirator tested (indicate manufacturer, model, size and approval number).

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07741 APPENDIX D—MEDICAL QUESTIONNAIRES—MANDATORY. This mandatory appendix contains the medical questionnaires that must be administered to all employees who are exposed to asbestos (tremolite, anthophyllite, actinolite, or a combination of these minerals) above the action level, and who will therefore be included in their employer's medical surveillance program. Part 1 of the appendix contains the initial medical questionnaire, which must be obtained for all new hires who will be covered by the

medical surveillance requirements. Part 2 includes the abbreviated periodical medical questionnaire, which must be administered to all employees who are provided periodic medical examinations under the medical surveillance provisions of the standard.

Part 1 INITIAL MEDICAL QUESTIONNAIRE

1. NAME _____
2. SOCIAL SECURITY # _____
3. CLOCK NUMBER _____
4. PRESENT OCCUPATION _____
5. PLANT _____
6. ADDRESS _____
7. _____ (Zip Code)
8. TELEPHONE NUMBER _____
9. INTERVIEWER _____
10. DATE _____
11. Date of birth _____
12. Place of birth _____
13. Sex 1. Male ___ 2. Female ___
14. What is your marital status? 1. Single ___ 2. Married ___ 3. Widowed ___ 4. Separated/Divorced ___
15. Race 1. White ___ 2. Black ___ 3. Asian ___ 4. Hispanic ___ 5. Indian ___ 6. Other ___
16. What is the highest grade completed in school? (For example 12 years is completion of high school)
OCCUPATIONAL HISTORY
17A. Have you ever worked full time (30 hours per week or more) for 6 months or more? 1. Yes ___ 2. No ___
IF YES TO 17A:
B. Have you ever worked for a year or more in any dusty job? 1. Yes ___ 2. No ___ 3. Does not apply ___
Specify job/industry _____ Total years worked ___
Was dust exposure: 1. Mild ___ 2. Moderate ___ 3. Severe ___
C. Have you ever been exposed to gas or chemical fumes in your work? 1. Yes ___ 2. No ___
Specify job/industry _____ Total years worked ___
Was exposure: 1. Mild ___ 2. Moderate ___ 3. Severe ___
D. What has been your usual occupation or job—the one you have worked at the longest?
1. Job occupation _____
2. Number of years employed in this occupation _____
3. Position/job title _____
4. Business, field or industry _____
(Record on lines the years in which you have worked in any of these industries, e.g., 1960-1969.)
Have you ever worked:
E. In a mine? YES NO
F. In a quarry? YES NO
G. In a foundry? YES NO
H. In a pottery? YES NO
I. In a cotton, flax or hemp mill? YES NO
J. With asbestos? YES NO
18. PAST MEDICAL HISTORY
A. Do you consider yourself to be in good health? YES NO
If "NO" state reason _____
B. Have you any defect in vision? YES NO
If "YES" state nature of defect _____

- C. Have you any hearing defect?
If "YES" state nature of defect _____
- D. Are you suffering from or have you ever suffered from:
 - a. Epilepsy (or fits, seizures, convulsions)?
 - b. Rheumatic fever?
 - c. Kidney disease?
 - d. Bladder disease?
 - e. Diabetes?
 - f. Jaundice?

19. CHEST COLDS AND CHEST ILLNESSES

19A. If you get a cold, does it usually go to your chest? (Usually means more than 1/2 the time.) 1. Yes ___ 2. No ___ 3. Don't get colds ___

20A. During the past 3 years, have you had any chest illnesses that have kept you off work, indoors at home, or in bed? 1. Yes ___ 2. No ___

IF YES TO 20A:

B. Did you produce phlegm with any of these chest illnesses? 1. Yes ___ 2. No ___ 3. Does not apply ___

C. In the last 3 years, how many such illnesses with (increased) phlegm did you have which lasted a week or more? Number of illnesses ___ No such illnesses ___

21. Did you have any lung trouble before the age of 16? 1. Yes ___ 2. No ___

22. Have you ever had any of the following?

1A. Attacks of bronchitis? 1. Yes ___ 2. No ___

IF YES TO 1A:

B. Was it confirmed by a doctor? 1. Yes ___ 2. No ___ 3. Does not apply ___

C. At what age was your first attack? Age in years ___ Does not apply ___

2A. Pneumonia? (include broncho-pneumonia) 1. Yes ___ 2. No ___

IF YES TO 2A:

B. Was it confirmed by a doctor? 1. Yes ___ 2. No ___ 3. Does not apply ___

C. At what age did you first have it? Age in years ___ Does not apply ___

3A. Hay fever? 1. Yes ___ 2. No ___

IF YES TO 3A:

B. Was it confirmed by a doctor? 1. Yes ___ 2. No ___ 3. Does not apply ___

C. At what age did it start? Age in years ___ Does not apply ___

23A. Have you ever had chronic bronchitis? 1. Yes ___ 2. No ___

IF YES TO 23A:

B. Do you still have it? 1. Yes ___ 2. No ___ 3. Does not apply ___

C. Was it confirmed by a doctor? 1. Yes ___ 2. No ___ 3. Does not apply ___

D. At what age did it start? Age in years ___ Does not apply ___

24A. Have you ever had emphysema? 1. Yes ___ 2. No ___

IF YES TO 24A:

B. Do you still have it? 1. Yes ___ 2. No ___ 3. Does not apply ___

C. Was it confirmed by a doctor? 1. Yes ___ 2. No ___ 3. Does not apply ___

D. At what age did it start? Age in years ___ Does not apply ___

25A. Have you ever had asthma? 1. Yes ___ 2. No ___

IF YES TO 25A:

B. Do you still have it? 1. Yes ___ 2. No ___ 3. Does not apply ___

C. Was it confirmed by a doctor? 1. Yes ___ 2. No ___ 3. Does not apply ___

D. At what age did it start? Age in years ___ Does not apply ___

E. If you no longer have it, at what age did it stop? Age stopped ___ Does not apply ___

26. Have you ever had:

A. Any other chest illness? 1. Yes ___ 2. No ___ If yes, please specify _____

B. Any chest operations? 1. Yes ___ 2. No ___ If yes, please specify _____

C. Any chest injuries? 1. Yes ___ 2. No ___ If yes, please specify _____

27A. Has a doctor ever told you that you had heart trouble? 1. Yes ___ 2. No ___

IF YES TO 27A:

B. Have you ever had treatment for heart trouble in the past 10 years? 1. Yes ___ 2. No ___ 3. Does not apply ___

28A. Has a doctor ever told you that you had high blood pressure? 1. Yes ___ 2. No ___

IF YES TO 28A:

B. Have you had any treatment for high blood pressure (hypertension) in the past 10 years? 1. Yes ___ 2. No ___ 3. Does not apply ___

29. When did you last have your chest x-rayed? (Year) ___ ___ ___ ___ 25 26 27 28

30. Where did you last have your chest x-rayed (if known)? _____ What was the outcome? _____

FAMILY HISTORY

31. Were either of your natural parents ever told by a doctor that they had a chronic lung condition such as:

	FATHER			MOTHER		
	1. Yes	2. No	3. Don't Know	1. Yes	2. No	3. Don't Know
A. Chronic Bronchitis?	___	___	___	___	___	___
B. Emphysema?	___	___	___	___	___	___
C. Asthma?	___	___	___	___	___	___
D. Lung cancer?	___	___	___	___	___	___
E. Other chest conditions?	___	___	___	___	___	___
F. Is parent currently alive?	___	___	___	___	___	___
G. Please specify	___ Age if living	___ Age if living	___ Age if living	___ Age if living	___ Age if living	___ Age if living
	___ Age at death	___ Age at death	___ Age at death	___ Age at death	___ Age at death	___ Age at death
	___ Don't know	___ Don't know	___ Don't know	___ Don't know	___ Don't know	___ Don't know

H. Please specify cause of death _____

COUGH

32A. Do you usually have a cough? (Count a cough with first smoke or on first going out of doors. Exclude clearing of throat.) (If no, skip to question 32C.) 1. Yes ___ 2. No ___

B. Do you usually cough as much as 4 to 6 times a day 4 or more days out of the week? 1. Yes ___ 2. No ___

C. Do you usually cough at all on getting up or first thing in the morning? 1. Yes ___ 2. No ___

D. Do you usually cough at all during the rest of the day or at night? 1. Yes ___ 2. No ___

IF YES TO ANY OF ABOVE (32A, B, C, OR D), ANSWER THE FOLLOWING. IF NO TO ALL, CHECK DOES NOT APPLY AND SKIP TO NEXT PAGE

- E. Do you usually cough like this on most days for 3 consecutive months or more during the year? 1. Yes ___ 2. No ___ 3. Does not apply ___

- F. For how many years have you had the cough? Number of years ___ Does not apply ___

- 33A. Do you usually bring up phlegm from your chest? (Count phlegm with the first smoke or on first going out of doors. Exclude phlegm from the nose. Count swallowed phlegm.) (If no, skip to 33C.) 1. Yes ___ 2. No ___

- B. Do you usually bring up phlegm like this as much as twice a day 4 or more days out of the week? 1. Yes ___ 2. No ___

- C. Do you usually bring up phlegm at all on getting up or first thing in the morning? 1. Yes ___ 2. No ___

- D. Do you usually bring up phlegm at all during the rest of the day or at night? 1. Yes ___ 2. No ___

IF YES TO ANY OF THE ABOVE (33A, B, C, OR D), ANSWER THE FOLLOWING: IF NO TO ALL, CHECK DOES NOT APPLY AND SKIP TO 34A.

- E. Do you bring up phlegm like this on most days for 3 consecutive months or more during the year? 1. Yes ___ 2. No ___ 3. Does not apply ___

- F. For how many years have you had trouble with phlegm? Number of years ___ Does not apply ___

EPISODES OF COUGH AND PHLEGM

- 34A. Have you had periods or episodes of (increased*) cough and phlegm lasting for 3 weeks or more each year? *(For persons who usually have cough and/or phlegm.) 1. Yes ___ 2. No ___

IF YES TO 34A:

- B. For how long have you had at least 1 such episode per year? Number of years ___ Does not apply ___

WHEEZING

- 35A. Does your chest ever sound wheezy or whistling? 1. When you have a cold? 1. Yes ___ 2. No ___ 2. Occasionally apart from colds? 1. Yes ___ 2. No ___ 3. Most days or nights? 1. Yes ___ 2. No ___

IF YES TO 1, 2, OR 3 IN 35A:

- B. For how many years has this been present? Number of years ___ Does not apply ___

- 36A. Have you ever had an attack of wheezing that has made you feel short of breath? 1. Yes ___ 2. No ___

IF YES TO 36A:

- B. How old were you when you had your first such attack? Age in years ___ Does not apply ___

- C. Have you had 2 or more such episodes? 1. Yes ___ 2. No ___ 3. Does not apply ___

- D. Have you ever required medicine or treatment for the(se) attack(s)? 1. Yes ___ 2. No ___ 3. Does not apply ___

BREATHLESSNESS

- 37. If disabled from walking by any condition other than heart or lung disease, please describe and proceed to question 39A. Nature of condition(s) _____

- 38A. Are you troubled by shortness of breath when hurrying on the level or walking up a slight hill? 1. Yes ___ 2. No ___

IF YES TO 38A:

- B. Do you have to walk slower than people of your age on the level because of breathlessness? 1. Yes ___ 2. No ___ 3. Does not apply ___

- C. Do you ever have to stop for breath when walking at your own pace on the level? 1. Yes ___ 2. No ___ 3. Does not apply ___

- D. Do you ever have to stop for breath after walking about 100 yards (or after a few minutes) on the level? 1. Yes ___ 2. No ___ 3. Does not apply ___

- E. Are you too breathless to leave the house or breathless on dressing or climbing one flight of stairs? 1. Yes ___ 2. No ___ 3. Does not apply ___

TOBACCO SMOKING

- 39A. Have you ever smoked cigarettes? (No means less than 20 packs of cigarettes or 12 oz. of tobacco in a lifetime or less than 1 cigarette a day for 1 year.) 1. Yes ___ 2. No ___

IF YES TO 39A:

- B. Do you now smoke cigarettes (as of one month ago)? 1. Yes ___ 2. No ___ 3. Does not apply ___

- C. How old were you when you first started regular cigarette smoking? Age in years ___ Does not apply ___

- D. If you have stopped smoking cigarettes completely, how old were you when you stopped? Aged stopped ___ Check if still smoking ___ Does not apply ___

- E. How many cigarettes do you smoke per day now? Cigarettes per day ___ Does not apply ___

- F. On the average of the entire time you smoked, how many cigarettes did you smoke per day? Cigarettes per day ___ Does not apply ___

- G. Do you or did you inhale the cigarette smoke? 1. Does not apply ___ 2. Not at all ___ 3. Slightly ___ 4. Moderately ___ 5. Deeply ___

- 40A. Have you ever smoked a pipe regularly? (Yes means more than 12 ounces of tobacco in a lifetime.) 1. Yes ___ 2. No ___

IF YES TO 40A:

FOR PERSONS WHO HAVE EVER SMOKED A PIPE

- B. 1. How old were you when you started to smoke a pipe regularly? Age ___

- 2. If you have stopped smoking a pipe completely, how old were you when you stopped? Age stopped ___ Check if still smoking pipe ___ Does not apply ___

- C. On the average over the entire time you smoked a pipe, how much pipe tobacco did you smoke per week? ___ oz. per week (a standard pouch of tobacco contains 1-1/2 ounces) Does not apply ___

- D. How much pipe tobacco are you smoking now? oz. per week ___ Not currently smoking a pipe ___

- E. Do you or did you inhale the pipe smoke? 1. Never smoked ___ 2. Not at all ___ 3. Slightly ___ 4. Moderately ___ 5. Deeply ___

- 41A. Have you ever smoked cigars regularly? (Yes means more than 1 cigar a week for a year.) 1. Yes ___ 2. No ___

IF YES TO 41A:

FOR PERSONS WHO HAVE EVER SMOKED CIGARS

- B. 1. How old were you when you started smoking cigars regularly? Age ___

- 2. If you have stopped smoking cigars completely, how old were you when you stopped? Age stopped ___ Check if still smoking cigars ___ Does not apply ___

- C. On the average over the entire time you smoked cigars, how many cigars did you smoke per week? Cigars per week ___ Does not apply ___

- D. How many cigars are you smoking per week now? Cigars per week ___ Check if not smoking cigars currently ___

- E. Do you or did you inhale the cigar smoke?
 - 1. Never smoked _____
 - 2. Not at all _____
 - 3. Slightly _____
 - 4. Moderately _____
 - 5. Deeply _____

- 15C. In the past year, how many such illnesses with (increased) phlegm did you have which lasted a week or more?
 - Number of illnesses _____
 - No such illnesses _____

Signature _____ Date _____

Part 2 PERIODIC MEDICAL QUESTIONNAIRE

- 1. NAME _____
- 2. SOCIAL SECURITY # _____

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---
- 3. CLOCK NUMBER _____

10	11	12	13	14	15
----	----	----	----	----	----
- 4. PRESENT OCCUPATION _____
- 5. PLANT _____
- 6. ADDRESS _____
- 7. _____
(Zip Code) _____
- 8. TELEPHONE NUMBER _____
- 9. INTERVIEWER _____
- 10. DATE _____

16	17	18	19	20	21
----	----	----	----	----	----

- 11. What is your marital status?
 - 1. Single _____
 - 2. Married _____
 - 3. Widowed _____
 - 4. Separated/Divorced _____

- 12. OCCUPATIONAL HISTORY
- 12A. In the past year, did you work full time (30 hours per week or more) for 6 months or more?
 - 1. Yes _____
 - 2. No _____

IF YES TO 12A:

- 12B. In the past year, did you work in a dusty job?
 - 1. Yes _____
 - 2. No _____
 - 3. Does not apply _____

- 12C. Was dust exposure:
 - 1. Mild _____
 - 2. Moderate _____
 - 3. Severe _____

- 12D. In the past year, were you exposed to gas or chemical fumes in your work?
 - 1. Yes _____
 - 2. No _____

- 12E. Was exposure:
 - 1. Mild _____
 - 2. Moderate _____
 - 3. Severe _____

- 12F. In the past year, what was your:
 - 1. Job/occupation? _____
 - 2. Position/job title? _____

13. RECENT MEDICAL HISTORY

- 13A. Do you consider yourself to be in good health?
 - Yes _____
 - No _____

If NO, state reason _____

- 13B. In the past year, have you developed:

Epilepsy?	_____	Yes	No
Rheumatic fever?	_____		
Kidney disease?	_____		
Bladder disease?	_____		
Diabetes?	_____		
Jaundice?	_____		
Cancer?	_____		

14. CHEST COLDS AND CHEST ILLNESS

- 14A. If you get a cold, does it usually go to your chest? (Usually means more than 1/2 the time.)
 - 1. Yes _____
 - 2. No _____
 - 3. Don't get colds _____

- 15A. During the past year, have you had any chest illnesses that have kept you off work, indoors at home, or in bed?
 - 1. Yes _____
 - 2. No _____
 - 3. Does not apply _____

IF YES TO 15A:

- 15B. Did you produce phlegm with any of these chest illnesses?
 - 1. Yes _____
 - 2. No _____
 - 3. Does not apply _____

16. RESPIRATORY SYSTEM

In the past year have you had:

- | | | |
|-----------------|-----------|-------------------------------------|
| | Yes or No | Further Comment on Positive Answers |
| Asthma | _____ | |
| Bronchitis | _____ | |
| Hay fever | _____ | |
| Other allergies | _____ | |

- | | | |
|--|-----------|-------------------------------------|
| | Yes or No | Further Comment on Positive Answers |
|--|-----------|-------------------------------------|

- Pneumonia _____
- Tuberculosis _____
- Chest surgery _____
- Other lung _____
- Problems _____
- Heart disease _____

Do you have:

- | | | |
|--|-----------|-------------------------------------|
| | Yes or No | Further Comment on Positive Answers |
|--|-----------|-------------------------------------|

- Frequent colds _____
- Chronic cough _____
- Shortness of breath when walking or climbing one flight of stairs _____

Do you:

- Wheeze _____
- Cough up phlegm _____
- Smoke cigarettes _____ Packs per day _____ How many years _____

Date _____ Signature _____

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07743 APPENDIX E—INTERPRETATION AND CLASSIFICATION OF CHEST ROENTGENOGRAMS—MANDATORY. (1) Chest roentgenograms shall be interpreted and classified in accordance with a professionally accepted classification system and recorded on ~~((a roentgenographic interpretation form: *Form CSD/NIOSH (M) 2.8))~~ an interpretation form following the format of the CDC/NIOSH (M) 2.8 form. **As a minimum, the content within the bold lines of this form (items one through four) shall be included. This form is not to be submitted to NIOSH.**

(2) Roentgenograms shall be interpreted and classified only by a B-reader, a board eligible/certified radiologist, or an experienced physician with known expertise in pneumoconioses.

(3) All interpreters, whenever interpreting chest roentgenograms made under this section, shall have immediately available for reference a complete set of the ILO-U/C International Classification of Radiographs for Pneumoconioses, 1980.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07745 APPENDIX F—WORK PRACTICES AND ENGINEERING CONTROLS FOR AUTOMOTIVE BRAKE REPAIR OPERATIONS—NONMANDATORY. This appendix is intended as guidance for employers in the automotive brake and clutch repair industry who wish to reduce their employees' asbestos exposures during repair operations to levels below the new standard's action level (0.1 f/cc). WISHA believes that employers in this industry sector are likely to be able to reduce their employees' exposures to asbestos by employing the engineering and work practice controls described in subsections (1) and (2) of this section. Those employers who choose to use these controls and who achieve exposures below the action level will thus be able to avoid any burden that might be imposed by complying with such requirements as medical surveillance, recordkeeping, training, respiratory protection, and regulated areas, which are triggered when employee exposures exceed the action level or PEL.

Asbestos exposure in the automotive brake and clutch repair industry occurs primarily during the replacement of clutch plates and brake pads, shoes, and linings. Asbestos fibers may become airborne when an

automotive mechanic removes the asbestos-containing residue that has been deposited as brakes and clutches wear. Employee exposures to asbestos occur during the cleaning of the brake drum or clutch housing.

WISHA believes that employers engaged in brake repair operations who implement any of the work practices and engineering controls described in subsections (1) and (2) of this section may be able to reduce their employees' exposures to levels below the action level (0.1 fiber/cc). These control methods and the relevant record evidence on these and other methods are described in the following sections.

(1) Enclosed cylinder/HEPA vacuum system method.

The enclosed cylinder-vacuum system used in one of the facilities visited by representatives of the National Institute for Occupational Safety and Health (NIOSH) during a health hazard evaluation of brake repair facilities consists of three components:

(a) A wheel-shaped cylinder designed to cover and enclose the wheel assembly;

(b) A compressed-air hose and nozzle that fits into a port in the cylinder; and

(c) A HEPA-filtered vacuum used to evacuate airborne dust generated within the cylinder by the compressed air.

To operate the system, the brake assembly is enclosed in a cylinder that has viewing ports to provide visibility and cotton sleeves through which the mechanic can handle the brake assembly parts. The cylinder effectively isolates asbestos dust in the drum from the mechanic's breathing zone. ~~((The brake assembly isolation cylinder is available from the Nilfisk Company and comes in two sizes to fit brake drums in the seven to twelve inch size range common to automobiles and light trucks and the twelve to nineteen inch size range common to large commercial vehicles.))~~ One company manufactures the brake assembly isolation cylinder. The cylinder is equipped with built-in compressed-air guns and a connection for a vacuum cleaner equipped with a high efficiency particulate air (HEPA) filter. This type of filter is capable of removing all particles greater than 0.3 microns from the air. When the vacuum cleaner's filter is full, it must be replaced according to the manufacturer's instruction, and appropriate HEPA-filtered dual cartridge respirators should be worn during the process. The filter of the vacuum cleaner is assumed to be contaminated with asbestos fibers and should be handled carefully, wetted with a fine mist of water, placed immediately in a labelled plastic bag, and disposed of properly. When the cylinder is in place around the brake assembly and the HEPA vacuum is connected, compressed air is blown into the cylinder to loosen the residue from the brake assembly parts. The vacuum then evacuates the loosened material from within the cylinder, capturing the airborne material on the HEPA filter.

The HEPA vacuum system can be disconnected from the brake assembly isolation cylinder when the cylinder is not being used. The HEPA vacuum can then be used for clutch facing work, grinding, or other routine cleaning.

(2) Compressed air/solvent system method.

A compressed-air hose fitted at the end with a bottle of solvent can be used to loosen the asbestos-containing residue and to capture the resulting airborne particles in the solvent mist. The mechanic should begin spraying the asbestos-contaminated parts with the solvent at a sufficient distance to ensure that the asbestos particles are not dislodged by the velocity of the solvent spray. After the asbestos particles are thoroughly wetted, the spray may be brought closer to the parts and the parts may be sprayed as necessary to remove grease and other material. The automotive parts sprayed with the mist are then wiped with a rag, which must then be disposed of appropriately. Rags should be placed in a labelled plastic bag or other container while they are still wet. This ensures that the asbestos fibers will not become airborne after the brake and clutch parts have been cleaned. (If cleanup rags are laundered rather than disposed of, they must be washed using methods appropriate for the laundering of asbestos-contaminated materials.)

WISHA believes that a variant of this compressed-air/solvent mist process offers advantages over the compressed-air/solvent mist technique discussed above, both in terms of costs and employee protection. The variant involves the use of spray cans filled with any of several solvent cleaners commercially available from auto supply stores. Spray cans of solvent are inexpensive, readily available, and easy to use. These cans will also save time, because no solvent delivery system has to be assembled, i.e., no compressed-air hose/mister ensemble. OSHA believes that a spray can will deliver solvent to the parts to be cleaned

with considerably less force than the alternative compressed-air delivery system described above, and will thus generate fewer airborne asbestos fibers than the compressed-air method. The agency therefore believes that the exposure levels of automotive repair mechanics using the spray can/solvent mist process will be even lower than the exposures reported by NIOSH for the compressed-air/solvent mist system (0.08 f/cc).

(3) Information on the effectiveness of various control measures.

The amount of airborne asbestos generated during brake and clutch repair operations depends on the work practices and engineering controls used during the repair or removal activity.

(a) Prohibited methods.

The use of compressed air to blow the asbestos-containing residue off the surface of the brake drum removes the residue effectively but simultaneously produces an airborne cloud of asbestos fibers. According to NIOSH, the peak exposures of mechanics using this technique were as high as fifteen fibers/cc, and eight-hour TWA exposures ranged from 0.03 to 0.19 f/cc.

Dr. William J. Nicholson of the Mount Sinai School of Medicine cited data from Knight and Hickish (1970) that indicated that the concentration of asbestos ranged from 0.84 to 5.35 f/cc over a sixty-minute sampling period when compressed air was being used to blow out the asbestos-containing residue from the brake drum. In the same study, a peak concentration of eighty-seven f/cc was measured for a few seconds during brake cleaning performed with compressed air. Rohl et al. (1976) measured area concentrations (of unspecified duration) within three to five feet of operations involving the cleaning of brakes with compressed air and obtained readings ranging from 6.6 to 29.8 f/cc. Because of the high exposure levels that result from cleaning brake and clutch parts using compressed air, WISHA has prohibited this practice in the revised standard.

(b) Ineffective methods.

When dry brushing was used to remove the asbestos-containing residue from the brake drums and wheel assemblies, peak exposures measured by NIOSH ranged from 0.61 to 0.81 f/cc, while eight-hour TWA levels were at the new standard's permissible exposure limit (PEL) of 0.2 f/cc. Rohl and his colleagues collected area samples one to three feet from a brake cleaning operation being performed with a dry brush, and measured concentrations ranging from 1.3 to 3.6 f/cc; however, sampling times and TWA concentrations were not presented in the Rohl et al. study.

When a brush wetted with water, gasoline, or Stoddart solvent was used to clean the asbestos-containing residue from the affected parts, exposure levels (eight-hour TWAs) measured by NIOSH also exceeded the new 0.2 f/cc PEL, and peak exposures ranged as high as 2.62 f/cc.

(c) Preferred methods.

Use of an engineering control system involving a cylinder that completely encloses the brake shoe assembly and a high efficiency particulate air (HEPA) filter-equipped vacuum produced eight-hour TWA employee exposures of 0.01 f/cc and peak exposures ranging from nondetectable to 0.07 f/cc. (Because this system achieved exposure levels below the standard's action level, it is described in detail ~~((below))~~ above.) Data collected by the Mount Sinai Medical Center for Nilfisk of America, Inc., the manufacturer of the brake assembly enclosure system, showed that for two of three operations sampled, the exposure of mechanics to airborne asbestos fibers was nondetectable. For the third operator sampled by Mt. Sinai researchers, the exposure was 0.5 f/cc, which the authors attributed to asbestos that had contaminated the operator's clothing in the course of previous brake repair operations performed without the enclosed cylinder/vacuum system.

Some automotive repair facilities use a compressed-air hose to apply a solvent mist to remove the asbestos-containing residue from the brake drums before repair. The NIOSH data indicated that mechanics employing this method experienced exposures (eight-hour TWAs) of 0.8 f/cc, with peaks of 0.25 to 0.68 f/cc. This technique, and a variant of it that OSHA believes is both less costly and more effective in reducing employee exposures, is described in greater detail in subsections (1) and (2) of this section.

(4) Summary.

In conclusion, WISHA believes that it is likely that employers in the brake and clutch repair industry will be able to avail themselves of the action level trigger built into the revised standard if they conscientiously employ one of the three control methods described above: The enclosed cylinder/HEPA vacuum system, the compressed air/solvent method, or the spray can/solvent mist system.

(~~1~~)—Mention of tradenames or commercial products does not constitute endorsement of recommendation for use.)

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07747 APPENDIX G—SUBSTANCE TECHNICAL INFORMATION FOR ASBESTOS—NONMANDATORY.

(1) Substance identification.

(a) Substance: "Asbestos" is the name of a class of magnesium-silicate minerals that occur in fibrous form. Minerals that are included in this group are chrysotile, crocidolite, amosite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos.

(b) Asbestos(~~(-tremolite, anthophyllite, and actinolite are)~~) is used in the manufacture of heat-resistant clothing, automotive brake and clutch linings, and a variety of building materials including floor tiles, roofing felts, ceiling tiles, asbestos-cement pipe and sheet, and fire-resistant drywall. Asbestos is also present in pipe and boiler insulation materials, and in sprayed-on materials located on beams, in crawlspaces, and between walls.

(c) The potential for a product containing asbestos, tremolite, anthophyllite, and actinolite to release breathable fibers depends on its degree of friability. Friable means that the material can be crumbled with hand pressure and is therefore likely to emit fibers. The fibrous or fluffy sprayed-on materials used for fireproofing, insulation, or sound proofing are considered to be friable, and they readily release airborne fibers if disturbed. Materials such as vinyl-asbestos floor tile or roofing felts are considered nonfriable and generally do not emit airborne fibers unless subjected to sanding or sawing operations. Asbestos-cement pipe or sheet can emit airborne fibers if the materials are cut or sawed, or if they are broken during demolition operations.

(d) Permissible exposure: Exposure to airborne asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) fibers may not exceed 0.2 fibers per cubic centimeter of air (0.2 f/cc) averaged over the eight-hour workday.

(2) Health hazard data.

(a) Asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) can cause disabling respiratory disease and various types of cancers if the fibers are inhaled. Inhaling or ingesting fibers from contaminated clothing or skin can also result in these diseases. The symptoms of these diseases generally do not appear for twenty or more years after initial exposure.

(b) Exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) has been shown to cause lung cancer, mesothelioma, and cancer of the stomach and colon. Mesothelioma is a rear cancer of the thin membrane lining of the chest and abdomen. Symptoms of mesothelioma include shortness of breath, pain in the walls of the chest, and/or abdominal pain.

(3) Respirators and protective clothing.

(a) Respirators: You are required to wear a respirator when performing tasks that result in asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) exposure that exceeds the permissible exposure limit (PEL) of 0.2 f/cc. These conditions can occur while your employer is in the process of installing engineering controls to reduce asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) exposure, or where engineering controls are not feasible to reduce asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) exposure. Air-purifying respirators equipped with a high-efficiency particulate air (HEPA) filter can be used where airborne asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) fiber concentrations do not exceed 2 f/cc; otherwise, air-supplied, positive-pressure, full facepiece respirators must be used. Disposable respirators or dust masks are not permitted to be used for asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) work. For effective protection, respirators must fit your face and head snugly. Your employer is required to conduct fit tests when you are first assigned a respirator and every six months thereafter. Respirators should not be loosened or removed in work situations where their use is required.

(b) Protective clothing: You are required to wear protective clothing in work areas where asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) fiber concentrations exceed the permissible exposure limit (PEL) of 0.2 f/cc to prevent contamination of the skin. Where protective clothing is required, your employer must provide you with clean garments. Unless you are working on a large asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) removal or demolition project, your employer must also provide a change room and separate lockers for your street clothes and contaminated work clothes. If you are working on a large asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) removal or demolition project, and where it is feasible to do so, your employer must provide a clean room, shower, and decontamination room contiguous to the work area. When leaving the work area, you must remove contaminated clothing before proceeding to the shower. If the shower

is not adjacent to the work area, you must vacuum your clothing before proceeding to the change room and shower. To prevent inhaling fibers in contaminated change rooms and showers, leave your respirator on until you leave the shower and enter the clean change room.

(4) Disposal procedures and cleanup.

(a) Wastes that are generated by processes where asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) is present include:

(i) Empty asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) shipping containers.

(ii) Process wastes such as cuttings, trimmings, or reject material.

(iii) Housekeeping waste from sweeping or vacuuming.

(iv) Asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) fireproofing or insulating material that is removed from buildings.

(v) Building products that contain asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) removed during building renovation or demolition.

(vi) Contaminated disposable protective clothing.

(b) Empty shipping bags can be flattened under exhaust hoods and packed into airtight containers for disposal. Empty shipping drums are difficult to clean and should be sealed.

(c) Vacuum (~~(logs)~~) bags or disposable paper filters should not be cleaned, but should be sprayed with a fine water mist and placed into a labeled waste container.

(d) Process waste and housekeeping waste should be wetted with water or a mixture of water and surfactant prior to packaging in disposable containers.

(e) Material containing asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) that is removed from buildings must be disposed of in leaktight 6-mil thick plastic bags, plastic-lined cardboard containers, or plastic-lined metal containers. These wastes, which are removed while wet, should be sealed in containers before they dry out to minimize the release of asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) fibers during handling.

(5) Access to information.

(a) Each year, your employer is required to inform you of the information contained in this standard and appendices for asbestos(~~(-tremolite, anthophyllite, and actinolite)~~). In addition, your employer must instruct you in the proper work practices for handling materials containing asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~). You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure, and, if you are exposed above the permissible limit, he or she is required to inform you of the actions that are being taken to reduce your exposure to within the permissible limit.

(c) Your employer is required to keep records of your exposures and medical examinations. These exposure records must be kept for at least thirty years. Medical records must be kept for the period of your employment plus thirty years.

(d) Your employer is required to release your exposure and medical records to your physician or designated representative upon your written request.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-62-07749 APPENDIX H—MEDICAL SURVEILLANCE GUIDELINES FOR ASBESTOS(~~(-TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE)~~)—NONMANDATORY. (1) Route of entry inhalation, ingestion.

(2) Toxicology.

Clinical evidence of the adverse effects associated with exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) is present in the form of several well-conducted epidemiological studies of occupationally exposed workers, family contacts of workers, and persons living near asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) mines. These studies have shown a definite association between exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) and an increased incidence of lung cancer, pleural and peritoneal mesothelioma, gastrointestinal cancer, and asbestosis. The latter is a disabling fibrotic lung disease that is caused only by exposure to asbestos. Exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) has also been associated with an increased incidence of esophageal, kidney, laryngeal, pharyngeal, and buccal cavity cancers. As with other known chronic occupational diseases, disease associated with asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) generally appears about twenty years following the first occurrence of exposure: There are no known acute

effects associated with exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~).

Epidemiological studies indicate that the risk of lung cancer among exposed workers who smoke cigarettes is greatly increased over the risk of lung cancer among nonexposed smokers or exposed nonsmokers. These studies suggest that cessation of smoking will reduce the risk of lung cancer for a person exposed to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) but will not reduce it to the same level of risk as that existing for an exposed worker who has never smoked.

(3) Signs and symptoms of exposure-related disease.

The signs and symptoms of lung cancer or gastrointestinal cancer induced by exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) are not unique, except that a chest x-ray of an exposed patient with lung cancer may show pleural plaques, pleural calcification, or pleural fibrosis. Symptoms characteristic of mesothelioma include shortness of breath, pain in the walls of the chest, or abdominal pain. Mesothelioma has a much longer latency period compared with lung cancer (forty years versus fifteen to twenty years), and mesothelioma is therefore more likely to be found among workers who were first exposed to asbestos at an early age. Mesothelioma is always fatal.

Asbestosis is pulmonary fibrosis caused by the accumulation of asbestos fibers in the lungs. Symptoms include shortness of breath, coughing, fatigue, and vague feelings of sickness. When the fibrosis worsens, shortness of breath occurs even at rest. The diagnosis of asbestosis is based on a history of exposure to asbestos, the presence of characteristic radiologic changes, endinspiratory crackles (rales), and other clinical features of fibrosing lung disease. Pleural plaques and thickening are observed on x-rays taken during the early stages of the disease. Asbestosis is often a progressive disease even in the absence of continued exposure, although this appears to be a highly individualized characteristic. In severe cases, death may be caused by respiratory or cardiac failure.

(4) Surveillance and preventive considerations.

As noted above, exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) has been linked to an increased risk of lung cancer, mesothelioma, gastrointestinal cancer, and asbestosis among occupationally exposed workers. Adequate screening tests to determine an employee's potential for developing serious chronic diseases, such as cancer, from exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) do not presently exist. However, some tests, particularly chest x-rays and pulmonary function tests, may indicate that an employee has been overexposed to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) increasing his or her risk of developing exposure-related chronic diseases. It is important for the physician to become familiar with the operating conditions in which occupational exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) is likely to occur. This is particularly important in evaluating medical and work histories and in conducting physical examinations. When an active employee has been identified as having been overexposed to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) measures taken by the employer to eliminate or mitigate further exposure should also lower the risk of serious long-term consequences.

The employer is required to institute a medical surveillance program for all employees who are or will be exposed to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) at or above the action level (0.1 fiber per cubic centimeter of air) (~~for thirty or more days per year and for all employees who are assigned to wear a negative-pressure respirator~~). All examinations and procedures must be performed by or under the supervision of a licensed physician, at a reasonable time and place, and at no cost to the employee.

Although broad latitude is given to the physician in prescribing specific tests to be included in the medical surveillance program, (~~(OSHA)~~) WISHA requires inclusion of the following elements in the routine examination:

(a) Medical and work histories with special emphasis directed to symptoms of the respiratory system, cardiovascular system, and digestive tract.

(b) Completion of the respiratory disease questionnaire contained in WAC 296-62-07741, Appendix D.

(c) A physical examination including a chest roentgenogram and pulmonary function test that includes measurement of the employee's forced vital capacity (FVC) and forced expiratory volume at one second (FEV₁).

(d) Any laboratory or other test that the examining physician deems by sound medical practice to be necessary.

The employer is required to make the prescribed tests available at least annually to those employees covered; more often than specified if recommended by the examining physician; and upon termination of employment.

The employer is required to provide the physician with the following information: A copy of this standard and appendices; a description of the employee's duties as they relate to asbestos exposure; the employee's representative level of exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~); a description of any personal protective and respiratory equipment used; and information from previous medical examinations of the affected employee that is not otherwise available to the physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, if required.

The employer is required to obtain a written opinion from the examining physician containing the results of the medical examination; the physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of exposure-related disease; any recommended limitations on the employee or on the use of personal protective equipment; and a statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions related to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) exposure that require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to exposure to asbestos(~~(-tremolite, anthophyllite, and actinolite)~~) and a copy of the opinion must be provided to the affected employee.

NEW SECTION

WAC 296-62-07751 APPENDIX I—WORK PRACTICES AND ENGINEERING CONTROLS FOR MAJOR ASBESTOS REMOVAL, RENOVATION, AND DEMOLITION OPERATIONS—NONMANDATORY. This is a nonmandatory appendix designed to provide guidelines to assist employers in complying with the requirements of WAC 296-62-077 through 296-62-07753. Specifically, this appendix describes the equipment, methods, and procedures that should be used in major asbestos removal projects conducted to abate a recognized asbestos hazard or in preparation for building renovation or demolition. These projects require the construction of negative-pressure temporary enclosures to contain the asbestos material and to prevent the exposure of bystanders and other employees at the worksite. WAC 296-62-07712 of the standard requires that " Whenever feasible, the employer shall establish negative-pressure enclosures before commencing asbestos removal, demolition, or renovation operations." Employers should also be aware that, when conducting asbestos removal projects, they may be required under the National Emissions Standards for Hazardous Air Pollutants (NESHAPS), 40 CFR Part 61, Subpart M, or EPA regulations under the Clean Water Act.

(1) Introduction. Construction of a negative-pressure enclosure is a simple but time-consuming process that requires careful preparation and execution; however, if the procedures below are followed, contractors should be assured of achieving a temporary barricade that will protect employees and others outside the enclosure from exposure to asbestos and minimize to the extent possible the exposure of asbestos workers inside the barrier as well.

The equipment and materials required to construct these barriers are readily available and easily installed and used. In addition to an enclosure around the removal site, the standard requires employers to provide hygiene facilities that ensure that their asbestos contaminated employees do not leave the worksite with asbestos on their persons or clothing; the construction of these facilities is also described below. The steps in the process of preparing the asbestos removal site, building the enclosure, constructing hygiene facilities, removing the asbestos-containing material, and restoring the site include:

- (a) Planning the removal project;
- (b) Procuring the necessary materials and equipment;
- (c) Preparing the work area;
- (d) Removing the asbestos-containing material;
- (e) Cleaning the work area; and
- (f) Disposing of the asbestos-containing waste.

(2) Planning the removal project. The planning of an asbestos removal project is critical to completing the project safely and cost-effectively. A written asbestos removal plan should be prepared that describes the equipment and procedures that will be used throughout the project. The asbestos abatement plan will aid not only in executing the

project but also in complying with the reporting requirements of the USEPA asbestos regulations (40 CFR 61, Subpart M), which call for specific information such as a description of control methods and control equipment to be used and the disposal sites the contractor proposes to use to dispose of the asbestos-containing materials.

The asbestos abatement plan must contain the following information:

- (a) A physical description of the work area;
- (b) A description of the approximate amount of material to be removed;
- (c) A schedule for turning off and sealing existing ventilation systems;
- (d) Personnel hygiene procedures;
- (e) Labeling procedures;
- (f) A description of personal protective equipment and clothing to be worn by employees;
- (g) A description of the local exhaust ventilation systems to be used;
- (h) A description of work practices to be observed by employees;
- (i) A description of the methods to be used to remove the asbestos-containing material;
- (j) The wetting agent to be used;
- (k) A description of the sealant to be used at the end of the project;
- (l) An air monitoring plan;
- (m) A description of the method to be used to transport waste material; and
- (n) The location of the dump site.

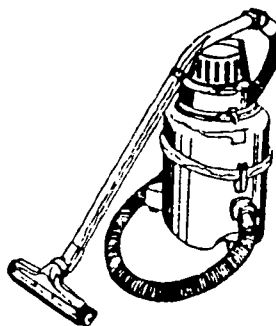
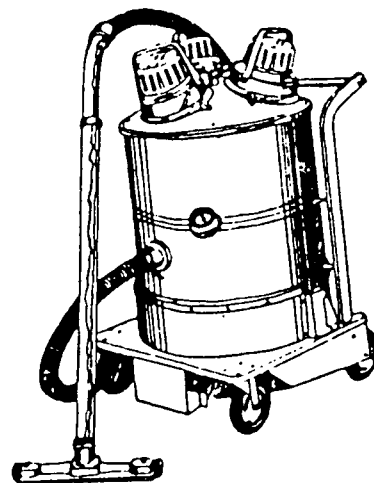
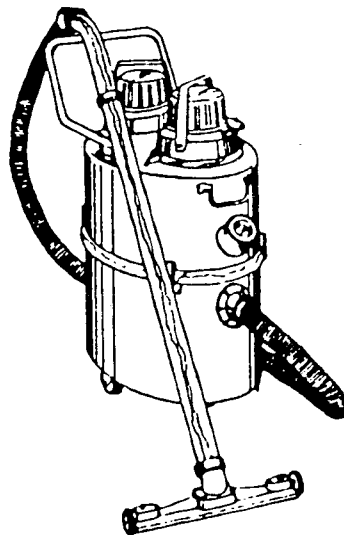
(3) Materials and equipment necessary for asbestos removal. Although individual asbestos removal projects vary in terms of the equipment required to accomplish the removal of the material, some equipment and materials are common to most asbestos removal operations. Equipment and materials that should be available at the beginning of each project are: (a) Rolls of polyethylene sheeting; (b) rolls of gray duct tape or clear plastic tape; (c) HEPA-filtered vacuum(s); (d) HEPA-filtered portable ventilation system(s); (e) a wetting agent; (f) an airless sprayer; (g) a portable shower unit; (h) appropriate respirators; (i) disposable coveralls; (j) signs and labels; (k) preprinted disposal bags; and (l) a manometer or pressure gauge.

(a) and (b) Rolls of polyethylene plastic and tape. Rolls of polyethylene plastic (6 mil in thickness) should be available to construct the asbestos removal enclosure and to seal windows, doors, ventilation systems, wall penetrations, and ceilings and floors in the work area. Gray duct tape or clear plastic tape should be used to seal the edges of the plastic and to seal any holes in the plastic enclosure. Polyethylene plastic sheeting can be purchased in rolls up to twelve to twenty feet in width and up to one hundred feet in length.

(c) HEPA-filtered vacuum. A HEPA-filtered vacuum is essential for cleaning the work area after the asbestos has been removed. Such vacuums are designed to be used with a HEPA (high-efficiency particulate air) filter, which is capable of removing 99.97 percent of the asbestos particles from the air. Various sizes and capacities of HEPA vacuums are available. One manufacturer produces three models that range in capacity from five and one-quarter gallons to seventeen gallons (see Figure I-1). All of these models are portable, and all have long hoses capable of reaching out-of-the-way places, such as areas above ceiling tiles, behind pipes, etc.

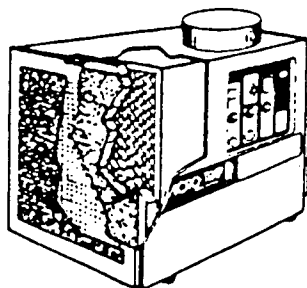
(d) Exhaust air filtration system. A portable ventilation system is necessary to create a negative-pressure within the asbestos removal enclosure. Such units are equipped with a HEPA filter and are designed to exhaust and clean the air inside the enclosure before exhausting it to the outside of the enclosure (see Figure I-2). Systems are available from several manufacturers. One supplier has two ventilation units that range in capacity from six hundred cubic feet per minute (CFM) to one thousand seven hundred CFM. According to the manufacturer's literature, these units filter particles of 0.3 micron in size with an efficiency of 99.99 percent. The number and capacity of units required to ventilate an enclosure depend on the size of the area to be ventilated.

Figure I-1. HEPA-filtered vacuums



Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

Figure I-2. Portable exhaust ventilation system with HEPA filter



Source: Product Catalog, Asbestos Control Technologies, Inc., Maple Shade, N.J., 1985

(c) Wetting agents. Wetting agents (surfactants) are added to water (which is then called amended water) and used to soak asbestos-containing materials; amended water penetrates more effectively than plain water and permits more thorough soaking of the asbestos-containing materials. Wetting the asbestos-containing material reduces the number of fibers that will break free and become airborne when the asbestos-containing material is handled or otherwise disturbed. Asbestos-containing materials should be thoroughly soaked before removal is attempted; the dislodged material should feel spongy to the touch. Wetting agents are generally prepared by mixing one to three ounces of wetting agent to five gallons of water.

One type of asbestos, amosite, is relatively resistant to soaking, either with plain or amended water. The work practices of choice when working with amosite-containing material are to soak the material as much as possible and then to bag it for disposal immediately after removal, so that the material has no time to dry and be ground into smaller particles that are more likely to liberate airborne asbestos.

In a very limited number of situations, it may not be possible to wet the asbestos-containing material before removing it. Examples of such rare situations are: (i) Removal of asbestos material from a "live" electrical box that was oversprayed with the material when the rest of the area was sprayed with asbestos-containing coating; and (ii) removing asbestos-containing insulation from a live steam pipe. In both of these situations, the preferred approach would be to turn off the electricity or steam, respectively, to permit wet removal methods to be used. However, where removal work must be performed during working hours, i.e., when normal operations cannot be disrupted, the asbestos-containing material must be removed dry. Immediate bagging is then the only method of minimizing the amount of airborne asbestos generated.

(f) Airless sprayer. Airless sprayers are used to apply amended water to asbestos-containing materials. Airless sprayers allow the amended water to be applied in a fine spray that minimizes the release of asbestos fibers by reducing the impact of the spray on the material to be removed. Airless sprayers are inexpensive and readily available.

(g) Portable shower. Unless the site has available a permanent shower facility that is contiguous to the removal area, a portable shower system is necessary to permit employees to clean themselves after exposure to asbestos and to remove any asbestos contamination from their hair and bodies. Taking a shower prevents employees from leaving the work area with asbestos on their clothes and thus prevents the spread of asbestos contamination to areas outside the asbestos removal area. This measure also protects members of the families of asbestos workers from possible exposure to asbestos. Showers should be supplied with warm water and a drain. A shower water filtration system to filter asbestos fibers from the shower water is recommended. Portable shower units are readily available, inexpensive, and easy to install and transport.

(h) Respirators. Employees involved in asbestos removal projects should be provided with appropriate NIOSH-approved respirators. Selection of the appropriate respirator should be based on the concentration of asbestos fibers in the work area. If the concentration of asbestos fibers is unknown, employees should be provided with respirators that will provide protection against the highest concentration of asbestos fibers that can reasonably be expected to exist in the work

area. For all work within an enclosure, employees should wear supplied air respirators (see WAC 296-62-07715(3)).

(i) Disposable coveralls. Employees involved in asbestos removal operations should be provided with disposable impervious coveralls that are equipped with head and foot covers. Such coveralls are typically made of Tyvek. The coverall has a zipper front and elastic wrists and ankles.

(j) Signs and labels. Before work begins, a supply of signs to demarcate the entrance to the work area should be obtained. Signs are available that have the wording required by the final WISHA standard. The required labels are also commercially available as press-on labels and preprinted on the 6-mil polyethylene plastic bags used to dispose of asbestos-containing waste material.

(4) Preparing the work area. Preparation for constructing negative-pressure enclosures should begin with the removal of all movable objects from the work area, e.g., desks, chairs, rugs, and light fixtures, to ensure that these objects do not become contaminated with asbestos. When objects or surfaces are contaminated or are suspected of being contaminated, they should be vacuumed with a HEPA vacuum and cleaned with amended water, unless they are made of material that will be damaged by the wetting agent; wiping with plain water is recommended in those cases where amended water will damage the object. Before the asbestos removal work begins, objects that cannot be removed from the work area should be covered with a 6-mil-thick polyethylene plastic sheeting that is securely taped with duct tape or plastic tape to achieve an air-tight seal around the object.

