

JULY 20, 1988

OLYMPIA, WASHINGTON

ISSUE 88-14



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This issue contains documents officially
filed not later than July 6, 1988

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 are 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 MATERIAL

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 material is new material;
 - (ii) ~~deleted material 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's office. 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's office 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's office 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
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
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
87-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988
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88-01	Nov 25	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 26
88-02	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 9
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88-09	Mar 23	Apr 6	Apr 20	May 4	May 24
88-10	Apr 6	Apr 20	May 4	May 18	Jun 7
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88-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
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88-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
88-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
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 88-13-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed June 21, 1988]

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 Definitions, amending WAC 248-18-001 and Records and reports—Medical record system, amending WAC 248-18-440;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 27, 1988.

The authority under which these rules are proposed is RCW 70.41.030.

The specific statute these rules are intended to implement is chapter 70.41 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: June 17, 1988

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 248-18 WAC, Hospital rules and regulations.

Purpose of the Rules: To amend existing rules to clarify DSHS standards for maintaining an adequate medical record-keeping system.

Reason Rules are Necessary: To establish in rule clearer standards for medical record keeping by hospitals.

Statutory Authority: RCW 70.41.030.

Summary: WAC 248-18-440, is amended to establish a clear and consistent system for keeping and storing medical records.

Person Responsible for Drafting and Implementation: Ken Lewis, Section Supervisor, Health Facilities Survey Section, ET-31, phone 753-5851.

The rules are proposed by the Division of Health, DSHS, for adoption by the department.

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

AMENDATORY SECTION (Amending Order 2348, filed 3/20/86)

WAC 248-18-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of an individual patient under circumstances indicating the health, welfare, and safety of the patient is harmed thereby. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility has been delegated (e.g., teachers, providers of residential care and/or treatment, providers of day care):

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American Osteopathic Association.

(3) "Acute cardiac care unit" means an intensive care unit for patients with heart problems.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 248-18-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

(6) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

(7) "~~((Authenticated or authentication))~~ Authenticate" means ~~((authorization of a written))~~ to authorize or validate an entry in a record by ((means of)):

(a) A signature including ~~((, minimally,))~~ first initial, last name, and ~~((title))~~ discipline; or

(b) A unique identifier allowing identification of the responsible individual.

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support persons during the complete process of vaginal childbirth (three stages of labor and recovery of woman and newborn).

(10) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

(11) "Department" means the Washington state department of social and health services.

(12) "Dentist" means an individual licensed under chapter 18.32 RCW.

(13) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(14) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's

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).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of July 1988 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 1988 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is thirteen and one-quarter percent (13¼%) for the third calendar quarter of 1988.

WASHINGTON STATE REGISTER

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Editor

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Chief Assistant Code Reviser

orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(15) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(16) "Facilities" means a room or area and/or equipment to serve a specific function.

(17) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not to exceed four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

(18) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(19) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(20) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

(21) "He, him, his, or himself" means a person of either sex, male, or female, and does not mean preference for nor exclude reference to either sex.

(22) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, (prenatal, natal, or postnatal), and who is in need of special medical or nursing care.

(23) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(24) "Infant" means a baby or very young child up to one year of age.

(25) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

(26) "Intensive care unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients critically, seriously, or acutely ill, and in need of intensive, highly skilled nursing service.

(27) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) has been approved by the Food and Drug Administration.

(28) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

(29) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

(30) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(31) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

(32) "May" means permissive or discretionary on the part of the board or the department.

(33) "Medical staff" means physicians and may include other practitioners appointed by the governing body to practice within the parameters of governing body and medical staff bylaws.

(34) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

(35) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

(36) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

(37) "Neonatal intensive care nursery" means an area designed, organized, and equipped to provide constant nursing care to the high-risk infant.

(38) "New construction" means any of the following:

(a) New buildings to be used as hospitals;

(b) Additions to existing buildings to be used as hospitals;

(c) Conversion of existing buildings or portions thereof for use as hospitals;

(d) Alterations.

(39) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(40) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

(41) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

(42) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

(43) "Occupational therapist" means an individual licensed under the provisions of chapter 18.59 RCW.

(44) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

(45) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

(46) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(47) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

(48) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

(49) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

(50) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

(51) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(52) "Physician's assistant" means an individual who is not a physician but is practicing medicine in accordance with the provisions of chapter 18.71A RCW and the rules and regulations promulgated thereunder, or in accordance with provisions of chapter 18.57A RCW and the rules and regulations promulgated thereunder.

(53) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

(54) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in subsections (65) and (66) of this section.

(55) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology as described in the Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982, or eligible for certification by the American Osteopathic Board of Neurology and Psychiatry as described in the American Osteopathic Association Yearbook and Directory, 1981-1982.

(56) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(57) "Recreational therapist" means an individual with a bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

(58) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

(59) "Referred outpatient diagnostic service" means a service provided to an individual receiving his or her medical diagnosis, treatment, and other health care services from one or more sources outside the hospital; limited to diagnostic tests and examinations not involving the administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

(60) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

(61) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

(62) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

(63) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

(64) "Safety device" means a device used to safeguard a patient who, because of his or her developmental level or condition, is particularly subject to accidental self-injury.

(65) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff-controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

(66) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant or occupants.

(67) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

(68) "Shall" means compliance is mandatory.

(69) "Should" means a suggestion or recommendation, but not a requirement.

(70) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(71) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

(72) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or collection and/or disposal of wastes.

(73) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

(74) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following: Incision, excision, or curettage of tissue or an organ; suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture; extraction of tissue including the premature extraction of the products of conception from the uterus; or an endoscopic examination with use of a local or general anesthesia.

(75) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

(76) "Toilet" means a room containing at least one water closet.

(77) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

(78) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

(79) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation of such shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

AMENDATORY SECTION (Amending Order 2305, filed 11/13/85)

WAC 248-18-440 RECORDS AND REPORTS—MEDICAL RECORD SYSTEM. ~~((The))~~ Each hospital shall have a well-defined medical record system ~~((and the))~~ with facilities, staff, equipment, and supplies necessary to ~~((the development))~~ develop, ~~((maintenance))~~ maintain, control, ~~((analysis))~~ analyze, ~~((use))~~ retrieve, and ~~((preservation of))~~ preserve patient care data and medical records ~~((in accordance with recognized principles of medical record management and applicable state laws and regulations))~~.