(5) Constructing the enclosure. When all objects have either been removed from the work area or covered with plastic, all penetrations of the floor, walls, and ceiling should be sealed with 6-mil polyethylene plastic and tape to prevent airborne asbestos from escaping into areas outside the work area or from lodging in cracks around the penetrations. Penetrations that require sealing are typically found around electrical conduits, telephone wires, and water supply and drain pipes. A single entrance to be used for access and egress to the work area should be selected, and all other doors and windows should be sealed with tape or be covered with 6-mil polyethylene plastic sheeting and securely taped. Covering windows and unnecessary doors with a layer of polyethylene before covering the walls provides a second layer of protection and saves time in installation because it reduces the number of edges that must be cut and taped. All other surfaces such as support columns, ledges, pipes, and other surfaces should also be covered with polyethylene plastic sheeting and taped before the walls themselves are completely covered with sheeting.

Next a thin layer of spray adhesive should be sprayed along the top of all walls surrounding the enclosed work area, close to the wall-ceiling interface, and a layer of polyethylene plastic sheeting should be stuck to this adhesive and taped. The entire inside surfaces of all wall areas are covered in this manner, and the sheeting over the walls is extended across the floor area until it meets in the center of the area, where it is taped to form a single layer of material encasing the entire room except for the ceiling. A final layer of plastic sheeting is then laid across the plastic-covered floor area and up the walls to a level of two feet or so; this layer provides a second protective layer of plastic sheeting over the floor, which can then be removed and disposed of easily after the asbestos-containing material that has dropped to the floor has been bagged and removed.

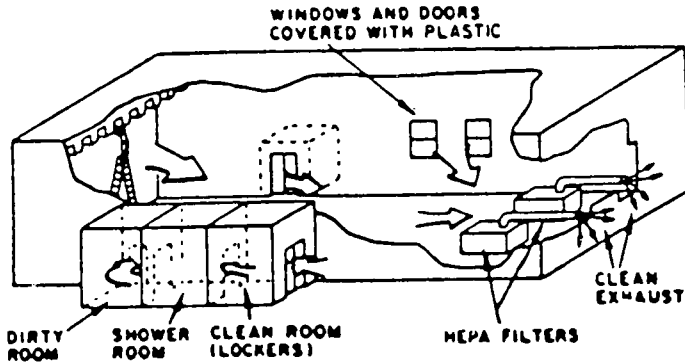
(6) Building hygiene facilities. WAC 296-62-07719 mandates that employers involved in asbestos removal, demolition, or renovation operations provide their employees with hygiene facilities to be used to decontaminate asbestos-exposed workers, equipment, and clothing before such employees leave the work area. These decontamination facilities consist of:

- (a) A clean change room;
- (b) A shower; and
- (c) An equipment room.

The clean change room is an area in which employees remove their street clothes and don their respirators and disposable protective clothing. The clean room should have hooks on the wall or be equipped with lockers for the storage of workers' clothing and personal articles. Extra disposable coveralls and towels can also be stored in the clean change room.

The shower should be contiguous with both the clean and dirty change room (see Figure I-3) and should be used by all workers leaving the work area. The shower should also be used to clean asbestos-contaminated equipment and materials, such as the outsides of asbestos waste bags and hand tools used in the removal process.

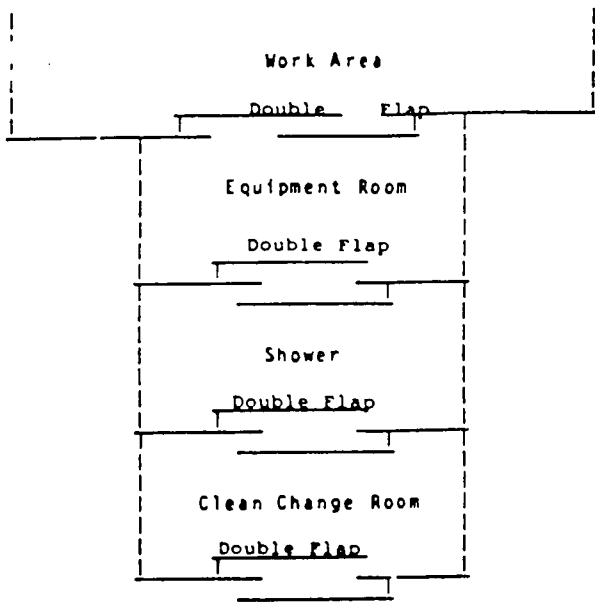
Figure I-3. Cutaway view of enclosure and hygiene facilities



Source: EPA 1985. Asbestos Waste Management Guidance (EPA/530 SW-85-007)

The equipment room (also called the dirty change room) is the area where workers remove their protective coveralls and where equipment that is to be used in the work area can be stored. The equipment room should be lined with 6-mil-thick polyethylene plastic sheeting in the same way as was done in the work area enclosure. Two layers of 6-mil polyethylene plastic sheeting that are not taped together from a double flap or barrier between the equipment room and the work area and between the shower and the clean change room (see Figure I-4).

Figure I-4. Typical hygiene facility layout



When feasible, the clean change room, shower, and equipment room should be contiguous and adjacent to the negative-pressure enclosure surrounding the removal area. In the overwhelming number of cases, hygiene facilities can be built contiguous to the negative-pressure enclosure. In some cases, however, hygiene facilities may have to be located on another floor of the building where removal of asbestos-containing materials is taking place. In these instances, the hygiene facilities can in effect be made to be contiguous to the work area by constructing a polyethylene plastic "tunnel" from the work area to the hygiene facilities. Such a tunnel can be made even in cases where the hygiene facilities are located several floors above or below the work area; the tunnel begins with a double flap door at the enclosure, extends through the exit from the floor, continues down the necessary number of flights of stairs and goes through a double flap entrance to the hygiene facilities, which have been prepared as described above.

The tunnel is constructed of two-inch by four-inch lumber or aluminum struts and covered with 6-mil-thick polyethylene plastic sheeting.

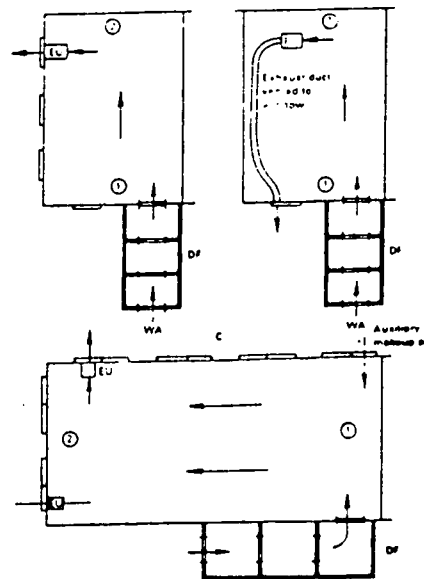
In the rare instances when there is not enough space to permit any hygiene facilities to be built at the worksite, employees should be directed to change into a clean disposable worksuit immediately after exiting the enclosure (without removing their respirators) and to proceed immediately to the shower. Alternatively, employees could be directed to vacuum their disposable coveralls with a HEPA-filtered vacuum before proceeding to a shower located a distance from the enclosure.

The clean room, shower, and equipment room must be sealed completely to ensure that the sole source of air flow through these areas originates from uncontaminated areas outside the asbestos removal, demolition, or renovation enclosure. The shower must be drained properly after each use to ensure that contaminated water is not released to uncontaminated areas. If waste water is inadvertently released, it should be cleaned up as soon as possible to prevent any asbestos in the water from drying and becoming airborne in areas outside the work area.

(7) Establishing negative-pressure within the enclosure. After construction of the enclosure is completed, a ventilation system(s) should be installed to create a negative-pressure within the enclosure with respect to the area outside the enclosure. Such ventilation systems must be equipped with HEPA filters to prevent the release of asbestos fibers to the environment outside the enclosure and should be operated twenty-four hours per day during the entire project until the final cleanup is completed and the results of final air samples are received from the laboratory. A sufficient amount of air should be exhausted to create a pressure of -0.02 inches of water within the enclosure with respect to the area outside the enclosure.

These ventilation systems should exhaust the HEPA-filtered clean air outside the building in which the asbestos removal, demolition, or renovation is taking place (see Figure I-5). If access to the outside is not available, the ventilation system can exhaust the HEPA-filtered asbestos-free air to an area within the building that is as far away as possible from the enclosure. Care should be taken to ensure that the clean air is released either to an asbestos-free area or in such a way as not to disturb any asbestos-containing materials.

Figure I-5. Examples of negative-pressure systems. DF, decontamination facility; EU, exhaust unit; WA, worker access; A, single-room work area with multiple windows; B, single-room work area with single window near entrance; C, large single-room work area with windows and auxiliary makeup air source (dotted arrow). Arrows denote direction of air flow. Circled numbers indicate progression of removal sequence.



Source: EPA 1985. Guidance for Controlling Asbestos-Containing Materials in Buildings (EPA 560/5-85-024)

A manometer or pressure gauge for measuring the negative pressure within the enclosure should be installed and should be monitored frequently throughout all work shifts during which asbestos removal, demolition, or renovation takes place. Several types of manometers and pressure gauges are available for this purpose.

All asbestos removal, renovation, and demolition operations should have a program for monitoring the concentration of airborne asbestos and employee exposures to asbestos. Area samples should be collected inside the enclosure (approximately four samples for five thousand square feet of enclosure area). At least two samples should be collected outside the work area, one at the entrance to the clean change room and one at the exhaust of the portable ventilation system. In addition, several breathing zone samples should be collected from those workers who can reasonably be expected to have the highest potential exposure to asbestos.

(8) Removing asbestos materials. Employers involved in asbestos removal, demolition, or renovation operations designate a competent person to:

- (a) Set up the enclosure;
- (b) Ensure the integrity of the enclosure;
- (c) Control entry to and exit from the enclosure;
- (d) Supervise all employee exposure monitoring required by this section;
- (e) Ensure the use of protective clothing and equipment;
- (f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;
- (g) Ensure the use of hygiene facilities and the observance of proper decontamination procedures; and
- (h) Ensure that engineering controls are functioning properly.

The competent person will generally be a certified industrial hygienist, an industrial hygienist with training and experience in the handling of asbestos, or a person who has such training and experience as a result of on-the-job training and experience.

Ensuring the integrity of the enclosure is accomplished by inspecting the enclosure before asbestos removal work begins and prior to each work shift throughout the entire period work is being conducted in the enclosure. The inspection should be conducted by locating all areas where air might escape from the enclosure; this is best accomplished by running a hand over all seams in the plastic enclosure to ensure that no seams are ripped and the tape is securely in place.

The competent person should also ensure that all unauthorized personnel do not enter the enclosure and that all employees and other personnel who enter the enclosure have the proper protective clothing and equipment. He or she should also ensure that all employees and other personnel who enter the enclosure use the hygiene facilities and observe the proper decontamination procedures (described below).

Proper work practices are necessary during asbestos removal, demolition, and renovation to ensure that the concentration of asbestos fibers inside the enclosure remains as low as possible. One of the most important work practices is to wet the asbestos-containing material before it is disturbed. After the asbestos-containing material is thoroughly wetted, it should be removed by scraping (as in the case of sprayed-on or troweled-on ceiling material) or removed by cutting the metal bands or wire mesh that support the asbestos-containing material on boilers or pipes. Any residue that remains on the surface of the object from which asbestos is being removed should be wire brushed and wet wiped.

Bagging asbestos waste material promptly after its removal is another work practice control that is effective in reducing the airborne concentration of asbestos within the enclosure. Whenever possible, the asbestos should be removed and placed directly into bags for disposal rather than dropping the material to the floor and picking up all of the material when the removal is complete. If a significant amount of time elapses between the time that the material is removed and the time it is bagged, the asbestos material is likely to dry out and generate asbestos-laden dust when it is disturbed by people working within the enclosure. Any asbestos-contaminated supplies and equipment that cannot be decontaminated should be disposed of in prelabeled bags; items in this category include plastic sheeting, disposable work clothing, respirator cartridges, and contaminated wash water.

A checklist is one of the most effective methods of ensuring adequate surveillance of the integrity of the asbestos removal enclosure. Such a checklist is shown in Figure I-6. Filling out the checklist at the beginning of each shift in which asbestos removal is being performed will serve to document that all the necessary precautions will be taken

during the asbestos removal work. The checklist contains entries for ensuring that:

- The work area enclosure is complete;
- The negative-pressure system is in operation;
- Necessary signs and labels are used;

Asbestos Removal, Renovation, and Demolition Checklist

Date _____ Location _____

Supervisor _____ Project # _____

Work Area (sq. ft.) _____

	Yes	No
I. Work site barrier		
Floor covered	___	___
Walls covered	___	___
Area ventilation off	___	___
All edges sealed	___	___
Penetrations sealed	___	___
Entry curtains	___	___
II. Negative air pressure		
HEPA Vac _____ Ventilation system _____		
Constant operation	___	___
Negative pressure achieved	___	___
III. Signs		
Work area entrance	___	___
Bags labeled	___	___
IV. Work practices		
Removed material promptly bagged	___	___
Material worked wet	___	___
HEPA vacuum used	___	___
No smoking	___	___
No eating, drinking	___	___
Work area cleaned after completion	___	___
Personnel decontaminated each departure	___	___
V. Protective equipment		
Disposable clothing used one time	___	___
Proper NIOSH-approved respirators	___	___
VII. Showers		
On site	___	___
Functioning	___	___
Soap and towels	___	___
Used by all personnel	___	___

Figure I-6. Checklist

- Appropriate work practices are used;
- Necessary protective clothing and equipment are used; and
- Appropriate decontamination procedures are being followed.

(9) Cleaning the work area. After all of the asbestos-containing material is removed and bagged, the entire work area should be cleaned until it is free of all visible asbestos dust. All surfaces from which asbestos has been removed should be cleaned by wire brushing the surfaces, HEPA vacuuming these surfaces, and wiping them with amended water. The inside of the plastic enclosure should be vacuumed with a HEPA vacuum and wet wiped until there is no visible dust in the enclosure. Particular attention should be given to small horizontal surfaces such as pipes, electrical conduits, lights, and support tracks for drop ceilings. All such surfaces should be free of visible dust before the final air samples are collected.

Additional sampling should be conducted inside the enclosure after the cleanup of the work area has been completed. Approximately four area samples should be collected for each five thousand square feet of enclosure area. The enclosure should not be dismantled unless the final samples show asbestos concentrations of less than the action level.

A clearance checklist is an effective method of ensuring that all surfaces are adequately cleaned and the enclosure is ready to be dismantled. Figure I-7 shows a checklist that can be used during the final inspection phase of asbestos abatement, removal, or renovation operations.

Final Inspection of Asbestos Removal, Renovation, and Demolition Projects

Date: _____

Project: _____

Location: _____

Building: _____

CHECKLIST:

Residual dust on:	<u>Yes</u> <u>No</u>		<u>Yes</u> <u>No</u>
a. Floor	___ ___	e. Horizontal surfaces	___ ___
b. Horizontal surfaces	___ ___	f. Pipes	___ ___
c. Pipes	___ ___	g. Ducts	___ ___
d. Ventilation equipment	___ ___	h. Register	___ ___
		i. Lights	___ ___

FIELD NOTES:

Record any problems encountered here.

FINAL AIR SAMPLE RESULTS:

Figure I-7. Clearance Checklist

¹ Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

NEW SECTION

WAC 296-62-07753 APPENDIX J—WORK PRACTICES AND ENGINEERING CONTROLS FOR SMALL-SCALE, SHORT-DURATION ASBESTOS RENOVATION AND MAINTENANCE OPERATIONS—NONMANDATORY. This appendix is not mandatory, in that employers may choose to comply with all of the requirements of WISHA's standard for occupational exposure to asbestos during construction activities, WAC 296-62-077 through 296-62-07753. However, employers wishing to be exempted from the requirements of WAC 296-62-07712 shall comply with the provisions of this appendix when performing small-scale, short-duration renovation or maintenance operations. WISHA anticipates that employers in the electrical, carpentry, utility, plumbing, and interior construction trades may wish to avail themselves of the final standard's exemptions for small-scale, short-duration renovation and maintenance operations.

(1) Definition of small-scale, short-duration operations. For the purposes of this appendix, small-scale, short-duration renovation and maintenance activities are tasks involving less than ten linear feet and less than eleven square feet of material. This means a total of eleven square feet of material whether on flat surfaces or not and includes pipes. Regardless of pipe diameter, runs cannot exceed ten linear feet. The tasks include but are not limited to:

- Removal of asbestos-containing insulation on pipes;
- Removal of small quantities of asbestos-containing insulation on beams or above ceilings;
- Replacement of an asbestos-containing gasket on a valve;
- Installation or removal of a small section of drywall;
- Installation of electrical conduits through or proximate to asbestos-containing materials.

Evidence in the record suggests that the use of certain engineering and work practice controls is capable of reducing employee exposures to asbestos to levels below the action level (0.1 f/cc). Several controls and work practices, used either singly or in combination, can be employed effectively to reduce asbestos exposures during small maintenance and renovation operations. These include:

Wet methods;

- Removal methods;
- Use of glove bags;
- Removal of entire asbestos insulated pipes or structures;
- Use of mini-enclosures;
- Enclosure of asbestos materials; and
- Maintenance programs.

This appendix describes these controls and work practices in detail.

(2) Preparation of the area before renovation or maintenance activities. The first step in preparing to perform a small-scale, short-duration asbestos renovation or maintenance task, regardless of the abatement method that will be used, is the removal from the work area of all objects that are movable to protect them from asbestos contamination. Objects that cannot be removed must be covered completely with a 6-mil-thick polyethylene plastic sheeting before the task begins. If objects have already been contaminated, they should be thoroughly cleaned with a high-efficiency particulate air (HEPA) filtered vacuum or be wet wiped before they are removed from the work area or completely encased in the plastic.

(3) Wet methods. Whenever feasible, and regardless of the abatement method to be used (e.g., removal, enclosure, use of glove bags), wet methods must be used during small-scale, short-duration maintenance and renovation activities that involve disturbing asbestos-containing materials. Handling asbestos materials wet is one of the most reliable methods of ensuring that asbestos fibers do not become airborne, and this practice should therefore be used whenever feasible. Wet methods can be used in the great majority of workplace situations. Only in cases where asbestos work must be performed on live electrical equipment, on live steam lines, or in other areas where water will seriously damage materials or equipment may dry removal be performed. Amended water or another wetting agent should be applied by means of an airless sprayer to minimize the extent to which the asbestos-containing material is disturbed.

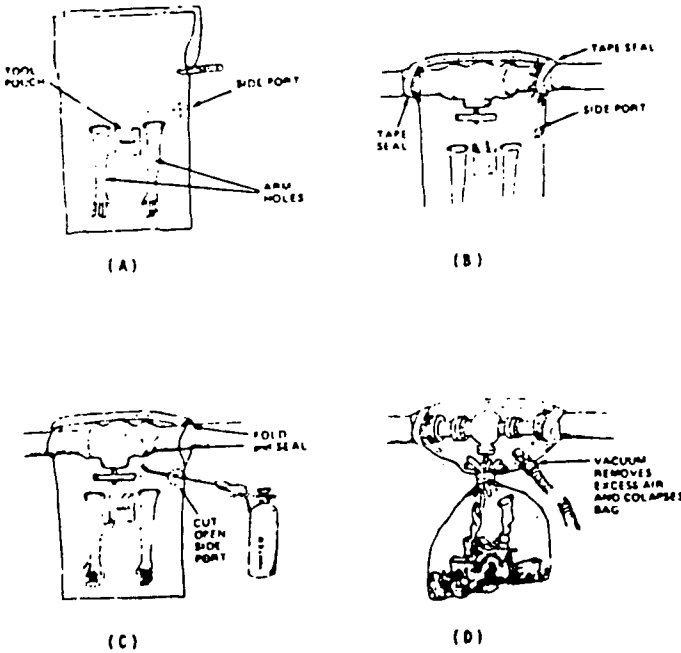
Asbestos-containing materials should be wetted from the initiation of the maintenance or renovation operation and wetting agents should be used continually throughout the work period to ensure that any dry asbestos-containing material exposed in the course of the work is wet and remains wet until final disposal.

(4) Removal of small amount of asbestos-containing materials. Several methods can be used to remove small amounts of asbestos-containing materials during small-scale, short-duration renovation or maintenance tasks. These include the use of glove bags, the removal of an entire asbestos-covered pipe or structure, and the construction of mini-enclosures. The procedures that employers must use for each of these operations if they wish to avail themselves of the final rule's exemptions are described in the following subsections.

(5) Glove bags. The use of glove bags to enclose the work area during small-scale, short-duration maintenance or renovation activities will result in employee exposures to asbestos that are below the action level of 0.1 f/cc. This appendix provides requirements for glove bag procedures to be followed by employers wishing to avail themselves of the standard's exemptions for each activities. WISHA has determined that the use of these procedures will reduce the eight-hour time-weighted average (TWA) exposures of employees involved in these work operations to levels below the action level and will thus provide a degree of employee protection equivalent to that provided by compliance with all provisions of the final rule.

(a) Glove bag installation. Glove bags are approximately forty-inch-wide times sixty-four-inch-long bags fitted with arms through which the work can be performed (see Figure J-1(A)). When properly installed and used, they permit workers to remain completely isolated from the asbestos material removed or replaced inside the bag. Glove bags can thus provide a flexible, easily installed, and quickly dismantled temporary small work area enclosure that is ideal for small-scale asbestos renovation or maintenance jobs.

Figure J-1. Diagrams showing proper use of glove bags in small-scale, short-duration maintenance and renovation operations



These bags are single use control devices that are disposed of at the end of each job. The bags are made of transparent 6-mil-thick polyethylene plastic with arms of Tyvek* material (the same material used to make the disposable protective suits used in major asbestos removal, renovation, and demolition operations and in protective gloves). Glove bags are readily available from safety supply stores or specialty asbestos removal supply houses. Glove bags come pre-labeled with the asbestos warning label prescribed by WISHA and EPA for bags used to dispose of asbestos waste.

(b) Glove bag equipment and supplies. Supplies and materials that are necessary to use glove bags effectively include:

- (i) Tape to seal the glove bag to the area from which asbestos is to be removed;
- (ii) Amended water or other wetting agents;
- (iii) An airless sprayer for the application of the wetting agent;
- (iv) Bridging encapsulant (a paste-like substance for coating asbestos) to seal the rough edges of any asbestos-containing materials that remain within the glove bag at the points of attachment after the rest of the asbestos has been removed;
- (v) Tools such as razor knives, nips, and wire brushes (or other tools suitable for cutting wire, etc.);
- (vi) A HEPA filter-equipped vacuum for evacuating the glove bag (to minimize the release of asbestos fibers) during removal of the bag from the work area and for cleaning any material that may have escaped during the installation of the glove bag; and
- (vii) HEPA-equipped cartridge respirators for use by the employees involved in the removal of asbestos with the glove bag.

(c) Glove bag work practices. The proper use of glove bags requires the following steps:

(i) Glove bags must be installed so that they completely cover the pipe or other structure where asbestos work is to be done. Glove bags are installed by cutting the sides of the glove bag to fit the size of the pipe from which asbestos is to be removed. The glove bag is attached to the pipe by folding the open edges together and securely sealing them with tape. All openings in the glove bag must be sealed with duct tape or equivalent material. The bottom seam of the glove bag must also be sealed with duct tape or equivalent to prevent any leakage from the bag that may result from a defect in the bottom seam (Figure J-1(B)).

(ii) The employee who is performing the asbestos removal with the glove bag must don a half-mask dual-cartridge HEPA-equipped respirator; respirators and protective clothing should be worn by employees who are in close contact with the glove bag and who may thus be exposed as a result of small gaps in the seams of the bag or holes punched through the bag by a razor knife or a piece of wire mesh.

(iii) The removed asbestos material from the pipe or other surface that has fallen into the enclosed bag must be thoroughly wetted with a wetting agent (applied with an airless sprayer through the pre-cut port provided in most glove bags or applied through a small hole cut in the bag) (Figure J-1(C)).

(iv) Once the asbestos material has been thoroughly wetted, it can be removed from the pipe, beam or other surface. The choice of tool to use to remove the asbestos-containing material depends on the type of material to be removed. Asbestos-containing materials are generally covered with painted canvas and/or wire mesh. Painted canvas can be cut with a razor knife and peeled away from the asbestos-containing material underneath. Once the canvas has been peeled away, the asbestos-containing material underneath may be dry, in which case it should be resprayed with a wetting agent to ensure that it generates as little dust as possible when removed. If the asbestos-containing material is covered with wire mesh, the mesh should be cut with nips, tin snips, or other appropriate tool and removed.

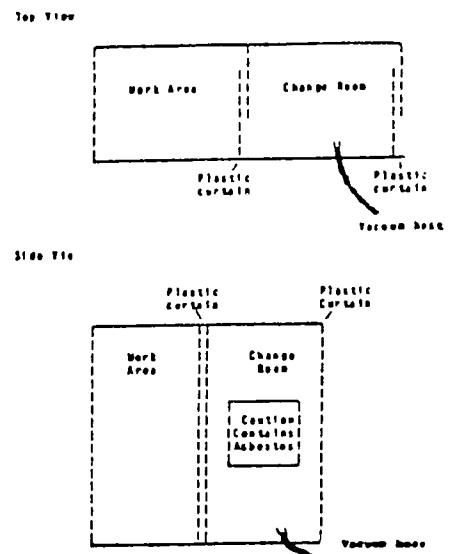
A wetting agent must then be used to spray any layer of dry material that is exposed beneath the mesh, the surface of the stripped underlying structure, and the inside of the glove bag.

(v) After removal of the layer of asbestos-containing material, the pipe or surface from which asbestos has been removed must be thoroughly cleaned with a wire brush and wet wiped with a wetting agent until no traces of the asbestos-containing material can be seen.

(vi) Any asbestos-containing insulation edges that have been exposed as a result of the removal or maintenance activity must be encapsulated with bridging encapsulant to ensure that the edges do not release asbestos fibers to the atmosphere after the glove bag has been removed.

(vii) When the asbestos removal and encapsulation have been completed, a vacuum hose from a HEPA-filtered vacuum must be inserted into the glove bag through the port to remove any air in the bag that may contain asbestos fibers. When the air has been removed from the bag, the bag should be squeezed tightly (as close to the top as possible), twisted, and sealed with tape, to keep the asbestos materials safely in the bottom of the bag. The HEPA vacuum can then be removed from the bag and the glove bag itself can be removed from the work area to be disposed of properly (Figure J-1(D)).

Figure J-2. Schematic of mini-enclosure



(6) Mini-enclosures. In some instances, such as removal of asbestos from a small ventilation system or from a short length of duct, a glove bag may not be either large enough or of the proper shape to enclose

the work area. In such cases, a mini-enclosure can be built around the area where small-scale, short-duration asbestos maintenance or renovation work is to be performed (Figure J-2). Such an enclosure should be constructed of 6-mil-thick polyethylene plastic sheeting and can be small enough to restrict entry to the asbestos work area to one worker.

For example, a mini-enclosure can be built in a small utility closet when asbestos-containing duct covering is to be removed. The enclosure is constructed by:

- (a) Affixing plastic sheeting to the walls with spray adhesive and tape;
- (b) Covering the floor with plastic and sealing the plastic covering the floor to the plastic on the walls;
- (c) Sealing any penetrations such as pipes or electrical conduits with tape; and
- (d) Constructing a small change room (approximately three feet square) made of 6-mil-thick polyethylene plastic supported by two-inch by four-inch lumber (the plastic should be attached to the lumber supports with staples or spray adhesive and tape).

The change room should be contiguous to the mini enclosure, and is necessary to allow the worker to vacuum off his protective coveralls and remove them before leaving the work area. While inside the enclosure, the worker should wear Tyvek¹ disposable coveralls and use the appropriate HEPA filtered dual cartridge respiratory protection.

The advantages of mini-enclosures are that they limit the spread of asbestos contamination, reduce the potential exposure of bystanders and other workers who may be working in adjacent areas, and are quick and easy to install. The disadvantage of mini-enclosures is that they may be too small to contain the equipment necessary to create a negative pressure within the enclosure; however, the double layer of plastic sheeting will serve to restrict the release of asbestos fibers to the area outside the enclosure.

(7) Removal of entire structures. When pipes are insulated with asbestos-containing materials, removal of the entire pipe may be more protective, easier, and more cost-effective than stripping the asbestos insulation from the pipe. Before such a pipe is cut, the asbestos-containing insulation must be wrapped with 6-mil polyethylene plastic and securely sealed with duct tape or equivalent. This plastic covering will prevent asbestos fibers from becoming airborne as a result of the vibration created by the power saws used to cut the pipe. If possible, the pipes should be cut at locations that are not insulated to avoid disturbing the asbestos. If a pipe is completely insulated with asbestos-containing materials, small sections should be stripped using the glove-bag method described above before the pipe is cut at the stripped sections.

(8) Enclosure. The decision to enclose rather than remove asbestos-containing material from an area depends on the building owner's preference, i.e., for removal or containment. Owners consider such factors as cost effectiveness, the physical configuration of the work area, and the amount of traffic in the area when determining which abatement method to use.

If the owner chooses to enclose the structure rather than to remove the asbestos-containing material insulating it, a solid structure (air-tight walls and ceilings) must be built around the asbestos covered pipe or structure to prevent the release of asbestos-containing materials into the area beyond the enclosure and to prevent disturbing these materials by casual contact during future maintenance operations.

Such a permanent (i.e., for the life of the building) enclosure should be built of new construction materials and should be impact resistant and airtight. Enclosure walls should be made of tongue-and-groove boards, boards with spine joints, or gypsum boards having taped seams. The underlying structure must be able to support the weight of the enclosure. (Suspended ceilings with laid in panels do not provide airtight enclosures and should not be used to enclose structures covered with asbestos-containing materials.) All joints between the walls and ceiling of the enclosure should be caulked to prevent the escape of asbestos fibers. During the installation of enclosures, tools that are used (such as drills or rivet tools) should be equipped with HEPA-filtered vacuums. Before constructing the enclosure, all electrical conduits, telephone lines, recessed lights, and pipes in the area to be enclosed should be moved to ensure that the enclosure will not have to be reopened later for routine or emergency maintenance. If such lights or other equipment cannot be moved to a new location for logistic reasons, or if moving them will disturb the asbestos-containing materials, removal rather than enclosure of the asbestos-containing materials is the appropriate control method to use.

(9) Maintenance program. An asbestos maintenance program must be initiated in all facilities that have asbestos-containing materials. Such a program should include:

Development of an inventory of all asbestos-containing materials in the facility;

Periodic examination of all asbestos-containing materials to detect deterioration;

Written procedures for handling asbestos materials during the performance of small-scale, short-duration maintenance and renovation activities;

Written procedures for asbestos disposal; and

Written procedures for dealing with asbestos-related emergencies.

Members of the building's maintenance engineering staff (electricians, heating/air conditioning engineers, plumbers, etc.) who may be required to handle asbestos-containing materials should be trained in safe procedures. Such training should include at a minimum:

Information regarding types of asbestos and its various uses and forms;

Information on the health effects associated with asbestos exposure;

Descriptions of the proper methods of handling asbestos-containing materials; and

Information on the use of HEPA-equipped dual cartridge respiratory and other personal protection during maintenance activities.

(10) Prohibited activities. The training program for the maintenance engineering staff should describe methods of handling asbestos-containing materials as well as routine maintenance activities that are prohibited when asbestos-containing materials are involved. For example, maintenance staff employees should be instructed:

Not to drill holes in asbestos-containing materials;

Not to hang plants or pictures on structures covered with asbestos-containing materials;

Not to sand asbestos-containing floor tile;

Not to damage asbestos-containing materials while moving furniture or other objects;

Not to install curtains, drapes, or dividers in such a way that they damage asbestos-containing materials;

Not to dust floors, ceilings, moldings or other surfaces in asbestos-contaminated environments with a dry brush or sweep with a dry broom;

Not to use an ordinary vacuum to clean up asbestos-containing debris;

Not to remove ceiling tiles below asbestos-containing materials without wearing the proper respiratory protection, clearing the area of other people, and observing asbestos removal waste disposal procedures;

Not to remove ventilation system filters dry; and

Not to shake ventilation system filters.

* Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

¹ Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

NEW SECTION

WAC 296-62-07761 NONASBESTIFORM TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE. (1) Definitions. For the purpose of this section:

(a) "Department" means the department of labor and industries.

(b) "Director" means the director of the department of labor and industries or his/her authorized representatives.

(c) "Employee exposure" means that exposure to airborne tremolite, anthophyllite, actinolite, or a combination of these minerals that would occur if the employee were not using respiratory protective equipment.

(d) "Fiber" means a particulate form of tremolite, anthophyllite, or actinolite, five micrometers or longer, with a length-to-diameter ratio of at least three to one.

(e) "Tremolite, anthophyllite, or actinolite" means the nonasbestos form of these minerals, and any of these minerals that have been chemically treated and/or altered.

(2) Permissible exposure to airborne concentrations of tremolite, anthophyllite, and actinolite fibers including any combination of these minerals.

(a) The eight-hour time-weighted average airborne concentration of tremolite, anthophyllite, and actinolite fibers to which any employee may be exposed shall not exceed two fibers per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.

(b) Ceiling concentration. No employee shall be exposed at any time to an airborne concentration of tremolite, anthophyllite, and actinolite

fibers in excess of ten fibers per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.

(3) Methods of compliance.

(a) Engineering methods.

(i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in subsection (2) of this section.

(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(iii) Particular tools. All hand-operated and power-operated tools which may produce or release tremolite, anthophyllite, and actinolite fibers in excess of the exposure limits prescribed in subsection (2) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (a)(ii) of this subsection.

(b) Work practices.

(i) Wet methods. Insofar as practicable, tremolite, anthophyllite, and actinolite shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in subsection (2) of this section, unless the usefulness of the product would be diminished thereby.

(ii) Particular products and operations. No tremolite, anthophyllite, and actinolite cement, mortar, coating, grout, plaster, or similar material containing tremolite, anthophyllite, and actinolite shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne tremolite, anthophyllite, and actinolite fibers in excess of the limits prescribed in subsection (2) of this section.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of tremolite, anthophyllite, and actinolite, the removal, or demolition of pipes, structures, or equipment covered or insulated with tremolite, anthophyllite, and actinolite, and in the removal or demolition of tremolite, anthophyllite, and actinolite insulation or coverings shall be provided with Type "C" supplied air respiratory equipment and with special clothing in accordance with subsection (4)(c) of this section.

(4) Personal protective equipment.

(a) Compliance with the exposure limits prescribed by subsection (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by subsection (3) of this section.

(ii) In work situations in which the methods prescribed in subsection (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentration of tremolite, anthophyllite, and actinolite fibers below the limits prescribed by subsection (2) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by (a)(i), (ii), or (iii) of this subsection, and both are practicable, personnel rotation shall be preferred and used.

(b) Where a respirator is permitted by (a)(i), (ii), or (iii) of this subsection, it shall comply with the applicable provisions of WAC 296-62-071.

(i) Respirator selection. The employer shall select, provide, and ensure the use of respirators, at no cost to the employees, in accordance with the respirator protection factors listed in Table 1 of this section.

(ii) Establishment of a respirator program.

(A) The employer shall establish a respirator program in accordance with the requirements of chapter 296-62 WAC.

(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his/her use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he/she is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he/she had just prior to such transfer, if such a different position is available.

(c) Special clothing: The employer shall provide at no cost, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to an airborne concentration of tremolite, anthophyllite, and actinolite fibers, which exceeds 2 f/cc.

(d) Change rooms:

(i) At any place of employment exposed to an airborne concentration of tremolite, anthophyllite, and actinolite fibers in excess of the exposure limits prescribed in subsection (2) of this section, the employer shall provide change rooms for employees.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his/her work clothes.

(iii) Laundering:

(A) Laundering of tremolite, anthophyllite, and actinolite contaminated clothing shall be done so as to prevent the release of airborne fibers in excess of the exposure limits prescribed in subsection (2) of this section.

(B) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (d) of this subsection to effectively prevent the release of airborne tremolite, anthophyllite, and actinolite fibers in excess of the exposure limits prescribed in subsection (2) of this section.

(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with subsection (7)(b) of this section.

(5) Method of measurement. All determinations of airborne concentrations of tremolite, anthophyllite, and actinolite fibers shall be made by the membrane filter method at 400-450 X (magnification) four millimeter objective with phase contrast illumination.

(6) Monitoring.

(a) Initial determinations. Every employer shall cause every place of employment where tremolite, anthophyllite, and actinolite fibers are released to be monitored in such a way as to determine whether every employee's exposure to tremolite, anthophyllite, and actinolite fibers is below the limits prescribed in subsection (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with subsection (3) of this section.

(b) Personal monitoring.

(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentration and of the ceiling concentration of tremolite, anthophyllite, and actinolite fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than six months for employees whose exposure to tremolite, anthophyllite, and actinolite may reasonably be foreseen to exceed the limits prescribed by subsection (2) of this section.

(c) Environmental monitoring.

(i) Samples shall be collected from areas of a work environment which are representative of the airborne concentration of tremolite, anthophyllite, and actinolite fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentration and of the ceiling concentration of tremolite, anthophyllite, and actinolite fibers.

(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than six months for employees whose exposures to tremolite, anthophyllite, and actinolite may reasonably be foreseen to exceed the exposure limits prescribed in subsection (2) of this section.

(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this subsection and shall have access to the records thereof.

(7) Caution signs and labels.

(a) Caution signs.

(i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of tremolite, anthophyllite, and

actinolite fibers are reasonably expected to be released or where airborne concentrations of tremolite, anthophyllite, and actinolite fibers may be in excess of the exposure limits prescribed in subsection (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing airborne tremolite, anthophyllite, and actinolite fibers.

(ii) Sign specifications. The warning signs required by (a)(i) of this subsection shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision.

Legend	Notation
Tremolite, anthophyllite, and actinolite	1" Sans Serif, Gothic or Block.
Dust hazard	3/4" Sans Serif, Gothic or Block.
Avoid breathing dust	1/4" Gothic.
Wear assigned protective equipment	1/4" Gothic.
Do not remain in area unless your work requires it	1/4" Gothic.
Breathing tremolite, anthophyllite, and actinolite fibers may be hazardous to your health	14 point Gothic.

Spacing between lines shall be at least equal to the height of the upper of any two lines.

(b) Caution labels.

(i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing tremolite, anthophyllite, and actinolite fibers, or to their containers, except that no label is required where fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne fibers will be released.

(ii) Label specifications. The caution labels required by (b)(i) of this subsection shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:

CAUTION

Contains Tremolite, Anthophyllite, or Actinolite Fibers

Avoid Creating Dust

Breathing Tremolite, Anthophyllite, or Actinolite Fibers May Cause
Serious Bodily Harm

(8) Housekeeping.

(a) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of tremolite, anthophyllite, and actinolite fibers.

(b) Waste disposal. Tremolite, anthophyllite, and actinolite waste, scrap, debris, bags, containers, equipment, and contaminated clothing, consigned for disposal, shall be collected and disposed of in sealed impermeable bags at least 6 mils in thickness, or other closed, impermeable containers.

(c) Deterioration. Friable tremolite, anthophyllite, or actinolite and friable tremolite, anthophyllite, or actinolite containing material which has become damaged or deteriorated shall be repaired, enclosed, encapsulated, or removed.

(9) Recordkeeping.

(a) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by subsection (6) of this section. Records shall be maintained for a period of at least thirty years and shall be made available upon request to the director of the department of labor and industries.

(b) Access. Employee exposure records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and WAC 296-62-05213 through 296-62-05217.

(c) Employee notification. Any employee found to have been exposed at any time to an airborne concentration of tremolite, anthophyllite, or actinolite fibers in excess of the limits prescribed in subsection (2) of this section shall be notified in writing of the exposure as soon as practicable but not later than five days of the finding. The employee shall also be timely notified of the corrective action being taken.

(10) Medical examinations.

(a) General. The employer shall provide or make available at his/her cost, medical examinations relative to exposure to tremolite, anthophyllite, or actinolite required by this section.

(b) Preplacement. The employer shall provide or make available to each of his/her employees, within thirty calendar days following his/her first employment in an occupation exposed to an airborne concentration of tremolite, anthophyllite, or actinolite fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(c) Annual examinations. Every employer shall provide or make available on an annual basis, comprehensive medical examinations to each of his/her employees engaged in occupations exposed to airborne concentrations of tremolite, anthophyllite, and actinolite fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(d) Termination of employment. The employer shall provide, or make available, within thirty calendar days before or after the termination of employment of any employee engaged in an occupation exposed to an airborne concentration of tremolite, anthophyllite, or actinolite fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(e) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past one-year period.

(f) Medical records.

(i) Maintenance. Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least thirty years.

(ii) Access. Records of the medical examinations required by this subsection shall be provided upon request to employees, designated representative and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and WAC 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director of the department of labor and industries. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection, and any other medical information related to occupational exposure to tremolite, anthophyllite, and actinolite fibers.

TABLE 1—RESPIRATORY PROTECTION FOR TREMOLITE, ANTHOPHYLLITE, AND ACTINOLITE FIBERS

CONCENTRATION OF TREMOLITE, ANTHOPHYLLITE, ACTINOLITE, OR A COMBINATION OF THESE MINERALS	REQUIRED RESPIRATOR ^a
Not in excess of 2 f/cc.	1. Half-mask, air-purifying respirator equipped with high-efficiency cartridge filters. ^b
Not in excess of 10 f/cc.	1. Full facepiece air-purifying respirator equipped with high-efficiency filters.
Not in excess of 20 f/cc	1. Any powered air-purifying respirator equipped with high-efficiency filters. 2. Any supplied-air respirator operated in continuous flow mode.
Not in excess of 200 f/cc.	1. Full facepiece supplied-air respirator operated in pressure demand mode.

CONCENTRATION OF
TREMOLITE, ANTHOPHYLLITE,
ACTINOLITE, OR A
COMBINATION OF
THESE MINERALS

REQUIRED RESPIRATOR^a

Greater than 200 f/cc
or unknown concentration.

1. Full facepiece supplied-air respirator operated in pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter.
2. Full facepiece positive-pressure self-contained breathing apparatus (SCBA).

- Note: a. Respirators assigned for higher environmental concentrations may be used at lower concentrations.
- b. A high-efficiency filter means a filter that is capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07729 OBSERVATION OF MONITORING.

AMENDATORY SECTION (Amending Order 85-30, filed 10/22/85)

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 fiber((s))" means asbestos fiber((s longer than 5 micrometers)) as defined in WAC 296-62-07703.
- (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 nonasbestos 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.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

WAC 296-65-005 TRAINING COURSE CONTENT. An approved basic asbestos course shall consist of at least thirty 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 ((296-62-07547)) 296-62-07725, any additional recommended procedures and tests, benefits of medical monitoring and employee access to records.
- (7) Air monitoring procedures and requirements specified in WAC 296-62-07709 ((and 296-155-17530)), 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 49.17 RCW (Health and safety—Asbestos), 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~~) 296-62-07715 and 296-62-07739;

(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.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

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 forty-five days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program
Department of Labor and
Industries, HC-412
805 Plum Street S.E.
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 sixty 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~~) thirty calendar days 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~~) at least thirty calendar days prior to (~~expanding class size beyond thirty participants~~) scheduling the training course.

(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).

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

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~~) a federal, state, or local 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~~) by the federal, state, or local agency and may be mailed to:

Asbestos Certification Program
Department of Labor and
Industries, HC-412
805 Plum Street S.E.
P.O. Box 207
Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 85-30, filed 10/22/85)

WAC 296-65-025 CERTIFICATE FEE. (1) A nonrefundable administrative fee of twenty-five dollars 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 nonrefundable administrative fee of one hundred fifty dollars shall be assessed for each initial or renewal application for (~~an approved~~) training course (~~certificate~~) approval. 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-65-040 APPEALS—NOTICE AND FILING.
WAC 296-65-045 APPEALS—PROCEDURE.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

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 subsection (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) Whenever internal combustion equipment exhausts in enclosed spaces, tests shall be made and recorded to ensure 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.

(4) Whenever any employee is exposed to asbestos, the provisions of the general occupational health standards, chapter 296-62 WAC shall apply.

AMENDATORY SECTION (Amending Order 87-06, filed 4/27/87)

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 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 be determined whether asbestos, hazardous materials, hazardous chemicals, gases, explosives, flammable materials, or similarly dangerous substances are present at the work site. When the presence of any such substance 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 (~~WAC 296-155-175 through 296-155-193 and~~) 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 thirty-six and forty-two inches.

(12) When debris is dropped without the use of chutes, the area onto which the material is dropped shall be completely enclosed with barricades not less than forty-two inches high and not less than twenty 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 eight feet. All such canopies shall be at least two feet wider than the building entrances or openings one foot wider on each side thereof, and shall be capable of sustaining a load of one hundred fifty 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 87-06, filed 4/27/87)

WAC 296-62-05405 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Article – a manufactured item:

(a) Which is formed to a specific shape or design during manufacture;

(b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) Which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

(2) Chemical – any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer – an employer with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name – the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(5) Combustible liquid – any liquid having a flashpoint at or above 100°F (37.8°C), but 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 ninety-nine percent or more of the total volume of the mixture.

(6) Common name – any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

(7) Compressed gas

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(8) Container – any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous

chemical. For purposes of this section, pipes or piping systems are not considered to be containers.

(9) Designated representative – any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(10) Director – the director of the department of labor and industries or his/her designee.

(11) Distributor – a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to purchasers.

(12) Employee – means an employee of an employer who is employed in the business of his or her 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 personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this subsection, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock.

(13) Employer – means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract 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.

(14) Explosive – a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(15) Exposure or exposed – an employee that is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

(16) Flammable – a chemical that falls into one of the following categories:

(a) Aerosol flammable – an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable – 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 ninety-nine percent or more of the total volume of the mixture.

(d) Solid, flammable – a solid, other than a blasting agent or explosive as defined in ~~(29 CFR 1910.109(a))~~ WAC 296-52-030, that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(17) Flashpoint – the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester – (see American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester – (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain

suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester – (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(18) Foreseeable emergency – any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

(19) Hazardous chemical – any chemical which is a physical hazard or a health hazard.

(20) Hazard warning – any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazards of the chemical(s) in the container(s).

(21) Health hazard – a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

(22) Identity – any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

(23) Immediate use – that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

(24) Importer – the first business within Washington which receives hazardous chemicals produced in other states or countries, for the purpose of supplying them to distributors or purchasers within Washington.

(25) Label – any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(26) Material safety data sheet (MSDS) – written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(27) Mixture – any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(28) Organic peroxide – an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(29) Oxidizer – a chemical other than a blasting agent or explosive as defined in WAC 296-52-030, that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(30) Physical hazard – a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(31) Produce – to manufacture, process, formulate, or repackage.

(32) Purchaser – an employer with a workplace who purchases a hazardous chemical for use within that workplace.

(33) Pyrophoric – a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(34) Responsible party – someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(35) Specific chemical identity – the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

(36) Trade secret – any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC

296-62-05427, Appendix D, sets out the criteria to be used in evaluating trade secrets.

(37) Unstable (reactive) – a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

(38) Use – to package, handle, react, or transfer.

(39) Water-reactive – a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(40) Work area – a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(41) Workplace – an establishment at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-58503 SCOPE, APPLICATION AND DEFINITIONS APPLICABLE. (1) Scope. This subpart contains requirements for fire brigades, and all portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems installed to meet the fire protection requirements of chapter 296-24 WAC.

(2) Application. This subpart applies to all employments except for maritime, construction, and agriculture.

(3) Definitions applicable to this subpart.

(a) "After-flame," means the time a test specimen continues to flame after the flame source has been removed.

(b) "Aqueous film forming foam (AFFF)," means a fluorinated surfactant with a foam stabilizer which is diluted with water to act as a temporary barrier to exclude air from mixing with the fuel vapor by developing an aqueous film on the fuel surface of some hydrocarbons which is capable of suppressing the generation of fuel vapors.

(c) "Approved," means acceptable to the director under the following criteria:

(i) If it is accepted, or certified, or listed, or labeled or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc. or the Factory Mutual System; or

(ii) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency and found in compliance with the provisions of the applicable National Fire Protection Association Fire Code; or

(iii) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director; and

(iv) For the purposes of ~~((this subsection (3)))~~ (c) of this ~~((section))~~ subsection:

(A) Equipment is listed if it is of a kind mentioned in a list which is published by a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and which states that such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(B) Equipment is labeled if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(C) Equipment is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes; and

(D) Equipment is certified if it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and if it bears a label, tag, or other record of certification.

(d) "Automatic fire detection device," means a device designed to automatically detect the presence of fire by heat, flame, light, smoke or other products of combustion.

(e) "Buddy-breathing device," means an accessory to self-contained breathing apparatus which permits a second person to share the same air supply as that of the wearer of the apparatus.