(1) Medical record service. ~~((There))~~ Hospitals shall ~~((be))~~ establish an organized medical record service ~~((which is)),~~ consistent with recognized principles of medical record management, directed, staffed, and equipped to ensure:

(a) Timely, complete and accurate checking, processing, indexing, filing, and preservation of medical records; and

(b) The compilation, maintenance, and distribution of patient care statistics.

(2) Policies and procedures related to medical record system. ~~((The))~~ Hospitals shall ~~((have, in effect,))~~ establish and follow current

written policies and procedures related to the medical record system, ~~((which shall include the following))~~ including requirements for:

(a) ~~((Policies and procedures which establish the))~~ An established format ((or)) for patients' individual medical records;

(b) ~~((Policies and procedures which govern))~~ Access to and release of data in patients' individual medical records and other medical data ((taking into consideration)) considering the confidential nature of information in these records; ((and))

(c) ~~((Policies and procedures which govern))~~ The retention, preservation, and destruction of medical records((-)); and

(d) ~~((Records of hospitals owned or operated by the state of Washington, or a political subdivision thereof, are subject to the provisions of chapter 40.14 RCW, and regulations promulgated thereunder, as to the maintenance and disposition of medical records and other records kept in the ordinary course of business))~~ Maintenance and disposition of medical and other records in Washington state owned or operated hospitals as required in chapter 40.14 RCW and rules promulgated under chapter 40.14 RCW.

(3) Patients' medical records, general. Hospitals shall:

(a) ~~Develop and maintain an individual medical record ((shall be developed and maintained))~~ for each person, including each neonate, ((who receives)) receiving care, treatment, or diagnostic service at the hospital((- with the exception of persons who receive only limited outpatient diagnostic services for whom the hospital maintains a record system in accordance with WAC 248-18-440(4)-) except as permitted in subsection (4)(b) of this section;

(b) ~~((There shall be))~~ Establish a systematic method for identifying each patient's medical record or records ((in a manner that provides for)) to allow ready identification, filing, and retrieval of all of the patient's record or records((-);)

(c) Require prompt, pertinent entries in a patient's medical record on:

(i) A significant observation((-a));

(ii) Any diagnostic or treatment procedure ((or)); and

(iii) Other significant events in a patient's clinical course or care and treatment ((shall be made in a patient's medical record as promptly as possible)).

(d) ~~((Each entry in a patient's medical record shall be dated and shall be authenticated by the person who gave the order, provided the care, or performed the observation, examination, assessment, treatment, or other service to which the entry pertains))~~ Require entries to include:

(i) A date;

(ii) Authentication by the individual assuming responsibility for the entry; and

(iii) A time in accordance with hospital policy.

(e) File the originals or durable, legible, direct copies of originals of reports ((shall be filed)) in patients' individual medical records((-);

(f) Enter all diagnoses and operative procedures ((shall be entered)) in patients' medical records in terminology consistent with a recognized system of disease and operations nomenclature((-);

(g) ~~((AH))~~ Require legible entries in a patient's medical record ((shall be legibly)) which are:

(i) Written in ink((-);

(ii) Typewritten((-); or

(iii) Recorded on a computer terminal ((which is)) designed to receive such information. ((Entries recorded and stored in a computer may be stored))

(4) Hospitals may:

(a) Store entries on magnetic tapes, discs, or other devices suited to the storage of data((-

(4) Record system for referred outpatient diagnostic services. For patients to whom the hospital provides only referred outpatient diagnostic services as defined in WAC 248-18-001, the hospital may));

(b) Maintain a simple record system instead of the individual medical records required under ((WAC 248-18-440)) subsections (3) and ((5)). Such a simple record system shall provide for identification, filing, and retrieval of authenticated reports on all tests or examinations provided to any patient who received referred outpatient diagnostic services)) (4)(c) of this section for patients receiving only referred outpatient diagnostic services, as defined in WAC 248-18-001, provided the system permits:

(i) Identification of patient; and

(ii) Filing and retrieval of authenticated reports on all tests or examinations provided to any patient receiving services.

~~((5) The individual medical records for patients who would be considered to be referred outpatients but for the fact that they are undergoing diagnostic tests involving the use of parenteral injections may be limited)) (c) Limit content in individual medical records for patients who would be considered referred outpatients, except for use of parenteral injections during diagnostic tests to:~~

~~((i) Relevant history and physical findings where indicated((-);~~

~~((ii) Known allergies or idiosyncratic reactions((-);~~

~~((iii) Diagnostic interpretation((-);~~

~~((iv) Written consent((-); and~~

~~((v) Identifying admission data.~~

~~((6)) (5) Patients' medical records, content. Hospitals shall require and ensure entry of the following data((- when relevant, shall be entered in)) into a medical record for each period a patient receives inpatient or outpatient services((-) with ((the)) exceptions ((of referred outpatient diagnostic services for which records are maintained in accordance with WAC 248-18-440(4) and outpatient emergency care services for which records are maintained in accordance with)) only as specified in subsection (4) of this section and WAC 248-18-285(6)((-));~~

~~((a) ((Admission data-)) Admission data ((shall include the following)) including:~~

~~((i) Identifying and sociological data;~~

~~((ii) The full name, address, and telephone number of the patient's next of kin or, when indicated, another person ((who may legally exercise control)) with legal authority over the person of the patient;~~

~~((iii) The date of the patient's admission as an inpatient or outpatient;~~

~~((iv) The name or names of the patient's attending physician or physicians; and~~

~~((v) The admitting ((f)) or provisional((g)) diagnosis or description of medical problem.~~

~~((b) A report on any medical history obtained from the patient((-);~~

~~((c) Report or reports on the findings of physical examination or examinations performed upon the patient((-);~~

~~((d) An entry on any known allergies of the patient or known idiosyncratic reaction to a drug or other agent((-);~~

~~((e) Authenticated orders for:~~

~~((i) Any drug or other therapy administered to a patient ((and for));~~

~~((ii) Any diet served to the patient((- Authenticated orders entered in the patient's record shall include));~~

~~((iii) Any standing medical orders used in the care and treatment of the patient except standing medical emergency orders((- (f) Authenticated orders for)); and~~

~~((iv) Any restraint of the patient.~~

~~((f)) (f) Reports on all:~~

~~((i) Roentgenologic examinations((-);~~

~~((ii) Clinical laboratory tests or examinations((-);~~

~~((iii) Macroscopic and microscopic examinations of tissue((- and));~~

~~((iv) Other diagnostic procedures or examinations performed upon the patient ((or)); and~~

~~((v) Specimens obtained from the patient.~~

~~((X-ray films, laboratory slides, tissue specimens, medical photographs, and other comparable materials obtained through procedures employed in diagnosing a patient's condition or assessing his or her clinical course are regarded as original clinical evidence and are not considered to be "medical records" as this term is used in these regulations. (h))~~

~~((g) An entry on each administration of therapy ((f)), including drug therapy((g)), to the patient((- (f));~~

~~((h) Entries on nursing services to the patient((- Nursing entries shall include)) including:~~

~~((i) A report on all significant nursing observations and assessments of the patient's condition or response to care and treatment;~~

~~((ii) Nursing interventions and other significant direct nursing care including all administration of drugs or other therapy;~~

~~((iii) An entry on the time and reason for each notification of a physician or patient's family regarding a significant change in the patient's condition; and~~

~~((iv) A record of other significant nursing action on behalf of the patient.~~

~~((f)) (i) An entry on any significant health education, training, or instruction provided to the patient or family related to the patient's health care ((which was provided to the patient or his or her family. (k));~~

~~((i) An entry on any social services provided the patient((- (f));~~

~~((k) An entry regarding;~~

(i) Any adverse drug reaction of the patient; and
 (ii) Any other untoward incident or accident occurring during hospitalization or outpatient visit and involving the patient ((which occurred during a hospitalization of the patient or on an occasion of the patient's visit to the hospital for outpatient services)).

((m)) (l) Operative report or reports on all surgery performed upon the patient((-n));

(m) An entry or report on each anesthetic administered to the patient((-o));

(n) Report or reports on consultation or consultations concerning the patient((-p));

(o) Reports on labor, delivery, and postpartum period for any woman ((who gave)) giving birth to a child in the hospital((- reports regarding her labor, delivery, and postpartum period. (q));

(p) Infant status data for any infant born in or enroute to the hospital((-s)) including:

(i) The date and time of birth((-);

(ii) Condition at birth or upon arrival at the hospital((-);

(iii) Sex((-); and

(iv) Weight ((-)), if condition permits weighing((-)).

((r)) (q) Progress notes ((which describe)) describing the results of treatment and changes in the patient's condition and ((portray)) portraying the patient's clinical course in chronological sequence((- (s));

(r) In the event of an inpatient leaving without medical approval, an entry on:

(i) Any known events leading to the patient's decision to leave((-);

(ii) A record of notification of the physician regarding the patient's ((leave,)) leaving; and

(iii) The time of the patient's departure.

((t)) (s) Discharge data((- Discharge data shall include)) including:

(i) The final diagnosis ((-)) or diagnoses((- and));

(ii) Any associated or secondary diagnoses or complications((-); and

(iii) The titles of all operations performed upon the patient((-); and

(iv) A discharge summary for any inpatient whose hospitalization exceeded forty-eight hours, except a normal newborn infant or normal obstetrical patient, ((there shall be a discharge summary which)) to:

(A) Recapitulate((-s)) significant clinical findings and events during the patient's hospitalization((-);

(B) Describe((-s)) the patient's condition upon discharge or transfer((-); and

(C) Summarize((-s)) any recommendations and arrangements for future care of the patient.

((u)) (t) An entry on any transmittal of medical and related data regarding the patient to a health care facility or agency or other community resource ((to which)) when the patient was referred or transferred((- (v));

(u) In event of the patient's death in the hospital, ((the following)) entries, reports, and authorizations including:

(i) A pronouncement of death; ((if an autopsy was performed,))

(ii) An authorization for the autopsy ((and)), if performed;

(iii) A report on the autopsy, if performed, including findings and conclusions; and

(iv) An entry on release of the patient's body to a mortuary or corner or medical examiner.

((w)) (v) Written consents, authorizations, or releases given by the patient or, if the patient was unable to give such consents, authorizations, or releases, by a person or agency ((who can legally exercise control)) with legal authority over the person of the patient((- When a person other than the patient gives written consent or authorization for treatment, or signs a release,));

(w) The relationship ((-)), legal or familial((-)), of the signer to the patient ((must be)) clearly stated when a person other than the patient gives written consent, or authorizes treatment, or signs a release.

(6) Hospitals shall regard materials obtained through procedures employed in diagnosing a patient's condition or assessing the patient's clinical course as original clinical evidence excluded from requirements for content of medical records in subsection (5) of this section. Original clinical evidence includes, but is not limited to:

(a) X-ray films;

(b) Laboratory slides;

(c) Tissue specimens; and

(d) Medical photographs.

(7) Registers. ((The))

(a) Hospitals shall maintain ((the following on a)) current ((basis)) registers with data entered in chronological order including:

(i) An inpatient register((- one or more outpatient registers, an emergency service register, and an operation register. These may be maintained as separate registers or in suitable combinations. PROVIDED, That any combined register contains the data for any register incorporated therein. Data shall be entered in registers in chronological order:

(a) The register for inpatients shall contain)) containing at least the following data for each inpatient admission:

(A) The patient's identifying number((-);

(B) The patient's full name, and birth date or age; and

(C) The date of the patient's admission.

((b) The register or registers for outpatients;)) (ii) One or more outpatient registers other than ((those who received)) registers for emergency care services((- shall)) to:

(A) Contain sufficient data on each outpatient to ensure positive identification; and

(B) Permit rapid retrieval of all of the outpatient's medical record or records when indicated.

((c) The) (iii) An emergency service register ((for outpatient emergency care services shall be in accordance with)) as required under WAC 248-18-285 (6)(a)((- (d) The));

(iv) An operation register ((shall contain)) containing at least the following data for each operation performed in a hospital surgery:

(A) The date((-);

(B) The identifying number and full name of the patient((-);

(C) The descriptive name of the operation((-);

(D) The names of the surgeon and the surgeon's assistant or assistants((-);

(E) The type of anesthesia((-); and

(F) The name and title of the person who administered the anesthesia.

(b) Hospitals may maintain separate registers or suitable combinations of registers if the combined register contains data for each specific register as required in subsection (7)(a) of this section.