(f) "Carbon dioxide," means a colorless, odorless, electrically nonconductive inert gas (chemical formula CO₂) that is a medium for

extinguishing fires by reducing the concentration of oxygen or fuel vapor in the air to the point where combustion is impossible.

(g) "Class A fire," means a fire involving ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials.

(h) "Class B fire," means a fire involving flammable or combustible liquids, flammable gases, greases and similar materials, and some rubber and plastic materials.

(i) "Class C fire," means a fire involving energized electrical equipment where safety to the employee requires the use of electrically nonconductive extinguishing media.

(j) "Class D fire," means a fire involving combustible metals such as magnesium, titanium, zirconium, sodium, lithium and potassium.

(k) "Dry chemical," means an extinguishing agent composed of very small particles of chemicals such as, but not limited to, sodium bicarbonate, potassium bicarbonate, urea-based potassium bicarbonate, potassium chloride, or monoammonium phosphate supplemented by special treatment to provide resistance to packing and moisture absorption (caking) as well as to provide proper flow capabilities. Dry chemical does not include dry powders.

(l) "Dry powder," means a compound used to extinguish or control Class D fires.

(m) "Education," means the process of imparting knowledge or skill through systematic instruction. It does not require formal classroom instruction.

(n) "Enclosed structure," means a structure with a roof or ceiling and at least two walls which may present fire hazards to employees, such as accumulations of smoke, toxic gases and heat similar to those found in buildings.

(o) "Extinguisher classification," means the letter classification given an extinguisher to designate the class or classes of fire on which an extinguisher will be effective.

(p) "Extinguisher rating," means the numerical rating given to an extinguisher which indicates the extinguishing potential of the unit based on standardized tests developed by Underwriters' Laboratories, Inc.

(q) "Fire brigade," (private fire department, industrial fire department) means an organized group of employees who are knowledgeable, trained, and skilled in at least basic fire fighting operations.

(r) "Fixed extinguishing system," means a permanently installed system that either extinguishes or controls a fire at the location of the system.

(s) "Flame resistance," is the property of materials, or combinations of component materials, to retard ignition and restrict the spread of flame.

(t) "Foam," means a stable aggregation of small bubbles which flow freely over a burning liquid surface and form a coherent blanket which seals combustible vapors and thereby extinguishes the fire.

(u) "Gaseous agent," is a fire extinguishing agent which is in the gaseous state at normal room temperature and pressure. It has low viscosity, can expand or contract with changes in pressure and temperature, and has the ability to diffuse readily and to distribute itself uniformly throughout an enclosure.

(v) "Halon 1211," means a colorless, faintly sweet smelling, electrically nonconductive liquefied gas (chemical formula CBrClF₂) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromochlorodifluoromethane.

(w) "Halon 1301," means a colorless, odorless, electrically nonconductive gas (chemical formula CBrF₃) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromotrifluoromethane.

(x) "Helmet," is a head protective device consisting of a rigid shell, energy absorption system and chin strap intended to be worn to provide protection for the head or portions thereof, against impact, flying or falling objects, electric shock, penetration, heat and flame.

(y) "Incipient stage fire," means a fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

(z) "Inspection," means a visual check of fire protection systems and equipment to ensure that they are in place, charged, and ready for use in the event of a fire.

(aa) "Interior structural fire fighting," means the physical activity of fire suppression, rescue or both, inside of buildings or enclosed

structures which are involved in a fire situation beyond the incipient stage.

(bb) "Lining," means a material permanently attached to the inside of the outer shell of a garment for the purpose of thermal protection and padding.

(cc) "Local application system," means a fixed fire suppression system which has a supply of extinguishing agent, with nozzles arranged to automatically discharge extinguishing agent directly on the burning material to extinguish or control a fire.

(dd) "Maintenance," means the performance of services on fire protection equipment and systems to assure that they will perform as expected in the event of a fire. Maintenance differs from inspection in that maintenance requires the checking of internal fitting, devices and agent supplies.

(ee) "Multipurpose dry chemical," means a dry chemical which is approved for use on Class A, Class B and Class C fires.

(ff) "Outer shell," is the exterior layer of material on the fire coat and protective trousers which forms the outermost barrier between the fire fighter and the environment. It is attached to the vapor barrier and liner and is usually constructed with a storm flap, suitable closures, and pockets.

(gg) "Positive-pressure breathing apparatus," means self-contained breathing apparatus in which the pressure in the breathing zone is positive in relation to the immediate environment during inhalation and exhalation.

(hh) "Predischarge employee alarm," means an alarm which will sound at a set time prior to actual discharge of an extinguishing system so that employees may evacuate the discharge area prior to system discharge.

(ii) "Quick disconnect valve," means a device which starts the flow of air by inserting of the hose (which leads from the facepiece) into the regulator of self-contained breathing apparatus, and stops the flow of air by disconnection of the hose from the regulator.

(jj) "Sprinkler alarm," means an approved device installed so that any waterflow from a sprinkler system equal to or greater than that from single automatic sprinkler will result in an audible alarm signal on the premises.

(kk) "Sprinkler system," means a system of piping designed in accordance with fire protection engineering standards and installed to control or extinguish fires. The system includes an adequate and reliable water supply, and a network of specially sized piping and sprinklers which are interconnected. The system also includes a control valve and a device for actuating an alarm when the system is in operation.

(ll) "Standpipe systems:"

(i) "Class I standpipe system," means a two and one-half-inch (6.3 cm) hose connection for use by fire departments and those trained in handling heavy fire streams.

(ii) "Class II standpipe system," means a one and one-half-inch (3.8 cm) hose system which provides a means for the control or extinguishment of incipient stage fires.

(iii) "Class III standpipe system," means a combined system of hose which is for the use of employees trained in the use of hose operations and which is capable of furnishing effective water discharge during the more advanced stages of fire (beyond the incipient stage) in the interior of workplaces. Hose outlets are available for both one and one-half-inch (3.8 cm) and two and one-half-inch (6.3 cm) hose.

(iv) "Small hose system," means a system of hose ranging in diameter from five-eighths-inch (1.6 cm) up to one and one-half-inch (3.8 cm) which is for the use of employees and which provides a means for the control and extinguishment of incipient stage fires.

(mm) "Total flooding system," means a fixed suppression system which is arranged to automatically discharge a predetermined concentration of agent into an enclosed space for the purpose of fire extinguishment or control.

(nn) "Training," means the process of making proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used in the performance of assigned duties.

(oo) "Vapor barrier," means that material used to prevent or substantially inhibit the transfer of water, corrosive liquids and steam or other hot vapors from the outside of a garment to the wearer's body.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-58513 PROTECTIVE CLOTHING. The following requirements apply to those employees who perform interior

structural fire fighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.

(1) General.

(a) The employer shall provide at no cost to the employee and assure the use of protective clothing which complies with the requirements of this section. The employer shall assure that protective clothing ordered or purchased after January 1, 1982, meets the requirements contained in this section. As the new equipment is provided, the employer shall assure that all fire brigade members wear the equipment when performing interior structural fire fighting. After July 1, 1985, the employer shall assure that all fire brigade members wear protective clothing meeting the requirements of this section when performing interior structural fire fighting.

(b) The employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components: Foot and leg protection; hand protection; body protection; eye, face and head protection.

(2) Foot and leg protection.

(a) Foot and leg protection shall meet the requirements of ~~((subsection (2)))~~ (b) and (c) of this ~~((section))~~ subsection, and may be achieved by either of the following methods:

(i) Fully extended boots which provide protection for the legs; or

(ii) Protective shoes or boots worn in combination with protective trousers that meet the requirements of subsection (3) of this section.

(b) Protective footwear shall meet the requirements of WAC 296-24-088 for Class 75 footwear. In addition, protective footwear shall be water-resistant for at least five inches (12.7 cm) above the bottom of the heel and shall be equipped with slip-resistant outer soles.

(c) Protective footwear shall be tested in accordance with paragraph (1) Appendix E, and shall provide protection against penetration of the midsole by a size 8D common nail when at least 300 pounds (1330 N) of static force is applied to the nail.

(3) Body protection.

(a) Body protection shall be coordinated with foot and leg protection to ensure full body protection for the wearer. This shall be achieved by one of the following methods:

(i) Wearing of a fire-resistant coat meeting the requirements of ~~((subsection (3)))~~ (b) of this ~~((section))~~ subsection, in combination with fully extended boots meeting the requirements of subsection (2)(b) and (c) of this section; or

d,21(ii) Wearing of fire-resistant coat in combination with protective trousers both of which meet the requirements of ~~((subsection (3)))~~ (b) of this ~~((section))~~ subsection.

(b) The performance, construction, and testing of fire-resistant coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No. 1971-1975, "Protective Clothing for Structural Fire Fighting," (see Appendix D) with the following permissible variations from those requirements:

(i) Tearing strength of the outer shell shall be a minimum of eight pounds (35.6 N) in any direction when tested in accordance with paragraph (2) of Appendix E; and

(ii) The outer shell may discolor but shall not separate or melt when placed in a forced air laboratory oven at a temperature of 500°F (260°C) for a period of five minutes. After cooling to ambient temperature and using the test method specified in paragraph (3) of Appendix E, char length shall not exceed 4.0 inches (10.2 cm) and after-flame shall not exceed 2.0 seconds.

(4) Hand protection.

(a) Hand protection shall consist of protective gloves or glove system which will provide protection against cut, puncture, and heat penetration. Gloves or glove system shall be tested in accordance with the test methods contained in the National Institute for Occupational Safety and Health (NIOSH) 1976 publication, "The Development of Criteria for Fire Fighter's Gloves; Vol. II, Part II: Test Methods," (see Appendix D to Subpart L) and shall meet the following criteria for cut, puncture, and heat penetration:

(i) Materials used for gloves shall resist surface cut by a blade with an edge having a 60 degree included angle and a .025 mm (.001 inch) radius, under an applied force of ~~((7.2 kg))~~ (16 pounds) 72N, and at a slicing velocity of greater or equal to 2.5 cm/sec (60 in/min);

(ii) Materials used for the palm and palm side of the fingers shall resist puncture by a penetrometer (simulating a 4d lath nail), under an applied force of ~~((6 kg))~~ (13.2 pounds) 60N, and at a velocity greater or equal to .85 cm/sec (20 in/min); and

(iii) The temperature inside the palm and gripping surface of the fingers of gloves shall not exceed 57°C (135°F) when gloves or glove system are exposed to 500°C (932°F) for five seconds at 28 kPa (4 psi) pressure.

(b) Exterior materials of gloves shall be flame resistant and shall be tested in accordance with paragraph (3) of Appendix E. Maximum allowable after-flame shall be 2.0 seconds, and the maximum char length shall be 4.0 inches (10.2 cm).

(c) When design of the fire-resistant coat does not otherwise provide protection for the wrists, protective gloves shall have wristlets of at least 4.0 inches (10.2 cm) in length to protect the wrist area when the arms are extended upward and outward from the body.

(5) Head, eye and face protection.

(a) Head protection shall consist of a protective head device with ear flaps and chin strap which meet the performance, construction, and testing requirements of the National Fire Safety and Research Office of the National Fire Prevention and Control Administration, United States Department of Commerce (now known as the United States Fire Administration), which are contained in, "Model Performance Criteria for Structural Firefighters' Helmets," (August 1977) (see Appendix D).

(b) Protective eye and face devices which comply with WAC 296-24-078 shall be used by fire brigade members when performing operations where the hazards of flying or falling materials which may cause eye and face injuries are present. Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted when such devices meet the requirements of WAC 296-24-078.

(c) Full facepieces, helmets, or hoods of breathing apparatus which meet the requirements of WAC 296-62-071 and 296-24-58515, shall be acceptable as meeting the eye and face protection requirements of ((subsection (5))) (b) of this ((section)) subsection.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-59211 HYDROSTATIC TESTING. (1) The employer shall assure that hydrostatic testing is performed by trained persons with suitable testing equipment and facilities.

(2) The employer shall assure that portable extinguishers are hydrostatically tested at the intervals listed in Table I of this section, except under any of the following conditions:

- (a) When the unit has been repaired by soldering, welding, brazing, or use of patching compounds;
- (b) When the cylinder or shell threads are damaged;

TABLE I

Type of Extinguishers	Test Interval (Years)
Soda acid (soldered brass shells) (until January 1, 1982)	(1)
Soda acid (stainless steel shell)	5
Cartridge operated water and/or antifreeze	5
Stored pressure water and/or antifreeze	5
Wetting agent	5
Foam (soldered brass shells) (until January 1, 1982)	(1)
Foam (stainless steel shell)	5
Aqueous film forming form (AFFF)	5
Loaded stream	5
Dry chemical with stainless steel	5
Carbon dioxide	5
Dry chemical, stored pressure, with mild steel, brazed brass or aluminum shells	12
Dry chemical, cartridge or cylinder operated, with mild steel shells	12
Halon 1211	12
Halon 1301	12
Dry powder, cartridge or cylinder operated, with mild steel shell	12

(1) Extinguishers having shells constructed of copper or brass joined by soft solder or rivets shall not be hydrostatically tested and shall be removed from service by January 1, 1982. (Not permitted.)

(c) When there is corrosion that has caused pitting, including corrosion under removable name plate assemblies;

(d) When the extinguisher has been burned in a fire; or

(e) When a calcium chloride extinguishing agent has been used in a stainless steel shell.

(3) In addition to an external visual examination, the employer shall assure that an internal examination of cylinders and shells to be tested is made prior to the hydrostatic tests.

(4) The employer shall assure that portable fire extinguishers are hydrostatically tested whenever they show new evidence of corrosion or mechanical injury, except under the conditions listed in subsection (2)(a) through (e) of this section.

(5) The employer shall assure that hydrostatic tests are performed on extinguisher hose assemblies which are equipped with a shut-off nozzle at the discharge end of the hose. The test interval shall be the same as specified for the extinguisher on which the hose is installed.

(6) The employer shall assure that carbon dioxide hose assemblies with a shut-off nozzle are hydrostatically tested at 1,250 psi (8,620 kPa).

(7) The employer shall assure that dry chemical and dry powder hose assemblies with a shut-off nozzle are hydrostatically tested at 300 psi (2,070 kPa).

(8) Hose assemblies passing a hydrostatic test do not require any type of recording or stamping.

(9) The employer shall assure that hose assemblies for carbon dioxide extinguishers that require a hydrostatic test are tested within a protective cage device.

(10) The employer shall assure that carbon dioxide extinguishers and nitrogen or carbon dioxide cylinders used with wheeled extinguishers are tested every five years at 5/3 of the service pressure as stamped into the cylinder. Nitrogen cylinders which comply with DOT 173.39(e)(15) may be hydrostatically tested every ten years.

(11) The employer shall assure that all stored pressure and Halon 1211 types of extinguishers are hydrostatically tested at the factory test pressure not to exceed two times the service pressure.

(12) The employer shall assure that acceptable self-generating type soda acid and foam extinguishers are tested at 350 psi (2,410 kPa).

(13) Air or gas pressure may not be used for hydrostatic testing.

(14) Extinguisher shells, cylinders, or cartridges which fail a hydrostatic pressure test, or which are not fit for testing shall be removed from service and from the workplace.

(15)(a) The equipment for testing compressed gas type cylinders shall be of the water-jacket type. The equipment shall be provided with an expansion indicator which operates with an accuracy within one percent of the total expansion or 0.1 cc (.1 mL) of liquid.

(b) The equipment for testing noncompressed gas type cylinders shall consist of the following:

(i) A hydrostatic test pump, hand or power operated, capable of producing not less than one hundred fifty percent of the test pressure, which shall include appropriate check valves and fittings;

(ii) A flexible connection for attachment to fittings to test through the extinguisher nozzle, test bonnet, or hose outlet, as is applicable; and

(iii) A protective cage or barrier for personal protection of the tester, designed to provide visual observation of the extinguisher under test.

(16) The employer shall maintain and provide upon request to the director evidence that the required hydrostatic testing of fire extinguishers has been performed at the time intervals shown in Table I. Such evidence shall include the date of test, the test pressure used, and the person or agency performing the test. Such records shall be kept until the extinguisher is hydrostatically retested at the time interval specified in Table I, or until the extinguisher is taken out of service, whichever is less.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-63399 APPENDIX C—FIRE PROTECTION REFERENCES FOR FURTHER INFORMATION. (1) Appendix general references. The following references provide information which can be helpful in understanding the requirements contained in all of the sections of Subpart L:

(A) Fire Protection Handbook, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(B) Accident Prevention Manual for Industrial Operations, National Safety Council, 425 North Michigan Avenue, Chicago, IL 60611.

(C) Various associations also publish information which may be useful in understanding these standards. Examples of these associations are: Fire Equipment Manufacturers Association (FEMA) of Arlington, VA 22204, and the National Association of Fire Equipment Distributors (NAFED) of Chicago, IL 60601.

(II) Appendix references applicable to individual sections. The following references are grouped according to individual sections contained in Subpart L. These references provide information which may be helpful in understanding and implementing the standards of each section of Subpart L.

(A) WAC 296-24-58505 - Fire brigades:

(1) Private Fire Brigades, NFPA 27; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Initial Fire Attack, Training Standard On, NFPA 197; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Fire Fighter Professional Qualifications, NFPA 1001; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(4) Organization for Fire Services, NFPA 1201; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(5) Organization of a Fire Department, NFPA 1202; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(6) Protective Clothing for Structural Fire Fighting, ANSI/NFPA 1971; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(7) American National Standard for Men's Safety-Toe Footwear, ANSI ((Z41)) Z41.1; American National Standards Institute, New York, NY 10018.

(8) American National Standard for Occupational and Educational Eye and Face Protection, ANSI Z87.1; American National Standards Institute, New York, NY 10018.

(9) American National Standard, Safety Requirements for Industrial Head Protection, ANSI Z89.1; American National Standards Institute, New York, NY 10018.

(10) Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1; American National Standards Institute, New York, NY 10018.

(11) Testing Physical Fitness; Davis and Santa Maria, Fire Command, April 1975.

(12) Development of a Job-Related Physical Performance Examination for Fire Fighters; Dotson and Others. A summary report for the National Fire Prevention and Control Administration, Washington, D.C., March 1977.

(13) Proposed Sample Standards for Fire Fighters' Protective Clothing and Equipment; International Association of Fire Fighters, Washington, D.C.

(14) A Study of Facepiece Leakage of Self-Contained Breathing Apparatus by DOP Man Tests; Los Alamos Scientific Laboratory, Los Alamos, N.M.

(15) The Development of Criteria for Fire Fighters' Gloves; Vol. II: Glove Criteria and Test Methods; National Institute for Occupational Safety and Health, Cincinnati, Ohio, 1976.

(16) Made Performance Criteria for Structural Fire Fighters' Helmets; National Fire Prevention and Control Administration, Washington, D.C., 1977.

(17) Firefighters; Job Safety and Health Magazine, Occupational Safety and Health Administration, Washington, D.C., June 1978.

(18) Eating Smoke—The Dispensable Diet; Utech, H.P. The Fire Independent, 1975.

(19) Project Monoxide—A Medical Study of an Occupational Hazard of Fire Fighters; International Association of Fire Fighters, Washington, D.C.

(20) Occupational Exposures to Carbon Monoxide in Baltimore Firefighters; Radford Baltimore, MD. Journal of Occupational Medicine, September, 1976.

(21) Fire Brigades; National Safety Council, Chicago, IL, 1966.

(22) American National Standard, Practice for Respiratory Protection for the Fire Service, ANSI Z88.5; American National Standards Institute, New York, NY 10018.

(23) Respirator Studies for the Nuclear Regulatory Commission; October 1, 1977—September 30, 1978. Evaluation and Performance of Open-Circuit Breathing Apparatus. NUREG/CR-1235. Los Alamos Scientific Laboratory; Los Alamos, NM 87545, January, 1980.

(B) WAC 296-24-592 - Portable fire extinguishers:

(1) Standard for Portable Fire Extinguishers, ANSI/NFPA 10; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Methods for Hydrostatic Testing of Compressed-Gas Cylinders, C-1; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(3) Recommendations for the Disposition of Unserviceable Compressed-Gas Cylinders, C-2; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(4) Standard for Visual Inspection of Compressed-Gas Cylinders, C-6; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(5) Portable Fire Extinguisher Selection Guide, National Association of Fire Equipment Distributors; 111 East Wacker Drive, Chicago, IL 60601.

(C) WAC 296-24-602 - Standpipe and hose systems:

(1) Standard for the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Standard of the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(4) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(5) Standard for Screw Threads and Gaskets for Fire Hose Connections, ANSI/NFPA 194; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(6) Standard for Fire Hose, NFPA 196; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(7) Standard for the Care of Fire Hose, NFPA 198; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(D) WAC 296-24-607 - Automatic sprinkler systems:

(1) Standard of the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Standard for the Care and Maintenance of Sprinkler Systems, ANSI/NFPA 13A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard for the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(4) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(5) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(6) Standard for Indoor General Storage, ANSI/NFPA 231; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(7) Standard for ((Rock)) Rack Storage of Materials, ANSI/NFPA 231C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(E) WAC 296-24-617 - Fixed extinguishing systems, general information:

(1) Standard for Foam Extinguishing Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Standard for Hi-Expansion Foam systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard on Synthetic Foam and Combined Agent Systems, ANSI/NFPA 11B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(4) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(5) Standard on Halon 1301, ANSI/NFPA 12A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(6) Standard on Halon 1211, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(7) Standard for Water Spray Systems, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(8) Standard for Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(9) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(F) WAC 296-24-622 - Fixed extinguishing systems, dry chemical:

(1) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapor from Commercial Cooling Equipment, NFPA 96; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(G) WAC 296-24-623 - Fixed extinguishing systems, gaseous agents:

(1) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Standard on Halon 1301, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard on Halon 1211, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(4) Standard on Explosion Prevention Systems, ANSI/NFPA 69; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(5) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(6) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(7) Determination of Halon 1301/1211 Threshold Extinguishing Concentrations Using the Cup Burner Method, Riley and Olson, Anslu Report AL-530-A.

(H) WAC 296-24-627 - Fixed extinguishing systems, water spray and foam agents:

(1) Standard for Foam Extinguisher Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Standard for High-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard for Water Spray Fixed Systems for Fire Protection, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(4) Standard for the Installation of Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(I) WAC 296-24-629 - Fire detection systems:

(1) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(J) WAC 296-24-631 - Employee alarm systems:

(1) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(2) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(3) Standard for Local Protective Signaling Systems, ANSI/NFPA 72A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(4) Standard for Auxiliary Protective Signaling Systems, ANSI/NFPA 72B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(5) Standard for Remote Station Protective Signaling Systems, ANSI/NFPA 72C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(6) Standard for Proprietary Protective Signaling Systems, ANSI/NFPA 72D; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(7) Vocal Emergency Alarms in Hospitals and Nursing Facilities: Practice and Potential, National Bureau of Standards, Washington, D.C., July, 1977.

(8) Fire Alarm and Communication Systems, National Bureau of Standards, Washington, D.C., April, 1976.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-63599 APPENDIX E—TEST METHODS FOR PROTECTIVE CLOTHING. This appendix contains test methods which must be used to determine if protective clothing affords the required level of protection as specified in WAC 296-24-58505 - fire brigades.

(1) Puncture resistance test method for foot protection.

(a) Apparatus. The puncture resistance test shall be performed on a testing machine having a movable platform adjusted to travel at one-quarter-inch per minute (0.1 cm/sec). Two blocks of hardwood, metal, or plastic shall be prepared as follows: The blocks shall be of such size and thickness as to insure a suitable rigid test ensemble and allow for at least one-inch of the pointed end of an 8D nail to be exposed for the penetration. One block shall have a hole drilled to hold an 8D common nail firmly at an angle of (~~98~~+/-2) 98°. The second block shall have a maximum one-half inch (1.3 cm) diameter hole drilled through it so that the hole will allow free passage of the nail after it penetrates the insole during the test.

(b) Procedure. The test ensemble consisting of the sample unit, the two prepared blocks, a piece of leather outsole ten to eleven irons thick and a new 8D nail, shall be placed as follows: The 8D nail in the hole, the sample of outsole stock superimposed above the nail, the area of the sole plate to be tested placed on the outsole, and the second block with hole so placed as to allow for free passage of the nail after it passes through the outsole stock and sole plate in that order. The machine shall be started and the pressure, in pounds required for the nail to completely penetrate the outsole and sole plate, recorded to the nearest five pounds. Two determinations shall be made on each sole plate and the results averaged. A new nail shall be used for each determination.

(c) Source. These test requirements are contained in "Military Specification For Fireman's Boots," MIL-B-2885D (1973 and amendment dated 1975) and are reproduced for your convenience.

(2) Test method for determining the strength of cloth by tearing: Trapezoid method.

(a) Test specimen. The specimen shall be a rectangle of cloth three-inches by six-inches (7.6 cm by 15.2 cm). The long dimension shall be parallel to the warp for warp tests and parallel to the filling for filling tests. No two specimens for warp tests shall contain the same warp yarns, nor shall any two specimens for filling tests contain the same filling yarns. The specimen shall be taken no nearer the selvage than 1/10 the width of the cloth. An isosceles trapezoid having an altitude of three inches (7.6 cm) and bases of one inch (2.5 cm) and four inches (10.2 cm) in length, respectively, shall be marked on each specimen, preferably with the aid of a template. A cut approximately three-eighths inch (1 cm) in length shall then be made in the center of a perpendicular to the one inch (2.5 cm) edge.

(b) Apparatus.

(i) Six-ounce (.17 kg) weight tension clamps shall be used so designed that the six ounces (.17 kg) of weight are distributed evenly across the complete width of the sample.

(ii) The machine shall consist of three main parts: Straining mechanism, clamps for holding specimen, and load and elongation recording mechanisms.

(iii) A machine wherein the specimen is held between two clamps and strained by a uniform movement of the pulling clamp shall be used.

(iv) The machine shall be adjusted so that the pulling clamp shall have a uniform speed of 12 ± 10.5 inches per minute (0.5 ± .02 cm/sec).

(v) The machine shall have two clamps with two jaws on each clamp. The design of the two clamps shall be such that one gripping surface or jaw may be an integral part of the rigid frame of the clamp or be fastened to allow a slight vertical movement, while the other gripping surface or jaw shall be completely moveable. The dimension of the immovable jaw of each clamp parallel to the application of the load shall measure one inch, and the dimension of the jaw perpendicular to this direction shall measure three inches or more. The face of the moveable jaw of each clamp shall measure one inch by three inches.

Each jaw face shall have a flat, smooth, gripping surface. All edges which might cause a cutting action shall be rounded to a radius of not over 1/64 inch (.04 cm). In cases where a cloth tends to slip when being tested, the jaws may be faced with rubber or other material to

prevent slippage. The distance between the jaws (gage length) shall be one inch at the start of the test.

(vi) Calibrated dial, scale or chart shall be used to indicate applied load and elongation. The machine shall be adjusted or set, so that the maximum load required to break the specimen will remain indicated on the calibrated dial or scale after the test specimen has ruptured.

(vii) The machine shall be of such capacity that the maximum load required to break the specimen shall be not greater than eighty-five percent or less than fifteen percent of the rated capacity.

(viii) The error of the machine shall not exceed two percent up to and including a fifty-pound load (22.6 kg) and one percent over a fifty-pound load (22.6 kg) at any reading within its loading range.

(ix) All machine attachments for determining maximum loads shall be disengaged during this test.

(c) Procedure.

(i) The specimen shall be clamped in the machine along the nonparallel sides of the trapezoid so that these sides lie along the lower edge of the upper clamp and the upper edge of the lower clamp with the cut halfway between the clamps. The short trapezoid base shall be held taut and the long trapezoid base shall lie in the folds.

(ii) The machine shall be started and the force necessary to tear the cloth shall be observed by means of an autographic recording device. The speed of the pulling clamp shall be 12 inches \pm 0.5-inch per minute (0.5 \pm .02 cm/sec).

(iii) If a specimen slips between the jaws, breaks in or at the edges of the jaws, or if for any reason attributable to faulty technique, an individual measurement falls markedly below the average test results for the sample unit, such result shall be discarded and another specimen shall be tested.

(iv) The tearing strength of the specimen shall be the average of the five highest peak loads of resistance registered for three inches (7.6 cm) of separation of the tear.

(d) Report.

(i) Five specimens in each of the warp and filling direction shall be tested from each sample unit.

(ii) The tearing strength of the sample unit shall be the average of the result obtained from the specimens tested in each of the warp and filling directions and shall be reported separately to the nearest 0.1 pound (.05 kg).

(e) Source. These test requirements are contained in "Federal Test Method Standard 191, Method 5136," and are reproduced for your convenience.

(3) Test method for determining flame resistance of cloth; vertical.

(a) Test specimen. The specimen shall be a rectangle of cloth two and three-quarter inches (7.0 cm) by twelve inches (30.5 cm) with the long dimension parallel to either the warp or filling direction of the cloth. No two warp specimens shall contain the same warp yarns, and no two filling specimens shall contain the same filling yarn.

(b) Number of determinations. Five specimens from each of the warp and filling directions shall be tested from each sample unit.

(c) Apparatus.

(i) Cabinet. A cabinet and accessories shall be fabricated in accordance with the requirements specified in Figures L-1, L-2, and L-3. Galvanized sheet metal or other suitable metal shall be used. The entire inside back wall of the cabinet shall be painted black to facilitate the viewing of the test specimen and pilot flame.

(ii) Burner. The burner shall be equipped with a variable orifice to adjust the flame height, a barrel having a three-eighth inch (9.5 mm) inside diameter and a pilot light.

(A) The burner may be constructed by combining a three-eighth inch ((9.5 mm)) (1 cm) inside diameter barrel $3 \pm 1/4$ -inches ((76.2 \pm 6.4 mm)) (7.6 \pm .6 cm) long from a fixed orifice burner with a base from a variable orifice burner.

(B) The pilot light tube shall have a diameter of approximately one-sixteenth inch ((1.6 mm)) (.2 cm) and shall be spaced one-eighth inch ((3.2 mm)) (.3 cm) away from the burner edge with a pilot flame one-eighth inch ((3.2 mm)) (.3 cm) long.

(C) The necessary gas connections and the applicable plumbing shall be as specified in Figure L-4 except that a solenoid valve may be used in lieu of the stopcock valve to which the burner is attached. The stopcock valve or solenoid valve, whichever is used, shall be capable of being fully opened or fully closed in 0.1 second.

(D) On the side of the barrel of the burner, opposite the pilot light there shall be a metal rod of approximately one-eighth inch ((3.2 mm)) (.3 cm) diameter spaced one-half inch ((12.7 mm)) (1.3 cm) from the barrel and extending above the burner. The rod shall have

two five-sixteenth inch ((7.9 mm)) (.8 cm) prongs marking the distances of three-quarters inch ((19 mm)) (1.9 cm), and one and one-half inches ((38.1 mm)) (3.8 cm) above the top of the burner.

(E) The burner shall be fixed in a position so that the center of the barrel of the burner is directly below the center of the specimen.

(iii) There shall be a control valve system with a delivery rate designed to furnish gas to the burner under a pressure of $2-1/2 \pm 1/4$ ((pounds (1.1 kg \pm 0.1 kg)) (psi) (17.5 \pm 1.8 kPa) per square inch at the burner inlet. The manufacturer's recommended delivery rate for the valve system shall be included in the required pressure.

(iv) A synthetic gas mixture shall be of the following composition within the following limits (analyzed at standard conditions): 55 ± 3 percent hydrogen, 24 ± 1 percent methane, 3 ± 1 percent ethane, and 18 ± 1 percent carbon monoxide which will give a specific gravity of 0.365 ± 0.018 (air = 1) and a B.T.U. content of 540 ± 20 per cubic foot (20.1 \pm 3.7 kJ/L) (dry basis) at 69.8 F (21 C).

(v) There shall be metal hooks and weights to produce a series of total loads to determine length of char. The metal hooks shall consist of No. 19 gage steel wire or equivalent and shall be made from three inch ((76.2 mm)) (7.6 cm) lengths of wire and bent one-half inch ((12.7 mm)) (1.3 cm) from one end to a 45-degree hook. One end of the hook shall be fastened around the neck of the weight to be used.

(vi) There shall be a stop watch or other device to measure the burning time 0.2 second.

(vii) There shall be a scale, graduated in 0.1 inch ((mm)) (.3 cm) to measure the length of char.

(d) Procedure.

(i) The material undergoing test shall be evaluated for the characteristics of after-flame time and char length on each specimen.

(ii) All specimens to be tested shall be at moisture equilibrium under standard atmospheric conditions in accordance with subsection (3)(c) of this appendix. Each specimen to be tested shall be exposed to the test flame within twenty seconds after removal from the standard atmosphere. In case of dispute, all testing will be conducted under standard atmospheric conditions in accordance with subsection (3)(c) of this appendix.

(iii) The specimen in its holder shall be suspended vertically in the cabinet in such a manner that the entire length of the specimen is exposed and the lower end is three-quarters inch ((19 mm)) (1.9 cm) above the top of the gas burner. The apparatus shall be set up in a draft-free area.

(iv) Prior to inserting the specimen, the pilot flame shall be adjusted to approximately one-eighth inch ((3.2 mm)) (.3 cm) in height measured from its lowest point to the tip.

The burner flame shall be adjusted by means of the needle valve in the base of the burner to give a flame height of one and one-half inches ((38.1 mm)) (3.8 cm) with the stopcock fully open and the air supply to burner shut off and taped. The one and one-half inch ((38.1 mm)) (3.8 cm) flame height is obtained by adjusting the valve so that the uppermost portion (tip) of the flame is level with the tip of the metal prong (see Fig. L-2) specified for adjustment of flame height. It is an important aspect of the evaluation that the flame height to be adjusted with the tip of the flame level with the tip of the metal prong. After inserting the specimen, the stopcock shall be fully opened, and the burner flame applied vertically at the middle of the lower edge of the specimen for twelve seconds and the burner turned off. The cabinet door shall remain shut during testing.

(v) The after-flame shall be the time the specimen continues to flame after the burner flame is shut off.

(vi) After each specimen is removed, the test cabinet shall be cleared of fumes and smoke prior to testing the next specimen.

(vii) After both flaming and glowing have ceased, the char length shall be measured. The char length shall be the distance from the end of the specimen, which was exposed to the flame, to the end of a tear (made lengthwise) of the specimen through the center of the charred area as follows: The specimen shall be folded lengthwise and creased by hand along a line through the highest peak of the charred area. The hook shall be inserted in the specimen (or a hole, one-quarter inch ((6.4 mm)) (.6 cm) diameter or less, punched out for the hook) at one side of the charred area one-quarter inch ((6.4 mm)) (.6 cm) from the adjacent outside edge and one-quarter inch ((6.4 mm)) (.6 cm) from the lower end. A weight of sufficient size such that the weight and hook together shall equal the total tearing load required in Table L-2 of this section shall be attached to the hook.

(viii) A tearing force shall be applied gently to the specimen by grasping the corner of the cloth at the opposite edge of the char from the load and raising the specimen and weight clear of the supporting

surface. The end of the tear shall be marked off on the edge and the char length measurement made along the undamaged edge.

Loads for determining char length applicable to the weight of the test cloth shall be as shown in Table L-2.

TABLE L-2

Specified weight per square yard of cloth before any fire retardant treatment or coating - ounces	Total learning weight for determining the charred length - pound
2.0 to 6.0	0.25
Over 6.0 to 15.0	0.50
Over 15.0 to 23.0	0.75
Over 23.0	1.0

To change into S.I. (System International) units, 1 ounce = 28.35 grams, 1 pound = 453 grams, 1 yard = .91 metre.

(ix) The after-flame time of the specimen shall be recorded to the nearest 0.2 second and the char length to the nearest 0.1 inch ((+ mm)) (.3 cm).

(e) Report.

(i) The after-flame time and char length of the sample unit shall be the average of the results obtained from the individual specimens tested. All values obtained from the individual specimens shall be recorded.

(ii) The after-flame time shall be reported in the nearest 0.2 second and the char length to the nearest 0.1 inch ((+ mm)) (.3 cm).

(f) Source. These test requirements are contained in "Federal Test Method Standard 191, Method 5903 (1971)," and are reproduced for your convenience.

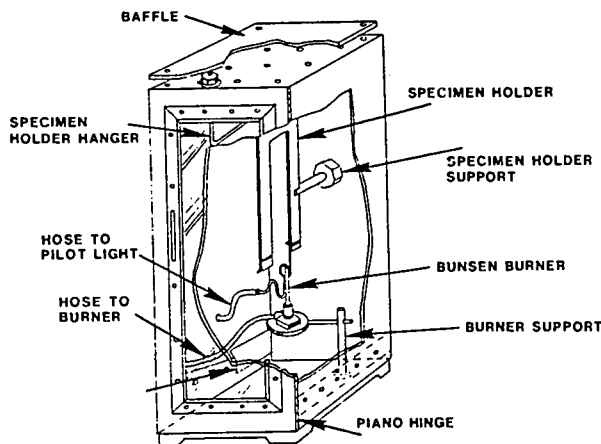


Figure L-1 - Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

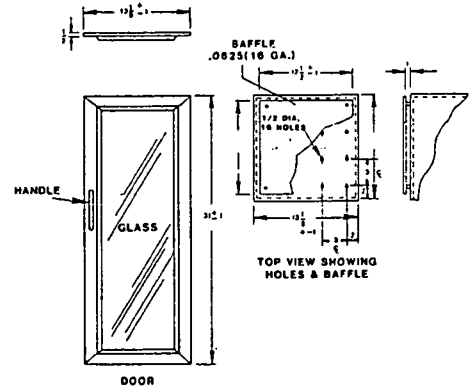


Figure L-2 - Vertical flame resistance textile apparatus, door and top view w/baffle. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

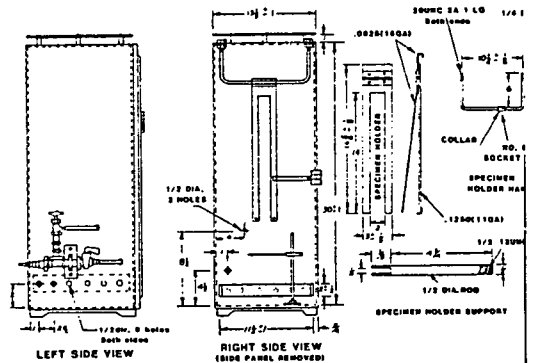


Figure L-3 - Vertical flame resistance textile apparatus, views and details. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

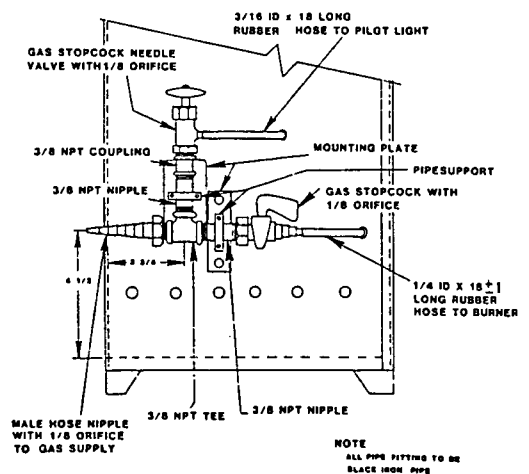


Figure L-4 - Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-59001 GENERAL REQUIREMENTS.
 WAC 296-24-59003 SELECTION OF EXTINGUISHERS.
 WAC 296-24-59005 DISTRIBUTION OF PORTABLE FIRE EXTINGUISHERS.
 WAC 296-24-59007 INSPECTION, MAINTENANCE, AND HYDROSTATIC TESTS.
 WAC 296-24-600 STANDPIPE AND HOSE SYSTEMS.
 WAC 296-24-60001 GENERAL REQUIREMENTS.
 WAC 296-24-60003 HOSE OUTLETS.
 WAC 296-24-60005 WATER SUPPLIES.
 WAC 296-24-60007 TESTS AND MAINTENANCE.
 WAC 296-24-60501 GENERAL REQUIREMENTS.
 WAC 296-24-60503 FIRE DEPARTMENT CONNECTIONS.
 WAC 296-24-60505 SPRINKLER ALARMS.
 WAC 296-24-60507 MAINTENANCE OF SPRINKLER SYSTEM.
 WAC 296-24-60509 SPRINKLER HEAD CLEARANCE.
 WAC 296-24-615 FIXED DRY CHEMICAL EXTINGUISHING SYSTEMS.
 WAC 296-24-61501 GENERAL REQUIREMENTS.
 WAC 296-24-61503 ALARMS AND INDICATORS.
 WAC 296-24-61505 INSPECTION AND MAINTENANCE.
 WAC 296-24-620 CARBON DIOXIDE EXTINGUISHING SYSTEMS.
 WAC 296-24-62001 GENERAL REQUIREMENTS.
 WAC 296-24-62003 INSPECTION AND MAINTENANCE.
 WAC 296-24-625 LOCAL FIRE ALARM SIGNALING SYSTEMS.

WSR 87-19-136**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 87-132—Filed September 22, 1987]

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

I, Joseph R. Blum, 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 adult chinook have not cleared the area.

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 September 22, 1987.

By Robert Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-40-02100Z WILLAPA HARBOR GILLNET SEASON. Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective immediately until further notice it is unlawful to

fish for or possess salmon taken for commercial purposes from the waters of Willapa Harbor except as provided for in this section:

(1) The following Willapa Harbor Salmon Management and Catch Reporting Areas are open during the times indicated:

Those waters of Area 2G west of a line drawn true north-south through Willapa River Channel light 7 and north of a line drawn true east-west through Nahcotta Channel Light 10 - Open 6:00 p.m. September 23 to 6:00 p.m. September 24, 1987.

(2) Lawful gear is limited to gill nets no longer than 1,500 feet; 5 inch minimum to 6-1/2 inch maximum mesh restriction.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100Y WILLAPA HARBOR GILLNET SEASON. (87-127)

WSR 87-19-137**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 87-133—Filed September 22, 1987]

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

I, Joseph R. Blum, 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, 12 and 12A provide opportunity to harvest non-Indian allocation of coho. Openings in Areas 12C and 7E provide opportunity to harvest chinook surplus to escapement needs. The extended opening of Areas 6D, 7B and 7E necessary to prevent wastage. Area 12B remains closed to protect pink salmon. Area 8A closed due to insufficient harvestable numbers of coho in the currently identified non-Indian allocation.

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 September 22, 1987.

By Robert Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-812 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:00 noon September 23, 1987, 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 6, 7, 7A – Under control of Pacific Salmon Commission. Gill net gear restricted to 6-inch maximum mesh when open.

*Area 6D – Closed except gill nets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish from 4:00 PM September 23 continuously until further notice. Fishery exclusion zones applicable to Area 6D commercial fishing are noted in WAC 220-47-307.

Area 7B – Closed except gill nets using 5-inch minimum mesh may fish continuously until further notice; and purse seines may fish continuously until further notice. Fishery exclusion zones applicable to Area 7B commercial fisheries are described in WAC 220-47-307.

*Area 7E (excluding those waters north of a line projected true east from Tongue Point and those waters within 500 feet of the hatchery pond) – Closed except gill nets using 7-inch minimum mesh may fish from 5:00 PM to 9:00 AM nightly September 23 through the morning of September 29, and purse seines may fish from 5:00 AM to 9:00 PM daily September 24 through September 29. Those waters north of a line projected true east from Tongue Point and those waters within 500 feet of the hatchery pond remain closed to all commercial fishing.

*Area 12 (excluding those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek) – Closed except purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 23. Those waters east of a line projected from Lone Rock to the navigational light off Big Beef Creek thence southerly to the tip of the outermost northern headland of Little Beef Creek are closed to all commercial fishing.

*Area 12A (excluding those waters north of a line projected true east from Broad Spit) – Closed except purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM September 23. Those waters north of a line projected true east from Broad Spit are

closed to all commercial fishing. Fishery exclusion zones applicable to Area 12A commercial fishing are described in WAC 220-47-307.

*Area 12C (excluding those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union, and those waters within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and the Hoodspout Marina Dock) – Closed except purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM through September 23. Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union and those waters within 1,000 feet of the western shoreline between Glen Ayr Trailer Park and the Hoodspout Marina Dock are closed to all commercial fishing. Fishery exclusion zones applicable to Area 12C commercial fishing are described in WAC 220-47-307.

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

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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon September 23, 1987.

WAC 220-47-811 Puget Sound Commercial Salmon Fishing Restrictions Order No. 87-128

WSR 87-19-138

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed September 22, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to amend WAC 137-70-040, Reimbursable impacts/rates—Criminal justice costs, to increase to \$18.00 per day the maximum reimbursement that will be made to political subdivisions for jail costs incurred as the result of the criminal activities of adult offenders assigned to state correctional institutions.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 3, 1987.

The authority under which these rules are proposed is RCW 72.72.040.

The specific statute these rules are intended to implement is chapter 72.72 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987.

Dated: September 21, 1987

By: Chase Riveland
Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: To amend WAC 137-70-040, Reimbursable impacts/rates—Criminal justice costs.

Statutory Authority: RCW 72.72.040.

Statute Implemented: Chapter 72.72 RCW.

Summary of Rule and Reason for Proposed Change: Under RCW 70.48.410, 70.48.420 and 70.48.430 the Department of Corrections is financially responsible for certain persons detained in city and county jails. Pursuant to RCW 70.48.440, the Office of Financial Management has fixed the rate of the department's financial responsibility at \$18.00 per day effective July 1, 1987. It is the purpose of this amendment to equalize, at \$18.00 per day, the maximum amount the department will reimburse political subdivisions under chapter 72.72 RCW for jail costs incurred as the result of the criminal activities of adult offenders assigned to state correctional institutions.

Person Responsible for Drafting, Implementing and Enforcing the Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, P.O. Box 9699, FN-61, Olympia, Washington 98504, (206) 753-1508.

Person or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

The amendment of this rule is not necessitated by federal law or federal or state court action.

The amendment of this rule will have no economic impact on small businesses.

AMENDATORY SECTION (Amending Order 87-02, filed 6/30/87)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES—CRIMINAL JUSTICE COSTS. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(1) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

(a) \$19.03 per hour for the period July 1, 1985, through June 30, 1986.

(b) \$19.81 per hour for the period July 1, 1986, through June 30, 1989.

(2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(a) \$45.50 per hour from July 1, 1985, through June 30, 1986.

(b) \$47.37 per hour from July 1, 1986, through June 30, 1989.

(3) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(a) Judges - \$42.41 per hour from July 1, 1985, through June 30, 1986, and \$44.15 per hour for the period July 1, 1986, through June 30, 1989. These costs shall include the services of court clerks and bailiffs.

(b) Court reporters - \$19.08 per hour from July 1, 1985, through June 30, 1986, and \$19.86 per hour for the period July 1, 1986, through June 30, 1989.

(c) Transcript typing services - \$3.80 per page from July 1, 1985, through June 30, 1986, and \$3.96 per page for the period July 1, 1986, through June 30, 1989.

(d) Expert witnesses - \$63.86 per hour from July 1, 1985, through June 30, 1986, and \$66.48 per hour for the period July 1, 1986, through June 30, 1989.

(e) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$28.67 per day for the period July 1, 1985, through June 30, 1986, and \$29.85 for the period July 1, 1986, through June 30, 1989.

(4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$15.00 per inmate day from July 1, 1985, through June 30, ~~((+1986)) 1987~~, and ~~(\$15.00)) \$18.00~~ for the period July 1, ~~((+1986)) 1987~~, through June 30, ~~((+1989)) 1988~~.

(5) Coroner - Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the department as reasonable.

(6) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the department. Counties, cities, and towns shall notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

WSR 87-19-139

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order 87-6—Filed September 22, 1987]

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

Amd WAC 458-20-244 Food products.

Amd WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research development facilities in depressed areas.

This action is taken pursuant to Notice No. WSR 87-16-081 filed with the code reviser on August 5, 1987. 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 September 22, 1987.

By William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order ET 86-18, filed 10/17/86)

WAC 458-20-244 FOOD PRODUCTS. (1) ~~((RCW 82.08.0293 and 82.12.0293 exempt certain food products for human consumption away from the retailer's premises from retail sales tax and use tax.))~~ Food products purchased for human consumption away from

the premises of the seller are exempt from retail sales tax and use tax. (RCW 82.08.0293 and 82.12.0293). See subsection (6) of this section for special tax exemption provisions regarding purchases of "eligible foods" with food stamps, effective October 1, 1987. There is no food products exemption for business and occupation tax. ~~((The effective date of these exemptions is July 1, 1983.))~~

(2) Definitions. (a) The word "tax" as used hereafter in this section means retail sales tax.

(b) "Food products" include generally those products normally ingested by humans for nourishment. The term also includes livestock sold for personal consumption as food. The term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.

(c) "Eligible foods" means food which may be purchased with food stamps under the Food Stamp Act of 1977.

~~((2))~~ (3) The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:

(a) The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (PL 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

OR,

(b) The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

OR,

(c) The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument ~~((such that the admission charge does not negate the exemption))~~, the tax will apply if either circumstances (a) or (b) of this subsection are present.

~~((3))~~ (4) Vendors who are required to collect tax.

(a) Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is

presumed to occur where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters; trays, glasses, dishes, or tableware (whether reusable or not); or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws, or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.

(b) In the case of vending machine operators, the sale of food products is subject to tax. The selling price of food products sold by vending machine operators is fifty-seven percent of the gross receipts, except for hot prepared food products for which the selling price is one hundred percent of the gross receipts. Vending machine operators are not required to collect the tax from buyers or to separately state the tax.

~~((b))~~ (c) Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in (a) of this subsection.

~~((4))~~ (5) Exempt and taxable sales. The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all inclusive. The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption at the seller's premises as described earlier. These examples do not apply to purchases made with food stamps. See subsection (6) of this section for special food stamp provisions.

TAX EXEMPT ((IF CONSUMPTION FACILITIES NOT PROVIDED)) FOOD PRODUCTS

Baby foods	Marshmallows
Bakery products	Mayonnaise
Baking soda	Meat, meat products
Bouillon cubes	Milk, milk products
Candy	Mustard
Cereal products	Noncarbonated soft drinks
Chocolate	Nuts
Cocoa	Oleomargarine
Coffee and coffee substitutes	Olives, olive oil
Condiments	Peanut butter
Crackers	Popcorn
*Diet food	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for food	Powdered drink mixes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup
Gelatin	Sugar, sugar products,

*Health foods	sugar substitutes
Honey	Syrups
Ice cream, toppings	Tea
Jam, jelly, jello	Vegetables, vegetable products
	Yeast

~~((The products listed as taxable are subject to tax however sold or prepared.~~

~~SPECIFIC CLASSES OF ITEMS TAXABLE IN ALL CASES))~~

~~TAXABLE NONFOOD PRODUCTS~~

Alcoholic beverages	First aid products
Aspirin	Ice, bottled water
Beer or wine making supplies	(mineral or otherwise)
Calcium tablets	Mouthwashes
Carbonated beverages	Nonedible cake decorations
Chewing tobacco	Nonprescription medicines
Cod liver oil	Patent medicines
Cough medicines (liquid or lozenge)	Pet food and supplies
*Dietary supplements or adjuncts	Seeds and plants for gardens
	Tonics, vitamins
	Toothpaste

*Note: Sales of dietary supplements which are subject to regulation by the United States Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide fifty percent or more of the United States Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than fifty percent of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter 1, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are "dietary supplements." Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing.

Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy. Dietary adjuncts are not tax exempt food products. For more information concerning sales of dietary supplements, see Excise Tax Bulletin 514.08.244.

(6) Purchases with food stamps. Effective October 1, 1987, special guidelines apply to purchases of eligible food with food stamps.

(a) All food items which are legally purchased with food stamps under the Food Stamp Act of 1977 ("eligible foods") are exempt of state sales tax and use tax.

(b) Before October 1, 1987, some food items have been subject to tax, whether or not purchased with food stamps, because they are not defined as "food products" under the exemption statutes. Examples are carbonated soft drinks, dietary supplements, garden seeds, and bottled water. All such items purchased with food stamps are now tax exempt. Thus, some items are now tax exempt when they are purchased with food stamps even though they are not defined as tax exempt "food products."

(c) When both food stamps and cash (or check) are used to make purchases, the food stamps must be applied first to "eligible foods" which are not otherwise tax exempt under RCW 82.08.0293 (those listed above as "taxable nonfood products," e.g., dietary supplements, carbonated beverages, etc.). The cash or check portion of the purchase price must then be applied to items listed above which qualify as "tax exempt food products." The intent is to always apply the stamps and

cash in such a way as to provide the greatest possible amount of sales tax exemption under the law.

(d) The obligation rests with the seller to determine which items are eligible for purchase with food stamps.

(e) Under no circumstance is any item eligible for tax exemption as a food product, whether or not purchased with food stamps, if it is not intended for human consumption or for growing food for human consumption.

(f) The following examples show how the tax exemptions apply in cases where a mixed purchase of ten dollars each is made for meat (a food product), dietary supplements (an eligible food), and soap (a nonfood item). A tax rate of 7.8% is used for these examples.

(i) A customer pays the thirty dollar selling price with ten dollars worth of food stamps and twenty dollars cash. The stamps are applied to the dietary supplements, making them tax exempt. The cash is used for the meat and soap. The result is that sales tax is due only on the soap, in the amount of .78¢ (7.8% x \$10.00 worth of soap).

(ii) The customer pays with five dollars in stamps and twenty-five dollars in cash. Again, the stamps are applied against the dietary supplements, leaving five dollars of their value to be purchased with cash. The meat is tax exempt and the soap and the rest of the dietary supplements are taxable. Tax is due in the amount of \$1.78 (7.8% x \$15.00 worth of soap and supplements).

(iii) The customer pays with fifteen dollars in stamps and fifteen dollars in cash. The stamps are applied first to the supplements (ten dollars worth) and then to the meat (five dollars worth). The cash applies to the rest of the meat and the soap. The tax due is .78¢ (7.8% x \$10.00 worth of soap).

(iv) The customer pays with thirty dollars worth of stamps. Again, tax is due only on the soap (.78¢).

(v) The customer pays with one dollar worth of stamps and twenty-nine dollars cash. The stamps are applied against the supplements, leaving nine dollars worth of taxable supplements. The meat purchase is still totally tax exempt. Tax is due upon the soap and the rest of the supplements, for a total of \$1.48 (7.8% x \$19.00).

(vi) The customer pays the entire bill with cash or check. Tax is due upon the soap and supplements, for a total of \$1.56 (7.8% x \$20.00).

((5)) (7) Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt actually qualify for exemption under this rule and the law.

((6)) (8) Combination business. Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see subsection ((3)) (4) of this section, "Vendors who are required to collect tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their accounting records and sales receipts segregated between the two businesses. If the two businesses are commingled in accounting, all sales will be deemed subject to tax.

((7)) (9) Combination packages. When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated

beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.

~~((8))~~ (10) However, promotional give-aways of nonfood items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).

~~((9))~~ (11) Commissaries or grocery shops in institutions or other restricted (not open to the public) areas. Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.

~~((10))~~ (12) Other food vendors. Special provisions govern certain food vendors, as follows:

(a) Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see WAC 458-20-119.

(b) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.

(c) Religious, charitable, benevolent, and nonprofit service organizations, see WAC 458-20-169.

~~((11))~~ (13) Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:

(a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.

(b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.

(c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program.

(d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by WAC 458-20-166.

~~((12))~~ (14) Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances

other than furnishing them in connection with services in the four situations described above are governed by WAC 458-20-119. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax.

~~((13))~~ (15) Special food sales situations. For unique situations involving food sales for home or office delivery, sales from vending vans, certain combination businesses, and food sales at shopping malls, see Excise Tax Bulletin 528.08.244.

~~((14))~~ (16) Use tax. All of the foregoing provisions of this ~~(rule)~~ section dealing with sales tax are equally applicable with respect to the use tax of chapter 82.12 RCW.

Effective July 1, 1983.

AMENDATORY SECTION (Amending Order ET 86-13, filed 6/24/86)

WAC 458-20-24001 SALES AND USE TAX DEFERRAL—MANUFACTURING AND RESEARCH/DEVELOPMENT FACILITIES IN DISTRESSED AREAS. (1) Introduction. Chapter 82.60 RCW 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.

(2) In addition to the tax deferral benefits of this program, the department of employment security administers economic incentives and funding programs which encourage "first source contract" hiring of unemployed persons and state public assistance recipients. The employment security department should be contacted directly for information concerning such nontax-related programs.

(3) Definition of terms. For purposes of this section:

(a) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(b) "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 section 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."

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

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

(e) "Department" means the department of revenue.

(f) "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.

(g) "Eligible investment project" means that portion of an investment project which:

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

(ii) Either initiates a new operation or expands or diversifies a current operation by expanding or renovating an existing building, machinery and equipment, with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement. (See the definition of "improvement" in (h)(iii) of this subsection).

(h) For the purposes of the above paragraph the following definitions will apply:

(i) "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 so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(ii) The requirement for employment during the "entire tax year," for purposes of this tax deferral program, will be satisfied if the full time position is filled for a period of twelve consecutive months.

(iii) An "improvement" shall mean the physical alteration by significant expansion, modernization, or renovation of an existing ((building)) plant complex, excluding land, where the cost of such expansion, etc., exceeds ((25)) twenty-five percent of the true and fair value of the existing plant complex prior to the initiation of ((construction)) the expansion or renovation. 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. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment, however, at least forty percent of the total renovation costs must be

attributable to the physical renovation of the building structure alone.

(iv) "True and fair value" means the value listed on the assessment roles as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application.

(v) "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.

(vi) "Eligible investment project" does not include either an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), or investment projects which have already received deferrals under chapter 82.60 RCW.

(i) "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.

(j) "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 section, shall also include computer programming, the production of computer-related service, and the activities performed by research and development laboratories and commercial testing laboratories.

(k) "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.

(l) "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.

(m) "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.

(n) "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.

(o) "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.

(p) "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.

(4) Application procedure. An application for sales and use tax deferral under this program 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

(5) 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.

(6) For purposes of making application for tax deferral and of approving such applications, the state-wide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will publish a list of eligible areas by county, on May 1 of each year.

(7) Use of the certificate. A tax deferral certificate issued under this program 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 section. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

(8) 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.

(9) Audit procedure. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. 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 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 will grant or deny the amended application on the same basis as original applications.

(10) 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.

(11) 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.

(12) The department shall keep a running total of all deferral certificates granted during each fiscal biennium.

(13) 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 section 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.

(14) 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:

(a) 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

(b) 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.

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

(16) No taxes may be deferred under this section 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.

(17) 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.

(18) 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.

(19) The department shall notify the department of employment security of the names of all recipients of tax deferrals under this program. 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 subsection.

(20) 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 (a) declare the amount of deferred taxes outstanding to be immediately due or (b) assess interest on the deferred taxes for the project.

(21) 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.

(22) 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.

(23) Any action taken by the department to assess interest or disqualify a recipient for tax deferral shall be subject to administrative review pursuant to the provisions of WAC 458-20-100.

(24) The law expressly excuses the obligation for repayment of sales or use tax upon the value of labor directly applied in the construction of an investment project for which deferral has been granted, PROVIDED:

(a) That deferral has been granted after June 11, 1986; and

(b) That eligibility for the granted tax deferral has been perfected by actually meeting all of the eligibility requirements, based upon the recipient's annual December 31 reports and any other information available to the department.

(25) The recipient must establish, by clear and convincing evidence, the value of all construction and installation labor for which repayment of sales tax is sought to be excused. Such evidence must include, but is not limited to: A written, signed, and dated itemized billing from construction/installation contractors or independent third party labor providers which states the

value of labor charged separately from the value of materials.

(26) The above information must be maintained in the recipient's permanent records for the department's review and verification at the time of the final audit of the investment project.

(27) In the absence of such itemized billings in its permanent records, no recipient may be excused from repayment of sales tax on the value of labor in an amount exceeding thirty percent of its gross construction or installation contract charges.

(28) The value of labor for which an excuse from repayment of sales or use tax may be received will not exceed the value which is subject to such taxes under the general provisions of chapters 82.08 and 82.12 RCW.

(29) Payment procedures. The recipient of sales and use tax deferral under this program 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%

(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.

(31) Disclosure of information. The law provides that information contained in applications, reports, and other information received by the department in connection with this tax deferral program shall not be confidential and shall be subject to disclosure.

WSR 87-19-140

PROPOSED RULES

ENERGY FACILITY SITE EVALUATION COUNCIL

[Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Energy Facility Site Evaluation Council (EFSEC) intends to adopt, amend, or repeal rules concerning:

- New WAC 463-36-010 Council policy.
- New WAC 463-36-020 Termination.
- New WAC 463-36-030 Request for amendment.
- New WAC 463-36-040 Amendment review.
- New WAC 463-36-050 Environmental impact—Alternatives.
- New WAC 463-36-060 Council determinations.
- New WAC 463-36-070 Approval by resolution.
- New WAC 463-36-080 Approval by governor.
- New WAC 463-36-090 Council powers;

that the agency will at 1:30 p.m., Monday, November 9, 1987, in the EFSEC Hearing Room, 4224 Sixth Avenue, Rowesix, Building 1, Lacey, 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 80.50.040(1).

The specific statute these rules are intended to implement is RCW 80.50.040 (2), (4) and (9).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1987.

Dated: September 23, 1987

By: William L. Fitch
Executive Secretary

STATEMENT OF PURPOSE

Rule Title and Purpose: Chapter 463-36 WAC, Procedure—Amending or terminating a site certification agreement, WAC 463-36-010 Council policy; 463-36-020 Termination; 463-36-030 Request for amendment; 463-36-040 Amendment review; 463-36-050 Environmental impact—Alternatives; 463-36-060 Council determinations; 463-36-070 Approval by resolution; 463-36-080 Approval by governor; and 463-36-090 Council powers.

Statutory Authority: RCW 80.50.040(1).

Rule Summary and Supporting Statement on Proposed Action: WAC 463-36-010, 463-36-020, 463-36-030, 463-36-040, 463-36-050, 463-36-060, 463-36-070, 463-36-080 and 463-36-090, new requirement for amending or terminating a site certification agreement by a certificate holder.

Agency Responsibility for Drafting: Ad Hoc Legal Affairs Committee, C. Robert Wallis, Committee Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; Implementing: William L. Fitch, Executive Secretary, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; and Enforcing: Curtis Eschels, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490.

Person or Organization Proposing Rule: Washington State Energy Facility Site Evaluation Council.
 Agency Comments, if any: None.

Chapter 463-36 WAC
 PROCEDURE—AMENDING OR TERMINATING A SITE CERTIFICATION AGREEMENT

- WAC
- 463-36-010 Council policy.
 - 463-36-020 Termination.
 - 463-36-030 Request for amendment.
 - 463-36-040 Amendment review.
 - 463-36-050 Environmental impact—Alternatives.
 - 463-36-060 Council determinations.
 - 463-36-070 Approval by resolution.
 - 463-36-080 Approval by governor.
 - 463-36-090 Council powers.

NEW SECTION

WAC 463-36-010 COUNCIL POLICY. The council may take such action as may be necessary to protect the public health, safety, and welfare.

NEW SECTION

WAC 463-36-020 TERMINATION. Termination of a site certification agreement (SCA) is an amendment of the agreement.

NEW SECTION

WAC 463-36-030 REQUEST FOR AMENDMENT. A request for amendment of an agreement shall be made in writing by a certificate holder to the council. The council will consider the request at the next feasible council meeting. The council will then refer the question to committee for recommendation, determine a schedule for action, or take action upon the request. The council may, if appropriate and required for full understanding and review of the proposal, secure the assistance of a consultant or take other action at the expense of the certificate holder. The council shall hold one or more public hearing sessions upon the request for amendment at times and places determined by the council.

NEW SECTION

WAC 463-36-040 AMENDMENT REVIEW. In reviewing any proposed amendment, the council shall consider whether the proposal is consistent with:

- (1) The intention of the original SCA;
- (2) Applicable laws and rules; and
- (3) The public health, safety, and welfare.

NEW SECTION

WAC 463-36-050 ENVIRONMENTAL IMPACT—ALTERNATIVES. In reviewing whether a proposed amendment is consistent with the public health, safety, and welfare, the council shall consider the short-term and long-term environmental impacts of the proposal. Reasonable alternative means by which the purpose of the proposal might be achieved shall be considered as will the availability of funding to implement the proposal.

NEW SECTION

WAC 463-36-060 COUNCIL DETERMINATIONS. The council in acting upon a requested amendment may accept the amendment; reject the amendment; or reject the amendment, and state conditions or terms under which the amendment will be reconsidered.

NEW SECTION

WAC 463-36-070 APPROVAL BY RESOLUTION. An amendment which changes a technical provision or requirement within the terms of the SCA, and constitutes no substantial alteration of any provisions of the SCA, and is determined to have no detrimental effect upon the environment, shall be effective upon adoption of a council resolution.

NEW SECTION

WAC 463-36-080 APPROVAL BY GOVERNOR. An amendment which substantially alters the substance of any provision of the SCA or which is determined to have a significant detrimental effect upon the environment shall be effective upon the signed approval of the governor of Washington state.

NEW SECTION

WAC 463-36-090 COUNCIL POWERS. The council has power to initiate proceedings leading to the SCA amendment where it perceives that a certificate may be abandoned or when it deems such action to be appropriate.

WSR 87-19-141
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order PT 87-7—Filed September 23, 1987]

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

- New WAC 458-18-210 Refunds—Procedure—Interest.
- New WAC 458-18-220 Refunds—Rate of interest.

This action is taken pursuant to Notice No. WSR 87-16-024 filed with the code reviser on July 27, 1987. 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 84.69.100, as amended by chapter 319, Laws of 1987, and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.08.010(2) which directs that the Department of Revenue has authority to implement the provisions of RCW 84.69.100, as amended by chapter 319, Laws of 1987.

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 8, 1987.

By Trevor W. Thompson
 Assistant Director

NEW SECTION

WAC 458-18-210 REFUNDS—PROCEDURE—INTEREST. (1) Refunds provided for by chapter 84.69 RCW are made by one of the following two methods:

- (a) The county legislative authority acts upon its own motion and orders a refund; or
- (b) The taxpayer files a claim for refund with the county. Such claim shall be:
 - (i) Verified by the person who paid the tax, his guardian, executor or administrator; and
 - (ii) Filed within three years after making of the payment sought to be refunded; and
 - (iii) Stating the statutory ground upon which the refund is claimed.

(2) All claims for refunds must be certified as correct by the county assessor and treasurer and not be refunded until so ordered by the county legislative authority.

(3) For all refunds, the rate of interest shall be as contained in WAC 458-18-220. The rate of interest is based upon the date the taxes were paid or the claim for refund is filed, whichever is later.

(4) Except as provided in subsections (5) and (6) of this section, the interest shall accrue from the time the taxes were paid or the claim for refund was filed, whichever is later, until the refund is made.

(5) Refunds on a state, county or district-wide basis shall not commence to accrue interest until six months following the date of the final order of the court.

(6) Refunds may be made without interest within sixty days after the date of payment if:

- (a) Paid more than once; or
- (b) The amount paid exceeds the amount due on the property as shown on the tax roll.

NEW SECTION

WAC 458-18-220 REFUNDS—RATE OF INTEREST. The following rates of interest shall apply based upon the date the taxes were paid or the claim for refund was filed, whichever is later:

Prior to July 27, 1987	.0500	(5.00%)
On and after July 27, 1987	.0596	(5.96%)

**WSR 87-19-142
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
[Filed September 23, 1987]**

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 this notice proposes to amend one section and to add a new section to chapter 332-140 WAC. The rules in WAC 332-140-200 et seq. concern the indexing of stumpage rates to be paid on certain state timber sales sold on or after October 1, 1983, and implement RCW 79.01.126. The purpose of the changes is to specify the effect of the expiration of RCW 79.01.126 on sales sold prior to the expiration date.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 30, 1987, at 10:00 a.m.

The authority under which these rules are proposed is RCW 79.01.126, 79.01.052 and 43.30.070.

The specific statute these rules are intended to implement is RCW 79.01.126.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987.

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 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:

Charles L. Heimbigner
Pre-Sales Forester
Timber Sales Division
Department of Natural Resources
John A. Cherberg Building
Olympia, Washington 98504
(206) 753-5334

Dated: September 23, 1987
By: John L. Chambers for the
Commissioner of Public Lands

STATEMENT OF PURPOSE

Title of Rules: WAC 332-140-200 Introduction and definitions; and 332-140-240 Effect of expiration of RCW 79.01.126.

Description of Purpose: To specify that although RCW 79.01.126 will cease to be effective October 1, 1987, the regulations in WAC 332-140-200 et seq. will continue to apply to sales auctioned during the effective dates of RCW 79.01.126 but will not apply to sales auctioned on or after October 1, 1987.

Statutory Authority: RCW 79.01.126, 79.01.052 and 43.30.070.

Specific Statute that Rule is Designed to Implement: RCW 79.01.126.

Summary of Rule: The amendment to WAC 332-140-200 and adoption of WAC 332-140-240 specify that although RCW 79.01.126 will cease to be effective October 1, 1987, the regulations in WAC 332-140-200 et seq. will continue to apply to sales auctioned during the effective dates of RCW 79.01.126 but will not apply to sales auctioned on or after October 1, 1987.

Reasons Supporting Proposed Action: The regulations in WAC 332-140-200 et seq. implement RCW 79.01.126 which ceases to exist on October 1, 1987. However, these regulations will continue to apply to timber sales sold during the effective dates of RCW 79.01.126 and the proposed action specifies this.

Agency Personnel Responsible for Drafting: Charles L. Heimbigner, Pre-Sales Forester, Timber Sales Division, Department of Natural Resources, John A. Cherberg Building, Olympia, Washington 98504, (206) 753-5334; Implementation and Enforcement: Roy E. Friis, Manager, Timber Sales Division, Department of Natural Resources, John A. Cherberg Building, Olympia, Washington 98504, (206) 753-5334.

Organization Proposing Rule: Department of Natural Resources.

Agency Comments: None.

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

Small Business Economic Impact Statement: The impact on small business, if any, will come from the expiration of RCW 79.01.126, not from the amendment, adoption, or implementation of these rules. These rules

merely clarify the continued applicability of RCW 79.01.126 to sales sold prior to the expiration date.

AMENDATORY SECTION (Amending Order 401, filed 8/26/83)

WAC 332-140-200 INTRODUCTION AND DEFINITIONS. (1) Implementation of RCW 79.01.126. These regulations, WAC 332-140-200 through WAC 332-140-~~(230)~~240, are promulgated by the department of natural resources for the purpose of implementing RCW 79.01.126, which provides for the adjustment of contract bid prices on timber sales sold on a scale basis having a minimum appraisal value over twenty thousand dollars and which are auctioned on or after October 1, 1983 but before October 1, 1987. Stumpage rate adjustment shall apply only to major species of timber removed.

(2) Definitions. As used in these regulations and in RCW 79.01.126, where applicable:

(a) "Coast publication" means the market indexes published by the Western Woods Products Association in its publication known as the PNW Coast Lumber Price Index.

(b) "Inland publication" means the market indexes published by the Western Wood Products Association in its publication known as the Inland Lumber Price Index.

(c) "Contract bid price" for a given species of timber means the price for that species bid by the purchaser or set in the contract where bidding is not allowed on that species.

(d) "Department" means the department of natural resources.

(e) "Market index change amount" means the same in these regulations as it is defined in RCW 79.01.126(2).

(f) Timber "removed" means and includes only timber that is taken from the sale area.

(g) "Timber removed during a calendar quarter" shall be determined using the date the timber removed is scaled as provided for in the contract.

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

NEW SECTION

WAC 332-140-240 EFFECT OF EXPIRATION OF RCW 79.01.126. Although RCW 79.01.126 will cease to be effective October 1, 1987, the regulations concerning stumpage rate adjustment will continue to apply to sales auctioned during the effective dates of RCW 79.01.126. The regulations will not apply to sales auctioned on or after October 1, 1987.

WSR 87-19-143

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 521—Filed September 23, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this notice proposes to amend one section and to add a new section to chapter 332-140 WAC. The rules in WAC 332-140-200 et seq. concern the indexing of stumpage rates to be paid on certain state timber sales sold on or after October 1, 1983, and implement RCW 79.01.126. The purpose of the changes is to specify the effect of the expiration of RCW 79.01.126 on sales sold prior to the expiration date.

I, Brian J. Boyle, 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 RCW 79.01.126 is not effective after

October 1, 1987. The continued applicability of the rules implementing that statute to sales sold prior to October 1, 1987, needs to be specified.

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

This rule is promulgated pursuant to RCW 79.01.126 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 23, 1987.

By John L. Chambers for the
Commissioner of Public Lands

AMENDATORY SECTION (Amending Order 401, filed 8/26/83)

WAC 332-140-200 INTRODUCTION AND DEFINITIONS. (1) Implementation of RCW 79.01.126. These regulations, WAC 332-140-200 through WAC 332-140-~~(230)~~240, are promulgated by the department of natural resources for the purpose of implementing RCW 79.01.126, which provides for the adjustment of contract bid prices on timber sales sold on a scale basis having a minimum appraisal value over twenty thousand dollars and which are auctioned on or after October 1, 1983 but before October 1, 1987. Stumpage rate adjustment shall apply only to major species of timber removed.

(2) Definitions. As used in these regulations and in RCW 79.01.126, where applicable:

(a) "Coast publication" means the market indexes published by the Western Woods Products Association in its publication known as the PNW Coast Lumber Price Index.

(b) "Inland publication" means the market indexes published by the Western Wood Products Association in its publication known as the Inland Lumber Price Index.

(c) "Contract bid price" for a given species of timber means the price for that species bid by the purchaser or set in the contract where bidding is not allowed on that species.

(d) "Department" means the department of natural resources.

(e) "Market index change amount" means the same in these regulations as it is defined in RCW 79.01.126(2).

(f) Timber "removed" means and includes only timber that is taken from the sale area.

(g) "Timber removed during a calendar quarter" shall be determined using the date the timber removed is scaled as provided for in the contract.

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

NEW SECTION

WAC 332-140-240 EFFECT OF EXPIRATION OF RCW 79.01.126. Although RCW 79.01.126 will

cease to be effective October 1, 1987, the regulations concerning stumpage rate adjustment will continue to apply to sales auctioned during the effective dates of RCW 79.01.126. The regulations will not apply to sales auctioned on or after October 1, 1987.

WSR 87-19-144
PROPOSED RULES
EMPLOYMENT SECURITY DEPARTMENT
[Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Employment Security Department intends to adopt, amend, or repeal rules concerning bonding and deposit requirements, nonprofit organizations, WAC 192-12-115;

that the agency will at 10:00 a.m., Thursday, October 29, 1987, in the Commissioner's Conference Room, Employment Security Department, 2nd Floor, 212 Maple Park, 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 50.12.010 and 50.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 23, 1987.

Dated: September 22, 1987
By: Isiah Turner
Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by chapter 34.04 RCW.

WAC 192-12-115 Bonding and deposit requirements, nonprofit organizations.

The amendatory section is prepared at the discretion of the commissioner and eliminates the bonding requirement for active or previously active nonprofit employers who are current in the submission of their tax report(s) and/or tax payment(s). This amendment allows the agency greater flexibility in dealing with employers who are in compliance with the taxing laws.

The changes to the rule are necessary to properly outline the manner in which the agency is to administer the bonding requirements for certain nonprofit employers.

This revised rule is necessary to allow the Employment Security Department to release certain nonprofit employers from the bonding requirement. An emergency adoption will relieve these employers from unnecessarily renewing their bonds, which they would have to do prior to 1988.

This rule was revised by Thomas LePique of the UI Program Analysis Branch of the Employment Security Department. His office address is Mailstop KG-11, Olympia, Washington 98504, phone 753-5181. The Chief of the UI Tax Administration is Mary Pat

Frederick. She is responsible for the implementation and enforcement of the rules. Her office address is Employment Security Department, Mailstop KG-11, Olympia, Washington 98504, phone 753-3822.

AMENDATORY SECTION (Amending Order 1-87 [1-78], filed 8/14/78)

WAC 192-12-115 BONDING AND DEPOSIT REQUIREMENTS, NONPROFIT ORGANIZATIONS. RCW 50.44.070 provides:

"(1) In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required . . . to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. . . .

"The amount of the bond or deposit . . . shall be an amount deemed by the commissioner to be sufficient to cover any reimbursement payments which may be required from the employer attributable to employment during any year for which the election is in effect . . . The determination made pursuant to this subsection shall be based on payroll information, employment experience, and such other factors as the commissioner deems pertinent."

The commissioner accordingly prescribes:

(1) ((F)) For up to the first two years of employment, any newly registered nonprofit organization that elects to become liable for payments in lieu of contributions is required to execute and file a surety bond, establish an assigned savings account, or deposit money or securities. At the end of the initial period of reimbursement (maximum two years), assuming continuation of the election, a renewal of the bond, assigned savings, or deposit may be necessary if:

(a) The employer is delinquent in the payment of reimbursable charges, or

(b) The employer has failed to file a quarterly report.

(2) Any active or previously active nonprofit organization that elects to become liable for payments in lieu of contributions may be required to execute and file a surety bond, establish an assigned savings account, or deposit money or securities if:

(a) The employer is delinquent in the payment of reimbursable charges, or

(b) The employer has failed to file a quarterly report.

(3) For active employers, the amount of bond, savings, or deposit shall be determined by reviewing and computing wages paid during the previous four quarters. For newly registered employers, the amount shall be determined by estimating the taxable wages for the next four quarters. Taxable wages will be determined on the basis of the coming year's taxable wage base. The net annual taxable wage so developed multiplied by the current average industry tax rate will produce the amount of bond, savings, or deposit necessary for the coming calendar year.

The amount of bond requirement may be rounded in accordance with the following scale:

Computed Bond Requirement	((May Be)) May Be Rounded Down To
Up to \$500	Even \$5 segment
\$501 to \$5000	Even \$25 segment
\$5001 to \$50,000	Even \$100 segment
OVER \$50,000	Even \$1000 segment

~~((2))~~ (4) In the event an organization did not pay wages during the prior four consecutive quarters, then an estimated payroll based on the best information available will be used for the computation described in subsection ~~((1))~~ (3) of this section.

~~((3))~~ (5) Bond, savings, or deposit requirements will be reviewed ~~((and recomputed))~~ annually during the ~~((fourth))~~ third quarter of each calendar year ~~((for adequacy))~~ to determine if renewal is necessary. The employer will be notified of any necessary change ~~((in amount of bond or deposit as prescribed in RCW 50.44.070 (2) and (3))~~.

~~((4))~~ (6) The following categories of nonprofit organizations are exempt from the bonding, assigned savings, and deposit requirement: Hospitals, colleges and universities.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 87-19-145
EMERGENCY RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Order 4-87—Filed September 23, 1987]

I, Isiah Turner, commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to bonding and deposit requirements, nonprofit organizations, WAC 192-12-115.

I, Isiah Turner, Commissioner, 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 revised rule is necessary to allow the Employment Security Department to release certain nonprofit employers from the bonding requirement. An emergency adoption will relieve these employers from unnecessarily renewing their bonds, which they would have to do prior to 1988.

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 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 September 22, 1987.
 By Isiah Turner
 Commissioner

AMENDATORY SECTION (Amending Order 1-87 [1-78], filed 8/14/78)

WAC 192-12-115 BONDING AND DEPOSIT REQUIREMENTS, NONPROFIT ORGANIZATIONS. RCW 50.44.070 provides:

"(1) In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required . . . to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. . . .

"The amount of the bond or deposit . . . shall be an amount deemed by the commissioner to be sufficient to cover any reimbursement payments which may be required from the employer attributable to employment during any year for which the election is in effect . . . The determination made pursuant to this subsection

shall be based on payroll information, employment experience, and such other factors as the commissioner deems pertinent."

The commissioner accordingly prescribes:

(1) ~~((F))~~ For up to the first two years of employment, any newly registered nonprofit organization that elects to become liable for payments in lieu of contributions is required to execute and file a surety bond, establish an assigned savings account, or deposit money or securities. At the end of the initial period of reimbursement (maximum two years), assuming continuation of the election, a renewal of the bond, assigned savings, or deposit may be necessary if:

(a) The employer is delinquent in the payment of reimbursable charges, or

(b) The employer has failed to file a quarterly report.

(2) Any active or previously active nonprofit organization that elects to become liable for payments in lieu of contributions may be required to execute and file a surety bond, establish an assigned savings account, or deposit money or securities if:

(a) The employer is delinquent in the payment of reimbursable charges, or

(b) The employer has failed to file a quarterly report.

(3) For active employers, the amount of bond, savings, or deposit shall be determined by reviewing and computing wages paid during the previous four quarters. For newly registered employers, the amount shall be determined by estimating the taxable wages for the next four quarters. Taxable wages will be determined on the basis of the coming year's taxable wage base. The net annual taxable wage so developed multiplied by the current average industry tax rate will produce the amount of bond, savings, or deposit necessary for the coming calendar year.

The amount of bond requirement may be rounded in accordance with the following scale:

	((May-Be))
Computed	May Be
Bond Requirement	Rounded Down To
Up to \$500	Even \$5 segment
\$501 to \$5000	Even \$25 segment
\$5001 to \$50,000	Even \$100 segment
OVER \$50,000	Even \$1000 segment

~~((2))~~ (4) In the event an organization did not pay wages during the prior four consecutive quarters, then an estimated payroll based on the best information available will be used for the computation described in subsection ~~((1))~~ (3) of this section.

~~((3))~~ (5) Bond, savings, or deposit requirements will be reviewed ~~((and recomputed))~~ annually during the ~~((fourth))~~ third quarter of each calendar year ~~((for adequacy))~~ to determine if renewal is necessary. The employer will be notified of any necessary change ~~((in amount of bond or deposit as prescribed in RCW 50.44-070 (2) and (3))~~.

~~((4))~~ (6) The following categories of nonprofit organizations are exempt from the bonding, assigned savings, and deposit requirement: Hospitals, colleges and universities.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 87-19-146
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning election standards and procedures, amending WAC 251-14-035;

that the agency will at 9:00 a.m., Friday, October 16, 1987, in the Board Room, Bouillon Hall, Central Washington University, Ellensburg, 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 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

This notice is connected to and continues the matter in Notice No. WSR 87-12-085 filed with the code reviser's office on June 3, 1987.

Dated: September 23, 1987
By: John A. Spitz
Director

WSR 87-19-147
EMERGENCY RULES
HIGHER EDUCATION PERSONNEL BOARD
[Order 159—Filed September 23, 1987]

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

New	WAC 251-01-072	Comparable worth adjustment indicator.
New	WAC 251-01-382	Salary range.
New	WAC 251-01-392	Standard range.
Amd	WAC 251-08-110	Salary—Promotion.
Amd	WAC 251-08-112	Salary—Reallocation.

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 rules effective July 1, 1987; permanent adoption on September 18, 1987, to be effective November 1, 1987. 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 18, 1987.
By John A. Spitz
Director

NEW SECTION

WAC 251-01-072 COMPARABLE WORTH ADJUSTMENT INDICATOR. A decimal suffix attached to the standard range which identifies the comparable worth entitlement group for a class.

NEW SECTION

WAC 251-01-382 SALARY RANGE. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class. Salary ranges are identified in the classification/compensation plan by either a whole number (standard range) or a whole number with a decimal suffix (comparable worth adjustment indicator).

NEW SECTION

WAC 251-01-392 STANDARD RANGE. A salary range identified by a whole number.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-110 SALARY—PROMOTION. An employee who is promoted shall be paid at the salary step which represents at least a two step increase over the salary received immediately prior to the promotion as determined by the personnel officer, ~~provided such increase is not less than the first step of the new range, and does not exceed the top step of the new range.~~ The increase shall be calculated by moving up to the standard range on the current step, moving to that dollar amount on the new standard range, moving over two steps, and down to the salary range for the class. All promotional increases must be within the salary range for the class.

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 68, filed 5/25/78, effective 7/1/78)

WAC 251-08-112 SALARY—REALLOCATION. (1) An employee occupying a position that is reallocated to a class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion in WAC 251-08-110. The periodic

increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to a class with a lower salary maximum shall be placed in the salary step in the new range which is equal closest to the current salary, provided such salary does not exceed the top step of the new salary range.

(3) When reallocation is necessary because the board has created, abolished, or modified a class, the incumbent will remain in the position and the following will apply:

(a) An employee occupying a position reallocated to a class with a lower salary range maximum will be placed at the step in the new salary range which is equal closest to the current salary and will be allowed to achieve the salary maximum of the former class at the time of reallocation. The employee will lose the right to such salary maintenance if he/she voluntarily demotes, promotes, or moves to another class;

(b) An employee occupying a position reallocated to a class with a higher salary range maximum will receive an increase as provided in WAC 251-08-110;

(c) A reallocation which results from the board's abolishment of a class will be effective the date of the board's action.

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

WSR 87-19-148
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed September 23, 1987]

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 multiple activities tax credits, new section WAC 458-20-19301;

that the agency will at 9:30 a.m., Friday, October 30, 1987, in the 1st Floor Conference Room, General Administration Building, Capitol Grounds, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 6, 1987.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.04.440 and new sections in chapter 82.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 30, 1987.

Dated: September 23, 1987
By: Greg Pierce
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 458-20-19301 Multiple activities tax credits.

Description of Purpose: To implement the provisions of chapter 3, Laws of 1987 2nd ex. sess. (SB 6078), which repeals the multiple activities business and occupation tax exemption and enacts a three way integrated tax credits system to assure equality of Washington state tax application for persons, similarly situated, engaged in the production and sale of products in intrastate and interstate commerce.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.440 and new sections in chapter 82.04 RCW.

Reasons Supporting Proposed Action: A new section in chapter 458-20 WAC is needed to provide the rules of procedure and prescribe forms and guidelines for reporting and paying B&O tax and claiming tax credits arising from multiple tax applications by this state and other states arising from the production and sale of the same products. The rule must define terms, explain credit qualification requirements, credit limitations, timeliness provisions, and outline the general procedures for the entire tax credits system. Emergency adoption of the rule is necessary for the preservation of the general welfare of taxpayers effected by the statutory amendment and new credits system. Permanent adoption will occur only after a public hearing under the APA and full opportunity for all interested persons to be heard.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

NEW SECTION

WAC 458-20-19301 MULTIPLE ACTIVITIES TAX CREDITS. (1) Introduction. Under the provisions of chapter 3, Laws of 1987, 2nd ex. sess., Washington State's business and occupations taxes imposed under chapter 82.04 RCW were adjusted to achieve constitutional equality in the tax treatment of persons engaged in intrastate commerce (within this state only) and interstate commerce (between Washington and other states). The business and occupation tax system taxes the privilege of engaging in specified business activities based upon "gross proceeds of sales" (RCW 82.04.070) and the "value of products" (RCW 82.04.450) produced in this state. In order to maintain the integrity of this taxing system, to eliminate the possibility of discrimination between taxpayers, and to provide equal and uniform treatment of persons engaged in extracting, manufacturing, and/or selling activities regardless of where performed, a statutory system of internal and external tax credits was adopted, effective August 12, 1987. This tax credits system replaces the multiple activities exemption which, formerly, assured that the gross receipts tax would be paid only once by persons engaged in more than one taxable activity in this state in connection with the same end products. Unlike the multiple activities exemption which only prevented multiple taxation from within this state, the credits of the new system apply for gross receipts taxes paid to other taxing jurisdictions outside this state as well.

(2) Definitions. For purposes of this section the following terms will apply.

(a) "Credits" means the multiple activities tax credit(s) authorized under this statutory system also referred to as MATC.

(b) "Gross receipts tax" means a tax:

(i) which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) which is not, pursuant to law or custom, separately stated from the selling price.

(c) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes the tax imposed by RCW 82.04.230 (tax on extractors) and similar gross receipts taxes paid to other states.

(d) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes:

(i) the taxes imposed in RCW 82.04.240 (tax on manufacturers) and subsections (2) through (5) and (7) of RCW 82.04.260 (tax on special manufacturing activities) and

(ii) similar gross receipts taxes paid to other states.

The term "manufacturing tax," by nature, includes a gross receipts tax upon the combination of printing and publishing activities when performed by the same person.

(e) "Selling tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a wholesaler or retailer of tangible personal property in this state or any other state. The term "selling" has its common and ordinary meaning and includes the acts of making either wholesale sales or retail sales or both.

(f) "State" means:

(i) the State of Washington,

(ii) a State of the United States other than Washington or any political subdivision of such other state,

(iii) the District of Columbia,

(iv) territories and possessions of the United States, and

(v) any foreign country or political subdivision thereof.

(g) "Taxes paid" means taxes legally imposed and actually paid in terms of money, credits, or other emoluments to a taxing authority of any "state." The term does not include taxes for which liability for payment has accrued but for which payment has not actually been made. This term also includes business and occupation taxes being paid to Washington State together with the same combined excise tax return upon which MATC are taken.

(h) "Business," "manufacturer," "extractor," and other terms expressly defined in RCW 82.04.020 through 82.04.212 have the meanings given in those statutory sections regardless of how the terms may be used for other states' taxing purposes.

(3) Scope of credits. This integrated tax credits system is intended to assure that gross receipts from sales or the value of products determined by such gross receipts are taxed only one time, whether the activities occur entirely within this state or both within and outside this state. External tax credits arise when activities are taxed in this state and similar activities with respect to the same products produced and sold are also subject to similar taxes outside this state. There are five ways in which external tax credits may arise because of taxes paid in other states.

(a) Products or ingredients are extracted (taken from the ground) in this state and are manufactured or sold and delivered in another state which imposes a gross receipts tax on the latter activity(s). The credit created by payment of the other state's tax may be used to offset the Washington extracting tax liability.

(b) Products are manufactured, in whole or in part, in this state and sold and delivered in another state which imposes a gross receipts tax on the selling activity. Again, payment of the other state's tax may be taken as a credit against the Washington manufacturing tax liability.

(c) Conversely, products or ingredients are extracted outside this state upon which a gross receipts tax is paid in the state of extracting, and which are sold and delivered to buyers here. The other state tax payment may be taken as a credit against Washington's selling taxes.

(d) Similarly, products are manufactured, in whole or in part, outside this state and sold and delivered to buyers here. Any other state's gross receipts tax on manufacturing may be taken as a credit against Washington's selling tax.

(e) Products are partly manufactured in this state and partly in another state and are sold and delivered here or in another state. The combination of all other states' gross receipts taxes paid may be taken as credits against Washington's manufacturing and/or selling taxes.

Thus, the external tax credits may arise in the flow of commerce, either upstream or downstream from the taxable activity in this state, or both. Products extracted in another state, manufactured in

Washington State, and sold and delivered in a third state may derive credits for taxes paid on both of the out of state activities.

Internal tax credits arise from multiple business activities performed entirely within this state, all of which are now subject to tax, but with the integrated credits offsetting the liabilities so that tax is only paid once on gross receipts. Under this system Washington extractors and manufacturers who sell their products in this state at wholesale and/or retail must report the value of products or gross receipts under each applicable tax classification. Credits may then be taken in the amount of the extracting and/or manufacturing tax paid to offset the selling taxes due. There are three ways in which credits may arise because of taxes paid exclusively in this state.

(f) Products are extracted in Washington and directly sold in Washington. Extracting business and occupation tax and selling business and occupation tax must both be reported but the payment of the former is a credit against the latter.

(g) Similarly, ingredients are extracted in Washington and manufactured into new products in this state. The extracting business and occupation tax reported and paid may be taken as a credit against manufacturing tax reported.

(h) Products manufactured in Washington are sold in Washington. Again, the payment of the manufacturing tax reported may be credited against the selling tax (wholesaling and/or retailing business and occupation tax) reported.

All of the external and internal tax credits derived from any flow of commerce may be used, repeatedly if necessary, to offset other tax liabilities related to the production and sale of the same products.

(4) Eligibility for taking credits. Statutory law places the following eligibility requirements and limitations upon the MATC system.

(a) The amount of the credit(s), however derived, may not exceed the Washington tax liability against which the credit(s) may be used. Any excess of credit(s) over liability may not be carried over or used for any purpose.

(b) The person claiming the credit(s) must be the same person who is legally obligated to pay both the taxes which give rise to the credit(s) and the taxes against which the credit is claimed. The MATC is not assignable.

(c) The taxes which give rise to the credit(s) must be actually paid before credit may be claimed against any other tax liability. Tax liability merely accrued is not creditable.

(d) The business activity subject to tax, and against which credit(s) is claimed, must involve the same ingredients or product upon which the tax giving rise to the credit(s) was paid. The credits must be product-specific.

(e) The effective date for developing and claiming credit(s) for products manufactured in Washington State and sold and delivered in other states which impose gross receipts selling taxes is June 1, 1987.

(f) The effective date for developing and claiming all credits other than those explained in subsection (e) above, is August 12, 1987.

(g) Persons who are engaged only in making wholesale or retail sales of tangible personal property which they have not extracted or manufactured are not entitled to claim MATC. Also, persons engaged in rendering services in this state are not so entitled, even if such services have been defined as "retail sales" under RCW 82.04.050. (See WAC 458-20-194 for rules governing apportionment of gross receipts from interstate services).

(5) Other states' qualifying taxes. The law defines "gross receipts tax" paid to other states to exclude income taxes, value added taxes, retail sales taxes, use taxes, or other taxes which are generally stated separately from the selling price of products sold. Only those taxes imposed by other states which include gross receipts of a business activity within their measure or base are qualified for these credit(s). The burden rests with the person claiming any MATC for other states' taxes paid to show that the other states' tax was a tax on gross receipts as defined herein. Gross receipts taxes generally include:

(a) Business and occupation privileges taxes upon extracting, manufacturing, and selling activities which are similar to those imposed in Washington State in that the tax measure or base is not reduced by any allocation, apportionment, or other formula method resulting in a downward adjustment of the tax base. If costs of doing business may be generally or routinely deducted from the tax base, the tax is not one which is similar to Washington State's gross receipts tax.

(b) Severance taxes measured by the selling price of the ingredients or products severed (oil, logs, minerals, natural products, etc.) rather than measured by costs of production, stumpage values, the volume or number of units produced, or some other formula tax base.

(c) Business franchise or licensing taxes measured by the gross volume of business in terms of gross receipts or other financial terms rather than units of production or the volume of units sold.

Other states' tax payments claimed for MATC must be identifiable with the same ingredients or products which incurred tax liability in Washington State, i.e., they must be product specific.

(6) Deductions in combination with MATC. Effective August 12, 1987, with the enactment of the MATC system, the liability for actual payment of tax by persons who extract, manufacture, and sell products in this state was shifted from the selling activity (wholesaling or retailing) to the production activity (extracting and/or manufacturing). As explained, the payment of the production taxes may now be credited against the liability for selling taxes on the same products. However, the deductions from tax provided by chapter 82.04 RCW (business and occupation tax deductions) may still be taken before tax credits are computed and used, with noted exceptions. In order for the MATC system to result in the correct computation of tax liabilities and credit applications, the tax deductions which may apply for any reporting period must be taken equally against both levels of tax liability reported, i.e., at both the production and selling levels. Failure to report tax deductions in this manner will result in overreporting tax due and may result in overpayment of tax. Thus, with the exceptions noted below, tax deductions formerly reported only against selling activities should now be reported against production activities as well. All such deductions, the result of which is to reduce the measure of tax reported, should be taken against both the production taxes (extracting or manufacturing) and the selling taxes (wholesaling and/or retailing) equally.

(a) Example:

(i) A company manufactures products in Washington which it also sells at wholesale for \$5,000 and delivers to a buyer in this state. The buyer defaults on part of the payment and the seller incurs a \$2,000 credit loss which it writes off as a bad debt during the tax reporting period. The bad debt deduction provided by RCW 82.04.4284 must be shown on both the manufacturing—other line and the wholesaling—other line of the combined excise tax return. Taking the deduction on only one of those activities results in overreported tax liability on the \$2,000 loss.

(b) Exceptions. The deductions generally provided by RCW 82.04-.4286, for interstate or foreign sales (where goods are sold and delivered outside this state) may not be taken against tax reported at the production level (extracting or manufacturing). This is because the MATC system itself provides for tax credits instead of tax deductions on gross receipts from transactions involving goods produced in this state and sold in interstate or foreign commerce. Thus, deductions which eliminate transactions from tax reporting may be taken only against selling taxes.

(c) Applicable deductions should be shown on the front of the combined excise tax return (column #3) on each applicable tax classification line and detailed on the back side of the return, as usual, before MATC is taken.

(7) How and when to take MATC. The credits available under the MATC system are all to be taken on the combined excise tax return beginning in August, 1987 and thereafter. The return form has been modified to accommodate these credits. Each tax return upon which MATC has been taken must be accompanied by a completed Schedule C. This schedule details the business activities and credits computations. The line by line instructions insure that no more or no less credits are claimed than are authorized under the law.

(8) Consolidation of tax liabilities and credits. Under the MATC system a person's Washington tax liability for all activities involved in that person's production and sale of the same ingredients or products (extracting, and/or manufacturing, and/or selling) is to be reported only at the time of the sale of such products or at the time of that person's own use of such products for commercial or industrial consumption. All of the taxable activities are to be reported on that same periodic excise tax return. Also, all external and internal tax credits derived from the payment of any gross receipts taxes on any of these activities are to be taken at that time. Thus, the taxable activities and the tax credits are procedurally consolidated for reporting. This consolidation overcomes any need to track ingredients or products from their extraction to their sale. It also overcomes any need to report and pay Washington tax liability during one reporting period and to take credits against that tax liability in a different reporting period. Thus, except as noted below, there can be no credit carryovers or carrybacks under this system.

(a) Exception. Where different tax reporting periods are assigned by Washington State and another state to a company doing business both within and outside Washington State, the other state's gross receipts tax on the same products may not yet have been paid when the Washington tax is due for reporting and payment. In such cases the Washington tax due must be timely reported and paid during the period in which the sale is made. The external credit arising later, when the other state's tax is paid, may be taken as a credit against any Washington business and occupation tax reported during that later period. Thus, the limitation that the MATC must be product-specific by being limited to the amount of Washington tax paid on the same products does not mean that the credit(s) can only be used against precisely those same Washington taxes paid.