(8) Indexes. ((The following indexes shall be maintained: A master patient index, disease and operation indexes, and physicians' index which may be kept as a separate index or in combination with disease and operation indexes-)) Hospitals shall establish and maintain:

(a) ((The)) A master patient index ((shall contain)) containing a master reference card ((-)) or equivalent((-)) for each person ((who received)) receiving inpatient or outpatient care or treatment in the hospital ((on an inpatient or outpatient basis with the exception of referred outpatients, except that inclusion of data on outpatient emergency patients in the master patient index shall be optional if the hospital retains and preserves an emergency service register the same period of time as the medical record for any patient upon whom data have been entered in the emergency service register)). ((Each))

(i) Master reference ((card-)) cards or equivalent((-)) shall contain ((at least the following data)):

(A) The patient's medical record number or numbers((- and));

(B) The patient's full name; and

(C) The patient's date of birth.

(ii) Master patient indexes may be omitted for:

(A) Referred outpatients; and

(B) Outpatient emergency patients provided the hospital retains and preserves an emergency service register for the same period of time as the medical record.

(b) ((The)) Current indexes with required entries on index cards or equivalent completed within three months after discharge or transfer of the patient;

(c) A disease index ((shall contain)) containing index cards ((-)) or equivalent((-)) for all categories of diseases or conditions treated in the hospital on an inpatient basis((-) with entries on index card or cards for a given category of disease ((shall include at least the following)) including:

(i) The identifying number, sex, and age of each patient ((who was)) treated for that category of disease((-); and

(ii) The code for the particular disease or condition for which each patient was treated.

((c) The) (d) An operation index ((shall contain)) containing index cards ((-)) or equivalent((-)) for all categories of operations performed in a hospital surgery on an inpatient or outpatient basis((-) with entries on the index card or cards for a given category of operation ((shall include at least the following)) with:

(i) Identifying information including the medical record number, age, and sex of each patient upon whom that category of operation was performed; and

(ii) The code for the particular operative procedure performed upon each patient.

~~((d))~~ (e) Codes ~~((used))~~ for entries in the disease and operation indexes ~~((shall be))~~ in accordance with the coding system and the recognized diagnostic classification system of disease and operation nomenclature adopted by the hospital ~~((-(-) If the))~~;

(f) A physicians' index ~~((is))~~, separate or combined with the disease and operation indexes, as follows:

(i) A combined physician's-disease operation index with the name or code number of the physician ~~((, who treated))~~ treating the patient to whom a particular entry pertains ~~((, shall be included in each entry in the disease and operation indexes. (f) If))~~; or

(ii) A separate physicians' index ~~((is maintained, this index shall contain))~~ containing:

(A) A record for every member of the hospital's medical staff ~~((:))~~; and

(B) Entries on each physician's index card ~~((f))~~ or equivalent record ~~((shall include))~~ including the medical record number or name of each patient the particular physician treated in the hospital on an inpatient basis.

~~((g))~~ Indexes shall be kept current and, in any case, required entries on index cards (or equivalent) shall have been completed within three months after discharge or transfer of the particular patient to whom the entries pertain.))

(9) Reports on hospital services. Hospitals shall prepare the following separate or combined reports ~~((are required. These may be separate or combined reports.))~~:

(a) Census reports ~~((:))~~ including:

(i) A daily inpatient census report on admissions to inpatient services, births, and discharges including deaths and transfers to another health care facility ~~((:))~~; and

(ii) ~~((Periodic (at least))~~ Regular monthly ~~((y))~~ or more frequent reports on admissions to outpatient services and the number of emergency care patients.

(b) Analyses of hospital services.

(10) Storage, handling, and control of medical records and other medical data. Hospitals shall:

(a) Control access to patients' individual medical records and other personal or medical data on patients ~~((shall be handled and stored so they are not accessible to))~~;

(b) Prevent access to records by unauthorized persons ~~((, are protected))~~;

(c) Protect medical records and other personal and medical data from undue deterioration or destruction ~~((:))~~; and ~~((are easily retrievable))~~

(d) Maintain a system permitting easy retrieval of medical records and information for medical or administrative purposes.

(11) Retention, preservation, and final disposal of medical records and other patient care data and reports.

(a) Hospitals shall retain and preserve:

(i) Each patient's medical record or records, excluding reports on referred outpatient diagnostic services ~~((, shall be retained and preserved))~~ for a period of:

(A) No less than ten years following the most recent discharge of the adult patient ~~((- PROVIDED HOWEVER, That the medical record or records of a patient who was a minor at a time when he or she received care, treatment, or diagnostic services at the hospital shall be retained and preserved for a period of no less than three years following the date upon which the patient attained the age of eighteen years or ten years following the patient's most recent discharge, whichever is the longer period of time. (b))~~; or

(B) For patients who are minors at the time of care, treatment, or diagnosis, no less than three years following the date upon which the minor patient attained the age of eighteen years or ten years following the most recent discharge, whichever is longer.

(ii) Reports on referred outpatient diagnostic services ~~((shall be retained and preserved))~~ for at least two years ~~((- (c))~~;

(iii) A master patient index card (or equivalent) ~~((shall be retained and preserved))~~ for at least the same period of time as the medical record or records for the patient to whom the master patient index card ~~((f))~~ or equivalent ~~((y))~~ pertains ~~((- (d))~~;

(iv) Data in the inpatient and outpatient ~~((register or))~~ registers ~~((shall be retained and preserved))~~ for at least three years ~~((- (e))~~;

(v) Data in an emergency service register ~~((shall be retained and preserved))~~ for at least the same period of time as the medical record or records for any patient on whom data ~~((have been))~~ were entered in

the register ~~((- PROVIDED HOWEVER, That retention and preservation of an emergency service register beyond three years after the last entry therein shall be optional if the hospital includes all outpatient emergency care patients in the master patient index. (f))~~;

(vi) Data in the operation register, the disease and operation indexes, the physicians' index, and annual reports on analyses of hospital services ~~((shall be retained and preserved))~~ for at least three years ~~((- (g))~~); and

(vii) Patients' medical records, registers, indexes, and analyses of hospital service ~~((may be retained and preserved))~~ in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.

~~((h))~~ (b) A hospital may elect to retain and preserve an emergency service register for only three years after last entry if the hospital includes all outpatient emergency care patients in the master patient index.

(c) During final disposal, each hospital shall prevent retrieval and subsequent use of any ~~((patient's medical record, register, index, or other record of or report on patient care))~~ data ~~((that permits))~~ permitting identification of ~~((an individual))~~ individuals in relation to personal or medical ~~((data shall be accomplished in such a manner that retrieval and subsequent use of any data contained therein are impossible))~~ information.