(i) In the situation described in subsection (a) above, if there is not sufficient Washington business and occupation tax due for payment in the later period, when the external tax credit arises, to allow for utilization of the entire credit, the amount of any overage may be carried forward and taken against Washington taxes reported in subsequent reporting periods until fully used.

(ii) In the same situation, if the person entitled to claim such credit overage is no longer engaged in taxable business in this state or for any other reason does not incur sufficient Washington business and occupation tax liability to fully utilize the perfected credit overage, a tax refund will be issued.

(iii) No tax refunds, MATC carryovers, or MATC carrybacks will be allowed under any circumstances other than those explained above.

(9) Recordkeeping requirements. Persons claiming the MATC must keep and preserve such records and documents as may be necessary to prove their entitlement to any credits taken under this system (RCW 82.32.070). It is not required to submit copies of such proofs when credits are claimed or together with the Schedule C detail. Rather, such records must be kept for a period no less than five years from the date of the tax return upon which the related tax credits are claimed. Such records are fully subject to audit for confirmation of the validity and amounts of credits taken. Records which must be preserved by persons claiming external tax credits include:

(a) Copies of sales contracts, or other written or memorialized evidence of any sales agreements, including purchase and billing invoices showing the origin state and destination state of products sold.

(b) Copies of shipping or other delivery documents identifying the products sold and delivered, reconcilable with the selling documents of subsection (a) above.

(c) Copies of tax returns or reports filed with other states' taxing authorities showing the kinds and amounts of taxes paid to such other states for which MATC is claimed.

(d) Copies of cancelled checks or other proofs of actual tax payment to the other state(s) giving rise to the MATC claimed.

(e) Copies of any other state(s) taxing statutes, laws, ordinances, and other appropriate legal authorities necessary to establish the nature of the other states' tax as a gross receipts tax, as defined in this section.

(f) Failure to keep and preserve the aforementioned proofs of entitlement to the MATC will result in the denial of credits claimed and the assessment of all taxes offset or reduced by such credits as well as the additional assessment of interest and penalties as required by law. (See RCW 82.32.050).

(10) MATC in combination with other credits. The tax credits authorized under this system may be taken in combination with other tax credits available under Washington law. Such other credit programs, however, authorize credit-carryovers from reporting period to period until the credits are fully utilized. Thus, the MATC must be computed and used to offset business and occupation tax liabilities during any tax reporting period before any other program credits to which a claimant may be entitled are claimed or applied. Failure to compute and take the MATC before applying other available credits may result in the loss of the other credit benefits.

(11) Superseding provisions. The MATC provisions of this section supersede and control the provisions of other sections of chapter 458-20 WAC (other tax rules) relating to intrastate, interstate, and foreign transactions to the extent that such provisions are or appear to be contrary or conflicting.

(12) Unique or special credit situations—appeals. The provisions of this section generally explain the nature of the MATC system and the tax credit qualifications, limitations, and claiming procedures. The complexity of the integrated tax reporting and credit taking procedures may develop situations or questions which are not addressed herein. Such matters and requests for specialized rulings should be submitted

to the department of revenue for prior determination before credits are claimed. Adverse rulings, tax credit denials, or tax assessments resulting from audits or other examinations of returns upon which the MATC is claimed may be administratively appealed under the provisions of chapter 82.32 RCW and WAC 458-20-100.

WSR 87-19-149
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Order 87-7—Filed September 23, 1987]

I, Greg Pierce, deputy director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to multiple activities tax credits, new section WAC 458-20-19301.

I, Greg Pierce, 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 emergency adoption is necessary because the law became effective on August 12, 1987, and taxpayers require this rule to properly and timely report their tax liabilities and take the credits implemented by this rule.

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 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 September 23, 1987.

By Greg Pierce
 Deputy Director

NEW SECTION

WAC 458-20-19301 MULTIPLE ACTIVITIES TAX CREDITS. (1) *Introduction.* Under the provisions of chapter 3, Laws of 1987, 2nd ex. sess., Washington State's business and occupations taxes imposed under chapter 82.04 RCW were adjusted to achieve constitutional equality in the tax treatment of persons engaged in intrastate commerce (within this state only) and interstate commerce (between Washington and other states). The business and occupation tax system taxes the privilege of engaging in specified business activities based upon "gross proceeds of sales" (RCW 82.04.070) and the "value of products" (RCW 82.04.450) produced in this state. In order to maintain the integrity of this taxing system, to eliminate the possibility of discrimination between taxpayers, and to provide equal and uniform treatment of persons engaged in extracting, manufacturing, and/or selling activities regardless of where performed, a statutory system of internal and external tax credits was adopted, effective August 12, 1987. This tax credits system replaces the multiple activities exemption which, formerly, assured that the gross receipts

tax would be paid only once by persons engaged in more than one taxable activity in this state in connection with the same end products. Unlike the multiple activities exemption which only prevented multiple taxation from within this state, the credits of the new system apply for gross receipts taxes paid to other taxing jurisdictions outside this state as well.

(2) *Definitions.* For purposes of this section the following terms will apply.

(a) "Credits" means the multiple activities tax credit(s) authorized under this statutory system also referred to as MATC.

(b) "Gross receipts tax" means a tax:

(i) which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) which is not, pursuant to law or custom, separately stated from the selling price.

(c) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes the tax imposed by RCW 82.04.230 (tax on extractors) and similar gross receipts taxes paid to other states.

(d) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes:

(i) the taxes imposed in RCW 82.04.240 (tax on manufacturers) and subsections (2) through (5) and (7) of RCW 82.04.260 (tax on special manufacturing activities) and

(ii) similar gross receipts taxes paid to other states.

The term "manufacturing tax," by nature, includes a gross receipts tax upon the combination of printing and publishing activities when performed by the same person.

(e) "Selling tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a wholesaler or retailer of tangible personal property in this state or any other state. The term "selling" has its common and ordinary meaning and includes the acts of making either wholesale sales or retail sales or both.

(f) "State" means:

(i) the State of Washington,

(ii) a State of the United States other than Washington or any political subdivision of such other state,

(iii) the District of Columbia,

(iv) territories and possessions of the United States, and

(v) any foreign country or political subdivision thereof.

(g) "Taxes paid" means taxes legally imposed and actually paid in terms of money, credits, or other emoluments to a taxing authority of any "state." The term does not include taxes for which liability for payment has accrued but for which payment has not actually been made. This term also includes business and occupation taxes being paid to Washington State together with the same combined excise tax return upon which MATC are taken.

(h) "Business," "manufacturer," "extractor," and other terms expressly defined in RCW 82.04.020 through 82.04.212 have the meanings given in those statutory sections regardless of how the terms may be used for other states' taxing purposes.

(3) *Scope of credits.* This integrated tax credits system is intended to assure that gross receipts from sales or the value of products determined by such gross receipts are taxed only one time, whether the activities occur entirely within this state or both within and outside this state. External tax credits arise when activities are taxed in this state and similar activities with respect to the same products produced and sold are also subject to similar taxes outside this state. There are five ways in which external tax credits may arise because of taxes paid in other states.

(a) Products or ingredients are extracted (taken from the ground) in this state and are manufactured or sold and delivered in another state which imposes a gross receipts tax on the latter activity(s). The credit created by payment of the other state's tax may be used to offset the Washington extracting tax liability.

(b) Products are manufactured, in whole or in part, in this state and sold and delivered in another state which imposes a gross receipts tax on the selling activity. Again, payment of the other state's tax may be taken as a credit against the Washington manufacturing tax liability.

(c) Conversely, products or ingredients are extracted outside this state upon which a gross receipts tax is paid in the state of extracting, and which are sold and delivered to buyers here. The other state tax payment may be taken as a credit against Washington's selling taxes.

(d) Similarly, products are manufactured, in whole or in part, outside this state and sold and delivered to buyers here. Any other state's gross receipts tax on manufacturing may be taken as a credit against Washington's selling tax.

(e) Products are partly manufactured in this state and partly in another state and are sold and delivered here or in another state. The combination of all other states' gross receipts taxes paid may be taken as credits against Washington's manufacturing and/or selling taxes.

Thus, the external tax credits may arise in the flow of commerce, either upstream or downstream from the taxable activity in this state, or both. Products extracted in another state, manufactured in Washington State, and sold and delivered in a third state may derive credits for taxes paid on both of the out of state activities.

Internal tax credits arise from multiple business activities performed entirely within this state, all of which are now subject to tax, but with the integrated credits offsetting the liabilities so that tax is only paid once on gross receipts. Under this system Washington extractors and manufacturers who sell their products in this state at wholesale and/or retail must report the value of products or gross receipts under each applicable tax classification. Credits may then be taken in the amount of the extracting and/or manufacturing tax paid to offset the selling taxes due. There are three ways in which credits may arise because of taxes paid exclusively in this state.

(f) Products are extracted in Washington and directly sold in Washington. Extracting business and occupation tax and selling business and occupation tax must both be reported but the payment of the former is a credit against the latter.

(g) Similarly, ingredients are extracted in Washington and manufactured into new products in this state. The extracting business and occupation tax reported and paid may be taken as a credit against manufacturing tax reported.

(h) Products manufactured in Washington are sold in Washington. Again, the payment of the manufacturing tax reported may be credited against the selling tax (wholesaling and/or retailing business and occupation tax) reported.

All of the external and internal tax credits derived from any flow of commerce may be used, repeatedly if necessary, to offset other tax liabilities related to the production and sale of the same products.

(4) *Eligibility for taking credits.* Statutory law places the following eligibility requirements and limitations upon the MATC system.

(a) The amount of the credit(s), however derived, may not exceed the Washington tax liability against which the credit(s) may be used. Any excess of credit(s) over liability may not be carried over or used for any purpose.

(b) The person claiming the credit(s) must be the same person who is legally obligated to pay both the taxes which give rise to the credit(s) and the taxes against which the credit is claimed. The MATC is not assignable.

(c) The taxes which give rise to the credit(s) must be actually paid before credit may be claimed against any other tax liability. Tax liability merely accrued is not creditable.

(d) The business activity subject to tax, and against which credit(s) is claimed, must involve the same ingredients or product upon which the tax giving rise to the credit(s) was paid. The credits must be product-specific.

(e) The effective date for developing and claiming credit(s) for products manufactured in Washington State and sold and delivered in other states which impose gross receipts selling taxes is June 1, 1987.

(f) The effective date for developing and claiming all credits other than those explained in subsection (e) above, is August 12, 1987.

(g) Persons who are engaged only in making wholesale or retail sales of tangible personal property which they have not extracted or manufactured are not entitled to claim MATC. Also, persons engaged in rendering services in this state are not so entitled, even if such services have been defined as "retail sales" under RCW 82.04.050. (See WAC 458-20-194 for rules governing apportionment of gross receipts from interstate services).

(5) *Other states' qualifying taxes.* The law defines "gross receipts tax" paid to other states to exclude income taxes, value added taxes, retail sales taxes, use taxes, or other taxes which are generally stated separately from the selling price of products sold. Only those taxes imposed by other states which include gross receipts of a business activity within their measure or base are qualified for these credit(s). The burden rests with

the person claiming any MATC for other states' taxes paid to show that the other states' tax was a tax on gross receipts as defined herein. Gross receipts taxes generally include:

(a) Business and occupation privileges taxes upon extracting, manufacturing, and selling activities which are similar to those imposed in Washington State in that the tax measure or base is not reduced by any allocation, apportionment, or other formulary method resulting in a downward adjustment of the tax base. If costs of doing business may be generally or routinely deducted from the tax base, the tax is not one which is similar to Washington State's gross receipts tax.

(b) Severance taxes measured by the selling price of the ingredients or products severed (oil, logs, minerals, natural products, etc.) rather than measured by costs of production, stumpage values, the volume or number of units produced, or some other formulary tax base.

(c) Business franchise or licensing taxes measured by the gross volume of business in terms of gross receipts or other financial terms rather than units of production or the volume of units sold.

Other states' tax payments claimed for MATC must be identifiable with the same ingredients or products which incurred tax liability in Washington State, i.e., they must be product specific.

(6) Deductions in combination with MATC. Effective August 12, 1987, with the enactment of the MATC system, the liability for actual payment of tax by persons who extract, manufacture, and sell products in this state was shifted from the selling activity (wholesaling or retailing) to the production activity (extracting and/or manufacturing). As explained, the payment of the production taxes may now be credited against the liability for selling taxes on the same products. However, the deductions from tax provided by chapter 82.04 RCW (business and occupation tax deductions) may still be taken before tax credits are computed and used, with noted exceptions. In order for the MATC system to result in the correct computation of tax liabilities and credit applications, the tax deductions which may apply for any reporting period must be taken equally against both levels of tax liability reported, i.e., at both the production and selling levels. Failure to report tax deductions in this manner will result in overreporting tax due and may result in overpayment of tax. Thus, with the exceptions noted below, tax deductions formerly reported only against selling activities should now be reported against production activities as well. All such deductions, the result of which is to reduce the measure of tax reported, should be taken against both the production taxes (extracting or manufacturing) and the selling taxes (wholesaling and/or retailing) equally.

(a) Example:

(i) A company manufactures products in Washington which it also sells at wholesale for \$5,000 and delivers to a buyer in this state. The buyer defaults on part of the payment and the seller incurs a \$2,000 credit loss which it writes off as a bad debt during the tax reporting period. The bad debt deduction provided by RCW 82.04-.4284 must be shown on both the manufacturing-other

line and the wholesaling-other line of the combined excise tax return. Taking the deduction on only one of those activities results in overreported tax liability on the \$2,000 loss.

(b) Exceptions. The deductions generally provided by RCW 82.04.4286, for interstate or foreign sales (where goods are sold and delivered outside this state) may not be taken against tax reported at the production level (extracting or manufacturing). This is because the MATC system itself provides for tax credits instead of tax deductions on gross receipts from transactions involving goods produced in this state and sold in interstate or foreign commerce. Thus, deductions which eliminate transactions from tax reporting may be taken only against selling taxes.

(c) Applicable deductions should be shown on the front of the combined excise tax return (column #3) on each applicable tax classification line and detailed on the back side of the return, as usual, before MATC is taken.

(7) How and when to take MATC. The credits available under the MATC system are all to be taken on the combined excise tax return beginning in August, 1987 and thereafter. The return form has been modified to accommodate these credits. Each tax return upon which MATC has been taken must be accompanied by a completed Schedule C. This schedule details the business activities and credits computations. The line by line instructions insure that no more or no less credits are claimed than are authorized under the law.

(8) Consolidation of tax liabilities and credits. Under the MATC system a person's Washington tax liability for all activities involved in that person's production and sale of the same ingredients or products (extracting, and/or manufacturing, and/or selling) is to be reported only at the time of the sale of such products or at the time of that person's own use of such products for commercial or industrial consumption. All of the taxable activities are to be reported on that same periodic excise tax return. Also, all external and internal tax credits derived from the payment of any gross receipts taxes on any of these activities are to be taken at that time. Thus, the taxable activities and the tax credits are procedurally consolidated for reporting. This consolidation overcomes any need to track ingredients or products from their extraction to their sale. It also overcomes any need to report and pay Washington tax liability during one reporting period and to take credits against that tax liability in a different reporting period. Thus, except as noted below, there can be no credit carryovers or carrybacks under this system.

(a) Exception. Where different tax reporting periods are assigned by Washington State and another state to a company doing business both within and outside Washington State, the other state's gross receipts tax on the same products may not yet have been paid when the Washington tax is due for reporting and payment. In such cases the Washington tax due must be timely reported and paid during the period in which the sale is made. The external credit arising later, when the other state's tax is paid, may be taken as a credit against any Washington business and occupation tax reported during that later period. Thus, the limitation that the MATC

must be product-specific by being limited to the amount of Washington tax paid on the same products does not mean that the credit(s) can only be used against precisely those same Washington taxes paid.

(i) In the situation described in subsection (a) above, if there is not sufficient Washington business and occupation tax due for payment in the later period, when the external tax credit arises, to allow for utilization of the entire credit, the amount of any overage may be carried forward and taken against Washington taxes reported in subsequent reporting periods until fully used.

(ii) In the same situation, if the person entitled to claim such credit overage is no longer engaged in taxable business in this state or for any other reason does not incur sufficient Washington business and occupation tax liability to fully utilize the perfected credit overage, a tax refund will be issued.

(iii) No tax refunds, MATC carryovers, or MATC carrybacks will be allowed under any circumstances other than those explained above.

(9) Recordkeeping requirements. Persons claiming the MATC must keep and preserve such records and documents as may be necessary to prove their entitlement to any credits taken under this system (RCW 82.32.070). It is not required to submit copies of such proofs when credits are claimed or together with the Schedule C detail. Rather, such records must be kept for a period no less than five years from the date of the tax return upon which the related tax credits are claimed. Such records are fully subject to audit for confirmation of the validity and amounts of credits taken. Records which must be preserved by persons claiming external tax credits include:

(a) Copies of sales contracts, or other written or memorialized evidence of any sales agreements, including purchase and billing invoices showing the origin state and destination state of products sold.

(b) Copies of shipping or other delivery documents identifying the products sold and delivered, reconcilable with the selling documents of subsection (a) above.

(c) Copies of tax returns or reports filed with other states' taxing authorities showing the kinds and amounts of taxes paid to such other states for which MATC is claimed.

(d) Copies of cancelled checks or other proofs of actual tax payment to the other state(s) giving rise to the MATC claimed.

(e) Copies of any other state(s) taxing statutes, laws, ordinances, and other appropriate legal authorities necessary to establish the nature of the other states' tax as a gross receipts tax, as defined in this section.

(f) Failure to keep and preserve the aforementioned proofs of entitlement to the MATC will result in the denial of credits claimed and the assessment of all taxes offset or reduced by such credits as well as the additional assessment of interest and penalties as required by law. (See RCW 82.32.050).

(10) MATC in combination with other credits. The tax credits authorized under this system may be taken in combination with other tax credits available under Washington law. Such other credit programs, however,

authorize credit carryovers from reporting period to period until the credits are fully utilized. Thus, the MATC must be computed and used to offset business and occupation tax liabilities during any tax reporting period before any other program credits to which a claimant may be entitled are claimed or applied. Failure to compute and take the MATC before applying other available credits may result in the loss of the other credit benefits.

(11) Superseding provisions. The MATC provisions of this section supersede and control the provisions of other sections of chapter 458-20 WAC (other tax rules) relating to intrastate, interstate, and foreign transactions to the extent that such provisions are or appear to be contrary or conflicting.

(12) Unique or special credit situations—appeals. The provisions of this section generally explain the nature of the MATC system and the tax credit qualifications, limitations, and claiming procedures. The complexity of the integrated tax reporting and credit taking procedures may develop situations or questions which are not addressed herein. Such matters and requests for specialized rulings should be submitted to the department of revenue for prior determination before credits are claimed. Adverse rulings, tax credit denials, or tax assessments resulting from audits or other examinations of returns upon which the MATC is claimed may be administratively appealed under the provisions of chapter 82.32 RCW and WAC 458-20-100.

WSR 87-19-150

NOTICE OF PUBLIC MEETINGS COUNCIL ON VOCATIONAL EDUCATION

[Memorandum—September 23, 1987]

September 30, 1987

Yarrow Point Room – Holiday Inn
Bellevue, Washington

The meeting site is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Council on Vocational Education, 120 East Union, Room 207, EK-21, Olympia, WA 98504, (206) 753-3715 by September 28, 1987.

WSR 87-19-151

PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed September 23, 1987]

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 Aid to families with dependent children—Summary of eligibility conditions, amending WAC 388-24-040;

that the agency will at 10:00 a.m., Friday, October 30, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 2, 1987.

The authority under which these rules are proposed is RCW 74.12.280.

The specific statute these rules are intended to implement is chapters 74.12 and 74.13 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 30, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 16, 1987. The meeting site is in a location which is barrier free.

Dated: September 23, 1987

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-24-040.

Purpose of the Rule or Rule Change: To move the definition of eligible alien to the more appropriate chapter 388-26 WAC.

Reason(s) These Rules are Necessary: The eligible alien definition was incomplete and properly belonged in chapter 388-26 WAC.

Statutory Authority: RCW 74.12.280.

Summary of the Rule or Rule Change: The partial definition of eligible alien is removed from chapter 388-24 WAC. The listing of the eligibility factor and the reference to chapter 388-24 WAC is retained.

Person Responsible for Drafting, Implementation and Enforcement of the Rule or Rule Change: Barbara Rodman, Program Manager, Division of Income Assistance, mailstop OB-31J, phone 753-1735.

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

AMENDATORY SECTION (Amending Order 2275A, filed 8/30/85)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. Effective September 1, 1985(;;):

(1) AFDC shall be granted in behalf of a needy child:

~~((+)) (a) ((Who is)) Under ((the age of)) eighteen years of age; ((a) AFDC may be granted to a pregnant woman with no other children, provided there is medical confirmation the pregnant woman is in the third trimester of pregnancy. The third trimester is defined as the~~

~~three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner confirming pregnancy and the expected date of birth;)) or~~

~~(b) ((AFDC shall be continued through the month the child reaches the maximum age)) Eighteen years of age and a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month the student becomes nineteen years of age. The school or training requirement shall not apply to an unmarried parent who is eighteen years of age when such parent and his or her child live in the home of such parent's parent or legal guardian. Such parent shall be included in an assistance unit as a needy child under rules applicable to minor parents in WAC 388-24-050(3) without regard to school or training attendance; and~~

~~((2)) (c) ((Who is a resident of)) Residing in the state of Washington(;) or ((who lives)) living with a parent or other relative ((who is a resident of)) residing in the state of Washington - see WAC 388-26-055 through 388-26-105; and~~

~~((3)) (d) ((Who is)) Deprived of parental care and support because of death, continued absence, unemployment, or incapacity of a parent or stepparent - see WAC 388-24-055 through 388-24-074. A parent is a person acknowledging parentage and meeting the criteria in the Uniform Parentage Act (chapter 26.26 RCW) or a person whose parentage has been established by court order. For the purpose of determining eligibility for AFDC, a person not married to the child's parent when the child was born, or whose parentage has not been established by court order, shall be considered a parent only for periods beginning on or after the date the department documents the person acknowledges parentage and meets the criteria of the Uniform Parentage Act. If parentage is contested, a court order will be required to determine parentage. If unemployment of a parent or stepparent is the basis of deprivation, all provisions of WAC 388-24-074 apply; and~~

~~((4)) (e) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC ((388-24-065(+)) 388-24-065(12); and~~

~~((5(a)) (f) ((Who is)) Living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or~~

~~((b)) (g) ((Who, as a result of judicial action, was)) Removed from his or her home by judicial action and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207; and~~

~~((6)) (h) Who is a citizen or an eligible alien ((lawfully admitted for permanent residence or otherwise permanently residing in the United States)) as described in WAC 388-26-120; and~~

~~((7)) (i) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465; and~~

~~((8)) (j) ((Who is)) In financial need - see chapters 388-28 and 388-33 WAC(;;).~~

~~((9)) (2) ((Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached; except, the school or training requirement shall not apply to an unmarried parent eighteen years of age and under nineteen years of age when such parent and his or her child live in the home of such parent's parent or legal guardian. Such parents shall be included in an assistance unit as a needy child under rules applicable to minor parents in WAC 388-24-050(3) without regard to school or training attendance.~~

~~((10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050)) AFDC may be granted to a pregnant woman with no other children; provided:~~

~~(a) There is medical confirmation she is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from the licensed medical practitioner confirming pregnancy and the expected date of birth; and~~

~~(b) If the child had been born and was living with her, the child would be eligible for AFDC as set out in subsection (a) through (j) of this section.~~

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 87-19-152
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
(Filed September 23, 1987)**

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 388-54-740 Income—Deductions.
- Amd WAC 388-54-785 Issuance—Monthly allotments;

that the agency will at 10:00 a.m., Friday, October 30, 1987, in the Auditorium, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 2, 1987.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is Title 74 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 30, 1987.

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

Leslie F. James, Director
Administrative Services
Department of Social and Health Services
Mailstop OB 39
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, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by October 16, 1987. The meeting site is in a location which is barrier free.

Dated: September 23, 1987
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: WAC 388-54-740 and 388-54-785.

Purpose of These Rule Changes: To update the standard deduction, the shelter deduction, and the thrifty food plan amounts effective October 1, 1987.

Statutory Authority: RCW 74.04.050.

Summary of the Rule Change: This change updates the standard deduction, shelter deduction, and the thrifty food plan amounts for food stamp households who are eligible to receive them.

Person Responsible for Drafting, Implementation and Enforcement of These Rule Changes: Dave Monfort, Division of Income Assistance, OB-31J, scan 234-0426.

This rule change is necessary as a result of federal law, CFR 273.9 (d)(7) and (8), Letter from the Family Nutrition Service dated 8/12/87.

AMENDATORY SECTION (Amending Order 2523, filed 8/17/87)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of (~~ninety-nine~~) one hundred and two dollars per household per month.

(2) An earned income deduction of twenty percent of gross earned income. Earnings excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) A dependent care deduction for households shall be the amount actually paid not to exceed one hundred sixty dollars. Payments for the care of a child or other dependent will be allowed when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

(4) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction shall not exceed one hundred (~~forty-nine~~) fifty-two dollars for those persons certified prior to October 1, 1987, for the life of the certification period and one hundred sixty-four dollars for those persons certified or recertified on or after October 1, 1987.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, sewage disposal, and a standard basic telephone allowance, and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as central air conditioners or operation of a room air conditioner.

Persons in Household	Annualized Utility Standards
1	\$ 131
2	140
3	150
4	158
5	169
6	178
7	184
8	191
9	199
10 or more	209

(e) Households billed by their landlords for actual usage as determined through individual metering may qualify for the standard utility allowance.

(f) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(g) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately.

(i) The telephone standard for families incurring telephone costs, but not entitled to claim the standard utility allowance, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the standard utility allowance, but which have telephone expenses.

(h) If a household requests and can verify the household's utility bills, the actual utility costs shall be used rather than the standard utility allowance.

(i) A household shall be allowed to switch between actual utility costs and the utility standard at each recertification action and one additional time during each twelve-month period following the initial certification action.

(j) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

(k) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(l) If in any month of the certification period actual out-of-pocket heating or cooling expenses exceed the prorated energy assistance vendor payment, the household is entitled to receive the standard utility allowance.

(m) If the prorated energy assistance vendor payment exceeds the heating or cooling expense for every month of the certification period, the household can count the entire expense billed by the provider toward actual utility costs regardless of the energy assistance vendor payment.

(n) Energy assistance vendor payments are prorated on a monthly basis over the entire heating or cooling season for which it is provided.

(5) Households containing an elderly or disabled member, as defined in WAC 388-54-665 (2)(b), shall be authorized an excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665 (2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 2440, filed 11/10/86)

WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS.

(1) Based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility except no allotment shall be issued at less than ten dollars.

(2) The department shall determine the value of the allotment a household receives (taking into consideration the requirement within subsection (1) of this section to prorate the initial month's allotment) by multiplying the household's net monthly income by thirty percent, rounding the product up to the next whole dollar if it ends with one

through ninety-nine cents, and subtract the result from the thrifty food plan for the appropriate household size. If the computation results in an allotment of one dollar, three dollars, or five dollars, the amount shall be rounded up to two dollars, four dollars, or six dollars, respectively.

Household Size	Thrifty Food Plan Amounts
1	\$ ((8+)) 87
2	((149)) 159
3	((214)) 228
4	((271)) 290
5	((322)) 344
6	((387)) 413
7	((428)) 457
8	((489)) 522
9	((550)) 587
10	((611)) 652
Each additional member	+((61)) 65

(3) All one- and two-person households shall receive a minimum monthly allotment of ten dollars except in the initial benefit month where no household may receive a pro rata allotment of less than ten dollars.

WSR 87-19-153
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning new WAC 308-127-155 and repealing WAC 308-127-150;

that the agency will at 10:00 a.m., Thursday, October 29, 1987, in the 1st Floor, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place at a later date.

The authority under which these rules are proposed is section 4, chapter 370, Laws of 1987.

The specific statute these rules are intended to implement is section 4, chapter 370, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1987.

Dated: September 23, 1987

By: Ann Silvernale

Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section and Chapter: WAC 308-127-155 Fees; and 308-127-150 Application of four dollars per interval fee.

Statutory Authority and Specific Statute that Rules are Intended to Implement: Section 4, chapter 370, Laws of 1987, and RCW 64.36.050(3).

WAC 308-127-155 prescribes the fees to be paid for the registration of timeshare projects; and 308-127-150 repeals a rule in conflict with the new rule.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Theresa Anna

Aragon, Director, Department of Licensing, Fourth Floor, Highways-Licenses Building, Olympia, WA 98504, 234-5029 scan, 753-5029 comm; Bob VanSchoorl, Assistant Director, Business and Professions, First Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-2241 scan, 753-2241 comm; and Cleotis Borner, Program Manager, Professional Program Management Division, Fourth Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-4230 scan, 753-4230 comm.

Name of Person or Organization that is Proposing These Rules: Department of Licensing.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

These rules are not necessary to comply with a federal law or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business impact statement is not required for these rules. The department has reviewed the impact that the adoption of new chapter 308-127 WAC would have on timeshare promoters and salespersons. We find that a small business impact statement is not required. Timeshare promoters, timeshare salespeople, and persons in the business of offering commercial promotional programs are most appropriately classed in SIC Code 6531, Real Estate Brokers and Salespersons. As such, they account for less than 10 percent of the firms and individuals in this area. Also, they are less than 20 percent of all firms and individuals in all industries. Finally, any impact that these proposed rules may have is intended to fall equally on all timeshare promoters, salespersons, and persons in the business of offering commercial promotional programs.

NEW SECTION

WAC 308-127-155 FEES. The following fees shall be paid under the provisions of chapter 64.36 RCW:

- (1) Registration Application Fees.
 - (a) Applicants for registration of a start-up timeshare offering shall pay a registration fee of \$750.00.
 - (b) Applicants filing for registration of a start-up timeshare offering which has or will have more than a single timeshare project in the program shall pay a registration fee of \$750.00 for the first project in the program and \$250.00 for each additional project in the program.
 - (c) Applicants filing for registration of a start-up timeshare offering of intervals in personal property shall pay a registration fee of \$500.00 for the first unit of personal property in the program and \$50.00 for each additional unit of personal property placed in the program up to and including ten units and \$35.00 for each unit of personal property after the tenth unit.
 - (d) Applicants filing for registration of businesses listing or brokering resale intervals shall pay a registration fee of \$250.00.
- (2) Interval Fees. In addition to the registration fees, registrants shall pay the following fees for intervals in the registration:
 - (a) No fee for the first 52 intervals;
 - (b) \$1.00 for each interval fifty-three (53) through four hundred (400);
 - (c) \$.50 (fifty cents) for each interval four hundred and one (401) through one thousand (1,000);
 - (d) No fee for intervals beyond the one thousandth interval;
 - (e) No interval fee for resale offerings. Instead, registrants of resale offerings shall file listings for sale inventories with the department once every calendar month and registrants of resale offerings shall pay a fee of \$10.00 for each filing.

(3) Renewal fees.

(a) Registrants, whose programs consist of a single timeshare project and fifty two or fewer intervals, shall pay a renewal fee of \$150.00. The late renewal fee is \$350.00.

(b) Registrants, whose programs involve more than one timeshare project or include more than fifty two intervals, shall apply a renewal fee of \$350.00. The late renewal fee is \$550.00.

(c) Failure to renew within six months after the renewal date shall result in the termination of the registration and a new application for registration must be made, including payment of all fees for an original applicant.

(4) Consolidation Fees. A consolidation shall mean any adding of intervals, real estate or units of timeshared personal property to a program. Consolidations shall not be construed as amendments to the registration for purposes of determining fees under this rule.

(a) Registrants, whose registrations involve a single timeshare project shall pay a consolidation fee of \$150.00 for each grouping of fifty-two intervals or less being added to the program subsequent to initial registration.

(b) Registrants, whose registrations involve more than one timeshare project shall pay a consolidation fee of \$350.00 for each added timeshare project.

(c) Registrants, whose programs involve the timesharing of personal property, shall pay a consolidation fee of \$250.00 for each unit of personal property being added to the program.

(5) Fees for Exemptions. The granting of exemptions pursuant to RCW 64.36.020(4) shall be by an order from the director and shall issue only after the department has examined the petition for an exemption and any supporting documentation. The fee for petitioning for an exemption shall be \$150.00 for programs containing a single timeshare project and fifty-two or fewer intervals. For all other types of programs, the fee for petitioning for an exemption shall be \$250.00.

(6) Fees for Impounds, Escrows, Trusts, and Depositories. For each impound, escrow, trust, or other arrangement requiring a depository for purposes of satisfying the provisions of RCW 64.36.130, the initial establishment fee shall be \$250.00 and the fee for each required periodic report shall be \$10.00.

(7) Fees for Advertising.

(a) For each individual advertisement filed with the department, there shall be a fee of \$25.00 paid at the time of the initial submission of the advertisement to the department. Should a registrant fail to submit a required filing of an advertisement or advertisements or fail to file the advertisement or advertisements in a timely manner, the \$25.00 fee for each advertisement shall be collected from the registrant, even if the advertisement or advertisements at issue are no longer in use or being disseminated.

(b) Registrants or applicants submitting an advertisement or advertisements involving no examination of project instruments and which are for the purpose of marketing surveys or feasibility studies shall pay a fee of \$75.00.

(8) Fees for Persons in the Business of Offering Commercial Promotional Programs.

(a) Applicants in the business of offering or selling commercial promotional programs as defined in RCW 64.36.010(3) shall pay a registration fee of \$300.00.

(b) All fees or funds of any description collected from persons in advance, in connection with delivery by the promisor of gifts, prizes, awards, or any other item of value shall be placed in a depository designated by the agency.

(c) A fee of \$250.00 shall be paid for the establishment of any impound, escrow, trust, depository, or other security device required under Section 13, chapter 370, Laws of 1987.

(9) Salespersons Fees. Applicants for registration as timeshare salespersons shall pay a registration fee of \$50.00 and a fee of \$25.00 for each renewal or transfer of the salesperson registration.

(10) Fees for Amending Registration and Public Offering Statement. For each amendment of registration or amendment of the public offering statement pursuant to WAC 308-127-040(2), a fee of \$10.00 shall be paid. A penalty fee of \$100.00 shall be assessed for failure to file an amendment within 20 days of the occurrence of a materially adverse change as defined in WAC 308-127-040(2).

(11) Inspection Fees. Applicants and registrants shall pay the cost of inspections conducted pursuant to Section 5, chapter 370, Laws of 1987. The inspection fees shall be paid prior to the granting of a registration, a renewal of registration or consolidation. The inspection fee shall be determined by the actual cost to the department for conducting of the inspection.

(12) All fees shall be paid to the order of the Treasurer, State of Washington.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 308-127-150 APPLICATION OF FOUR DOLLARS PER INTERVAL FEE.

**WSR 87-19-154
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed September 23, 1987]**

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 taxation of forest land and timber, amending WAC 458-40-540;

that the agency will at 10:00 a.m., Wednesday, October 28, 1987, in the Conference Room, 6004 Capitol Way Building, Tumwater, 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 chapter 84.33 RCW.

The specific statute these rules are intended to implement is RCW 84.33.120 and 84.33.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 28, 1987.

Dated: September 23, 1987
By: John B. Conklin
Assistant Director, Forest 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: Property tax, forest land—Forest land values—1988, amendatory section WAC 458-40-540.

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 gives consideration to land quality (land quality grades 1 through 8, and operability classes 1 through 4 for 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 South Capitol Boulevard, Tumwater, WA 98501; Rule Implementation and Enforcement: William R. Wilkerson, Director of Revenue, (206) 753-5574, General Administration Building, Olympia, WA 98504.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.
Comments and Recommendations: None.
Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-540 PROPERTY TAX, FOREST LAND—FOREST LAND VALUES—((1987)) 1988. The true and fair values, per acre, for each grade of forest land for the ((1987)) 1988 assessment year are determined to be as follows:

((1987)) 1988 WASHINGTON FOREST LAND VALUES		
LAND GRADE	OPERABILITY CLASS	VALUE PER ACRE
1	1	\$((135)) 126
	2	((130)) 121
	3	((125)) 117
	4	((94)) 85
2	1	((113)) 106
	2	((109)) 102
	3	((105)) 98
	4	((76)) 71
3	1	((89)) 83
	2	((86)) 80
	3	((83)) 78
	4	((64)) 60
4	1	((67)) 63
	2	((65)) 61
	3	((64)) 60
	4	((50)) 47
5	1	((49)) 46
	2	((45)) 42
	3	((44)) 41
	4	((29)) 27
6	1	((25)) 23
	2	((24)) 22
	3	((24)) 22
	4	((22)) 21
7	1	((12)) 11
	2	((12)) 11
	3	((11)) 10
	4	((11)) 10
8		1

**WSR 87-19-155
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed September 23, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning Definition—Development, new WAC 390-20-022;

that the agency will at 9 a.m., Tuesday, October 27, 1987, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 27, 1987.

The authority under which these rules are proposed is RCW 42.17.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987.

Dated: September 23, 1987

By: David R. Clark
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 390-20-022 Definition—Development.

Description of Purpose: Defines "development" as term is used in recently passed legislation.

Statutory Authority: RCW 42.17.370(1).

Summary of Rule: Defines what "development" includes and what it does not include.

Reasons Supporting Proposed Action: Clarification is needed.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Executive Director.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: PDC staff.

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: N/A.

NEW SECTION

WAC 390-20-022 DEFINITION—DEVELOPMENT. (1) "Development", as that term is used in RCW 42.17.170 and .180, includes researching issues, drafting language for bills or rules, formulating strategy, consultation with other lobbyists or persons considered to be supporters or opponents of the legislation, monitoring the progress of legislation, seeking public support through direct or indirect means, reports to or consultation with the lobbyist's employer, or in rendering opinions as to the construction and effect of legislation when such activities are, or may reasonably be expected to result in or be, for the purpose of supporting or opposing or modifying legislation.

(2) "Development" does not include the cultivation of or negotiations with prospective employers, the explanation or interpretation of existing or proposed legislation or rules or instructing employers or prospective employers on the legislative process when no commitment to attempt to influence law or rules has been made, participation of members of an association in meetings, or surveys conducted in whole or in part to solicit expressions that will help the association formulate a legislative agenda.

WSR 87-19-156

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal

rules concerning School personnel—Teacher assistance program, chapter 392-196 WAC;

that the agency will at 9:00 a.m., Monday, November 2, 1987, in the State Board Room, Old Capitol Building, Olympia, 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 507, Laws of 1987.

Dated: September 22, 1987

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-196 WAC.

Rule Section(s): WAC 392-196-005, 392-196-010, 392-196-011, 392-196-020, 392-196-030, 392-196-040, 392-196-045, 392-196-050, 392-196-051, 392-196-052, 392-196-055, 392-196-060, 392-196-070, 392-196-072, 392-196-075, 392-196-080, 392-196-085 and 392-196-090.

Statutory Authority: Chapter 507, Laws of 1987.

Purpose of the Rule(s): To implement changes in the teacher assistance program.

Summary of the New Rule(s) and/or Amendments: WAC 392-196-005 reflects new statutory authority; 392-196-010 reflects change in the name of the program; 392-196-011 defines "teacher" as a class excluding practicing administrators for purposes of this chapter; 392-196-020 clarifies that mentor teacher receives a mentor teacher stipend; 392-196-030 removes the word "classroom" to clarify that any certificated teacher may be considered for nomination as a mentor teacher; 392-196-040 clarifies the definition of beginning teacher; 392-196-045 states that beginning teachers shall be paid for three days of workshop attendance; 392-196-050 reflects the increased amount of a minimum beginning teacher stipend; 392-196-051 defines "experienced teacher"; 392-196-052 outlines experienced teacher participation and reimbursement to district for resultant substitute costs; 392-196-055 clarifies that SPI-sponsored workshops are for beginning as well as mentor teachers; 392-196-060 limits the number of hours mentor, beginning, and experienced teachers may be released from regular teaching duties to participate in the program; excludes mentor teachers from the evaluation of beginning or experienced teachers with whom they "team." Requires mentor teacher to inform their principals periodically about program activities; 392-196-070 states that for 1987-88, all beginning/mentor teacher teams nominated shall be funded, and establishes a priority system for funding teacher assistance teams in ensuing years; 392-196-072 establishes a teacher assistance task force appointed by the Superintendent of Public Instruction to provide advice about the program; 392-196-075 clarifies that money distributed to participating school districts may be used to pay for appropriate fringe benefits associated with program expenditures; 392-196-080 adjusts the maximum amount per team which may be amounts made available to school districts; 392-196-085 corrects program name; and 392-

196-090 corrects program name and deletes mention of specific fiscal year.

Reasons Which Support the Proposed Action(s): The program was expauded [expanded] in concept to include experienced as well as beginning teachers and rules must reflect the changes.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Judi Billings, SPI, 3-2298; Implementation: Dr. Ted Andrews, Professional Education, 753-3222; and Enforcement: Dr. Robert Marshall, Deputy Superintendent, 753-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 392-196 WAC

SCHOOL PERSONNEL—~~(BEGINNING)~~ TEACHER(S) ASSISTANCE PROGRAM

AMENDATORY SECTION (Amending Order 86-7, filed 7/18/86)

WAC 392-196-005 AUTHORITY. The authority for this chapter is chapter ~~((399))~~ 507, Laws of ~~((1985))~~ 1987 (uncodified) which authorizes the superintendent of public instruction to adopt rules to establish and operate a ~~((beginning))~~ teacher(s) assistance program.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

WAC 392-196-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures for the operation of a ~~((beginning))~~ teacher(s) assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state.

NEW SECTION

WAC 392-196-011 TEACHER—DEFINITION. As used in this chapter the term "teacher" means any school employee possessing any one of the certificates issued by the superintendent of public instruction under RCW 28A.70.005: PROVIDED, That such employees who hold administrator credentials and are employed as administrators shall not be included for purposes of this chapter.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

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 mentor 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.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

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))~~ pre-school 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.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

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))~~ certificated teaching experience in either a public or private school in any grade, ~~((kindergarten))~~ preschool through twelve, and who is employed by the district for ninety consecutive school days or more ~~((to serve primarily as a classroom teacher))~~.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

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))~~ three days of attendance at the superintendent of public instruction sponsored mentor teacher workshops. 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.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

WAC 392-196-050 BEGINNING TEACHER STIPEND—MINIMUM AMOUNT. The minimum amount of the beginning teacher stipend shall be ~~((eighty))~~ two hundred forty dollars.

NEW SECTION

WAC 392-196-051 EXPERIENCED TEACHER—DEFINITION. As used in this chapter, the term "experienced teacher" means a teacher not included in the "beginning teacher" population, as defined in WAC 392-196-040.

NEW SECTION

WAC 392-196-052 EXPERIENCED TEACHER PARTICIPATION. "Experienced teachers" shall not be required to participate in this program nor attend the superintendent of public instruction sponsored mentor workshops and shall not receive a stipend. Districts shall be reimbursed for up to thirty-six hours substitute teacher expenses (per team) associated with participation of experienced teachers if such funds are available after all nominated beginning teachers have been included.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

WAC 392-196-055 SPI SPONSORED BEGINNING AND MENTOR TEACHER WORKSHOP—DEFINITION. As used in this chapter, the term "superintendent of public instruction sponsored beginning and 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 and beginning teachers in the methods and procedures for performing such roles with particular emphasis upon providing continuing and sustained support by the mentor teacher to a beginning teacher. Such workshops shall be no more than three days in length, but need not be consecutive days, and shall not be held during school hours.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

WAC 392-196-060 SCHOOL DISTRICT APPLICATION TO SPI FOR PARTICIPATION IN ~~((BEGINNING))~~ THE 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 and beginning 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))~~ may be released from classroom teaching responsibilities in order to observe and assist the beginning or experienced teacher in the classroom.

~~((7))~~ ~~((6))~~ The mentor teacher ~~((and))~~, the beginning teacher ~~((shall))~~, and the experienced teacher may be released from classroom teaching responsibilities in order to jointly observe and evaluate teaching situations.

~~((8))~~ ~~((7))~~ The total release time from classroom teaching as ~~((required by))~~ provided for subsections ~~((6))~~ (5) and ~~((7))~~ (6) of this section shall be ~~((at least))~~ no more than thirty-six scheduled instructional hours per school year paid for with funds made available under this chapter.

(8) Mentor teachers shall not be involved in evaluations of their beginning or experienced teachers conducted pursuant to RCW 28A.67.065.

(9) The mentor teacher ~~((and the))~~, beginning teacher, and experienced 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) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

(11) 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.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

WAC 392-196-070 ~~((1986-87 SCHOOL YEAR BUILDING))~~ SCHOOL DISTRICT 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 prorated upon the number of positions requested per district and the number of positions available.))~~ The selection process shall be as follows:

(1) For the 1987-88 school year the superintendent of public instruction shall fund all eligible beginning and mentor teacher teams nominated by local school districts.

(2) For the 1988-89 school year and ensuing years the superintendent of public instruction shall fund all eligible beginning and mentor teacher teams nominated by local school districts, subject to the availability of funds.

(3) Experienced and mentor teacher teams shall be nominated by local school districts only during the 1988-89 and ensuing school years, provided the legislature appropriates additional funds for their participation.

(4) If the local district nominations exceed the availability of appropriated funds for any year of the program, the priority shall be as follows:

(a) Beginning and mentor teacher teams.

(b) Experienced and mentor teacher teams.

(5) Experienced and mentor teacher teams shall be selected on the following priority basis, depending on the availability of appropriated funds:

(a) At least one team per district.

(b) At least one team for every one hundred teachers employed by the nominating district.

(c) Remaining teams shall be selected randomly by lot by ESD region.

NEW SECTION

WAC 392-196-072 SUPERINTENDENT OF PUBLIC INSTRUCTION CONSULTATION. The superintendent of public instruction hereby establishes a teacher assistance task force of no more

than eighteen members representing teachers, administrators, educational service districts, colleges and universities, and school directors. The superintendent shall:

(1) Appoint task force members from nominations submitted by the professional groups eligible to be represented on the task force;

(2) Consult with the task force for the purpose of obtaining their advice about teacher assistance program policies, operations, and evaluations;

(3) Convene the task force at least once annually.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

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))~~ teacher(s) 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, and experienced teachers.

(4) Beginning teacher stipends.

(5) Appropriate fringe benefits associated with mentor and beginning teacher stipends.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

WAC 392-196-080 DISTRIBUTION OF STATE MONEYS FOR THE ~~((BEGINNING))~~ TEACHER ASSISTANCE PROGRAM ~~((=1985-87 BIENNIAL))~~. ~~((For the 1985-86 and 1986-87 school years.))~~ The superintendent of public instruction shall ~~((distribute to districts in February of))~~ issue grant awards in each school year ~~((;))~~ for a maximum of ~~((one))~~ two thousand ~~((six hundred))~~ fifty dollars per mentor-beginning teacher team.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

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.

AMENDATORY SECTION (Amending Order 85-12, filed 10/15/85)

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))~~ ensuing school year.

WSR 87-19-157

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Mason County, amending WAC 173-19-310;

that the agency will at 7:00 p.m., Wednesday, October 28, 1987, in the Commissioners Chambers, Annex 2 Building, 411 North 5th, Shelton, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 1, 1987.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 4, 1987.

Dated: September 23, 1987

By: Phillip C. Johnson

Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-310, Mason County.

Description of Purpose: Adoption of a revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: Adopts revisions to the shoreline master program for Mason County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Wenger, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6767.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

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

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 84-29, filed 11/7/84)

WAC 173-19-310 MASON COUNTY. Mason County master program approved August 6, 1975. Revision approved December 18, 1975. Revision approved February 22, 1980. Revision approved June 23, 1982. Revision approved October 16, 1984. Revision approved December 1, 1987.

WSR 87-19-158

PROPOSED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning the energy matchmakers program;

that the agency will at 10:00 a.m., Tuesday, October 27, 1987, in the Fifth Floor Conference Room, Ninth and Columbia 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 November 2, 1987.

The authority under which these rules are proposed is chapter 36, Laws of 1987.

The specific statute these rules are intended to implement is chapter 36, Laws of 1987.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987.

Dated: September 23, 1987

By: John Swannack

Acting Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 365-180 WAC, Energy matchmakers.

Description of Purpose: To set forth the conditions and procedures under which funding will be made available to be used in combination with contributions to support local low-income weatherization programs.

Statutory Authority: Chapter 36, Laws of 1987.

Specific Statute Rule is Intended to Implement: Chapter 36, Laws of 1987.

Summary of Rule: The Department of Community Development, through the energy matchmakers program, will grant allocations from the state's energy matchmakers account, and receive matching funds and in-kind resources from contributing organizations. Energy matchmaker funds and matching funds will be used to provide weatherization services to low-income households.

Reasons Supporting Proposed Action: To establish a process by which weatherization services will be provided with energy matchmaker and matching funds or in-kind resources.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katherine Friedt, Assistant Director, Division for Community Services, Department of Community Development, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151, (206) 753-4979.

Organization Proposing Rule: Washington State Department of Community Development, a governmental agency.

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

Small Business Economic Impact Statement: Not applicable.