~~((i))~~ (d) In event of transfer of ownership of the hospital, the hospital shall keep patients' medical records, registers, indexes, and analyses of hospital services ~~((shall remain with))~~ in the hospital ~~((and shall))~~ to be retained and preserved by the new owner in accordance with state statutes and regulations.

~~((j))~~ (e) If the hospital ceases operation, the hospital shall:

(i) Make immediate arrangements for preservation of its medical records and other records of or reports on patient care data in accordance with applicable state statutes and regulations ~~((- The plan for such arrangements shall have been approved by))~~; and

(ii) Obtain approval of the department for the planned arrangements prior to the cessation of operation.

(12) Records kept by approved eye banks pursuant to WAC 248-33-100 are not medical records or registers within the meaning of ~~((WAC 248-18-440))~~ this section.

(13) Nothing in these regulations shall be construed to prohibit ~~((the collection of))~~ hospitals from collecting additional health and/or medical information or ~~((retention of))~~ retaining medical records beyond the statutory requirements.

WSR 88-13-125

ADOPTED RULES

BOARD OF HEALTH

[Order 311—Filed June 22, 1988]

Be it resolved by the Washington State Board of Health, acting at the West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to recreational water contact facilities, new chapter 248-97 WAC.

This action is taken pursuant to Notice No. WSR 88-10-005 filed with the code reviser on April 21, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.90.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 8, 1988.

By John A. Beare, M.D., M.P.H.
Secretary

Chapter 248-97 WAC
RECREATIONAL WATER CONTACT FACILITIES

NEW SECTION

WAC 248-97-010 PURPOSE AND AUTHORITY. The purpose of these rules is to protect the health, safety, and welfare of users of recreational water contact facilities (RWCFs). The rules as set forth are adopted per RCW 70.90.120.

NEW SECTION

WAC 248-97-020 DEFINITIONS. (1) "Advanced first aid" means a course of instruction recognized by the American Red Cross, department of labor and industries, the U.S. Bureau of Mines, or fire services training program.

(2) "ANSI" means American National Standards Institute.

(3) "Approved" means the department or local health officer has stated in writing that the design plans and specifications are in accordance with chapter 248-97 WAC.

(4) "ARC" means American Red Cross.

(5) "Architect" means a registered architect currently licensed under chapter 18.08 RCW in Washington state.

(6) "ASTM" means American Society for Testing Material.

(7) "Attendant" means a person trained to operate an attraction and control the users in a safe orderly manner.

(8) "Attraction or ride" means any of the specific types of recreational facilities involving partial or total immersion or intentional contact with the water designated for public recreational use.

(9) "Biomechanics" means the study of the human body as a system operating under the laws of Newtonian mechanics and the biological laws of life.

(10) "Board" means the state board of health.

(11) "Boogie or mini-surf board" means any semi-rigid device used in a wave pool for flotation or as a riding device.

(12) "Centerline" means the path defined by geometric midpoints of a component or structure, generally used in consideration of the slide path in flume rides.

(13) "Communication system" means any combination of devices permitting the passage of or exchange of messages between park operating personnel and between operating personnel and users. Systems can include, but are not limited to, two-way radios, hardwired intercoms, horns, whistles, hand signals, direct voice, signs, or equivalent.

(14) "Contaminant" means any physical, chemical or biological substance present in the RWCF water which may adversely affect the health or safety of the user and/or the quality of the water.

(15) "CNCA" means Council for National Cooperation in Aquatics.

(16) "Cross-connection" means any physical arrangement connecting:

(a) A potable water system directly or indirectly, with anything other than another potable water system; or

(b) A RWCF to any potable or nonpotable water source capable of contaminating either the RWCF or potable water source as a result of backflow.

(17) "Department" means the department of social and health services.

(18) "Discharge section" means the component or components making up the exit of the water slide, water tube, inner tube ride, speed slide, ramp slide, drop slide or drop tube, or kiddie flume. These components are the elements controlling the final direction and speed of the user.

(19) "Diving envelope" means the minimum dimensions of an area within the pool necessary to provide entry from a diving board, platform, or attraction segment where users enter above pool water level.

(20) "Drop slide or drop tube ride" means a sloped trough, chute, or tube exiting the user above the pool operating water level.

(21) "Engineer" means a registered professional engineer currently licensed under chapter 18.43 RCW in Washington state.

(22) "Entry access points" means the areas where users enter an attraction.

(23) "Entry rate" means the frequency at which users are permitted access to the attraction.

(24) "Ergonomics" means a multidisciplinary activity dealing with the interactions between humans and their environment plus the traditional environmental elements atmosphere, heat, light, and sound, as well as objects with which the user comes in contact.

(25) "FINA" means Federation Internationale de Natation Amateur.

(26) "Flume or tube entry" means the area at which users enter a water slide, water tube, inner tube ride, speed slide, drop slide, drop tube, or kiddie flume.

(27) "fps" means feet per second.

(28) "gpm" means gallons per minute.

(29) "IAAPA" means International Association of Amusement Parks and Attractions.

(30) "Injury or illness report" means the written record of all facts regarding an injury or illness associated with the RWCF.

(31) "Inner tube ride" means an attraction where users ride inner tube-like devices through a series of chutes, channels, flumes, and pools.

(32) "Innovative recreational water contact facility" means any type of RWCF currently unregulated.

(33) "Intermediate pool" means any pool between the entry and exit pools in attractions using a series of pools.

(34) "Kiddie flume or tube attraction" means a flume, chute, or tube designated for and restricted to use by small children.

(35) "Lifeguard" means an individual currently certified by red cross in advanced lifesaving or lifeguard training, or YMCA senior lifesaver, or equivalent certification through the royal Canadian lifeguard services.

(36) "Lifeguard station" means the designated work station of the lifeguard.

(37) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(38) "mg/l" means milligrams per liter.

(39) "Multi-activity pool" means a pool with more than one type of attraction (i.e., an adult activity pool with a series of tubes, chutes, cable rides, etc., intended for use by individuals with specific swimming abilities).

(40) "NSF" means National Sanitation Foundation.

(41) "NSPI" means National Spa and Pool Institute.

(42) "Operating levels" means water levels maintained within attractions during use for proper operation of facility and for controlling safety and sanitation.

(43) "Operations" means all aspects of a RWCF which must be controlled to make the facility safe, healthy, and usable for the purpose intended.

(44) "Owner" means a person owning and responsible for a RWCF or authorized agent.

(45) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

(46) "Ponding" means a condition where water fails to drain from walking surfaces.

(47) "ppm" means parts per million.