Chapter 365-180 WAC ENERGY MATCHMAKERS

WAC	
365-180-010	Authority.
365-180-020	Purpose.
365-180-030	Definitions.
365-180-040	Program funding.
365-180-050	Proposal for use of funding—Eligible sponsors.
365-180-060	Sponsor match.
365-180-070	Local coordinated plan—Funding proposal process—Award of contracts.
365-180-080	Eligibility criteria for clients.
365-180-090	Program services.

NEW SECTION

WAC 365-180-010 **AUTHORITY.** These rules are adopted under the authority of chapter 70.____ RCW (chapter 36, Laws of 1987).

NEW SECTION

WAC 365-180-020 **PURPOSE.** To set forth the conditions and procedures under which funding will be made available to be used in combination with contributions to support local low-income weatherization programs.

NEW SECTION

WAC 365-180-030 **DEFINITIONS.** (1) "Department" means the department of community development.

(2) "Energy matchmakers local coordinated plan" means a proposal(s) for use of funding for local low-income weatherization programs in a specific geographical area.

(3) "Low-income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(4) "Nonutility sponsor" means an organization which is not an energy supplier that submits a local coordinated plan.

(5) "Residence" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters; but excluding institutional buildings such as: A university, group care facility, nursing home, half-way residence, hospital, hotel, motel, etc.

(6) "Sponsor" means an organization that submits a match proposal as part of the energy matchmakers local coordinated plan.

(7) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(8) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence.

(9) "Weatherizing agency" means a public or nonprofit private organization, approved by the department, responsible for doing all aspects of the weatherization work.

NEW SECTION

WAC 365-180-040 **PROGRAM FUNDING.** The legislature determines the amount of funding available to award to weatherizing agencies. Each county receives potential funding figure based on the number of low-income households and climatic conditions.

NEW SECTION

WAC 365-180-050 **PROPOSAL FOR USE OF FUNDING—ELIGIBLE SPONSORS.** (1) Public or private organizations, sponsors, may propose funding for a geographical area(s) in Washington state by submitting a local coordinated plan.

(2) Sponsors may be organizations in Washington, Idaho, or Oregon which conduct business in Washington state.

(3) Plans submitted to the department shall be the result of local coordination and cooperation.

(4) Plans shall identify weatherizing agencies.

NEW SECTION

WAC 365-180-060 **SPONSOR MATCH.** (1) Plans submitted by energy suppliers shall include a commitment of cash or in-kind match with a value equal to fifty percent of the funds that are proposed to be used for weatherization in the local area.

(2) Only resources that would not otherwise have been used for low-income weatherization will be considered as match.

(3) A sponsor may pay the sponsor match as lump sum at the time of weatherization, or make yearly payments over a period not to exceed ten years. When the sponsor elects to make yearly payments, the value of the payments shall be determined by the department, but shall not be less than the value of the lump sum that would have been made.

(4) All match committed shall result in increasing the number of residences weatherized or increasing weatherization measures installed on or in the residence.

(5) Match waivers may be granted by the department for plans submitted by nonutility sponsors.

NEW SECTION

WAC 365-180-070 **LOCAL COORDINATED PLAN—FUNDING PROPOSAL PROCESS—AWARD OF CONTRACTS.**

(1) A sponsor shall make a formal proposal using forms issued by the department.

(2) A review team will evaluate the energy matchmakers local coordinated plans, and will be composed of persons with knowledge of energy conservation and of community-based public and private service organizations.

(3) Plans which include a commitment of matching resources will be given priority for funding.

(4) The department shall have the final discretion to award funds.

(5) The department will enter into a contract with weatherizing agencies identified in successful local coordinated plans. This contract shall be signed by an official with authority to bind the weatherizing agency and returned to the department prior to the award of any funds under this program.

NEW SECTION

WAC 365-180-080 **ELIGIBILITY CRITERIA FOR CLIENTS.**

(1) Total income of all household members shall be at or below one hundred twenty-five percent of the federally established poverty level; or households shall meet other qualifications established by the department for its low-income weatherization program.

(2) Residences shall meet the qualifications established by the department for its low-income weatherization programs.

NEW SECTION

WAC 365-180-090 **PROGRAM SERVICES.** (1) Weatherizing agencies shall provide weatherization services to eligible low-income households in accordance with the "Washington state low-income weatherization assistance program procedures and guidelines" established by the department.

(2) No contribution may be required from the eligible household.

(3) Full levels of all cost-effective structurally feasible measures, as determined by the department, shall be installed when a residence is weatherized.

(4) No undue or excessive enhancement to a residence shall occur as a result of weatherization provided under this chapter.

(5) Before a leased or rented residence is weatherized, the department's "weatherization program owner/authorized agent approval form" must be signed by the owner of the building or the owner's authorized agent.

WSR 87-19-159**PROPOSED RULES****DEPARTMENT OF COMMUNITY DEVELOPMENT**

[Filed September 23, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning the conditions and procedures under which state funds will be made available to Head Start programs.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 27, 1987.

The authority under which these rules are proposed is chapter 43.63A RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 27, 1987.

Dated: September 23, 1987

By: John Swannack

Acting Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 365-40 WAC, Head Start.

Description of Purpose: This chapter sets forth conditions and procedures under which state funds are made available to Head Start programs.

Statutory Authority: Chapter 43.63A RCW.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Katherine Friedt, Assistant Director, Division for Community Services, Department of Community Development, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151, (206) 753-4979.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Community Development, governmental agency.

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

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

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 86-02, filed 8/27/86)

WAC 365-40-020 DEFINITIONS. (1) "Applicant" means a unit(s) of local government, a qualified private organization, or a combination thereof, which applies for state Head Start funds.

(2) ((~~Grantee~~)) "Contractor" means an applicant which has been allocated state Head Start funds and which has entered into a contract to carry out a Head Start program.

(3) "Director" means the director of the department of community development (hereafter, the agency).

(4) "Head Start program" means an operation undertaken in accordance with the program performance standards set forth in the OCD-HS HEAD START POLICY MANUAL (OCD Notice N-30-364-4) "Head Start program performance standards," published by the United States Department of Health, Education, and Welfare July, 1975.

AMENDATORY SECTION (Amending Order 86-02, filed 8/27/86)

WAC 365-40-051 ELIGIBILITY CRITERIA. In order to receive Head Start funds, a ((~~grantee~~)) contractor must provide services to families and individuals eligible according to federal Head Start guidelines who are in need of skills, knowledge, opportunities and motivation to become economically self-sufficient. Each Head Start program must be designed to improve the health and general well-being of the children involved, develop their mental processes, and enhance their conceptual and verbal skills. Head Start funds may be used only for activities which result in direct and measurable services to Head Start program children. State Head Start funds are allocated to programs based on the federal enrollment levels. An additional set-aside of 3% of the pass through funds are allocated for programs with 60 or less children.

AMENDATORY SECTION (Amending Order 86-02, filed 8/27/86)

WAC 365-40-071 METHOD OF PAYMENT AND REPORTING REQUIREMENTS. (1) State Head Start funds will be paid in accordance with the provisions of the applicable contract and these regulations.

(2) All contracts will specify procedures for expenditure reimbursement, with vouchers submitted within a specified time as required by the agency.

(a) If vouchers are not submitted in a timely manner, the agency may recapture unclaimed funds.

(b) If a ((~~grantee~~)) contractor fails to file a claim for expense reimbursement within any six-month period, the agency may elect to terminate the contract.

(c) Funds allocated for a program may be reduced by the amount unclaimed in the program year immediately preceding the new funding year.

(3) If an intended use is not allowable under these rules or the approved contract, the ((~~grantee~~)) contractor will not be reimbursed for the cost of the item.

(4) The agency will notify the ((~~grantee~~)) contractor within ten days of its discovery of any deficiency and of the need to take corrective action.

(5) In the event corrective action is not taken within thirty days, the contract will be terminated. Funds allocated to the ((~~grantee~~)) contractor may be subject to redistribution upon termination of any contract.

(6) By agreement between the agency and the ((~~grantee~~)) contractor, the provisions of the contract may be amended.

(7) Reports to the agency to assure that funds are being expended for purposes authorized in the approved contract are required in a format approved by the agency.

(8) The ((~~grantee~~)) contractor at time of application shall submit an annual audit of funds and resolution of findings provided under this rule by an independent auditor using standard accepted auditing techniques. Such audit may be that conducted for and provided to other funding sources. This audit report must include a breakdown of state funds by contract number.

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
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- 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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16-200-740	REP	87-19-097	16-231-120	REP-P	87-14-073	16-232-038	NEW-E	87-08-072
16-200-743	REP-P	87-13-061	16-231-120	REP-E	87-14-074	16-232-038	NEW-P	87-14-073
16-200-743	REP-E	87-16-015	16-231-120	REP	87-18-060	16-232-038	NEW-E	87-14-074
16-200-743	REP	87-19-097	16-231-125	AMD-P	87-04-060	16-232-038	NEW	87-18-060
16-213-260	NEW-P	87-05-036	16-231-125	AMD-E	87-08-072	16-232-125	REP-P	87-04-060
16-213-260	NEW	87-08-030	16-231-125	AMD	87-09-015	16-232-125	REP-E	87-08-072
16-213-270	NEW-P	87-05-036	16-231-126	REP-P	87-14-073	16-232-125	REP	87-09-015
16-213-270	NEW	87-08-030	16-231-126	REP-E	87-14-074	16-232-225	AMD-P	87-04-060
16-228-400	NEW-E	87-09-001	16-231-145	AMD-P	87-04-060	16-232-225	AMD-E	87-08-072
16-228-410	NEW-E	87-09-001	16-231-145	AMD-E	87-08-072	16-232-225	AMD	87-09-015
16-228-420	NEW-E	87-09-001	16-231-145	AMD	87-09-015	16-232-315	AMD-P	87-04-060
16-228-430	NEW-E	87-09-001	16-231-145	AMD-P	87-14-073	16-232-315	AMD-E	87-08-072
16-228-440	NEW-E	87-09-054	16-231-145	AMD-E	87-14-074	16-232-315	AMD	87-09-015
16-228-450	NEW-E	87-09-054	16-231-145	AMD	87-18-060	16-304-040	AMD-P	87-08-063
16-228-460	NEW-E	87-09-054	16-231-148	NEW-E	87-08-072	16-304-040	AMD	87-12-006
16-228-470	NEW-E	87-09-054	16-231-148	NEW-P	87-14-073	16-316-165	AMD-P	87-13-063
16-228-480	NEW-E	87-09-054	16-231-148	NEW-E	87-14-074	16-316-165	AMD-E	87-14-011
16-228-490	NEW-E	87-09-054	16-231-148	NEW	87-18-060	16-316-165	AMD	87-17-025
16-228-500	NEW-E	87-09-054	16-231-215	AMD-P	87-04-060	16-316-525	AMD-P	87-08-063
16-228-510	NEW-E	87-09-054	16-231-215	AMD-E	87-08-072	16-316-525	AMD-E	87-15-029
16-228-520	NEW-E	87-09-054	16-231-215	AMD	87-09-015	16-316-525	AMD	87-15-030
16-228-530	NEW-E	87-09-054	16-231-225	AMD-P	87-04-060	16-316-724	AMD-E	87-15-029
16-228-540	NEW-E	87-09-054	16-231-225	AMD-E	87-08-072	16-316-724	AMD	87-15-030
16-228-550	NEW-E	87-09-054	16-231-225	AMD	87-09-015	16-316-800	AMD-P	87-08-063
16-230-030	AMD-E	87-11-018	16-231-235	AMD-P	87-04-060	16-316-800	AMD	87-12-006
16-230-160	AMD-P	87-11-055	16-231-235	AMD-E	87-08-072	16-316-810	AMD-P	87-08-063
16-230-160	AMD	87-15-001	16-231-235	AMD	87-09-015	16-316-810	AMD	87-12-006
16-230-190	AMD-P	87-11-055	16-231-238	NEW-E	87-08-072	16-316-815	AMD-P	87-08-063
16-230-190	AMD	87-15-001	16-231-238	NEW-P	87-14-073	16-316-815	AMD	87-12-006
16-230-470	AMD-P	87-04-060	16-231-238	NEW-E	87-14-074	16-316-820	AMD-P	87-08-063
16-230-470	AMD-E	87-08-072	16-231-238	NEW	87-18-060	16-316-820	AMD	87-12-006
16-230-470	AMD	87-09-015	16-231-315	AMD-P	87-04-060	16-316-830	AMD-P	87-08-063
16-230-615	AMD-P	87-04-060	16-231-315	AMD-W	87-05-006	16-316-830	AMD	87-12-006
16-230-615	AMD-E	87-08-072	16-231-340	AMD-P	87-04-060	16-316-832	AMD-P	87-13-063
16-230-615	AMD	87-09-015	16-231-340	AMD-E	87-08-072	16-316-832	AMD-E	87-14-011
16-230-640	AMD-P	87-04-060	16-231-340	AMD	87-09-015	16-316-832	AMD	87-17-025
16-230-640	AMD-E	87-08-072	16-231-343	NEW-E	87-08-072	16-316-880	AMD-P	87-08-063
16-230-640	AMD	87-09-015	16-231-343	NEW-P	87-14-073	16-316-880	AMD	87-12-006
16-230-645	AMD-P	87-04-060	16-231-343	NEW-E	87-14-074	16-319-020	AMD-P	87-08-063
16-230-645	AMD-E	87-08-072	16-231-343	NEW	87-18-060	16-319-020	AMD	87-12-006
16-230-645	AMD	87-09-015	16-231-425	AMD-P	87-04-060	16-319-030	AMD-P	87-08-063
16-230-650	AMD-P	87-04-060	16-231-425	AMD-E	87-08-072	16-319-030	AMD	87-12-006
16-230-650	AMD-E	87-08-072	16-231-425	AMD	87-09-015	16-319-041	AMD-P	87-08-063
16-230-650	AMD	87-09-015	16-231-530	AMD-P	87-04-060	16-319-041	AMD	87-12-006
16-230-655	AMD-P	87-04-060	16-231-530	AMD-E	87-08-072	16-319-051	AMD-P	87-08-063
16-230-655	AMD-E	87-08-072	16-231-530	AMD	87-09-015	16-319-051	AMD	87-12-006
16-230-655	AMD	87-09-015	16-231-620	AMD-P	87-04-060	16-319-061	AMD-P	87-08-063
16-230-665	AMD-E	87-08-072	16-231-620	AMD-E	87-08-072	16-319-061	AMD	87-12-006
16-230-665	AMD-P	87-14-073	16-231-620	AMD	87-09-015	16-319-081	AMD-P	87-08-063
16-230-665	AMD-E	87-14-074	16-231-720	AMD-P	87-04-060	16-319-081	AMD	87-12-006
16-230-665	AMD	87-18-060	16-231-720	AMD-E	87-08-072	16-319-091	NEW-P	87-08-063
16-230-673	NEW-E	87-08-072	16-231-720	AMD	87-09-015	16-319-091	NEW	87-12-006

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-319-101	NEW-P	87-08-063	16-329-010	REP-P	87-09-085	18-02-020	REP-P	87-15-122
16-319-101	NEW	87-12-006	16-329-010	REP	87-13-016	18-02-020	REP	87-19-075
16-324-360	AMD-E	87-13-017	16-329-015	REP-P	87-09-085	18-02-030	REP-P	87-15-122
16-324-360	AMD-P	87-15-070	16-329-015	REP	87-13-016	18-02-030	REP	87-19-075
16-324-360	AMD	87-19-033	16-329-020	REP-P	87-09-085	18-02-040	REP-P	87-15-122
16-324-380	AMD-P	87-15-070	16-329-020	REP	87-13-016	18-02-040	REP	87-19-075
16-324-380	AMD	87-19-033	16-329-025	REP-P	87-09-085	18-02-050	REP-P	87-15-122
16-324-390	AMD-P	87-15-070	16-329-025	REP	87-13-016	18-02-050	REP	87-19-075
16-324-390	AMD	87-19-033	16-329-030	REP-P	87-09-085	18-06-010	REP-P	87-15-117
16-324-430	AMD-P	87-15-070	16-329-030	REP	87-13-016	18-06-010	REP	87-19-076
16-324-430	AMD	87-19-033	16-333-020	AMD-P	87-09-085	18-06-020	REP-P	87-15-117
16-324-450	AMD-P	87-15-070	16-333-020	AMD	87-13-016	18-06-020	REP	87-19-076
16-324-450	AMD	87-19-033	16-333-040	AMD-P	87-09-085	18-06-030	REP-P	87-15-117
16-324-600	NEW-E	87-13-017	16-333-040	AMD	87-13-016	18-06-030	REP	87-19-076
16-324-600	NEW-P	87-15-070	16-333-050	AMD-P	87-09-085	18-06-040	REP-P	87-15-117
16-324-600	NEW	87-19-033	16-333-050	AMD	87-13-016	18-06-040	REP	87-19-076
16-324-605	NEW-P	87-15-070	16-333-065	NEW-P	87-13-064	18-06-050	REP-P	87-15-117
16-324-605	NEW	87-19-033	16-333-065	NEW-E	87-14-012	18-06-050	REP	87-19-076
16-324-610	NEW-E	87-13-017	16-333-065	NEW	87-17-024	18-06-900	REP-P	87-15-117
16-324-610	NEW-P	87-15-070	16-401-002	REP-P	87-13-062	18-06-900	REP	87-19-076
16-324-610	NEW	87-19-033	16-401-002	REP-E	87-16-014	18-20-010	REP-P	87-15-118
16-324-620	NEW-E	87-13-017	16-401-002	REP	87-19-098	18-20-010	REP	87-19-077
16-324-620	NEW-P	87-15-070	16-401-020	AMD-P	87-13-062	18-20-020	REP-P	87-15-118
16-324-620	NEW	87-19-033	16-401-020	AMD-E	87-16-014	18-20-020	REP	87-19-077
16-324-630	NEW-E	87-13-017	16-401-020	AMD	87-19-098	18-20-030	REP-P	87-15-118
16-324-630	NEW-P	87-15-070	16-401-025	AMD-P	87-13-062	18-20-030	REP	87-19-077
16-324-630	NEW	87-19-033	16-401-025	AMD-E	87-16-014	18-20-040	REP-P	87-15-118
16-324-640	NEW-E	87-13-017	16-401-025	AMD	87-19-098	18-20-040	REP	87-19-077
16-324-640	NEW-P	87-15-070	16-401-030	AMD-P	87-13-062	18-20-050	REP-P	87-15-118
16-324-640	NEW	87-19-033	16-401-030	AMD-E	87-16-014	18-20-050	REP	87-19-077
16-324-650	NEW-E	87-13-017	16-401-030	AMD	87-19-098	18-20-060	REP-P	87-15-118
16-324-650	NEW-P	87-15-070	16-401-040	NEW-P	87-13-062	18-20-060	REP	87-19-077
16-324-650	NEW	87-19-033	16-401-040	NEW-E	87-16-014	18-20-070	REP-P	87-15-118
16-324-660	NEW-E	87-13-017	16-401-040	NEW	87-19-098	18-20-070	REP	87-19-077
16-324-660	NEW-P	87-15-070	16-401-050	NEW-P	87-13-062	18-20-080	REP-P	87-15-118
16-324-660	NEW	87-19-033	16-401-050	NEW-E	87-16-014	18-20-080	REP	87-19-077
16-324-670	NEW-P	87-15-070	16-401-050	NEW	87-19-098	18-20-090	REP-P	87-15-118
16-324-670	NEW	87-19-033	16-470-500	NEW	87-04-027	18-20-090	REP	87-19-077
16-324-680	NEW-P	87-15-070	16-470-510	NEW	87-04-027	18-20-100	REP-P	87-15-118
16-324-680	NEW	87-19-033	16-470-520	NEW	87-04-027	18-20-100	REP	87-19-077
16-328-001	REP-P	87-09-085	16-470-530	NEW	87-04-027	18-24-010	REP-P	87-15-116
16-328-001	REP	87-13-016	16-516-040	AMD-P	87-12-018	18-24-010	REP	87-19-078
16-328-003	REP-P	87-09-085	16-516-040	AMD-P	87-12-019	18-24-020	REP-P	87-15-116
16-328-003	REP	87-13-016	16-532-040	AMD-P	87-04-045	18-24-020	REP	87-19-078
16-328-008	AMD-P	87-09-085	16-532-040	AMD	87-10-059	18-24-030	REP-P	87-15-116
16-328-008	AMD	87-13-016	16-570-010	AMD-P	87-13-051	18-24-030	REP	87-19-078
16-328-009	NEW-P	87-09-085	16-570-010	AMD-E	87-15-011	18-24-040	REP-P	87-15-116
16-328-009	NEW	87-13-016	16-570-010	AMD	87-16-071	18-24-040	REP	87-19-078
16-328-010	AMD-P	87-09-085	16-570-030	AMD-P	87-13-051	18-28-010	REP-P	87-15-123
16-328-010	AMD	87-13-016	16-570-030	AMD-E	87-15-011	18-28-010	REP	87-19-079
16-328-015	NEW-P	87-09-085	16-570-030	AMD	87-16-071	18-28-020	REP-P	87-15-123
16-328-015	NEW	87-13-016	16-602-005	NEW-P	87-05-053	18-28-020	REP	87-19-079
16-328-025	AMD-P	87-09-085	16-602-010	AMD-P	87-05-053	18-28-030	REP-P	87-15-123
16-328-025	AMD	87-13-016	16-602-020	AMD-P	87-05-053	18-28-030	REP	87-19-079
16-328-030	AMD-P	87-09-085	16-602-030	AMD-P	87-05-053	18-28-040	REP-P	87-15-123
16-328-030	AMD	87-13-016	16-620-290	AMD-P	87-13-058	18-28-040	REP	87-19-079
16-328-035	AMD-P	87-09-085	16-620-290	AMD	87-16-044	18-28-050	REP-P	87-15-123
16-328-035	AMD	87-13-016	16-620-300	REP-P	87-13-058	18-28-050	REP	87-19-079
16-328-038	NEW-P	87-13-064	16-620-300	REP	87-16-044	18-40-010	REP-P	87-15-119
16-328-038	NEW-E	87-14-012	16-620-340	AMD-P	87-13-058	18-40-010	REP	87-19-080
16-328-038	NEW	87-17-024	16-620-340	AMD	87-16-044	18-40-020	REP-P	87-15-119
16-328-060	AMD-P	87-09-085	16-657-025	AMD-P	87-07-019	18-40-020	REP	87-19-080
16-328-060	AMD	87-13-016	16-657-025	AMD-C	87-10-042	18-40-030	REP-P	87-15-119
16-328-065	AMD-P	87-09-085	16-693-001	REP-P	87-14-050	18-40-030	REP	87-19-080
16-328-065	AMD	87-13-016	16-693-001	REP	87-18-009	18-40-040	REP-P	87-15-119
16-328-080	AMD-P	87-09-085	16-693-010	REP-P	87-14-050	18-40-040	REP	87-19-080
16-328-080	AMD	87-13-016	16-693-010	REP	87-18-009	18-40-050	REP-P	87-15-119
16-328-083	NEW-P	87-09-085	16-693-020	REP-P	87-14-050	18-40-050	REP	87-19-080
16-328-083	NEW	87-13-016	16-693-020	REP	87-18-009	18-40-060	REP-P	87-15-119
16-328-085	NEW-P	87-09-085	16-694-001	NEW-P	87-14-050	18-40-060	REP	87-19-080
16-328-085	NEW	87-13-016	16-694-001	NEW	87-18-009	18-40-990	REP-P	87-15-119
16-328-088	NEW-P	87-09-085	16-750	AMD-E	87-16-030	18-40-990	REP	87-19-080
16-328-088	NEW	87-13-016	16-750-010	AMD	87-05-016	18-40-991	REP-P	87-15-119
16-328-090	REP-P	87-09-085	16-750-010	AMD-E	87-16-030	18-40-991	REP	87-19-080
16-328-090	REP	87-13-016	16-750-900	NEW-E	87-16-030	18-44-010	REP-P	87-15-124
16-329-001	REP-P	87-09-085	18-02-010	REP-P	87-15-122	18-44-010	REP	87-19-081
16-329-001	REP	87-13-016	18-02-010	REP	87-19-075	18-44-020	REP-P	87-15-124

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
18-44-020	REP	87-19-081	30-24-040	NEW	87-11-001	50-52-050	NEW	87-13-030
18-44-030	REP-P	87-15-124	30-24-050	NEW	87-11-001	50-52-060	NEW-P	87-10-046
18-44-030	REP	87-19-081	30-24-060	NEW	87-11-001	50-52-060	NEW	87-13-030
18-44-040	REP-P	87-15-124	30-24-070	NEW	87-11-001	50-52-070	NEW-P	87-10-046
18-44-040	REP	87-19-081	30-24-080	NEW	87-11-001	50-52-070	NEW	87-13-030
18-44-050	REP-P	87-15-124	30-24-090	NEW	87-11-001	50-52-080	NEW-P	87-10-046
18-44-050	REP	87-19-081	30-24-100	NEW	87-11-001	50-52-080	NEW	87-13-030
18-44-060	REP-P	87-15-124	30-28-010	NEW	87-11-001	50-52-090	NEW-P	87-10-046
18-44-060	REP	87-19-081	30-28-020	NEW	87-11-001	50-52-090	NEW	87-13-030
18-44-990	REP-P	87-15-124	30-28-030	NEW	87-11-001	50-52-100	NEW-P	87-10-046
18-44-990	REP	87-19-081	30-28-040	NEW	87-11-001	50-52-100	NEW	87-13-030
18-48-080	REP-P	87-15-121	30-32-010	NEW	87-11-001	50-52-110	NEW-P	87-10-046
18-48-080	REP	87-19-073	30-32-020	NEW	87-11-001	50-52-110	NEW	87-13-030
18-48-090	REP-P	87-15-121	30-32-030	NEW	87-11-001	50-52-120	NEW-P	87-10-046
18-48-090	REP	87-19-073	30-32-040	NEW	87-11-001	50-52-120	NEW	87-13-030
18-48-100	REP-P	87-15-121	30-32-050	NEW	87-11-001	50-52-130	NEW-P	87-10-046
18-48-100	REP	87-19-073	30-32-060	NEW	87-11-001	50-52-130	NEW	87-13-030
18-48-110	REP-P	87-15-121	30-32-070	NEW	87-11-001	50-52-140	NEW-P	87-10-046
18-48-110	REP	87-19-073	30-32-080	NEW	87-11-001	50-52-140	NEW	87-13-030
18-48-120	REP-P	87-15-121	30-36-010	NEW	87-11-001	50-52-150	NEW-P	87-10-046
18-48-120	REP	87-19-073	30-36-020	NEW	87-11-001	50-52-150	NEW	87-13-030
18-48-130	REP-P	87-15-121	30-36-030	NEW	87-11-001	50-52-160	NEW-P	87-10-046
18-48-130	REP	87-19-073	30-36-040	NEW	87-11-001	50-52-160	NEW	87-13-030
18-48-140	REP-P	87-15-121	30-36-050	NEW	87-11-001	50-52-170	NEW-P	87-10-046
18-48-140	REP	87-19-073	30-36-060	NEW	87-11-001	50-52-170	NEW	87-13-030
18-48-150	REP-P	87-15-121	30-36-070	NEW	87-11-001	50-52-180	NEW-P	87-10-046
18-48-150	REP	87-19-073	30-36-080	NEW	87-11-001	50-52-180	NEW	87-13-030
18-48-900	REP-P	87-15-121	30-36-090	NEW	87-11-001	50-52-190	NEW-P	87-10-046
18-48-900	REP	87-19-073	30-36-100	NEW	87-11-001	50-52-190	NEW	87-13-030
18-56-010	REP-P	87-15-120	30-36-110	NEW	87-11-001	50-52-200	NEW-P	87-10-046
18-56-020	REP-P	87-15-120	30-40-010	NEW	87-11-001	50-52-200	NEW	87-13-030
18-56-030	REP-P	87-15-120	30-40-020	NEW	87-11-001	50-52-210	NEW-P	87-10-046
18-56-040	REP-P	87-15-120	30-40-030	NEW	87-11-001	50-52-210	NEW	87-13-030
18-56-050	REP-P	87-15-120	30-40-040	NEW	87-11-001	50-52-220	NEW-P	87-10-046
18-56-060	REP-P	87-15-120	30-40-050	NEW	87-11-001	50-52-220	NEW	87-13-030
18-56-990	REP-P	87-15-120	30-40-060	NEW	87-11-001	50-52-230	NEW-P	87-10-046
25-24-010	REP-P	87-02-052	30-40-070	NEW	87-11-001	50-52-230	NEW	87-13-030
25-24-010	REP	87-05-027	30-40-080	NEW	87-11-001	50-52-240	NEW-P	87-10-046
25-24-020	REP-P	87-02-052	30-40-090	NEW	87-11-001	50-52-240	NEW	87-13-030
25-24-020	REP	87-05-027	30-44-010	NEW	87-11-001	50-52-250	NEW-P	87-10-046
25-24-030	REP-P	87-02-052	30-44-020	NEW	87-11-001	50-52-250	NEW	87-13-030
25-24-030	REP	87-05-027	30-44-030	NEW	87-11-001	50-52-260	NEW-P	87-10-046
25-24-040	REP-P	87-02-052	30-44-040	NEW	87-11-001	50-52-260	NEW	87-13-030
25-24-040	REP	87-05-027	30-44-050	NEW	87-11-001	50-52-270	NEW-P	87-10-046
25-24-050	REP-P	87-02-052	30-48-010	NEW	87-11-001	50-52-270	NEW	87-13-030
25-24-050	REP	87-05-027	30-48-020	NEW	87-11-001	50-52-280	NEW-P	87-10-046
25-24-060	REP-P	87-02-052	30-48-030	NEW	87-11-001	50-52-280	NEW	87-13-030
25-24-060	REP	87-05-027	30-48-040	NEW	87-11-001	50-52-290	NEW-P	87-10-046
25-24-070	REP-P	87-02-052	30-48-050	NEW	87-11-001	50-52-290	NEW	87-13-030
25-24-070	REP	87-05-027	30-48-060	NEW	87-11-001	50-52-300	NEW-P	87-10-046
30-16-010	NEW	87-11-001	30-48-070	NEW	87-11-001	50-52-300	NEW	87-13-030
30-16-020	NEW	87-11-001	50-12-110	AMD-P	87-16-109	50-52-310	NEW-P	87-10-046
30-16-030	NEW	87-11-001	50-12-115	NEW-P	87-16-109	50-52-310	NEW	87-13-030
30-16-040	NEW	87-11-001	50-12-116	NEW-P	87-16-109	50-52-320	NEW-P	87-10-046
30-16-050	NEW	87-11-001	50-12-210	NEW-P	87-16-108	50-52-320	NEW	87-13-030
30-16-060	NEW	87-11-001	50-12-220	NEW-P	87-16-108	50-52-330	NEW-P	87-10-046
30-16-070	NEW	87-11-001	50-12-230	NEW-P	87-16-108	50-52-330	NEW	87-13-030
30-16-080	NEW	87-11-001	50-12-240	NEW-P	87-16-108	50-52-340	NEW-P	87-10-046
30-16-090	NEW	87-11-001	50-12-250	NEW-P	87-16-108	50-52-340	NEW	87-13-030
30-16-100	NEW	87-11-001	50-12-260	NEW-P	87-16-108	50-52-350	NEW-P	87-10-046
30-16-110	NEW	87-11-001	50-12-270	NEW-P	87-16-108	50-52-350	NEW	87-13-030
30-16-120	NEW	87-11-001	50-12-280	NEW-P	87-16-108	50-52-360	NEW-P	87-10-046
30-20-010	NEW	87-11-001	50-12-290	NEW-P	87-16-108	50-52-360	NEW	87-13-030
30-20-020	NEW	87-11-001	50-12-300	NEW-P	87-16-108	50-52-370	NEW-P	87-10-046
30-20-030	NEW	87-11-001	50-48-100	NEW-P	87-08-071	50-52-370	NEW	87-13-030
30-20-040	NEW	87-11-001	50-48-100	NEW	87-10-047	50-52-380	NEW-P	87-10-046
30-20-050	NEW	87-11-001	50-48-100	AMD-P	87-10-058	50-52-380	NEW	87-13-030
30-20-060	NEW	87-11-001	50-48-100	AMD	87-13-015	50-52-390	NEW-P	87-10-046
30-20-070	NEW	87-11-001	50-52-010	NEW-P	87-10-046	50-52-390	NEW	87-13-030
30-20-080	NEW	87-11-001	50-52-010	NEW	87-13-030	50-52-400	NEW-P	87-10-046
30-20-090	NEW	87-11-001	50-52-020	NEW-P	87-10-046	50-52-400	NEW	87-13-030
30-20-100	NEW	87-11-001	50-52-020	NEW	87-13-030	50-52-410	NEW-P	87-10-046
30-20-110	NEW	87-11-001	50-52-030	NEW-P	87-10-046	50-52-410	NEW	87-13-030
30-20-120	NEW	87-11-001	50-52-030	NEW	87-13-030	50-52-420	NEW-P	87-10-046
30-24-010	NEW	87-11-001	50-52-040	NEW-P	87-10-046	50-52-420	NEW	87-13-030
30-24-020	NEW	87-11-001	50-52-040	NEW	87-13-030	50-52-430	NEW-P	87-10-046
30-24-030	NEW	87-11-001	50-52-050	NEW-P	87-10-046	50-52-430	NEW	87-13-030

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50-52-440	NEW	87-13-030	114-12-125	AMD-P	87-19-132	132L-10-080	NEW-E	87-07-031
50-52-450	NEW-P	87-10-046	114-12-131	REP-P	87-19-132	132L-10-080	NEW-P	87-08-017
50-52-450	NEW	87-13-030	114-12-132	NEW-P	87-19-132	132L-10-090	NEW-E	87-07-031
50-52-460	NEW-P	87-10-046	114-12-136	AMD-P	87-07-046	132L-10-090	NEW-P	87-08-017
50-52-460	NEW	87-13-030	114-12-136	AMD	87-10-028	132L-10-100	NEW-E	87-07-031
50-52-470	NEW-P	87-10-046	118-33-010	NEW-E	87-18-026	132L-10-100	NEW-P	87-08-017
50-52-470	NEW	87-13-030	118-33-010	NEW-P	87-18-068	132L-10-100	NEW	87-13-026
50-52-480	NEW-P	87-10-046	118-33-020	NEW-E	87-18-026	132L-10-110	NEW-E	87-07-031
50-52-480	NEW	87-13-030	118-33-020	NEW-P	87-18-068	132L-10-110	NEW-P	87-08-017
50-52-490	NEW-P	87-10-046	118-33-030	NEW-E	87-18-026	132L-10-110	NEW	87-13-026
50-52-490	NEW	87-13-030	118-33-030	NEW-P	87-18-068	132L-10-120	NEW-E	87-07-031
50-52-500	NEW-P	87-10-046	118-33-040	NEW-E	87-18-026	132L-10-120	NEW-P	87-08-017
50-52-500	NEW	87-13-030	118-33-040	NEW-P	87-18-068	132L-10-120	NEW	87-13-026
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50-52-540	NEW-P	87-10-046	118-33-080	NEW-E	87-18-026	132L-10-150	NEW-P	87-08-017
50-52-540	NEW	87-13-030	118-33-080	NEW-P	87-18-068	132L-10-160	NEW-E	87-07-031
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50-52-560	NEW-P	87-10-046	118-33-100	NEW-E	87-18-026	132L-20	AMD-P	87-08-018
50-52-560	NEW	87-13-030	118-33-100	NEW-P	87-18-068	132L-20	AMD-P	87-14-023
50-52-570	NEW-P	87-10-046	118-33-110	NEW-E	87-18-026	132L-20	AMD-E	87-14-024
50-52-570	NEW	87-13-030	118-33-110	NEW-P	87-18-068	132L-20	AMD	87-17-037
50-52-580	NEW-P	87-10-046	118-33-120	NEW-E	87-18-026	132L-20-010	AMD-E	87-07-048
50-52-580	NEW	87-13-030	118-33-120	NEW-P	87-18-068	132L-20-010	AMD-P	87-08-018
50-52-590	NEW-P	87-10-046	131-08-010	AMD	87-04-025	132L-20-010	AMD-P	87-14-023
50-52-590	NEW	87-13-030	132E-136-010	REP-P	87-10-039	132L-20-010	AMD-E	87-14-024
50-52-600	NEW-P	87-10-046	132E-136-010	REP	87-14-002	132L-20-010	AMD	87-17-037
50-52-600	NEW	87-13-030	132E-136-020	REP-P	87-10-039	132L-20-020	AMD-E	87-07-048
50-52-610	NEW-P	87-10-046	132E-136-020	REP	87-14-002	132L-20-020	AMD-P	87-08-018
50-52-610	NEW	87-13-030	132E-136-030	REP-P	87-10-039	132L-20-020	REP-P	87-14-023
50-52-620	NEW-P	87-10-046	132E-136-030	REP	87-14-002	132L-20-020	REP-E	87-14-024
50-52-620	NEW	87-13-030	132E-137-010	NEW-P	87-10-038	132L-20-020	REP	87-17-037
50-52-630	NEW-P	87-10-046	132E-137-010	NEW	87-14-001	132L-20-030	AMD-E	87-07-048
50-52-630	NEW	87-13-030	132E-137-020	NEW-P	87-10-038	132L-20-030	AMD-P	87-08-018
50-52-640	NEW-P	87-10-046	132E-137-020	NEW	87-14-001	132L-20-030	AMD-P	87-14-023
50-52-640	NEW	87-13-030	132E-137-030	NEW-P	87-10-038	132L-20-030	AMD-E	87-14-024
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82-24-090	AMD	87-06-012	132E-137-040	NEW-P	87-10-038	132L-20-040	AMD-E	87-07-048
82-24-110	AMD	87-06-012	132E-137-040	NEW	87-14-001	132L-20-040	AMD-P	87-08-018
82-24-130	AMD	87-06-012	132E-137-050	NEW-P	87-10-038	132L-20-040	REP-P	87-14-023
82-50-021	AMD-P	87-13-066	132E-137-050	NEW	87-14-001	132L-20-040	REP-E	87-14-024
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100-100-070	AMD-P	87-06-046	132E-137-070	NEW	87-14-001	132L-20-050	AMD-P	87-14-023
100-100-070	AMD-C	87-09-101	132F-104-010	AMD-P	87-15-098	132L-20-050	AMD-E	87-14-024
100-100-070	AMD-E	87-09-102	132F-104-010	AMD	87-19-122	132L-20-050	AMD	87-17-037
100-100-070	AMD	87-18-004	132F-148-010	AMD-P	87-04-064	132L-20-060	AMD-E	87-07-048
106-116-201	AMD-P	87-19-008	132F-148-010	AMD	87-08-026	132L-20-060	AMD-P	87-08-018
106-116-201	AMD-E	87-19-009	132F-148-030	AMD-P	87-04-064	132L-20-060	REP-P	87-14-023
106-116-203	AMD-P	87-19-008	132F-148-030	AMD	87-08-026	132L-20-060	REP-E	87-14-024
106-116-203	AMD-E	87-19-009	132F-148-040	AMD-P	87-04-064	132L-20-060	REP	87-17-037
106-116-205	AMD-P	87-19-008	132F-148-040	AMD	87-08-026	132L-20-070	AMD-E	87-07-048
106-116-205	AMD-E	87-19-009	132L-10-010	NEW-E	87-07-031	132L-20-070	AMD-P	87-08-018
106-116-404	AMD-P	87-19-008	132L-10-010	NEW-P	87-08-017	132L-20-070	AMD-P	87-14-023
106-116-404	AMD-E	87-19-009	132L-10-010	NEW	87-13-026	132L-20-070	AMD-E	87-14-024
106-116-603	AMD-P	87-19-008	132L-10-020	NEW-E	87-07-031	132L-20-070	AMD	87-17-037
106-116-603	AMD-E	87-19-009	132L-10-020	NEW-P	87-08-017	132L-20-080	AMD-E	87-07-048
113-12-087	NEW	87-05-064	132L-10-020	NEW	87-13-026	132L-20-080	AMD-P	87-08-018
113-12-115	AMD	87-05-064	132L-10-030	NEW-E	87-07-031	132L-20-080	AMD-P	87-14-023
113-12-195	AMD	87-05-064	132L-10-030	NEW-P	87-08-017	132L-20-080	AMD-E	87-14-024
113-12-150	AMD-P	87-19-131	132L-10-030	NEW	87-13-026	132L-20-080	AMD	87-17-037
113-12-195	AMD-P	87-19-131	132L-10-040	NEW-E	87-07-031	132L-20-090	AMD-E	87-07-048
113-12-197	NEW	87-05-064	132L-10-040	NEW-P	87-08-017	132L-20-090	AMD-P	87-08-018
113-12-200	AMD-P	87-19-131	132L-10-040	NEW	87-13-026	132L-20-090	AMD-P	87-14-023
113-12-300	NEW-P	87-19-131	132L-10-050	NEW-E	87-07-031	132L-20-090	AMD-E	87-14-024
113-12-310	NEW-P	87-19-131	132L-10-050	NEW-P	87-08-017	132L-20-090	AMD	87-17-037
113-12-320	NEW-P	87-19-131	132L-10-050	NEW	87-13-026	132L-20-100	AMD-E	87-07-048
113-12-330	NEW-P	87-19-131	132L-10-060	NEW-E	87-07-031	132L-20-100	AMD-P	87-08-018
113-12-340	NEW-P	87-19-131	132L-10-060	NEW-P	87-08-017	132L-20-100	REP-P	87-14-023
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132L-20-110	AMD-P	87-08-018	132L-22-060	AMD-E	87-14-024	132N-128-114	NEW-P	87-10-045
132L-20-110	REP-P	87-14-023	132L-22-060	AMD	87-17-037	132N-128-114	NEW	87-16-036
132L-20-110	REP-E	87-14-024	132L-22-070	AMD-E	87-07-048	132N-128-116	NEW-P	87-10-045
132L-20-110	REP	87-17-037	132L-22-070	AMD-P	87-08-018	132N-128-116	NEW	87-16-036
132L-20-120	AMD-E	87-07-048	132L-22-070	AMD-P	87-14-023	132N-128-118	NEW-P	87-10-045
132L-20-120	AMD-P	87-08-018	132L-22-070	AMD-E	87-14-024	132N-128-118	NEW	87-16-036
132L-20-120	REP-P	87-14-023	132L-22-070	AMD	87-17-037	132N-128-120	AMD-P	87-10-045
132L-20-120	REP-E	87-14-024	132L-23-010	NEW-E	87-07-031	132N-128-120	AMD	87-16-036
132L-20-120	REP	87-17-037	132L-23-010	NEW-P	87-08-017	132N-156-015	REP-P	87-15-125
132L-20-135	NEW-P	87-14-023	132L-23-010	NEW	87-13-026	132N-156-015	REP	87-19-103
132L-20-135	NEW-E	87-14-024	132L-23-020	NEW-E	87-07-031	132N-156-025	REP-P	87-15-125
132L-20-135	NEW	87-17-037	132L-23-020	NEW-P	87-08-017	132N-156-025	REP	87-19-103
132L-20-140	AMD-E	87-07-048	132L-23-020	NEW	87-13-026	132N-156-035	REP-P	87-15-125
132L-20-140	AMD-P	87-08-018	132L-23-030	NEW-E	87-07-031	132N-156-035	REP	87-19-103
132L-20-140	AMD-P	87-14-023	132L-23-030	NEW-P	87-08-017	132N-156-045	REP-P	87-15-125
132L-20-140	AMD-E	87-14-024	132L-23-030	NEW	87-13-026	132N-156-045	REP	87-19-103
132L-20-140	AMD	87-17-037	132L-23-040	NEW	87-13-026	132N-156-055	REP-P	87-15-125
132L-20-150	AMD-E	87-07-048	132L-24	AMD-E	87-07-048	132N-156-055	REP	87-19-103
132L-20-150	AMD-P	87-08-018	132L-24	AMD-P	87-08-018	132N-156-065	REP-P	87-15-125
132L-20-150	REP-P	87-14-023	132L-24	AMD-P	87-14-023	132N-156-065	REP	87-19-103
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132L-20-160	AMD-P	87-08-018	132L-24-010	AMD-P	87-08-018	132N-156-085	REP	87-19-103
132L-20-160	REP-P	87-14-023	132L-24-010	AMD-P	87-14-023	132N-156-095	REP-P	87-15-125
132L-20-160	REP-E	87-14-024	132L-24-010	AMD-E	87-14-024	132N-156-095	REP	87-19-103
132L-20-160	REP	87-17-037	132L-24-010	AMD	87-17-037	132N-156-105	REP-P	87-15-125
132L-20-170	AMD-E	87-07-048	132L-24-020	AMD-E	87-07-048	132N-156-105	REP	87-19-103
132L-20-170	AMD-P	87-08-018	132L-24-020	AMD-P	87-08-018	132N-156-115	REP-P	87-15-125
132L-20-170	REP-P	87-14-023	132L-24-020	AMD-P	87-14-023	132N-156-115	REP	87-19-103
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132L-21-010	NEW-P	87-08-017	132L-24-030	AMD-P	87-08-018	132N-156-135	REP	87-19-103
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132L-21-020	NEW-E	87-07-031	132L-24-030	AMD-E	87-14-024	132N-156-145	REP	87-19-103
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132L-21-020	NEW	87-13-026	132L-24-040	AMD-E	87-07-048	132N-156-155	REP	87-19-103
132L-21-030	NEW-E	87-07-031	132L-24-040	AMD-P	87-08-018	132N-156-165	REP-P	87-15-125
132L-21-030	NEW-P	87-08-017	132L-24-040	REP-P	87-14-023	132N-156-165	REP	87-19-103
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132L-21-040	NEW-E	87-07-031	132L-24-040	REP	87-17-037	132N-156-175	REP	87-19-103
132L-21-040	NEW-P	87-08-017	132L-24-050	AMD-E	87-07-048	132N-156-185	REP-P	87-15-125
132L-21-040	NEW	87-13-026	132L-24-050	AMD-P	87-08-018	132N-156-185	REP	87-19-103
132L-22	AMD-E	87-07-048	132L-24-050	REP-P	87-14-023	132N-156-195	REP-P	87-15-125
132L-22	AMD-P	87-08-018	132L-24-050	REP-E	87-14-024	132N-156-195	REP	87-19-103
132L-22	AMD-P	87-14-023	132L-24-050	REP	87-17-037	132N-156-205	REP-P	87-15-125
132L-22	AMD-E	87-14-024	132L-24-060	AMD-E	87-07-048	132N-156-205	REP	87-19-103
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132L-22-010	REP	87-17-037	132L-24-070	AMD-P	87-08-018	132N-156-320	NEW	87-19-103
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132L-22-020	AMD-E	87-14-024	132L-24-080	AMD-E	87-07-048	132N-156-400	NEW	87-19-103
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173-303-610	AMD	87-14-029			
173-303-620	AMD-P	87-09-078			
173-303-620	AMD	87-14-029			
173-303-660	AMD-P	87-09-078			
173-303-660	AMD	87-14-029			
173-303-665	AMD-P	87-18-062			
173-303-801	AMD-P	87-09-078			
173-303-801	AMD	87-14-029			
173-303-802	AMD-P	87-09-078			
173-303-802	AMD	87-14-029			
173-303-805	AMD-P	87-09-078			
173-303-805	AMD	87-14-029			
173-303-806	AMD-P	87-09-078			
173-303-806	AMD	87-14-029			
173-303-809	AMD-P	87-09-078			
173-303-809	AMD	87-14-029			
173-303-810	AMD-P	87-09-078			
173-303-810	AMD	87-14-029			
173-303-830	AMD-P	87-09-078			
173-303-830	AMD	87-14-029			
173-303-910	AMD-P	87-18-062			
173-303-9901	AMD-P	87-09-078			
173-303-9901	AMD	87-14-029			
173-303-9904	AMD-P	87-09-078			
173-303-9904	AMD	87-14-029			
173-303-9905	AMD-P	87-09-078			
173-303-9905	AMD	87-14-029			
173-303-9906	AMD-P	87-09-078			
173-303-9906	AMD	87-14-029			
173-303-9907	AMD-P	87-09-078			
173-303-9907	AMD	87-14-029			
173-304-012	NEW-C	87-02-035			
173-304-012	NEW-C	87-04-019			
173-304-012	NEW-W	87-04-037			
173-304-012	NEW-P	87-04-038			
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173-304-407	NEW-P 87-14-060	173-450-060	NEW 87-19-077	174-116-070	REP-C 87-13-029
173-304-430	AMD-P 87-14-060	173-450-070	NEW-P 87-15-118	174-116-070	REP 87-14-020
173-304-440	AMD-P 87-04-038	173-450-070	NEW 87-19-077	174-116-071	AMD-P 87-10-054
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173-304-440	AMD-P 87-05-054	173-450-080	NEW 87-19-077	174-116-071	AMD 87-14-020
173-304-440	AMD-C 87-08-060	173-450-090	NEW-P 87-15-118	174-116-072	AMD-P 87-10-054
173-304-440	AMD-W 87-11-038	173-450-090	NEW 87-19-077	174-116-072	AMD-C 87-13-029
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173-304-460	AMD-P 87-14-060	173-450-100	NEW 87-19-077	174-116-091	AMD-P 87-10-054
173-304-467	NEW-P 87-13-067	173-470-010	NEW-P 87-15-119	174-116-091	AMD-C 87-13-029
173-304-467	NEW-P 87-14-060	173-470-010	NEW 87-19-080	174-116-091	AMD 87-14-020
173-304-600	AMD-P 87-14-060	173-470-020	NEW-P 87-15-119	174-116-092	AMD-P 87-10-054
173-326-010	NEW-E 87-05-032	173-470-020	NEW 87-19-080	174-116-092	AMD-C 87-13-029
173-326-010	NEW-P 87-11-028	173-470-030	NEW-P 87-15-119	174-116-092	AMD 87-14-020
173-326-010	NEW-E 87-11-029	173-470-030	NEW 87-19-080	174-116-119	AMD-P 87-10-054
173-326-010	NEW 87-14-078	173-470-100	NEW-P 87-15-119	174-116-119	AMD-C 87-13-029
173-326-020	NEW-E 87-05-032	173-470-100	NEW 87-19-080	174-116-119	AMD 87-14-020
173-326-020	NEW-P 87-11-028	173-470-110	NEW-P 87-15-119	174-116-121	AMD-P 87-10-054
173-326-020	NEW-E 87-11-029	173-470-110	NEW 87-19-080	174-116-121	AMD-C 87-13-029
173-326-020	NEW 87-14-078	173-470-150	NEW-P 87-15-119	174-116-121	AMD 87-14-020
173-326-030	NEW-E 87-05-032	173-470-150	NEW 87-19-080	174-116-122	AMD-P 87-10-054
173-326-030	NEW-P 87-11-028	173-470-160	NEW-P 87-15-119	174-116-122	AMD-C 87-13-029
173-326-030	NEW-E 87-11-029	173-470-160	NEW 87-19-080	174-116-122	AMD 87-14-020
173-326-030	NEW 87-14-078	173-474-010	NEW-P 87-15-120	174-116-123	AMD-P 87-10-054
173-326-040	NEW-E 87-05-032	173-474-020	NEW-P 87-15-120	174-116-123	AMD-C 87-13-029
173-326-040	NEW-P 87-11-028	173-474-030	NEW-P 87-15-120	174-116-123	AMD 87-14-020
173-326-040	NEW-E 87-11-029	173-474-100	NEW-P 87-15-120	174-116-126	AMD-P 87-10-054
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173-400-105	NEW-P 87-15-114	173-474-160	NEW-P 87-15-120	174-116-126	AMD 87-14-020
173-403-030	AMD-P 87-15-115	173-481-010	NEW-P 87-15-121	174-116-127	AMD-P 87-10-054
173-403-030	AMD 87-19-074	173-481-010	NEW 87-19-073	174-116-127	AMD-C 87-13-029
173-421-010	NEW-P 87-15-116	173-481-020	NEW-P 87-15-121	174-116-127	AMD 87-14-020
173-421-010	NEW 87-19-078	173-481-020	NEW 87-19-073	174-116-190	REP-P 87-10-054
173-421-020	NEW-P 87-15-116	173-481-030	NEW-P 87-15-121	174-116-190	REP 87-14-020
173-421-020	NEW 87-19-078	173-481-030	NEW 87-19-073	174-116-260	REP-P 87-10-054
173-421-030	NEW-P 87-15-116	173-481-100	NEW-P 87-15-121	174-116-260	REP 87-14-020
173-421-030	NEW 87-19-078	173-481-100	NEW 87-19-073	180-16-210	AMD-P 87-09-051
173-421-100	NEW-P 87-15-116	173-481-110	NEW-P 87-15-121	180-16-210	AMD 87-12-043
173-421-100	NEW 87-19-078	173-481-110	NEW 87-19-073	180-16-221	AMD-P 87-09-092
173-422-130	AMD 87-02-051	173-481-150	NEW-P 87-15-121	180-16-221	AMD 87-12-040
173-434	NEW-C 87-03-045	173-481-150	NEW 87-19-073	180-24-003	NEW 87-04-059
173-434-010	NEW 87-07-041	173-481-160	NEW-P 87-15-121	180-24-005	REP 87-04-059
173-434-020	NEW 87-07-041	173-481-160	NEW 87-19-073	180-24-007	NEW 87-04-059
173-434-030	NEW 87-07-041	174-107-261	NEW-E 87-03-038	180-24-008	NEW 87-04-059
173-434-050	NEW 87-07-041	174-116	AMD-P 87-10-054	180-24-010	REP 87-04-059
173-434-100	NEW 87-07-041	174-116	AMD 87-14-020	180-24-013	NEW 87-04-059
173-434-110	NEW 87-07-041	174-116-010	AMD-P 87-10-054	180-24-015	REP 87-04-059
173-434-120	NEW 87-07-041	174-116-010	AMD-C 87-13-029	180-24-016	NEW 87-04-059
173-434-130	NEW 87-07-041	174-116-010	AMD 87-14-020	180-24-017	NEW 87-04-059
173-434-160	NEW 87-07-041	174-116-020	AMD-P 87-10-054	180-24-020	REP 87-04-059
173-434-170	NEW 87-07-041	174-116-020	AMD-C 87-13-029	180-24-021	NEW 87-04-059
173-434-190	NEW 87-07-041	174-116-020	AMD 87-14-020	180-24-025	REP 87-04-059
173-434-200	NEW 87-07-041	174-116-030	AMD-P 87-10-054	180-24-030	REP 87-04-059
173-434-210	NEW 87-07-041	174-116-030	AMD-C 87-13-029	180-24-080	NEW 87-04-059
173-440-010	NEW-P 87-15-117	174-116-030	AMD 87-14-020	180-24-100	REP 87-04-059
173-440-010	NEW 87-19-076	174-116-040	AMD-P 87-10-054	180-24-101	NEW 87-04-059
173-440-020	NEW-P 87-15-117	174-116-040	AMD-C 87-13-029	180-24-102	NEW 87-04-059
173-440-020	NEW 87-19-076	174-116-040	AMD 87-14-020	180-24-110	NEW 87-04-059
173-440-030	NEW-P 87-15-117	174-116-041	AMD-P 87-10-054	180-24-112	NEW 87-04-059
173-440-030	NEW 87-19-076	174-116-041	AMD-C 87-13-029	180-24-115	NEW 87-04-059
173-440-040	NEW-P 87-15-117	174-116-041	AMD 87-14-020	180-24-120	NEW 87-04-059
173-440-040	NEW 87-19-076	174-116-042	AMD-P 87-10-054	180-24-125	NEW 87-04-059
173-440-100	NEW-P 87-15-117	174-116-042	AMD-C 87-13-029	180-24-130	NEW 87-04-059
173-440-100	NEW 87-19-076	174-116-042	AMD 87-14-020	180-24-140	NEW 87-04-059
173-440-900	NEW-P 87-15-117	174-116-043	AMD-P 87-10-054	180-24-200	AMD 87-04-059
173-440-900	NEW 87-19-076	174-116-043	AMD-C 87-13-029	180-24-300	NEW 87-04-059
173-450-010	NEW-P 87-15-118	174-116-043	AMD 87-14-020	180-24-305	NEW 87-04-059
173-450-010	NEW 87-19-077	174-116-044	AMD-P 87-10-054	180-24-310	NEW 87-04-059
173-450-020	NEW-P 87-15-118	174-116-044	AMD-C 87-13-029	180-24-312	NEW 87-04-059
173-450-020	NEW 87-19-077	174-116-044	AMD 87-14-020	180-24-315	NEW 87-04-059
173-450-030	NEW-P 87-15-118	174-116-045	AMD-P 87-10-054	180-24-320	NEW 87-04-059
173-450-030	NEW 87-19-077	174-116-045	AMD-C 87-13-029	180-24-325	NEW 87-04-059
173-450-040	NEW-P 87-15-118	174-116-045	AMD 87-14-020	180-24-327	NEW 87-04-059
173-450-040	NEW 87-19-077	174-116-050	AMD-P 87-10-054	180-24-330	NEW 87-04-059
173-450-050	NEW-P 87-15-118	174-116-050	AMD-C 87-13-029	180-24-335	NEW 87-04-059
173-450-050	NEW 87-19-077	174-116-050	AMD 87-14-020	180-24-340	NEW 87-04-059