(48) "Primary zone of visual coverage" means the area assigned to a lifeguard or attendant for primary visual surveillance of user activity.

(49) "Radius of curvature" means the radius arc which denotes the curved surface from the point of departure from the vertical sidewall (springline) of the pool to the pool bottom.

(50) "Ramp slide" means a slide allowing one or more users to slide in unison down a straight incline to a run-out or a receiving pool.

(51) "Recirculation filter water" means water which is recirculated by the RWCF for treatment purposes, i.e., filtration and disinfection.

(52) "Response time" means elapsed time between bather distress and initiation of rescue assistance by a lifeguard (or attendant where applicable).

(53) "RWCF" means recreational water contact facility which is an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water and includes, but is not limited to, water slides, wave pools, and water lagoons.

(54) "Secretary" means the secretary of the department of social and health services.

(55) "Serious injury" means any injury requiring admission to a hospital.

(56) "Speed slide or speed tube" means a sloped trough, flume, tube, or roller track having long straight and/or steep drops where users sustain speeds of twenty miles per hour or more.

(57) "Springline" means the point from which the pool wall breaks from vertical and begins its arc in the radius of curvature (for coved construction) to the bottom of the pool.

(58) "Surfboard" means a rigid device used in a wave pool for riding.

(59) "Tail coverage" means providing insurance coverage for a given period of time for discovery of claims made after the policy term for "claims made" type of insurance.

(60) "Total turnover" means the time it takes for the pool attraction water volume to be recirculated as a sum of the flows from treatment turnover and attraction recirculation systems turnover.

(61) "Treatment turnover" means the minimum time necessary to circulate the entire attraction water volume through the recirculation filter system.

(62) "T.U." means turbidity unit as measured by the nephelometric method.

(63) "Wading activity pool" means a pool or area less than twenty-four inches in total water depth with activities intended for younger children.

(64) "Walking surface" means any direct access surface to the attractions or change rooms where the user will be in bare feet. Areas set aside for picnicking, sunbathing, and lounging are excluded.

(65) "Water slide or water tube" means a sloped trough-like flume or tube structure of varying slope and direction using water as a lubricant and/or method of regulating the rider speed.

(66) "Water treatment operator" means the person appointed to operate the mechanical equipment and perform related water quality monitoring for proper operation of the physical facility.

(67) "Wave pool" means a recreational pool producing waves which usually begin at the deep end and proceed toward and dissipate at the shallow end.

(68) "WWA" means World Waterpark Association.

NEW SECTION

WAC 248-97-030 GENERAL ADMINISTRATION. (1) The department and the local health officer for each local health jurisdiction containing a RWCF shall develop a joint plan of operation listing the roles of each agency for administering these rules. The plan shall designate who will be responsible for:

- (a) Plan review;
- (b) Permit issuance;
- (c) Inspection;
- (d) Surveillance; and
- (e) Enforcement.

(2) The department shall have information on which agency to contact for obtaining construction and operation permits.

(3) Fees may be charged as authorized in RCW 70.90.150.

NEW SECTION

WAC 248-97-040 CONSTRUCTION PERMIT. (1) Persons planning to construct, alter, or modify a RWCF, excluding routine maintenance, shall provide the following to the department or local health officer for review and approval:

- (a) A completed construction permit application;

(b) Three sets of plans and specifications prepared and signed by an engineer or architect; and

(c) A report prepared by an engineer certifying the design of the RWCF is consistent with accepted safety engineering practices and industrial standards. Such engineer shall have experience in safety design, including ergonomic aspects of biomechanics of RWCFs, amusement rides, or equal.

(2) Owners may schedule a predesign meeting with the designer and the department or local health officer to determine if the project is consistent with the intent of these rules;

(3) Following review of the completed permit application and plans and specifications, the department or local health officer shall:

(a) Forward written approval, including construction permit, or denial to the owner;

(b) Forward a copy of approved plans to the designer; and

(c) Forward a copy of the approval letter to the department or local health officer and local building department.

(4) The owner shall ensure any construction, modification, or alteration is completed according to approved plans and specifications;

(5) Upon completion of RWCF construction, alteration, or modification and prior to use, owners shall:

(a) Submit to the department or local health officer a construction report signed by an engineer or architect certifying that construction is substantially in compliance with approved plans and specifications; and

(b) Notify the department or local health officer at least five working days prior to intended use of the facility.

(6) Owners of the RWCF must comply with all other applicable agency codes and standards. These include, but are not limited to:

(a) The National Electrical Code, chapter 19.28 RCW and chapter 296-46 WAC as determined by the electrical section of the Washington state department of labor and industries;

(b) Local gas piping and appliance codes, American Gas Association standards, and certification meeting the latest ANSI Z21.56 or other applicable and equivalent standards;

(c) Local building authority standards, including structural design of components;

(d) State and local plumbing authority standards;

(e) Washington state department of labor and industries requirements for pressure vessels under chapter 70.79 RCW and chapter 296-104 WAC; and

(f) Codes designated under chapter 70.92 RCW for handicapped accessibility.

NEW SECTION

WAC 248-97-050 OPERATING PERMIT. (1) No person shall operate a RWCF without a current operating permit issued by the department or local health officer.

(2) To obtain an operating permit, owners of an RWCF must provide information to the department or

local health officer that shows the RWCF is in compliance with these rules.

(3) Operating permits shall be:

(a) Valid for one year;

(b) Renewed annually; and

(c) Nontransferable without written consent of the department or local health officer. For purposes of this section, a change in management of a corporation, partnership, association, or other nonindividual business entity shall create a new person requiring either consent to a permit transfer or issuance of a new permit upon proper application.

(4) The department or local health officer issuing the operating permit may revoke or suspend the permit if the RWCF is not operated in accordance with chapter 70.90 RCW or chapter 248-97 WAC.

NEW SECTION

WAC 248-97-060 WATER QUALITY STANDARDS, ANALYSIS, AND SAMPLE COLLECTION. (1) Owners shall maintain waters free from harmful levels of disease-producing organisms, toxic chemicals, or adverse physical conditions.

(2) Owners shall maintain RWCF waters to meet standards of bacteriological quality. Standards include:

(a) Heterotrophic plate counts not to exceed a density of two hundred bacteria per milliliter in any series of tests; and

(b) Total coliform density not to exceed an average of one coliform bacteria per one hundred milliliters in any series of tests.

(3) Owners shall maintain continuous and effective methods of disinfection of RWCF waters at all times with use of:

(a) Chlorine or bromine as described in Table 1 of this section; and/or

(b) Alternate forms of disinfection which meet the following criteria:

(i) Registered with the environmental protection agency, if necessary;

(ii) Registered with the Washington state department of agriculture, if necessary;

(iii) Conformance with NSF standard 50 or equal when applicable; and

(iv) Adherence to guidelines established by the department.

(4) Owners shall maintain:

(a) Physical and chemical conditions within the ranges specified in Table 2 of this section; and

(b) Cleanliness by:

(i) Closing an affected area of the RWCF or affected portion when contaminated with feces, vomit, sewage, or other hazardous or unknown material until the area is clean, disinfected, and free of the hazardous material;

(ii) Daily removal of scum or floating material on the pool water surface; and

(iii) Continuous removal of scum or floating material by action of overflow of pool water with flotsom screened and filtered.

(5) Persons collecting water samples for laboratory analysis shall:

(a) Collect and transport samples for chemicals and micro-organisms based on the most recently published edition of standard methods for the examination of water and waste/water analysis published jointly by the American Public Health Association/Water Pollution Control Federation and American Waterworks Association; hereafter, it is referred to as "standard methods;"

(b) Have laboratory tests performed per "standard methods" at laboratories approved by the department to provide such analyses;

(c) Provide adequate data for completing analyses; and

(d) Use water sample bottles approved by the department for collection of samples.

(6) Persons shall use field test kits with a suitable range of accuracy for the parameters routinely measured as noted in Table 3 of this section.

(7) Owners shall require and ensure addition of chemicals or materials to RWCF water only when the use has been approved or recognized as acceptable by the department. Current lists of approved or acceptable materials are available from the department.

(8) Owners shall perform additional tests as directed by the department or local health officer.

TABLE 1
MINIMUM AND MAXIMUM LEVELS OF DISINFECTANTS

Currently Recognized Disinfectants	Type of Residual Measured	pH Ranges			Maximum Residual Level in mg/l*
		7.2-7.49;	7.5-7.79;	7.8-8.0	
1. Chlorine	Free available chlorine	1.0	1.4	1.8	8
2. Chlorinated cyanurate	Free available chlorine	1.5	2.0	2.8	8
3. Bromine	Total available bromine	2.0	2.5	3.5	8

Note:

* Maximum residual or manufacturer's recommendation (whichever is less).

TABLE 2
ACCEPTABLE RANGES OF SELECTED
PHYSICAL AND CHEMICAL WATER QUALITY CONSTITUENTS

Chemical or Physical Constituent	Minimum	Maximum
1. pH	7.2	8.0
2. Water Clarity (safety)	main drain visible at all times	—
3. Turbidity (shielding micro-organisms from disinfection)	—	0.5* T.U.
4. Cyanuric acid or its derivatives (if used)	0	90 mg/l
5. Temperature		104°F.

Note:

* In peak use periods, turbidity may increase to 1.0 T.U. provided it returns to 0.5 T.U. within a six-hour period after peak use. Turbidity is not a required routine analysis which must be performed by the RWCF. Turbidity monitoring may be required by the department or local health officer if special conditions warrant it.

TABLE 3
RANGE OF ACCEPTABLE TESTING LEVELS*

Chemical Test	Minimum Range	Minimum Accuracy
1. Free available chlorine	0.3 to 3.0 mg/l	0.2 mg/l
2. Total chlorine	0.3 to 3.0 mg/l	0.2 mg/l
3. Total bromine	0.3 to 3.0 mg/l	0.2 mg/l
4. pH	7.0 to 8.2	0.2
5. Cyanuric acid	0 to 100 mg/l	5 mg/l
6. Alkalinity	0 to 300 mg/l	15 mg/l

Note:

* Do not make determinations of chemical conditions based on readings at the extreme measurable limits of the scale.

NEW SECTION

WAC 248-97-070 GENERAL DESIGN, CONSTRUCTION, AND EQUIPMENT. (1) Owners shall locate RWCFs to:

(a) Minimize pollution by dust, smoke, soot, and other undesirable substances;

(b) Eliminate pollution from surrounding surface drainage; and

(c) Ensure pools within the RWCF are more than fifteen feet from any structure, object, or land formation (i.e., pumphouse, tree, etc.), which would provide a user with the opportunity to jump from such a structure into the pool. This does not include any barriers provided to prevent unauthorized access to pool or segments of attractions which enter pool.

(2) Owners shall use only materials in the structure and equipment which are nontoxic, durable, inert, impervious to water, and easily cleaned.

(3) Owners shall design and maintain walking surfaces which are:

(a) Sloped a minimum one-fourth inch per foot;

(b) Of a nonslip finish;

(c) Equipped with sufficient drains to prevent standing water;

(d) Free of resilient coverings, e.g., carpeting; and

(e) At least four feet in width.

(4) Owners shall provide adequate barrier protection to prevent unauthorized access including:

(a) In outdoor facilities, a barrier six feet or more in height with:

(i) Openings, holes, or gaps not to exceed four inches except openings protected by gates or doors; and

(ii) Lockable gates and entrances either regulated during periods of use or provided with a self-closing, self-latching mechanism a minimum of forty-two inches from the ground.

(b) In indoor facilities, suitable barriers to prevent access by unauthorized individuals or pool access by unattended small children.

(5) Owners shall ensure that pools:

(a) Comply with all provisions of chapter 248-98 WAC where pool facilities are a separate attraction;

(b) Have surfaces with:

(i) Materials complying with subsection (2) of this section;

(ii) Watertight and nonabrasive construction;

(iii) Nonslip finish where users are walking; and

(iv) White or light color finish not obscuring the view of objects or surfaces.

(c) Are dimensionally designed to provide for the safety of the user and circulation of the water including, but not limited to:

(i) Absence of protrusions, extensions, means of entanglement, or other obstruction which can cause entrapment or injury;

(ii) Construction tolerances conforming with current ANSI public pool standards;

(iii) Uniform pool floor slopes as follows:

(A) Not exceeding one foot of drop in seven feet of run for pools serving as landing or exiting pools, where total water depth is less than forty-eight inches; and

(B) Providing a maximum slope of one foot of drop in twelve feet of run up to a depth of five and one-half feet in pools where users enter and participate in extended activities.

(iv) Vertical walls for a minimum distance noted in Table 4 of this section, which may be curved (not to exceed allowable radius) to join the floor.