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180-24-350	NEW	87-04-059	180-78-193	NEW-P	87-05-049	180-79-344	NEW	87-09-012
180-24-355	NEW	87-04-059	180-78-193	NEW	87-09-011	180-79-346	NEW-P	87-05-050
180-24-360	NEW	87-04-059	180-78-194	NEW-P	87-05-049	180-79-346	NEW	87-09-012
180-24-365	NEW	87-04-059	180-78-194	NEW	87-09-011	180-79-348	NEW-P	87-05-050
180-24-370	NEW	87-04-059	180-78-195	NEW-P	87-05-049	180-79-348	NEW	87-09-012
180-24-375	NEW	87-04-059	180-78-195	NEW	87-09-011	180-79-350	NEW-P	87-05-050
180-24-380	NEW	87-04-059	180-78-197	NEW-P	87-05-049	180-79-350	NEW	87-09-012
180-40-235	AMD-P	87-05-047	180-78-197	NEW	87-09-011	180-79-352	NEW-P	87-05-050
180-40-235	AMD	87-09-040	180-78-198	NEW-P	87-05-049	180-79-352	NEW	87-09-012
180-75-005	AMD-P	87-09-052	180-78-198	NEW	87-09-011	180-79-354	NEW-P	87-05-050
180-75-005	AMD	87-12-042	180-78-199	NEW-P	87-05-049	180-79-354	NEW	87-09-012
180-75-015	AMD-P	87-05-048	180-78-199	NEW	87-09-011	180-79-356	NEW-P	87-05-050
180-75-015	AMD	87-09-010	180-79	AMD-P	87-05-050	180-79-356	NEW	87-09-012
180-75-018	NEW-P	87-05-048	180-79	AMD	87-09-012	180-79-358	NEW-P	87-05-050
180-75-018	NEW	87-09-010	180-79-003	NEW-P	87-05-050	180-79-358	NEW	87-09-012
180-75-019	NEW-P	87-05-048	180-79-003	NEW	87-09-012	180-79-360	NEW-P	87-05-050
180-75-019	NEW	87-09-010	180-79-007	NEW-P	87-09-053	180-79-360	NEW	87-09-012
180-75-025	AMD-P	87-05-048	180-79-007	NEW	87-12-039	180-79-362	NEW-P	87-05-050
180-75-025	AMD	87-09-010	180-79-010	AMD-P	87-05-050	180-79-362	NEW	87-09-012
180-75-026	NEW-P	87-05-048	180-79-010	AMD	87-09-012	180-79-364	NEW-P	87-05-050
180-75-026	NEW	87-09-010	180-79-045	AMD-P	87-05-050	180-79-364	NEW	87-09-012
180-75-034	NEW-P	87-05-048	180-79-045	AMD	87-09-012	180-79-366	NEW-P	87-05-050
180-75-034	NEW	87-09-010	180-79-060	AMD-P	87-05-050	180-79-366	NEW	87-09-012
180-75-035	AMD-P	87-05-048	180-79-060	AMD	87-09-012	180-79-368	NEW-P	87-05-050
180-75-035	AMD	87-09-010	180-79-065	AMD-P	87-05-050	180-79-368	NEW	87-09-012
180-75-037	NEW-P	87-05-048	180-79-065	AMD	87-09-012	180-79-370	NEW-P	87-05-050
180-75-037	NEW	87-09-010	180-79-065	AMD-P	87-09-093	180-79-370	NEW	87-09-012
180-75-038	NEW-P	87-05-048	180-79-065	AMD	87-13-044	180-79-372	NEW-P	87-05-050
180-75-038	NEW	87-09-010	180-79-075	AMD-P	87-05-050	180-79-372	NEW	87-09-012
180-75-039	NEW-P	87-05-048	180-79-075	AMD	87-09-012	180-79-374	NEW-P	87-05-050
180-75-039	NEW	87-09-010	180-79-075	AMD-P	87-09-093	180-79-374	NEW	87-09-012
180-75-040	AMD-P	87-05-048	180-79-075	AMD	87-13-044	180-79-376	NEW-P	87-05-050
180-75-040	AMD	87-09-010	180-79-080	AMD-P	87-05-050	180-79-376	NEW	87-09-012
180-75-042	NEW-P	87-05-048	180-79-080	AMD	87-09-012	180-79-378	NEW-P	87-05-050
180-75-042	NEW	87-09-010	180-79-086	AMD-P	87-05-050	180-79-378	NEW	87-09-012
180-75-043	NEW-P	87-05-048	180-79-086	AMD	87-09-012	180-79-380	NEW-P	87-05-050
180-75-043	NEW	87-09-010	180-79-115	AMD-P	87-05-050	180-79-380	NEW	87-09-012
180-75-044	NEW-P	87-05-048	180-79-115	AMD	87-09-012	180-79-382	NEW-P	87-05-050
180-75-044	NEW	87-09-010	180-79-230	AMD-P	87-05-050	180-79-382	NEW	87-09-012
180-75-065	AMD-P	87-05-048	180-79-230	AMD	87-09-012	180-79-384	NEW-P	87-05-050
180-75-065	AMD	87-09-010	180-79-300	NEW-P	87-05-050	180-79-384	NEW	87-09-012
180-75-070	AMD-P	87-05-048	180-79-300	NEW	87-09-012	180-79-386	NEW-P	87-05-050
180-75-070	AMD	87-09-010	180-79-305	NEW-P	87-05-050	180-79-386	NEW	87-09-012
180-75-075	AMD-P	87-05-048	180-79-305	NEW	87-09-012	180-79-388	NEW-P	87-05-050
180-75-075	AMD	87-09-010	180-79-310	NEW-P	87-05-050	180-79-388	NEW	87-09-012
180-75-080	AMD-P	87-05-048	180-79-310	NEW	87-09-012	180-79-390	NEW-P	87-05-050
180-75-080	AMD	87-09-010	180-79-312	NEW-P	87-05-050	180-79-390	NEW	87-09-012
180-75-081	NEW-P	87-05-048	180-79-312	NEW	87-09-012	180-79-392	NEW-P	87-05-050
180-75-081	NEW	87-09-010	180-79-315	NEW-P	87-05-050	180-79-392	NEW	87-09-012
180-75-082	NEW-P	87-05-048	180-79-315	NEW	87-09-012	180-79-394	NEW-P	87-05-050
180-75-082	NEW	87-09-010	180-79-317	NEW-P	87-05-050	180-79-394	NEW	87-09-012
180-75-083	NEW-P	87-05-048	180-79-317	NEW	87-09-012	180-79-396	NEW-P	87-05-050
180-75-083	NEW	87-09-010	180-79-320	NEW-P	87-05-050	180-79-396	NEW	87-09-012
180-75-084	NEW-P	87-05-048	180-79-320	NEW	87-09-012	180-79-398	NEW-P	87-05-050
180-75-084	NEW	87-09-010	180-79-322	NEW-P	87-05-050	180-79-398	NEW	87-09-012
180-75-085	AMD-P	87-05-048	180-79-322	NEW	87-09-012	180-85-020	AMD-P	87-09-094
180-75-085	AMD	87-09-010	180-79-324	NEW-P	87-05-050	180-85-020	AMD	87-12-041
180-75-086	NEW-P	87-05-048	180-79-324	NEW	87-09-012	180-85-045	AMD-P	87-05-051
180-75-086	NEW	87-09-010	180-79-326	NEW-P	87-05-050	180-85-045	AMD	87-09-013
180-75-087	AMD-P	87-05-048	180-79-326	NEW	87-09-012	180-85-220	AMD-P	87-05-051
180-75-087	AMD	87-09-010	180-79-328	NEW-P	87-05-050	180-85-220	AMD	87-09-013
180-75-199	NEW-P	87-05-048	180-79-328	NEW	87-09-012	180-85-225	AMD-P	87-05-051
180-75-199	NEW	87-09-010	180-79-330	NEW-P	87-05-050	180-85-225	AMD	87-09-013
180-78	AMD-P	87-05-049	180-79-330	NEW	87-09-012	180-90-125	NEW-P	87-05-052
180-78	AMD	87-09-011	180-79-332	NEW-P	87-05-050	180-90-125	NEW	87-09-039
180-78-003	NEW-P	87-05-049	180-79-332	NEW	87-09-012	180-90-141	NEW-P	87-05-052
180-78-003	NEW	87-09-011	180-79-334	NEW-P	87-05-050	180-90-141	NEW	87-09-039
180-78-005	AMD-P	87-05-049	180-79-334	NEW	87-09-012	180-90-160	AMD-P	87-05-052
180-78-005	AMD	87-09-011	180-79-336	NEW-P	87-05-050	180-90-160	AMD	87-09-039
180-78-010	AMD-P	87-05-049	180-79-336	NEW	87-09-012	182-08-060	AMD-E	87-11-003
180-78-010	AMD	87-09-011	180-79-338	NEW-P	87-05-050	182-08-060	AMD-E	87-14-004
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180-78-191	NEW	87-09-011	180-79-342	NEW-P	87-05-050	182-12-126	REP-E	87-11-003
180-78-192	NEW-P	87-05-049	180-79-342	NEW	87-09-012	182-12-126	REP-E	87-14-004

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182-12-126	REP-E	87-19-013	196-27-020	AMD	87-13-005	220-24-02000Y	NEW-E	87-16-049
182-12-126	REP-C	87-19-031	204-08-010	AMD-P	87-13-034	220-24-02000Z	REP-E	87-17-005
182-12-127	NEW-E	87-11-003	204-08-010	AMD	87-16-032	220-24-02000Z	NEW-E	87-17-005
182-12-127	NEW-E	87-14-004	204-41-035	NEW-P	87-18-021	220-24-02000Z	REP-E	87-18-045
182-12-127	NEW-P	87-15-025	204-65-010	NEW	87-04-065	220-28-624	REP-E	87-03-008
182-12-127	NEW-E	87-19-013	204-65-020	NEW	87-04-065	220-28-625	NEW-E	87-03-008
182-12-127	NEW-C	87-19-031	204-65-030	NEW	87-04-065	220-28-625	REP-E	87-05-002
182-12-210	AMD-E	87-04-016	204-65-040	NEW	87-04-065	220-32-02000C	NEW-E	87-14-005
182-12-210	AMD-P	87-04-039	204-65-050	NEW	87-04-065	220-32-02200S	NEW-E	87-04-013
182-12-210	AMD	87-07-034	204-65-060	NEW	87-04-065	220-32-03000E	NEW-E	87-05-037
192-09-064	NEW-E	87-15-026	204-76-99001	AMD-P	87-15-078	220-32-03000E	REP-E	87-06-037
192-12-005	NEW-P	87-08-049	204-76-99002	AMD-P	87-15-078	220-32-03000F	NEW-E	87-14-005
192-12-005	NEW	87-12-021	204-76-99005	NEW-P	87-15-078	220-32-03000F	REP-E	87-14-018
192-12-011	NEW-P	87-08-049	204-90-030	AMD-P	87-15-077	220-32-03000G	NEW-E	87-14-018
192-12-011	NEW	87-12-021	204-91-050	AMD-P	87-13-048	220-32-03000G	REP-E	87-14-033
192-12-012	NEW-P	87-08-049	204-91-050	AMD	87-16-033	220-32-03000H	NEW-E	87-14-033
192-12-012	NEW	87-12-021	204-91-060	AMD-P	87-13-048	220-32-03000H	REP-E	87-17-011
192-12-042	AMD-P	87-16-052	204-91-060	AMD	87-16-033	220-32-03000I	NEW-E	87-17-011
192-12-115	AMD-P	87-19-144	212-32-015	AMD-P	87-14-075	220-32-03000I	REP-E	87-19-040
192-12-115	AMD-E	87-19-145	212-32-015	AMD	87-18-067	220-32-03000J	NEW-E	87-19-040
192-12-141	AMD-P	87-08-049	212-51-001	NEW-P	87-03-053	220-32-03000J	REP-E	87-19-116
192-12-141	AMD	87-12-021	212-51-001	NEW	87-06-044	220-32-03000K	NEW-E	87-19-116
192-12-158	NEW	87-03-006	212-51-005	NEW-P	87-03-053	220-32-04100J	NEW-E	87-11-059
192-23	AMD-P	87-08-049	212-51-005	NEW	87-06-044	220-32-05100H	NEW-E	87-05-037
192-23	AMD	87-12-021	212-51-010	NEW-P	87-03-053	220-32-05100I	NEW-E	87-14-008
192-23-011	AMD-P	87-08-049	212-51-010	NEW	87-06-044	220-32-05100I	REP-E	87-14-025
192-23-011	AMD	87-12-021	212-51-015	NEW-P	87-03-053	220-32-05100J	NEW-E	87-14-025
192-23-012	AMD-P	87-08-049	212-51-015	NEW	87-06-044	220-32-05100J	REP-E	87-14-033
192-23-012	AMD	87-12-021	212-51-020	NEW-P	87-03-053	220-32-05100K	NEW-E	87-14-033
192-23-014	AMD-P	87-08-049	212-51-020	NEW	87-06-044	220-32-05100K	REP-E	87-15-007
192-23-014	AMD	87-12-021	212-51-025	NEW-P	87-03-053	220-32-05100L	NEW-E	87-15-007
192-23-015	AMD-W	87-08-049	212-51-025	NEW	87-06-044	220-32-05100L	REP-E	87-15-071
192-23-016	AMD-P	87-08-049	212-51-030	NEW-P	87-03-053	220-32-05100M	NEW-E	87-15-071
192-23-016	AMD	87-12-021	212-51-030	NEW	87-06-044	220-32-05100M	REP-E	87-17-011
192-23-018	NEW-P	87-08-049	212-51-035	NEW-P	87-03-053	220-32-05100N	NEW-E	87-17-011
192-23-018	NEW	87-12-021	212-51-035	NEW	87-06-044	220-32-05100N	REP-E	87-17-030
192-23-051	AMD-P	87-08-049	212-51-040	NEW-P	87-03-053	220-32-05100P	NEW-E	87-17-030
192-23-051	AMD	87-12-021	212-51-040	NEW	87-06-044	220-32-05100P	REP-E	87-19-004
192-23-800	AMD-P	87-08-049	212-51-045	NEW-P	87-03-053	220-32-05100Q	NEW-E	87-19-004
192-23-800	AMD	87-12-021	212-51-045	NEW	87-06-044	220-32-05100Q	REP-E	87-19-040
192-23-810	AMD-P	87-08-049	212-51-050	NEW-P	87-03-053	220-32-05100R	NEW-E	87-19-040
192-23-810	AMD	87-12-021	212-51-050	NEW	87-06-044	220-32-05100R	REP-E	87-19-061
196-08-085	REP-P	87-08-052	220-12-020	AMD-P	87-17-070	220-32-05100S	NEW-E	87-19-061
196-08-085	REP	87-13-005	220-16-075	AMD-P	87-09-082	220-32-05100T	NEW-E	87-19-119
196-12-010	AMD-P	87-08-052	220-16-075	AMD-C	87-12-086	220-32-05500T	NEW-E	87-11-033
196-12-010	AMD	87-13-005	220-16-075	AMD	87-15-059	220-32-05900K	NEW-E	87-09-065
196-12-020	AMD-P	87-08-052	220-16-385	REP-P	87-17-070	220-32-05900L	NEW-E	87-09-084
196-12-020	AMD	87-13-005	220-16-38500A	NEW-E	87-08-034	220-32-05900M	NEW-E	87-13-011
196-16-007	AMD-P	87-08-052	220-16-390	REP-P	87-17-070	220-32-05900N	NEW-E	87-15-071
196-16-007	AMD	87-13-005	220-16-395	NEW-P	87-03-056	220-36-021	AMD-P	87-15-131
196-16-010	AMD-P	87-08-052	220-16-395	NEW	87-09-066	220-36-02100J	NEW-E	87-15-005
196-16-010	AMD	87-13-005	220-16-40000A	NEW-E	87-19-015	220-36-02100J	REP-E	87-15-062
196-20-020	AMD-P	87-08-052	220-20-018	NEW-P	87-13-010	220-36-02100K	NEW-E	87-15-062
196-20-020	AMD	87-13-005	220-20-018	NEW-W	87-14-032	220-36-02100K	REP-E	87-15-130
196-20-030	AMD-P	87-08-052	220-20-02000U	REP-E	87-15-015	220-36-02100L	NEW-E	87-15-130
196-20-030	AMD	87-13-005	220-20-02000V	NEW-E	87-15-015	220-36-02100L	REP-E	87-16-051
196-24-050	AMD-P	87-08-052	220-20-02000V	REP-E	87-15-060	220-36-02100M	NEW-E	87-16-051
196-24-050	AMD	87-13-005	220-20-050	NEW-P	87-13-010	220-36-02100M	REP-E	87-17-007
196-24-070	REP-P	87-08-052	220-20-050	NEW-P	87-17-069	220-36-02100N	NEW-E	87-17-007
196-24-070	REP	87-13-005	220-20-055	NEW-P	87-13-010	220-36-022	AMD-P	87-15-131
196-24-085	AMD-P	87-08-052	220-20-055	NEW-P	87-17-069	220-36-024	AMD-P	87-15-131
196-24-085	AMD	87-13-005	220-22-030	AMD-P	87-09-082	220-36-02500A	NEW-E	87-13-035
196-24-100	NEW-P	87-08-052	220-22-030	AMD-C	87-12-086	220-36-02500Y	NEW-E	87-10-031
196-24-100	NEW	87-13-005	220-22-030	AMD	87-15-059	220-36-02500Y	REP-E	87-12-004
196-24-105	NEW-P	87-08-052	220-24-02000A	NEW-E	87-18-045	220-36-02500Z	NEW-E	87-12-004
196-24-105	NEW	87-13-005	220-24-02000S	NEW-E	87-10-003	220-36-02500Z	REP-E	87-12-062
196-24-110	NEW-P	87-08-052	220-24-02000S	REP-E	87-11-006	220-40-021	AMD-P	87-15-131
196-24-110	NEW	87-13-005	220-24-02000T	NEW-E	87-11-006	220-40-02100U	NEW-E	87-15-005
196-26-010	REP-P	87-07-046	220-24-02000T	REP-E	87-11-023	220-40-02100U	REP-E	87-17-007
196-26-010	REP-P	87-13-057	220-24-02000U	NEW-E	87-11-023	220-40-02100U	NEW-E	87-19-039
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196-26-010	REP	87-18-031	220-24-02000V	NEW-E	87-15-060	220-40-02100V	NEW-E	87-17-007
196-26-020	NEW-P	87-07-046	220-24-02000V	REP-E	87-15-097	220-40-02100V	REP-E	87-17-029
196-26-020	NEW-P	87-13-057	220-24-02000W	NEW-E	87-15-097	220-40-02100W	NEW-E	87-17-029
196-26-020	NEW-E	87-14-088	220-24-02000W	REP-E	87-16-017	220-40-02100W	REP-E	87-19-114
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220-40-02100Z	NEW-E	87-19-136	220-47-809	REP-E	87-19-038	220-56-190	AMD-P	87-03-056
220-40-022	AMD-P	87-15-131	220-47-810	NEW-E	87-19-038	220-56-190	AMD	87-09-066
220-40-024	AMD-P	87-15-131	220-47-810	REP-E	87-19-115	220-56-19000G	NEW-E	87-11-021
220-44-050	AMD-P	87-04-070	220-47-811	NEW-E	87-19-115	220-56-19000G	REP-E	87-14-003
220-44-050	AMD	87-07-042	220-47-811	REP-E	87-19-137	220-56-19000H	NEW-E	87-14-003
220-44-05000D	NEW-E	87-09-016	220-47-812	NEW-E	87-19-137	220-56-19000H	REP-E	87-15-006
220-44-05000D	REP-E	87-09-030	220-48-011	AMD	87-04-003	220-56-19000I	NEW-E	87-15-006
220-44-05000E	NEW-E	87-09-030	220-48-015	AMD	87-04-003	220-56-19000I	REP-E	87-15-014
220-44-05000E	REP-E	87-09-083	220-48-01500W	NEW-E	87-04-028	220-56-19000J	NEW-E	87-15-014
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220-44-060	REP	87-04-003	220-48-01500Z	REP-E	87-08-010	220-56-19000L	NEW-E	87-15-047
220-44-070	REP	87-04-003	220-48-01500Z	NEW-E	87-08-010	220-56-19000L	REP-E	87-15-075
220-44-09000A	NEW-E	87-14-048	220-48-017	AMD	87-04-003	220-56-19000M	NEW-E	87-15-075
220-44-09000B	NEW-E	87-15-046	220-48-025	AMD	87-04-003	220-56-19000M	REP-E	87-16-005
220-47-301	AMD-P	87-09-082	220-48-026	AMD	87-04-003	220-56-19000N	NEW-E	87-16-005
220-47-301	AMD-C	87-12-086	220-48-027	AMD	87-04-003	220-56-19000N	REP-E	87-16-050
220-47-301	AMD	87-15-059	220-48-032	AMD	87-04-003	220-56-19000P	NEW-E	87-16-050
220-47-311	AMD-P	87-09-082	220-48-046	REP	87-04-003	220-56-19000P	REP-E	87-16-055
220-47-311	AMD-C	87-12-086	220-48-056	REP	87-04-003	220-56-19000Q	NEW-E	87-16-055
220-47-311	AMD	87-15-059	220-48-06200B	NEW-E	87-09-050	220-56-19000Q	REP-E	87-17-006
220-47-312	AMD-P	87-09-082	220-49-02000A	NEW-E	87-09-055	220-56-19000R	NEW-E	87-17-006
220-47-312	AMD-C	87-12-086	220-49-02000A	REP-E	87-10-004	220-56-19000R	REP-E	87-17-072
220-47-312	AMD	87-15-059	220-49-02000U	NEW-E	87-10-004	220-56-19000S	NEW-E	87-17-072
220-47-313	AMD-P	87-09-082	220-49-02000U	REP-E	87-11-002	220-56-19000S	REP-E	87-19-037
220-47-313	AMD-C	87-12-086	220-49-02000V	NEW-E	87-11-002	220-56-19000T	NEW-E	87-19-037
220-47-313	AMD	87-15-059	220-49-02000V	REP-E	87-13-028	220-56-19000T	REP-E	87-19-062
220-47-401	AMD-P	87-09-082	220-49-02000W	NEW-E	87-13-028	220-56-19000U	NEW-E	87-19-062
220-47-401	AMD-C	87-12-086	220-52-03000D	NEW-E	87-08-047	220-56-19000U	REP-E	87-19-087
220-47-401	AMD	87-15-059	220-52-035	NEW-P	87-17-070	220-56-19000V	NEW-E	87-19-087
220-47-402	AMD-P	87-09-082	220-52-046	AMD	87-05-038	220-56-195	AMD-P	87-03-056
220-47-402	AMD-C	87-12-086	220-52-050	AMD-P	87-17-070	220-56-195	AMD	87-09-066
220-47-402	AMD	87-15-059	220-52-051	NEW-P	87-17-070	220-56-19500F	NEW-E	87-15-058
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220-47-403	AMD	87-15-059	220-52-05300S	NEW-E	87-11-022	220-56-19900A	NEW-E	87-15-013
220-47-411	AMD-P	87-09-082	220-52-05300T	NEW-E	87-11-031	220-56-205	AMD-P	87-03-056
220-47-411	AMD-C	87-12-086	220-52-05300U	NEW-E	87-17-027	220-56-24500A	NEW-E	87-07-006
220-47-411	AMD	87-15-059	220-52-05300V	NEW-E	87-17-046	220-56-24500B	NEW-E	87-13-007
220-47-412	AMD-P	87-09-082	220-52-054	REP-P	87-17-070	220-56-24500C	NEW-E	87-19-015
220-47-412	AMD-C	87-12-086	220-52-060	AMD-P	87-17-070	220-56-295	AMD-P	87-03-056
220-47-412	AMD	87-15-059	220-52-063	AMD-P	87-12-063	220-56-295	AMD	87-09-066
220-47-413	AMD-P	87-09-082	220-52-063	AMD	87-15-022	220-56-29500C	NEW-E	87-08-048
220-47-413	AMD-C	87-12-086	220-52-069	AMD-P	87-12-063	220-56-310	AMD-P	87-03-056
220-47-413	AMD	87-15-059	220-52-069	AMD	87-15-022	220-56-310	AMD	87-09-066
220-47-414	AMD-P	87-09-082	220-52-071	AMD-P	87-12-063	220-56-31000H	NEW-E	87-08-048
220-47-414	AMD-C	87-12-086	220-52-071	AMD	87-15-022	220-56-320	AMD-P	87-03-056
220-47-414	AMD	87-15-059	220-52-071	AMD-P	87-17-070	220-56-320	AMD	87-09-066
220-47-50101	REP-P	87-09-082	220-52-07100B	NEW-E	87-08-047	220-56-32000A	NEW-E	87-08-048
220-47-50101	REP-C	87-12-086	220-52-07100B	REP-E	87-09-025	220-56-32500H	NEW-E	87-11-022
220-47-50101	REP	87-15-059	220-52-07100C	NEW-E	87-09-025	220-56-32500I	NEW-E	87-17-027
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220-47-50201	REP-C	87-12-086	220-52-07200A	NEW-E	87-04-004	220-56-350	AMD-P	87-03-056
220-47-50201	REP	87-15-059	220-52-073	AMD-P	87-12-063	220-56-350	AMD	87-09-066
220-47-503	REP-P	87-09-082	220-52-073	AMD	87-15-022	220-56-35000C	NEW-E	87-08-048
220-47-503	REP-C	87-12-086	220-52-073	AMD-P	87-17-070	220-56-35000D	NEW-E	87-12-030
220-47-503	REP	87-15-059	220-52-074	REP-P	87-17-070	220-56-360	AMD-P	87-03-056
220-47-800	NEW-E	87-16-006	220-52-075	AMD-P	87-12-063	220-56-360	AMD	87-09-066
220-47-800	REP-E	87-16-056	220-52-075	AMD	87-15-022	220-56-36000N	NEW-E	87-06-034
220-47-801	NEW-E	87-16-056	220-52-35000B	NEW-E	87-08-047	220-56-372	AMD-P	87-03-056
220-47-801	REP-E	87-17-010	220-55-025	AMD-P	87-03-056	220-56-372	AMD	87-09-066
220-47-802	NEW-E	87-17-010	220-55-025	AMD	87-09-066	220-56-37200A	NEW-E	87-08-048
220-47-802	REP-E	87-17-038	220-55-02500A	NEW-E	87-08-048	220-56-380	AMD-P	87-03-056
220-47-803	NEW-E	87-17-038	220-55-065	AMD-P	87-03-056	220-56-380	AMD	87-09-066
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220-47-804	NEW-E	87-18-008	220-56-115	AMD-P	87-03-056	220-57-130	AMD	87-09-066
220-47-804	REP-E	87-18-044	220-56-115	AMD	87-09-066	220-57-13000K	NEW-E	87-15-061
220-47-805	NEW-E	87-18-044	220-56-11500E	NEW-E	87-08-048	220-57-13000K	REP-E	87-18-043
220-47-805	REP-E	87-18-058	220-56-120	AMD-P	87-03-056	220-57-13000L	NEW-E	87-18-043
220-47-806	NEW-E	87-18-058	220-56-120	AMD	87-09-066	220-57-135	AMD-P	87-03-056
220-47-806	REP-E	87-19-006	220-56-180	AMD-P	87-03-056	220-57-135	AMD	87-09-066
220-47-807	NEW-E	87-19-006	220-56-180	AMD-C	87-08-005	220-57-13500I	NEW-E	87-15-061
220-47-807	REP-E	87-19-016	220-56-180	AMD	87-08-006	220-57-13500I	REP-E	87-18-043
220-47-808	NEW-E	87-19-016	220-56-18000T	NEW-E	87-06-035	220-57-13500J	NEW-E	87-18-043
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220-57-160	AMD-P	87-03-056	220-57-473	AMD	87-09-066	222-08-035	NEW-P	87-10-018
220-57-160	AMD	87-09-066	220-57-495	AMD-P	87-03-056	222-08-040	AMD-P	87-10-018
220-57-16000F	NEW-E	87-07-011	220-57-495	AMD	87-09-066	222-12-030	AMD-P	87-10-018
220-57-16000G	NEW-E	87-17-028	220-57-49500E	NEW-E	87-08-048	222-12-040	AMD-P	87-10-018
220-57-16000G	REP-E	87-18-043	220-57-49500F	NEW-E	87-19-125	222-12-045	NEW-P	87-10-018
220-57-16000H	NEW-E	87-18-043	220-57-505	AMD-P	87-03-056	222-12-090	AMD-P	87-10-018
220-57-16000H	REP-E	87-18-070	220-57-505	AMD	87-09-066	222-16-010	AMD-P	87-10-018
220-57-16000I	NEW-E	87-18-070	220-57-50500L	NEW-E	87-08-048	222-16-030	AMD-P	87-10-018
220-57-16000I	REP-E	87-19-005	220-57-50500M	NEW-E	87-09-024	222-16-040	REP-P	87-10-018
220-57-16000J	NEW-E	87-19-005	220-57-510	AMD-P	87-03-056	222-16-050	AMD-P	87-10-018
220-57-175	AMD-P	87-03-056	220-57-510	AMD	87-09-066	222-20-010	AMD-P	87-10-018
220-57-175	AMD	87-09-066	220-57-51500B	NEW-E	87-09-024	222-20-020	AMD-P	87-10-018
220-57-20000C	NEW-E	87-18-043	220-57-520	AMD-P	87-03-056	222-20-040	AMD-P	87-10-018
220-57-215	AMD-P	87-03-056	220-57-520	AMD	87-09-066	222-20-060	AMD-P	87-10-018
220-57-215	AMD	87-09-066	220-57-525	AMD-P	87-03-056	222-20-090	AMD-P	87-10-018
220-57-220	AMD-P	87-03-056	220-57-525	AMD	87-09-066	222-20-100	AMD-P	87-10-018
220-57-220	AMD	87-09-066	220-57A-175	AMD-P	87-03-056	222-20-120	NEW-P	87-10-018
220-57-235	AMD-P	87-03-056	220-57A-175	AMD	87-09-066	222-24-010	AMD-P	87-10-018
220-57-235	AMD	87-09-066	220-57A-180	AMD-P	87-03-056	222-24-020	AMD-P	87-10-018
220-57-240	AMD-P	87-03-056	220-57A-180	AMD	87-09-066	222-24-025	AMD-P	87-10-018
220-57-240	AMD	87-09-066	220-76-030	REP-P	87-04-071	222-24-030	AMD-P	87-10-018
220-57-24200B	NEW-E	87-13-011	220-77-010	NEW-P	87-04-071	222-24-035	AMD-P	87-10-018
220-57-250	AMD-P	87-03-056	220-77-010	NEW	87-08-033	222-24-040	AMD-P	87-10-018
220-57-250	AMD	87-09-066	220-77-020	NEW-P	87-04-071	222-24-050	AMD-P	87-10-018
220-57-270	AMD-P	87-03-056	220-77-020	NEW	87-08-033	222-24-060	AMD-P	87-10-018
220-57-270	AMD	87-09-066	220-77-030	NEW-P	87-04-071	222-30-020	AMD-P	87-10-018
220-57-27000R	NEW-E	87-18-043	220-77-030	NEW	87-08-033	222-30-030	AMD-P	87-10-018
220-57-280	AMD-P	87-03-056	220-77-040	NEW-P	87-04-071	222-30-040	AMD-P	87-10-018
220-57-280	AMD	87-09-066	220-77-040	NEW	87-08-033	222-30-050	AMD-P	87-10-018
220-57-290	AMD-P	87-03-056	220-77-050	NEW-P	87-04-071	222-30-060	AMD-P	87-10-018
220-57-290	AMD	87-09-066	220-77-050	NEW	87-08-033	222-30-070	AMD-P	87-10-018
220-57-29000I	NEW-E	87-10-016	220-77-060	NEW-P	87-04-071	222-30-090	AMD-P	87-10-018
220-57-300	AMD-P	87-03-056	220-77-060	NEW	87-08-033	222-30-100	AMD-P	87-10-018
220-57-300	AMD	87-09-066	220-77-070	NEW-P	87-04-071	222-34-010	AMD-P	87-10-018
220-57-310	AMD-P	87-03-056	220-77-070	NEW	87-08-033	222-34-020	AMD-P	87-10-018
220-57-310	AMD	87-09-066	220-77-070	NEW	87-04-003	222-34-030	AMD-P	87-10-018
220-57-31000F	NEW-E	87-08-048	220-77-070	NEW	87-04-003	222-34-040	AMD-P	87-10-018
220-57-315	AMD-P	87-03-056	220-87-020	NEW	87-04-003	222-34-040	AMD-P	87-10-018
220-57-315	AMD	87-09-066	220-110-010	AMD-P	87-08-062	222-38-020	AMD-P	87-10-018
220-57-31500F	NEW-E	87-09-014	220-110-010	AMD	87-15-086	230-02-240	NEW-P	87-06-013
220-57-31500F	REP-E	87-09-024	220-110-020	AMD-P	87-08-062	230-02-245	NEW-P	87-06-013
220-57-31500G	NEW-E	87-09-024	220-110-020	AMD	87-15-086	230-02-350	AMD-P	87-03-024
220-57-335	AMD-P	87-03-056	220-110-030	AMD-P	87-08-062	230-02-350	AMD	87-07-038
220-57-335	AMD	87-09-066	220-110-030	AMD	87-15-086	230-04-020	AMD-P	87-06-008
220-57-33500B	NEW-E	87-19-029	220-110-040	AMD-P	87-08-062	230-04-020	AMD	87-09-043
220-57-37000C	NEW-E	87-17-071	220-110-040	AMD	87-15-086	230-04-020	AMD	87-10-017
220-57-380	AMD-P	87-03-056	220-110-050	AMD-P	87-08-062	230-04-020	AMD-P	87-15-050
220-57-380	AMD	87-09-066	220-110-050	AMD	87-15-086	230-04-020	AMD-E	87-15-053
220-57-385	AMD-P	87-03-056	220-110-060	AMD-P	87-08-062	230-04-123	AMD-P	87-06-008
220-57-385	AMD	87-09-066	220-110-060	AMD	87-15-086	230-04-123	AMD	87-09-043
220-57-38500L	NEW-E	87-13-024	220-110-080	AMD-P	87-08-062	230-04-140	AMD-P	87-06-008
220-57-38500L	REP-E	87-15-061	220-110-080	AMD	87-15-086	230-04-140	AMD	87-09-043
220-57-38500M	NEW-E	87-15-061	220-110-090	AMD-P	87-08-062	230-04-145	AMD-P	87-03-024
220-57-38500M	REP-E	87-18-043	220-110-090	AMD	87-15-086	230-04-145	AMD-P	87-06-008
220-57-38500N	NEW-E	87-18-043	220-110-100	AMD-P	87-08-062	230-04-145	AMD	87-07-038
220-57-410	AMD-P	87-03-056	220-110-100	AMD	87-15-086	230-04-145	AMD	87-09-043
220-57-410	AMD	87-09-066	220-110-110	AMD-P	87-08-062	230-04-145	AMD-P	87-11-016
220-57-415	AMD-P	87-03-056	220-110-110	AMD	87-15-086	230-04-145	AMD	87-15-052
220-57-415	AMD	87-09-066	220-110-120	AMD-P	87-08-062	230-04-190	AMD-P	87-15-050
220-57-42500J	NEW-E	87-14-003	220-110-120	AMD	87-15-086	230-04-190	AMD-E	87-15-053
220-57-42500J	REP-E	87-18-059	220-110-140	AMD-P	87-08-062	230-04-201	AMD-P	87-03-024
220-57-42500K	NEW-E	87-18-059	220-110-140	AMD	87-15-086	230-04-201	AMD-C	87-07-037
220-57-42500K	REP-E	87-19-037	220-110-190	AMD-P	87-08-062	230-04-201	AMD-P	87-15-050
220-57-42500L	NEW-E	87-19-037	220-110-190	AMD	87-15-086	230-04-201	AMD-E	87-15-053
220-57-445	AMD-P	87-03-056	220-110-200	AMD-P	87-08-062	230-04-900	REP-P	87-15-050
220-57-445	AMD	87-09-066	220-110-200	AMD	87-15-086	230-08-010	AMD-P	87-13-047
220-57-45000F	NEW-E	87-17-071	220-110-210	AMD-P	87-08-062	230-08-010	AMD	87-17-052
220-57-460	AMD-P	87-03-056	220-110-210	AMD	87-15-086	230-08-170	AMD-P	87-11-011
220-57-460	AMD	87-09-066	220-110-220	AMD-P	87-08-062	230-08-170	AMD-P	87-13-047
220-57-46000Q	NEW-E	87-13-006	220-110-220	AMD	87-15-086	230-08-170	AMD	87-17-052
220-57-46000Q	REP-E	87-13-024	220-110-320	AMD-P	87-08-062	230-12-200	AMD-P	87-15-050
220-57-46000R	NEW-E	87-13-024	220-110-320	AMD	87-15-086	230-12-305	NEW-P	87-06-008
220-57-46000R	REP-E	87-14-033	220-110-340	AMD-P	87-08-062	230-12-305	NEW	87-09-043
220-57-46000S	NEW-E	87-14-033	220-110-340	AMD	87-15-086	230-20-064	AMD-P	87-03-024
220-57-46000S	REP-E	87-18-043	220-110-350	AMD-P	87-08-062	230-20-064	AMD-C	87-07-037
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230-20-380	AMD-P	87-03-024	232-28-61601	NEW-E	87-02-046	248-100-011	NEW-P	87-07-039
230-20-380	AMD	87-07-038	232-28-61602	NEW-E	87-06-028	248-100-011	NEW	87-11-047
230-20-380	AMD-P	87-11-011	232-28-61603	NEW-E	87-08-039	248-100-015	REP-P	87-07-039
230-20-380	AMD-C	87-15-051	232-28-61604	NEW-E	87-13-049	248-100-015	REP	87-11-047
230-30-050	AMD-P	87-11-011	232-28-61605	NEW-E	87-16-062	248-100-016	NEW-P	87-07-039
230-30-050	AMD-P	87-13-047	232-28-61606	NEW-E	87-18-049	248-100-016	NEW	87-11-047
230-30-055	NEW-P	87-19-055	232-28-61607	NEW-E	87-18-048	248-100-020	REP-P	87-07-039
230-30-060	AMD	87-03-023	232-28-61608	NEW-E	87-17-014	248-100-020	REP	87-11-047
230-30-070	AMD	87-03-023	232-28-61609	NEW-E	87-18-018	248-100-021	NEW-P	87-07-039
230-30-070	AMD-P	87-11-011	232-28-61610	NEW-P	87-18-078	248-100-021	NEW	87-11-047
230-30-070	AMD-P	87-13-047	232-28-61611	NEW-E	87-19-032	248-100-025	AMD-P	87-07-039
230-30-070	AMD	87-17-052	232-28-61612	NEW-E	87-19-109	248-100-025	AMD	87-11-047
230-30-075	AMD-P	87-11-011	232-28-61612	REP-E	87-19-124	248-100-030	REP-P	87-07-039
230-30-075	AMD-P	87-13-047	232-28-708	REP	87-06-027	248-100-030	REP	87-11-047
230-30-075	AMD-C	87-17-053	232-28-709	NEW	87-06-027	248-100-031	NEW-P	87-07-039
230-30-103	AMD-P	87-11-011	232-28-70901	NEW-E	87-06-029	248-100-031	NEW	87-11-047
230-30-103	AMD	87-15-052	232-28-808	REP-P	87-05-031	248-100-035	REP-P	87-07-039
230-30-106	AMD-P	87-11-011	232-28-808	REP	87-12-080	248-100-035	REP	87-11-047
230-30-106	AMD-P	87-11-017	232-28-809	NEW-P	87-05-031	248-100-040	REP-P	87-07-039
230-30-106	AMD-C	87-15-051	232-28-809	NEW	87-12-080	248-100-040	REP	87-11-047
230-30-106	AMD-P	87-19-055	240-10-030	AMD-P	87-13-052	248-100-041	NEW-P	87-07-039
230-30-999	REP-P	87-11-011	240-10-030	AMD	87-18-003	248-100-041	NEW	87-11-047
230-30-999	REP	87-15-052	240-10-040	AMD-P	87-13-052	248-100-045	REP-P	87-07-039
230-40-401	NEW-P	87-13-046	240-10-040	AMD	87-18-003	248-100-045	REP	87-11-047
230-40-401	NEW-C	87-17-053	240-10-057	NEW-P	87-13-052	248-100-046	NEW-P	87-07-039
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232-12-024	AMD-W	87-12-072	248-14-080	AMD	87-03-018	248-100-050	AMD-P	87-07-039
232-12-067	NEW-P	87-14-083	248-14-090	AMD	87-03-018	248-100-050	AMD	87-11-047
232-12-067	NEW	87-18-017	248-15-020	AMD-P	87-16-085	248-100-055	REP-P	87-07-039
232-12-131	AMD-P	87-08-067	248-15-020	AMD	87-19-025	248-100-055	REP	87-11-047
232-12-131	AMD	87-12-034	248-15-025	NEW-P	87-16-085	248-100-060	REP-P	87-07-039
232-12-136	NEW-P	87-08-068	248-15-025	NEW	87-19-025	248-100-060	REP	87-11-047
232-12-136	NEW-W	87-12-073	248-18-031	AMD	87-03-020	248-100-065	REP-P	87-07-039
232-12-141	AMD-P	87-12-074	248-18-312	NEW	87-03-030	248-100-065	REP	87-11-047
232-12-141	AMD	87-15-082	248-18-320	REP	87-03-030	248-100-070	REP-P	87-07-039
232-12-154	AMD-P	87-18-078	248-18-321	NEW	87-03-030	248-100-070	REP	87-11-047
232-12-169	NEW-P	87-05-030	248-18-662	NEW	87-03-030	248-100-071	NEW-P	87-07-039
232-12-169	NEW	87-09-026	248-18-663	NEW	87-03-030	248-100-071	NEW	87-11-047
232-12-181	AMD-P	87-12-075	248-18-99902	AMD	87-04-061	248-100-075	REP-P	87-07-039
232-12-181	AMD-W	87-15-080	248-19-230	AMD-P	87-06-048	248-100-075	REP	87-11-047
232-12-182	NEW-P	87-18-075	248-19-230	AMD	87-10-023	248-100-076	NEW-P	87-07-039
232-12-274	REP-P	87-14-081	248-19-270	AMD-P	87-06-048	248-100-076	NEW	87-11-047
232-12-275	NEW-P	87-14-084	248-19-270	AMD	87-10-023	248-100-080	REP-P	87-07-039
232-12-275	NEW-W	87-17-032	248-19-327	AMD-P	87-06-048	248-100-080	REP	87-11-047
232-12-276	NEW-P	87-14-081	248-19-327	AMD	87-10-023	248-100-081	NEW-P	87-07-039
232-12-276	NEW-W	87-17-031	248-19-328	NEW-P	87-06-048	248-100-081	NEW	87-11-047
232-14-010	AMD-P	87-08-070	248-19-328	NEW	87-10-023	248-100-085	REP-P	87-07-039
232-14-010	AMD	87-15-085	248-86-010	AMD-P	87-16-087	248-100-085	REP	87-11-047
232-28-109	REP-P	87-12-076	248-86-010	AMD	87-19-069	248-100-086	NEW-P	87-07-039
232-28-109	REP	87-15-083	248-97-010	NEW-P	87-12-088	248-100-086	NEW	87-11-047
232-28-110	NEW-P	87-12-076	248-97-020	NEW-P	87-12-088	248-100-090	REP-P	87-07-039
232-28-110	NEW	87-15-083	248-97-030	NEW-P	87-12-088	248-100-090	REP	87-11-047
232-28-212	REP-P	87-08-069	248-97-040	NEW-P	87-12-088	248-100-091	NEW-P	87-07-039
232-28-212	REP	87-14-031	248-97-050	NEW-P	87-12-088	248-100-091	NEW	87-11-047
232-28-213	NEW-P	87-08-069	248-97-060	NEW-P	87-12-088	248-100-095	REP-P	87-07-039
232-28-213	NEW	87-14-031	248-97-070	NEW-P	87-12-088	248-100-095	REP	87-11-047
232-28-21301	NEW-E	87-17-033	248-97-080	NEW-P	87-12-088	248-100-100	REP-P	87-07-039
232-28-21301	NEW-P	87-18-077	248-97-090	NEW-P	87-12-088	248-100-100	REP	87-11-047
232-28-21302	NEW-E	87-17-034	248-97-100	NEW-P	87-12-088	248-100-105	REP-P	87-07-039
232-28-214	NEW-P	87-12-077	248-97-110	NEW-P	87-12-088	248-100-105	REP	87-11-047
232-28-214	NEW-E	87-13-050	248-97-120	NEW-P	87-12-088	248-100-110	REP-P	87-07-039
232-28-214	NEW	87-15-081	248-97-130	NEW-P	87-12-088	248-100-110	REP	87-11-047
232-28-215	NEW-P	87-12-078	248-97-140	NEW-P	87-12-088	248-100-115	REP-P	87-07-039
232-28-215	NEW-W	87-14-079	248-97-150	NEW-P	87-12-088	248-100-115	REP	87-11-047
232-28-215	NEW-P	87-14-080	248-97-160	NEW-P	87-12-088	248-100-120	REP-P	87-07-039
232-28-216	NEW-P	87-18-076	248-97-170	NEW-P	87-12-088	248-100-120	REP	87-11-047
232-28-410	REP-P	87-14-082	248-97-180	NEW-P	87-12-088	248-100-125	REP-P	87-07-039
232-28-410	REP	87-18-024	248-100-001	REP-P	87-07-039	248-100-125	REP	87-11-047
232-28-411	NEW-P	87-14-082	248-100-001	REP	87-11-047	248-100-130	REP-P	87-07-039
232-28-411	NEW	87-18-024	248-100-002	REP-P	87-07-039	248-100-130	REP	87-11-047
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232-28-509	REP	87-18-016	248-100-003	REP-P	87-07-039	248-100-135	REP	87-11-047
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232-28-510	NEW	87-18-016	248-100-006	NEW-P	87-07-039	248-100-140	REP	87-11-047
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248-100-150	REP	87-11-047	248-100-320	REP-P	87-07-039	248-100-515	REP	87-11-047
248-100-155	REP-P	87-07-039	248-100-320	REP	87-11-047	248-100-520	REP-P	87-07-039
248-100-155	REP	87-11-047	248-100-325	REP-P	87-07-039	248-100-520	REP	87-11-047
248-100-160	REP-P	87-07-039	248-100-325	REP	87-11-047	248-100-525	REP-P	87-07-039
248-100-160	REP	87-11-047	248-100-330	REP-P	87-07-039	248-100-525	REP	87-11-047
248-100-170	REP-P	87-07-039	248-100-330	REP	87-11-047	248-100-530	REP-P	87-07-039
248-100-170	REP	87-11-047	248-100-335	REP-P	87-07-039	248-100-530	REP	87-11-047
248-100-180	REP-P	87-07-039	248-100-335	REP	87-11-047	248-100-532	REP-P	87-07-039
248-100-180	REP	87-11-047	248-100-340	REP-P	87-07-039	248-100-532	REP	87-11-047
248-100-195	REP-P	87-07-039	248-100-340	REP	87-11-047	248-100-535	REP-P	87-07-039
248-100-195	REP	87-11-047	248-100-345	REP-P	87-07-039	248-100-535	REP	87-11-047
248-100-200	REP-P	87-07-039	248-100-345	REP	87-11-047	248-100-540	REP-P	87-07-039
248-100-200	REP	87-11-047	248-100-350	REP-P	87-07-039	248-100-540	REP	87-11-047
248-100-205	REP-P	87-07-039	248-100-350	REP	87-11-047	248-100-545	REP-P	87-07-039
248-100-205	REP	87-11-047	248-100-355	REP-P	87-07-039	248-100-545	REP	87-11-047
248-100-206	NEW-P	87-07-039	248-100-355	REP	87-11-047	248-100-550	REP-P	87-07-039
248-100-206	NEW	87-11-047	248-100-360	REP-P	87-07-039	248-100-550	REP	87-11-047
248-100-210	REP-P	87-07-039	248-100-360	REP	87-11-047	248-100-555	REP-P	87-07-039
248-100-210	REP	87-11-047	248-100-365	REP-P	87-07-039	248-100-555	REP	87-11-047
248-100-211	NEW-P	87-07-039	248-100-365	REP	87-11-047	248-100-560	REP-P	87-07-039
248-100-211	NEW	87-11-047	248-100-370	REP-P	87-07-039	248-100-560	REP	87-11-047
248-100-215	REP-P	87-07-039	248-100-370	REP	87-11-047	248-100-565	REP-P	87-07-039
248-100-215	REP	87-11-047	248-100-375	REP-P	87-07-039	248-100-565	REP	87-11-047
248-100-216	NEW-P	87-07-039	248-100-375	REP	87-11-047	248-102-010	REP-E	87-07-033
248-100-216	NEW	87-11-047	248-100-380	REP-P	87-07-039	248-102-010	REP-P	87-07-040
248-100-220	REP-P	87-07-039	248-100-380	REP	87-11-047	248-102-010	REP	87-11-040
248-100-220	REP	87-11-047	248-100-385	REP-P	87-07-039	248-102-020	REP-E	87-07-033
248-100-221	NEW-P	87-07-039	248-100-385	REP	87-11-047	248-102-020	REP-P	87-07-040
248-100-221	NEW	87-11-047	248-100-390	REP-P	87-07-039	248-102-020	REP	87-11-040
248-100-225	REP-P	87-07-039	248-100-390	REP	87-11-047	248-102-040	REP-E	87-07-033
248-100-225	REP	87-11-047	248-100-395	REP-P	87-07-039	248-102-040	REP-P	87-07-040
248-100-226	NEW-P	87-07-039	248-100-395	REP	87-11-047	248-102-040	REP	87-11-040
248-100-226	NEW	87-11-047	248-100-400	REP-P	87-07-039	248-102-070	REP-E	87-07-033
248-100-230	REP-P	87-07-039	248-100-400	REP	87-11-047	248-102-070	REP-P	87-07-040
248-100-230	REP	87-11-047	248-100-405	REP-P	87-07-039	248-102-070	REP	87-11-040
248-100-231	NEW-P	87-07-039	248-100-405	REP	87-11-047	248-102-999	REP-E	87-07-033
248-100-231	NEW	87-11-047	248-100-410	REP-P	87-07-039	248-102-999	REP-P	87-07-040
248-100-235	REP-P	87-07-039	248-100-410	REP	87-11-047	248-102-999	REP	87-11-040
248-100-235	REP	87-11-047	248-100-415	REP-P	87-07-039	248-103-001	NEW-E	87-07-033
248-100-236	NEW-P	87-07-039	248-100-415	REP	87-11-047	248-103-001	NEW-P	87-07-040
248-100-236	NEW	87-11-047	248-100-420	REP-P	87-07-039	248-103-001	NEW	87-11-040
248-100-240	REP-P	87-07-039	248-100-420	REP	87-11-047	248-103-010	NEW-E	87-07-033
248-100-240	REP	87-11-047	248-100-425	REP-P	87-07-039	248-103-010	NEW-P	87-07-040
248-100-241	NEW-P	87-07-039	248-100-425	REP	87-11-047	248-103-010	NEW	87-11-040
248-100-241	NEW	87-11-047	248-100-430	REP-P	87-07-039	248-103-020	NEW-E	87-07-033
248-100-246	REP-P	87-07-039	248-100-430	REP	87-11-047	248-103-020	NEW-P	87-07-040
248-100-246	REP	87-11-047	248-100-435	REP-P	87-07-039	248-103-020	NEW	87-11-040
248-100-249	REP-P	87-07-039	248-100-435	REP	87-11-047	248-103-030	NEW-E	87-07-033
248-100-249	REP	87-11-047	248-100-445	REP-P	87-07-039	248-103-030	NEW-P	87-07-040
248-100-250	REP-P	87-07-039	248-100-445	REP	87-11-047	248-103-030	NEW	87-11-040
248-100-250	REP	87-11-047	248-100-451	REP-P	87-07-039	248-148-020	REP-P	87-16-086
248-100-255	REP-P	87-07-039	248-100-451	REP	87-11-047	248-148-020	REP	87-19-068
248-100-255	REP	87-11-047	248-100-455	REP-P	87-07-039	248-148-021	NEW-P	87-16-086
248-100-260	REP-P	87-07-039	248-100-455	REP	87-11-047	248-148-021	NEW	87-19-068
248-100-260	REP	87-11-047	248-100-460	REP-P	87-07-039	248-148-030	REP-P	87-16-086
248-100-265	REP-P	87-07-039	248-100-460	REP	87-11-047	248-148-030	REP	87-19-068
248-100-265	REP	87-11-047	248-100-465	REP-P	87-07-039	248-148-031	NEW-P	87-16-086
248-100-270	REP-P	87-07-039	248-100-465	REP	87-11-047	248-148-031	NEW	87-19-068
248-100-270	REP	87-11-047	248-100-470	REP-P	87-07-039	248-148-035	NEW-P	87-16-086
248-100-275	REP-P	87-07-039	248-100-470	REP	87-11-047	248-148-035	NEW	87-19-068
248-100-275	REP	87-11-047	248-100-475	REP-P	87-07-039	248-148-040	REP-P	87-16-086
248-100-280	REP-P	87-07-039	248-100-475	REP	87-11-047	248-148-040	REP	87-19-068
248-100-280	REP	87-11-047	248-100-480	REP-P	87-07-039	248-148-050	REP-P	87-16-086
248-100-285	REP-P	87-07-039	248-100-480	REP	87-11-047	248-148-050	REP	87-19-068
248-100-285	REP	87-11-047	248-100-485	REP-P	87-07-039	248-148-060	REP-P	87-16-086
248-100-290	REP-P	87-07-039	248-100-485	REP	87-11-047	248-148-060	REP	87-19-068
248-100-290	REP	87-11-047	248-100-490	REP-P	87-07-039	248-148-070	REP-P	87-16-086
248-100-295	REP-P	87-07-039	248-100-490	REP	87-11-047	248-148-070	REP	87-19-068
248-100-295	REP	87-11-047	248-100-495	REP-P	87-07-039	248-148-080	REP-P	87-16-086
248-100-300	REP-P	87-07-039	248-100-495	REP	87-11-047	248-148-080	REP	87-19-068
248-100-300	REP	87-11-047	248-100-500	REP-P	87-07-039	248-148-090	REP-P	87-16-086
248-100-305	REP-P	87-07-039	248-100-500	REP	87-11-047	248-148-090	REP	87-19-068
248-100-305	REP	87-11-047	248-100-505	REP-P	87-07-039	248-148-091	NEW-P	87-16-086
248-100-310	REP-P	87-07-039	248-100-505	REP	87-11-047	248-148-091	NEW	87-19-068
248-100-310	REP	87-11-047	248-100-510	REP-P	87-07-039	248-148-100	REP-P	87-16-086

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248-148-100	REP	87-19-068	250-44-080	AMD-P	87-12-066	251-08-112	AMD-E	87-14-052
248-148-101	NEW-P	87-16-086	250-44-080	AMD	87-16-061	251-08-112	AMD-P	87-16-092
248-148-101	NEW	87-19-068	250-44-090	AMD-P	87-12-066	251-08-112	AMD-E	87-19-147
248-148-110	REP-P	87-16-086	250-44-090	AMD	87-16-061	251-09-020	AMD-P	87-18-069
248-148-110	REP	87-19-068	250-44-100	AMD-P	87-12-066	251-09-030	AMD-P	87-18-069
248-148-120	REP-P	87-16-086	250-44-100	AMD	87-16-061	251-09-090	AMD-P	87-04-056
248-148-120	REP	87-19-068	250-44-110	AMD-P	87-12-066	251-10-020	AMD-P	87-08-054
248-148-121	NEW-P	87-16-086	250-44-110	AMD	87-16-061	251-10-020	AMD-P	87-08-055
248-148-121	NEW	87-19-068	250-44-120	AMD-P	87-12-066	251-10-020	AMD-P	87-12-082
248-148-123	NEW-P	87-16-086	250-44-120	AMD	87-16-061	251-10-020	AMD-P	87-12-083
248-148-123	NEW	87-19-068	250-44-130	AMD-P	87-12-066	251-10-020	AMD	87-16-045
248-148-130	REP-P	87-16-086	250-44-130	AMD	87-16-061	251-10-030	AMD	87-02-036
248-148-130	REP	87-19-068	250-44-140	AMD-P	87-12-066	251-10-055	AMD	87-02-036
248-148-131	NEW-P	87-16-086	250-44-140	AMD	87-16-061	251-10-108	NEW-P	87-02-054
248-148-131	NEW	87-19-068	250-44-150	AMD-P	87-12-066	251-10-108	NEW-P	87-04-057
248-148-140	REP-P	87-16-086	250-44-150	AMD	87-16-061	251-10-108	NEW-P	87-06-054
248-148-140	REP	87-19-068	250-44-160	AMD-P	87-12-066	251-10-108	NEW	87-08-056
248-168-010	NEW-P	87-18-037	250-44-160	AMD	87-16-061	251-10-115	NEW-W	87-02-055
248-168-010	NEW-E	87-18-039	250-44-170	AMD-P	87-12-066	251-10-120	AMD-P	87-04-057
248-168-020	NEW-P	87-18-037	250-44-170	AMD	87-16-061	251-10-120	AMD	87-08-056
248-168-020	NEW-E	87-18-039	250-44-180	AMD-P	87-12-066	251-10-140	AMD-P	87-04-057
248-168-030	NEW-P	87-18-037	250-44-180	AMD	87-16-061	251-10-140	AMD	87-08-056
248-168-030	NEW-E	87-18-039	250-44-190	AMD-P	87-12-066	251-10-195	AMD	87-02-036
248-168-040	NEW-P	87-18-037	250-44-190	AMD	87-16-061	251-12-076	NEW-P	87-16-094
248-168-040	NEW-E	87-18-039	250-44-200	AMD-P	87-12-066	251-12-085	AMD-P	87-16-094
248-168-050	NEW-P	87-18-037	250-44-200	AMD	87-16-061	251-12-096	NEW-P	87-12-084
248-168-050	NEW-E	87-18-039	250-44-210	AMD-P	87-12-066	251-12-096	NEW	87-16-045
248-168-060	NEW-P	87-18-037	250-44-210	AMD	87-16-061	251-12-097	NEW-P	87-12-084
248-168-060	NEW-E	87-18-039	251-01-040	AMD-P	87-06-053	251-12-097	NEW	87-16-045
250-18-020	AMD-P	87-12-060	251-01-040	AMD-P	87-10-050	251-12-240	AMD	87-02-036
250-18-020	AMD	87-16-048	251-01-040	AMD	87-16-045	251-14-030	AMD-P	87-12-084
250-18-020	AMD-P	87-18-054	251-01-040	AMD-P	87-12-081	251-14-030	AMD-P	87-12-085
250-18-060	AMD-P	87-12-060	251-01-057	NEW-P	87-10-053	251-14-030	AMD	87-16-045
250-18-060	AMD	87-16-048	251-01-057	NEW	87-14-051	251-14-035	AMD-P	87-12-085
250-18-060	AMD-P	87-18-054	251-01-072	NEW-E	87-14-052	251-14-035	AMD-C	87-19-146
250-20-011	AMD-P	87-12-046	251-01-072	NEW-P	87-16-092	251-14-050	AMD	87-02-036
250-20-011	AMD	87-16-046	251-01-072	NEW-E	87-19-147	251-14-070	AMD-P	87-16-093
250-20-015	AMD-P	87-12-046	251-01-077	NEW-P	87-12-085	251-14-100	AMD-P	87-16-093
250-20-015	AMD	87-16-046	251-01-110	AMD-P	87-16-093	251-14-110	AMD-P	87-16-093
250-20-021	AMD-P	87-04-076	251-01-110	AMD-P	87-18-069	251-18-176	AMD	87-02-036
250-20-021	AMD-P	87-12-046	251-01-172	NEW	87-14-051	251-18-347	AMD-P	87-16-093
250-20-021	AMD	87-16-046	251-01-190	AMD	87-02-036	251-18-350	AMD	87-02-036
250-20-031	AMD-P	87-12-046	251-01-208	NEW-P	87-10-053	251-22-040	AMD	87-02-036
250-20-031	AMD	87-16-046	251-01-300	AMD	87-02-036	251-22-045	AMD	87-02-036
250-20-041	AMD-P	87-12-046	251-01-382	NEW-E	87-14-052	251-22-070	AMD-P	87-10-052
250-20-041	AMD	87-16-046	251-01-382	NEW-P	87-16-092	251-22-070	AMD	87-14-051
250-20-051	AMD-P	87-12-046	251-01-382	NEW-E	87-19-147	251-22-110	AMD-P	87-10-052
250-20-051	AMD	87-16-046	251-01-392	NEW-E	87-14-052	251-22-110	AMD-P	87-10-053
250-20-061	AMD-P	87-12-046	251-01-392	NEW-P	87-16-092	251-22-110	AMD	87-14-051
250-20-061	AMD	87-16-046	251-01-392	NEW-E	87-19-147	251-22-112	AMD-P	87-10-053
250-20-071	AMD-P	87-12-046	251-01-400	AMD	87-02-036	251-22-112	AMD	87-14-051
250-20-071	AMD	87-16-046	251-04-040	AMD	87-02-036	251-22-115	REP-P	87-16-094
250-20-081	AMD-P	87-12-046	251-05-060	AMD	87-02-036	251-22-117	NEW-P	87-10-052
250-20-081	AMD	87-16-046	251-07-010	NEW-P	87-04-055	251-22-117	NEW-P	87-10-053
250-40-030	AMD-P	87-12-047	251-07-010	NEW	87-08-056	251-22-117	NEW	87-14-051
250-40-030	AMD	87-16-047	251-07-020	NEW-P	87-04-055	251-22-167	NEW-P	87-16-094
250-40-040	AMD-P	87-12-047	251-07-020	NEW	87-08-056	251-22-167	NEW-P	87-16-095
250-40-040	AMD	87-16-047	251-07-030	NEW-P	87-04-055	251-22-167	NEW-P	87-16-096
250-40-050	AMD-P	87-04-077	251-07-030	NEW	87-08-056	251-22-170	AMD-P	87-16-093
250-40-050	AMD-P	87-12-047	251-07-040	NEW-P	87-04-055	251-22-195	NEW-P	87-16-094
250-40-050	AMD	87-16-047	251-07-040	NEW	87-08-056	251-22-195	NEW-P	87-16-095
250-40-060	AMD-P	87-12-047	251-07-050	NEW-P	87-04-055	251-22-195	NEW-P	87-16-096
250-40-060	AMD	87-16-047	251-07-050	NEW	87-08-056	251-22-200	AMD-P	87-10-053
250-40-070	AMD-P	87-12-047	251-07-060	NEW-P	87-04-055	251-22-200	AMD	87-14-051
250-40-070	AMD	87-16-047	251-07-060	NEW	87-08-056	251-22-200	AMD-P	87-16-094
250-44-010	AMD-P	87-12-066	251-08-005	AMD-P	87-04-056	251-23-015	NEW-P	87-06-053
250-44-010	AMD	87-16-061	251-08-005	AMD	87-08-056	251-23-015	NEW-C	87-10-049
250-44-020	AMD-P	87-12-066	251-08-021	AMD-P	87-04-056	251-23-015	NEW-C	87-14-006
250-44-020	AMD	87-16-061	251-08-021	AMD	87-08-056	251-23-015	NEW	87-16-045
250-44-030	AMD-P	87-12-066	251-08-040	AMD-P	87-04-056	251-23-040	AMD	87-02-036
250-44-030	AMD	87-16-061	251-08-040	AMD	87-08-056	251-23-050	AMD	87-02-036
250-44-040	AMD-P	87-12-066	251-08-100	AMD-P	87-04-056	251-23-060	AMD	87-02-036
250-44-040	AMD	87-16-061	251-08-100	AMD-P	87-10-051	254-20-090	AMD	87-03-039
250-44-050	AMD-P	87-12-066	251-08-100	AMD	87-14-051	260-24-280	AMD-P	87-08-029
250-44-050	AMD	87-16-061	251-08-110	AMD-E	87-14-052	260-24-280	AMD-E	87-09-031
250-44-060	AMD-P	87-12-066	251-08-110	AMD-P	87-16-092	260-24-280	AMD	87-15-019
250-44-060	AMD	87-16-061	251-08-110	AMD-E	87-19-147	260-36-040	AMD-P	87-08-029

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260-36-040	AMD	87-15-019	275-19-050	AMD	87-09-035	275-30-050	NEW-P	87-04-023
260-40-100	AMD-P	87-08-029	275-19-075	AMD	87-03-016	275-30-060	NEW-P	87-04-023
260-44-080	AMD-P	87-08-029	275-19-110	AMD-P	87-05-021	275-30-070	NEW-P	87-04-023
260-44-080	AMD-E	87-09-031	275-19-110	AMD	87-09-035	275-54-170	AMD-P	87-15-135
260-44-080	AMD	87-15-019	275-19-110	AMD-P	87-15-134	275-54-170	AMD	87-19-070
260-70-010	AMD-P	87-08-029	275-19-110	AMD-E	87-16-027	275-54-180	AMD-P	87-15-135
260-70-010	AMD-W	87-09-076	275-19-110	AMD	87-19-072	275-54-180	AMD	87-19-070
260-70-010	AMD-P	87-09-077	275-19-140	AMD-P	87-15-134	275-54-190	AMD-P	87-15-135
260-70-010	AMD	87-15-020	275-19-140	AMD-E	87-16-027	275-54-190	AMD	87-19-070
260-70-021	AMD-P	87-08-029	275-19-140	AMD	87-19-072	275-54-200	AMD-P	87-15-135
260-70-021	AMD-W	87-09-076	275-19-170	AMD-P	87-15-134	275-54-200	AMD	87-19-070
260-70-021	AMD-P	87-09-077	275-19-170	AMD-E	87-16-027	275-55-021	REP-P	87-15-136
260-70-021	AMD	87-15-020	275-19-170	AMD	87-19-072	275-55-021	REP	87-19-071
260-70-025	AMD-P	87-08-029	275-19-185	AMD-P	87-15-134	275-55-050	REP-P	87-15-136
260-70-025	AMD-W	87-09-076	275-19-185	AMD-E	87-16-027	275-55-050	REP	87-19-071
260-70-025	AMD-P	87-09-077	275-19-185	AMD	87-19-072	275-55-060	REP-P	87-15-136
260-70-025	AMD	87-15-020	275-19-400	AMD-P	87-15-134	275-55-060	REP	87-19-071
260-70-026	AMD-P	87-08-029	275-19-400	AMD-E	87-16-027	275-55-071	REP-P	87-15-136
260-70-026	AMD-W	87-09-076	275-19-400	AMD	87-19-072	275-55-071	REP	87-19-071
260-70-026	AMD-P	87-09-077	275-19-450	NEW-P	87-15-134	275-55-121	REP-P	87-15-136
260-70-026	AMD	87-15-020	275-19-450	NEW-E	87-16-027	275-55-121	REP	87-19-071
260-70-050	AMD-P	87-08-029	275-19-450	NEW	87-19-072	275-55-263	AMD-P	87-15-136
260-70-050	AMD-W	87-09-076	275-19-455	NEW-P	87-15-134	275-55-263	AMD	87-19-071
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260-70-050	AMD	87-15-020	275-19-455	NEW	87-19-072	275-55-271	AMD	87-19-071
260-70-090	AMD-P	87-08-029	275-19-550	AMD-P	87-15-134	275-55-281	AMD-P	87-15-136
260-70-090	AMD-W	87-09-076	275-19-550	AMD-E	87-16-027	275-55-281	AMD	87-19-071
260-70-090	AMD-P	87-09-077	275-19-550	AMD	87-19-072	275-55-291	AMD-P	87-15-136
260-70-090	AMD	87-15-020	275-19-580	NEW-P	87-15-134	275-55-291	AMD	87-19-071
260-70-100	AMD-P	87-08-029	275-19-580	NEW-E	87-16-027	275-55-331	REP-P	87-15-136
260-70-100	AMD-W	87-09-076	275-19-580	NEW	87-19-072	275-55-331	REP	87-19-071
260-70-100	AMD-P	87-09-077	275-19-585	NEW-P	87-15-134	275-56-135	AMD	87-06-026
260-70-120	AMD-P	87-08-029	275-19-585	NEW-E	87-16-027	284-07-010	NEW-P	87-02-065
260-70-120	AMD-W	87-09-076	275-19-585	NEW	87-19-072	284-07-010	NEW	87-05-011
260-70-120	AMD-P	87-09-077	275-19-590	NEW-P	87-15-134	284-07-014	NEW-P	87-02-065
260-70-120	AMD	87-15-020	275-19-590	NEW-E	87-16-027	284-07-014	NEW	87-05-011
260-70-170	AMD-P	87-08-029	275-19-590	NEW	87-19-072	284-07-024	NEW-P	87-02-065
260-70-170	AMD-W	87-09-076	275-19-595	NEW-P	87-15-134	284-07-024	NEW	87-05-011
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260-70-170	AMD	87-15-020	275-19-595	NEW	87-19-072	284-13-110	NEW-P	87-06-049
261-06	AMD-C	87-16-012	275-19-650	AMD-P	87-15-134	284-13-110	NEW	87-09-056
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261-06-080	AMD-P	87-13-073	275-19-650	AMD	87-19-072	284-13-120	NEW	87-09-056
261-06-090	AMD-P	87-13-073	275-19-660	AMD-P	87-15-134	284-13-130	NEW-P	87-06-049
261-06-110	AMD-P	87-13-073	275-19-660	AMD-E	87-16-027	284-13-130	NEW	87-09-056
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261-50-030	AMD-P	87-05-007	275-19-675	NEW	87-19-072	284-13-150	NEW	87-09-056
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261-50-035	NEW-P	87-05-007	275-19-680	NEW-E	87-16-027	284-23-400	AMD-P	87-09-098
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261-50-090	AMD-P	87-05-007	275-19-970	AMD-P	87-15-134	284-23-450	AMD	87-14-015
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275-19-030	AMD-P	87-15-134	275-19-990	AMD-E	87-16-027	284-23-485	NEW	87-14-015
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296-155-745	AMD-W 87-13-008	308-20-200	REP 87-10-028	308-42-240	NEW 87-18-040
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388-98-850	AMD-P	87-18-057	392-166-110	NEW-E	87-19-034	392-196-011	NEW-P	87-19-156
388-98-870	AMD-P	87-17-016	392-166-110	NEW-P	87-19-133	392-196-020	AMD-E	87-17-049
388-98-870	AMD-E	87-17-017	392-166-115	NEW-E	87-19-034	392-196-020	AMD-P	87-19-156
388-98-870	AMD-P	87-18-057	392-166-115	NEW-P	87-19-133	392-196-030	AMD-E	87-17-049
388-99-020	AMD-P	87-02-064	392-166-120	NEW-E	87-19-034	392-196-030	AMD-P	87-19-156
388-99-020	AMD-E	87-03-001	392-166-120	NEW-P	87-19-133	392-196-040	AMD-E	87-17-049
388-99-020	AMD	87-06-006	392-166-125	NEW-E	87-19-034	392-196-040	AMD-P	87-19-156
388-99-020	AMD-P	87-14-061	392-166-125	NEW-P	87-19-133	392-196-045	AMD-E	87-17-049
388-99-020	AMD-E	87-14-068	392-166-130	NEW-E	87-19-034	392-196-045	AMD-P	87-19-156
388-99-020	AMD	87-17-043	392-166-130	NEW-P	87-19-133	392-196-050	AMD-E	87-17-049
388-99-060	AMD-P	87-19-022	392-166-135	NEW-E	87-19-034	392-196-050	AMD-P	87-19-156
388-99-060	AMD-E	87-19-023	392-166-135	NEW-P	87-19-133	392-196-051	NEW-E	87-17-049
388-100-005	REVIEW	87-04-062	392-166-140	NEW-E	87-19-034	392-196-051	NEW-P	87-19-156
388-100-005	AMD-P	87-09-087	392-166-140	NEW-P	87-19-133	392-196-052	NEW-E	87-17-049
388-100-005	AMD	87-12-054	392-166-145	NEW-E	87-19-034	392-196-052	NEW-P	87-19-156
388-100-005	OBJEC	87-16-031	392-166-145	NEW-P	87-19-133	392-196-055	AMD-E	87-17-049
390-20-0101	AMD	87-05-001	392-166-150	NEW-E	87-19-034	392-196-055	AMD-P	87-19-156
390-20-014	NEW-P	87-05-041	392-166-150	NEW-P	87-19-133	392-196-060	AMD-E	87-17-049
390-20-014	NEW	87-08-025	392-166-155	NEW-E	87-19-034	392-196-060	AMD-P	87-19-156
390-20-022	NEW-P	87-19-155	392-166-155	NEW-P	87-19-133	392-196-070	AMD-E	87-17-049
390-20-110	AMD	87-05-001	392-166-160	NEW-E	87-19-034	392-196-070	AMD-P	87-19-156
392-100-050	NEW-P	87-07-027	392-166-160	NEW-P	87-19-133	392-196-072	NEW-E	87-17-049
392-100-050	NEW	87-10-012	392-166-165	NEW-E	87-19-034	392-196-072	NEW-P	87-19-156
392-100-060	NEW-P	87-07-027	392-166-165	NEW-P	87-19-133	392-196-075	AMD-E	87-17-049
392-100-060	NEW	87-10-012	392-166-170	NEW-E	87-19-034	392-196-075	AMD-P	87-19-156
392-101-010	NEW-P	87-07-026	392-166-170	NEW-P	87-19-133	392-196-080	AMD-E	87-17-049
392-101-010	NEW	87-10-013	392-166-175	NEW-E	87-19-034	392-196-080	AMD-P	87-19-156
392-122-605	AMD-P	87-04-046	392-166-175	NEW-P	87-19-133	392-196-085	AMD-E	87-17-049
392-122-605	AMD	87-09-018	392-166-180	NEW-E	87-19-034	392-196-085	AMD-P	87-19-156
392-123-054	AMD-P	87-12-087	392-166-180	NEW-P	87-19-133	392-196-090	AMD-E	87-17-049
392-123-054	AMD	87-15-067	392-166-185	NEW-E	87-19-034	392-196-090	AMD-P	87-19-156
392-123-078	AMD-P	87-12-087	392-166-185	NEW-P	87-19-133	392-202-003	NEW-P	87-18-042
392-123-078	AMD	87-15-067	392-166-190	NEW-E	87-19-034	392-202-005	NEW-P	87-18-042
392-123-145	AMD-P	87-05-039	392-166-190	NEW-P	87-19-133	392-202-010	NEW-P	87-18-042
392-123-145	AMD	87-09-019	392-166-195	NEW-E	87-19-034	392-202-015	NEW-P	87-18-042
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392-129-003	NEW	87-19-060	392-166-200	NEW-E	87-19-034	392-202-025	NEW-P	87-18-042
392-137-060	AMD-P	87-07-028	392-166-200	NEW-P	87-19-133	392-202-030	NEW-P	87-18-042
392-137-060	AMD	87-10-014	392-166-205	NEW-E	87-19-034	392-202-035	NEW-P	87-18-042
392-140-058	AMD-P	87-04-047	392-166-205	NEW-P	87-19-133	392-202-040	NEW-P	87-18-042
392-140-058	AMD	87-09-017	392-166-210	NEW-E	87-19-034	392-202-045	NEW-P	87-18-042
392-162	AMD-P	87-17-039	392-166-210	NEW-P	87-19-133	392-202-050	NEW-P	87-18-042
392-162-005	AMD-P	87-17-039	392-166-215	NEW-E	87-19-034	392-202-055	NEW-P	87-18-042
392-162-010	AMD-P	87-17-039	392-166-215	NEW-P	87-19-133	392-202-060	NEW-P	87-18-042
392-162-015	AMD-P	87-17-039	392-166-220	NEW-E	87-19-034	392-202-065	NEW-P	87-18-042
392-162-020	AMD-P	87-17-039	392-166-220	NEW-P	87-19-133	392-202-070	NEW-P	87-18-042
392-162-025	AMD-P	87-17-039	392-166-225	NEW-E	87-19-034	392-202-075	NEW-P	87-18-042
392-162-030	AMD-P	87-17-039	392-166-225	NEW-P	87-19-133	392-202-080	NEW-P	87-18-042
392-162-032	NEW-P	87-17-039	392-166-230	NEW-E	87-19-034	392-202-085	NEW-P	87-18-042
392-162-035	AMD-P	87-17-039	392-166-230	NEW-P	87-19-133	392-202-090	NEW-P	87-18-042
392-162-040	AMD-P	87-17-039	392-166-235	NEW-E	87-19-034	392-202-095	NEW-P	87-18-042
392-162-042	NEW-P	87-17-039	392-166-235	NEW-P	87-19-133	392-202-100	NEW-P	87-18-042
392-162-044	NEW-P	87-17-039	392-166-240	NEW-E	87-19-034	392-202-105	NEW-P	87-18-042
392-162-045	AMD-P	87-17-039	392-166-240	NEW-P	87-19-133	392-202-110	NEW-P	87-18-042
392-162-047	NEW-P	87-17-039	392-166-245	NEW-E	87-19-034	392-202-115	NEW-P	87-18-042
392-162-049	NEW-P	87-17-039	392-166-245	NEW-P	87-19-133	392-202-120	NEW-P	87-18-042

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392-202-130	NEW-P	87-18-042	415-104-100	AMD-P	87-03-047	415-105-100	NEW-P	87-03-048
392-202-135	NEW-P	87-18-042	415-104-100	REP-P	87-03-047	415-105-100	NEW	87-07-015
392-202-140	NEW-P	87-18-042	415-104-100	AMD	87-07-016	415-105-110	NEW-P	87-03-048
399-30-040	AMD-E	87-13-025	415-104-105	REP-P	87-03-047	415-105-110	NEW	87-07-015
399-30-040	AMD-P	87-13-043	415-104-105	REP	87-07-016	415-105-120	NEW-P	87-03-048
399-30-040	AMD	87-17-013	415-104-105	REP-P	87-03-047	415-105-120	NEW	87-07-015
415-02-090	AMD-P	87-03-049	415-104-110	REP	87-07-016	415-105-130	NEW-P	87-03-048
415-02-090	AMD	87-07-013	415-104-115	NEW-P	87-03-047	415-105-130	NEW	87-07-015
415-02-099	NEW-E	87-14-036	415-104-115	NEW	87-07-016	415-105-140	NEW-P	87-03-048
415-02-099	NEW-P	87-14-037	415-104-120	REP-P	87-03-047	415-105-140	NEW	87-07-015
415-02-099	NEW	87-17-059	415-104-120	REP	87-07-016	415-105-150	NEW-P	87-03-048
415-100	AMD-P	87-03-046	415-104-125	NEW-P	87-03-047	415-105-150	NEW	87-07-015
415-100	AMD	87-07-014	415-104-125	NEW	87-07-016	415-105-160	NEW-P	87-03-048
415-100-005	NEW-P	87-03-046	415-104-135	NEW-P	87-03-047	415-105-160	NEW	87-07-015
415-100-005	NEW	87-07-014	415-104-135	NEW	87-07-016	415-105-170	NEW-P	87-03-048
415-100-010	REP-P	87-03-046	415-104-140	REP-P	87-03-047	415-105-170	NEW	87-07-015
415-100-010	REP	87-07-014	415-104-140	REP	87-07-016	415-105-180	NEW-P	87-03-048
415-100-015	NEW-P	87-03-046	415-104-145	NEW-P	87-03-047	415-105-180	NEW	87-07-015
415-100-015	NEW	87-07-014	415-104-145	NEW	87-07-016	415-108-450	NEW-P	87-14-038
415-100-020	REP-P	87-03-046	415-104-150	REP-P	87-03-047	415-108-460	NEW-P	87-14-038
415-100-020	REP	87-07-014	415-104-150	REP	87-07-016	415-108-470	NEW-P	87-14-038
415-100-025	NEW-P	87-03-046	415-104-155	NEW-P	87-03-047	415-108-470	NEW	87-17-061
415-100-025	NEW	87-07-014	415-104-155	NEW	87-07-016	415-108-480	NEW-P	87-14-038
415-100-035	NEW-P	87-03-046	415-104-160	REP-P	87-03-047	415-108-480	NEW	87-17-061
415-100-035	NEW	87-07-014	415-104-160	REP	87-07-016	415-108-490	NEW-P	87-14-038
415-100-040	REP-P	87-03-046	415-104-165	NEW-P	87-03-047	415-108-490	NEW	87-17-061
415-100-040	REP	87-07-014	415-104-165	NEW	87-07-016	415-108-510	NEW-P	87-14-038
415-100-050	REP-P	87-03-046	415-104-170	REP-P	87-03-047	415-108-510	NEW	87-17-061
415-100-050	REP	87-07-014	415-104-170	REP	87-07-016	415-112-330	NEW-P	87-16-077
415-100-060	REP-P	87-03-046	415-104-175	NEW-P	87-03-047	415-112-410	AMD-P	87-14-034
415-100-060	REP	87-07-014	415-104-175	NEW	87-07-016	415-112-411	NEW-P	87-14-034
415-100-100	REP-P	87-03-046	415-104-180	REP-P	87-03-047	415-112-412	NEW-P	87-14-034
415-100-100	REP	87-07-014	415-104-180	REP	87-07-016	415-112-412	NEW	87-17-060
415-100-110	REP-P	87-03-046	415-104-190	REP-P	87-03-047	415-112-413	NEW-P	87-14-034
415-100-110	REP	87-07-014	415-104-190	REP	87-07-016	415-112-413	NEW	87-17-060
415-100-120	REP-P	87-03-046	415-104-200	REP-P	87-03-047	415-112-414	NEW-P	87-14-034
415-100-120	REP	87-07-014	415-104-200	REP	87-07-016	415-112-414	NEW	87-17-060
415-100-130	REP-P	87-03-046	415-104-210	REP-P	87-03-047	415-112-415	NEW-P	87-14-034
415-100-130	REP	87-07-014	415-104-210	REP	87-07-016	415-112-415	NEW	87-17-060
415-100-140	REP-P	87-03-046	415-104-220	REP-P	87-03-047	415-112-800	NEW-E	87-14-035
415-100-140	REP	87-07-014	415-104-220	REP	87-07-016	415-112-800	NEW-P	87-16-016
415-100-150	REP-P	87-03-046	415-104-230	REP-P	87-03-047	415-112-810	NEW-E	87-14-035
415-100-150	REP	87-07-014	415-104-230	REP	87-07-016	415-112-810	NEW-P	87-16-016
415-100-160	REP-P	87-03-046	415-104-240	REP-P	87-03-047	415-112-820	NEW-E	87-14-035
415-100-160	REP	87-07-014	415-104-240	REP	87-07-016	415-112-820	NEW-P	87-16-016
415-100-170	REP-P	87-03-046	415-104-250	REP-P	87-03-047	419-56-010	NEW-P	87-18-002
415-100-170	REP	87-07-014	415-104-250	REP	87-07-016	419-56-020	NEW-P	87-18-002
415-100-180	REP-P	87-03-046	415-104-260	REP-P	87-03-047	419-56-030	NEW-P	87-18-002
415-100-180	REP	87-07-014	415-104-260	REP	87-07-016	419-56-040	NEW-P	87-18-002
415-104	AMD-P	87-03-047	415-104-270	REP-P	87-03-047	419-56-050	NEW-P	87-18-002
415-104	AMD	87-07-016	415-104-270	REP	87-07-016	419-56-060	NEW-P	87-18-002
415-104-005	NEW-P	87-03-047	415-104-300	REP-P	87-03-047	419-56-070	NEW-P	87-18-002
415-104-005	NEW	87-07-016	415-104-300	REP	87-07-016	419-56-080	NEW-P	87-18-002
415-104-010	REP-P	87-03-047	415-104-310	REP-P	87-03-047	419-56-090	NEW-P	87-18-002
415-104-010	REP	87-07-016	415-104-310	REP	87-07-016	434-09-010	NEW-E	87-02-067
415-104-015	NEW-P	87-03-047	415-104-320	REP-P	87-03-047	434-09-010	NEW-P	87-02-068
415-104-015	NEW	87-07-016	415-104-320	REP	87-07-016	434-09-010	NEW	87-06-009
415-104-020	REP-P	87-03-047	415-104-400	REP-P	87-03-047	434-09-020	NEW-E	87-02-067
415-104-020	REP	87-07-016	415-104-400	REP	87-07-016	434-09-020	NEW-P	87-02-068
415-104-025	NEW-P	87-03-047	415-104-410	REP-P	87-03-047	434-09-020	NEW	87-06-009
415-104-025	NEW	87-07-016	415-104-410	REP	87-07-016	434-09-030	NEW-E	87-02-067
415-104-030	REP-P	87-03-047	415-104-800	REP-P	87-03-047	434-09-030	NEW-P	87-02-068
415-104-030	REP	87-07-016	415-104-800	REP	87-07-016	434-09-030	NEW	87-06-009
415-104-035	NEW-P	87-03-047	415-104-810	REP-P	87-03-047	434-09-040	NEW-E	87-02-067
415-104-035	NEW	87-07-016	415-104-810	REP	87-07-016	434-09-040	NEW-P	87-02-068
415-104-045	NEW-P	87-03-047	415-104-820	REP-P	87-03-047	434-09-040	NEW	87-06-009
415-104-045	NEW	87-07-016	415-104-820	REP	87-07-016	434-09-050	NEW-E	87-02-067
415-104-050	NEW-P	87-03-047	415-104-830	REP-P	87-03-047	434-09-050	NEW-P	87-02-068
415-104-050	NEW	87-07-016	415-104-830	REP	87-07-016	434-09-050	NEW	87-06-009
415-104-060	NEW-P	87-03-047	415-105-050	AMD-P	87-03-048	434-09-060	NEW-E	87-02-067
415-104-060	NEW	87-07-016	415-105-050	AMD	87-07-015	434-09-060	NEW-P	87-02-068
415-104-070	NEW-P	87-03-047	415-105-060	AMD-P	87-03-048	434-09-060	NEW	87-06-009
415-104-070	NEW	87-07-016	415-105-060	AMD	87-07-015	434-09-070	NEW-E	87-02-067
415-104-080	NEW-P	87-03-047	415-105-070	AMD-P	87-03-048	434-09-070	NEW-P	87-02-068
415-104-080	NEW	87-07-016	415-105-070	AMD	87-07-015	434-09-070	NEW	87-06-009
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434-09-080	NEW 87-06-009	446-55-220	AMD 87-05-012	458-20-24002	AMD 87-19-007
434-09-090	NEW-E 87-02-067	446-55-240	REP-C 87-04-024	458-20-244	AMD-E 87-16-079
434-09-090	NEW-P 87-02-068	446-55-240	REP 87-05-012	458-20-244	AMD-P 87-16-081
434-09-090	NEW 87-06-009	446-55-250	AMD-P 87-02-040	458-20-244	AMD 87-19-139
434-55-010	AMD-P 87-14-028	446-55-250	AMD-E 87-02-041	458-30-500	NEW 87-07-009
434-55-010	AMD-E 87-16-011	446-55-270	AMD-P 87-02-040	458-30-510	NEW 87-07-009
434-55-010	AMD 87-17-002	446-55-270	AMD-E 87-02-041	458-30-520	NEW 87-07-009
434-55-015	AMD-P 87-14-028	446-60-005	NEW-C 87-04-024	458-30-530	NEW 87-07-009
434-55-015	AMD-E 87-16-011	446-60-005	NEW 87-05-012	458-30-540	NEW 87-07-009
434-55-015	AMD 87-17-002	446-60-015	NEW-C 87-04-024	458-30-550	NEW 87-07-009
434-55-016	AMD-P 87-14-028	446-60-015	NEW 87-05-012	458-30-560	NEW 87-07-009
434-55-016	AMD-E 87-16-011	446-60-020	AMD-C 87-04-024	458-30-570	NEW 87-07-009
434-55-016	AMD 87-17-002	446-60-020	AMD 87-05-012	458-30-580	NEW 87-07-009
434-55-020	REP-P 87-14-028	446-60-080	AMD-C 87-04-024	458-30-590	NEW 87-07-009
434-55-020	REP-E 87-16-011	446-60-080	AMD 87-05-012	458-40-540	AMD-P 87-19-154
434-55-020	REP 87-17-002	446-70-010	NEW-P 87-06-007	458-40-650	AMD-P 87-10-062
434-55-030	AMD-P 87-14-028	446-70-010	NEW 87-09-049	458-40-650	AMD 87-14-042
434-55-030	AMD-E 87-16-011	446-70-020	NEW-P 87-06-007	458-40-650	AMD-E 87-14-043
434-55-030	AMD 87-17-002	446-70-020	NEW 87-09-049	458-40-660	AMD-P 87-10-062
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434-55-040	AMD 87-17-002	446-70-050	NEW 87-09-049	458-53-110	AMD-P 87-09-022
434-55-040	AMD 87-17-002	446-70-050	NEW 87-09-049	458-53-110	AMD 87-12-029
434-55-055	AMD-P 87-14-028	446-70-060	NEW-P 87-06-007	458-53-141	AMD-P 87-09-022
434-55-055	AMD-E 87-16-011	446-70-060	NEW 87-09-049	458-53-141	AMD 87-12-029
434-55-055	AMD 87-17-002	446-70-070	NEW-P 87-06-007	458-53-160	AMD-P 87-09-022
434-55-060	AMD-P 87-14-028	446-70-070	NEW 87-09-049	458-53-160	AMD 87-12-029
434-55-060	AMD-E 87-16-011	446-70-080	NEW-P 87-06-007	458-53-163	AMD-P 87-09-022
434-55-060	AMD 87-17-002	446-70-080	NEW 87-09-049	458-53-163	AMD 87-12-029
440-44-030	AMD-P 87-09-007	458-15-005	NEW 87-05-022	458-53-163	AMD 87-12-029
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