(A) Vertical means walls not greater than eleven degrees from plumb.

(B) Coving or portion of the side wall of a diving area in the pool shall conform as described in subsection (5)(c)(vi) of this section.

(C) In new construction or alterations to existing construction, ledges are prohibited.

(D) Requirements in subsection (5)(c) of this section do not apply to spas.

(v) A maximum intrusion beyond the vertical (as defined in subsection (5)(c)(iv)(A) of this section) with any configuration not to exceed a transitional radius from wall to floor where floor slopes join walls and which:

(A) Has its center of radius no less than the minimum vertical depth specified in Table 4 of this section below the water level;

(B) Has arc of radius tangent to the wall; and

(C) Has a maximum radius of coving (or any intrusion into the pool wall/floor interface) determined by subtracting the vertical wall depth from the total pool depth.

TABLE 4
MAXIMUM RADIUS COVING OR POOL INTRUSION
DIMENSIONS BETWEEN POOL FLOOR AND WALL*

Pool Depth	2'0"	2'6"	3'0"	3'6"	4'0"	4'6"	5'0"	>5'0"
Minimum Side Wall Vertical Depth	1'6"	1'10"	2'2"	2'6"	2'10"	3'2"	3'6"	>3'6"
Maximum Radius of Curvature	6"	8"	10"	12"	12"	1'4"	1'6"	**Maximum radius equals pool depth minus the vertical wall depth

Note:

* For pool depths which fall between the depths listed, values can be interpolated.

** Radius of coving cannot intrude into pool within diving envelope or deep water entry area for attractions entering above pool water level.

(vi) Provision of diving envelopes in pools or areas of pools designated for diving activities to include:

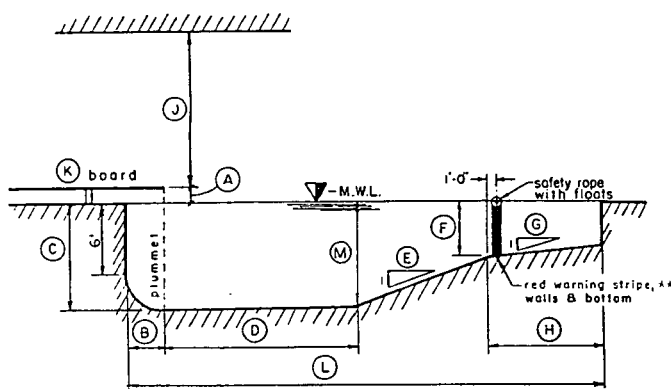
(A) A diving envelope of no less than the CNCA standard configuration* noted in Figure 1 of this section in areas where user would enter from deck level, diving board, or platform at a height of less than one-half meter (twenty inches).

Note:

* This requirement is based on a standard described in CNCA publication "Swimming Pools: a Guide to their Planning, Design, and Operation" 1987. Fourth edition. Human Kinetics Publisher, Inc., Champaign, Illinois. Figure 8.1

FIGURE 1:

Minimum dimensions for pools with provision for diving from deck level or providing boards or platforms at a height less than one-half meter.



Dimension	Minimum	Preferred or Maximum
A Height of board above water		20 in.
B Board overhang	2 ft 6 in.	3 ft
C Depth of water at plummet	9 ft	10 ft *
D Distance from plummet to start of upslope	16 ft	18 ft *
E Inclination of upslope of bottom		1:3
F Depth of water at breakpoint	4 ft 6 in.	
G Slope of bottom in shallow portion of pool	1:12	1:15 *
H Length of shallow section of pool	8 ft	14 ft *
J Distance to any overhead structure	13 ft	15 ft *
K Board length		12 ft
L Length of pool	40 ft	50 ft *
M Dimension not less than C minus	6 in.	

Note:

* Values with asterisks are not to be considered as maximums.

** Warning stripe at breakpoint may be of any contrasting color.

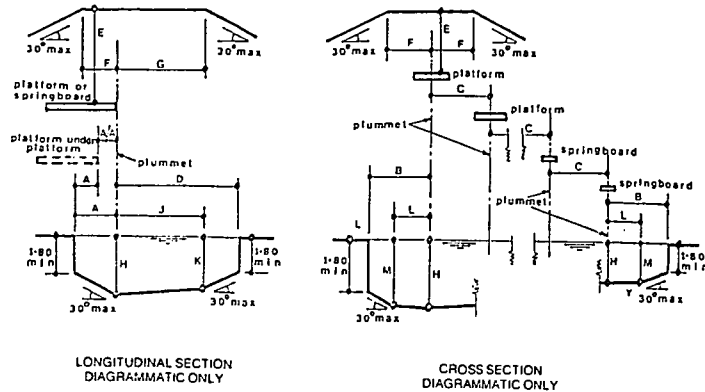
(B) A diving envelope of no less than the FINA standard configuration** noted in Figure 2 of this section in areas where user would enter from diving board or platform at a height of one-half meter (twenty inches) or greater.

Note:

** This requirement is based on a standard described in FINA publication "FINA Handbook - 1986-1988." Constitution and rules governing swimming, diving, water polo, and synchronized swimming, 1986-1988. Edited by E. Allen Harvey, Vancouver, Canada VGN 3R6, Section D, pp. 114-115.

FIGURE 2:

Minimum dimensions for pools with boards or platforms at a height of one-half meter or more.



FINA	Dimensions are in Metres	SPRINGBOARD				PLATFORM										
		1 Metre		3 Metres		1 Metre		3 Metres		5 Metres		7.5 Metres		10 Metres		
DIMENSIONS FOR	LENGTH	4.00		4.00		4.50		5.00		6.00		6.00		6.00		
DIVING FACILITIES	WIDTH	0.50		0.50		0.60		1.50		1.50		1.50		2.00		
Revised to 1st Jan 1987	HEIGHT	1.00		3.00		0.60-1.00		2.60-3.00		5.00		7.50		10.00		
A	From plunnet BACK TO POOL WALL	DESIGNATION	A-1	A-3	A-1pl	A-3pl	A-5		A-7.5		A-10					
A/A	From plunnet BACK TO PLATFORM Plunnet directly below	DESIGNATION							AA5/1		AA7.5/3/1		AA10/5/3/1			
B	From plunnet to POOL WALL AT SIDE	DESIGNATION	B-1	B-3	B-1pl	B-3pl	B-5		B-7.5		B-10					
C	From plunnet to ADJACENT PLUNNET	DESIGNATION	C-1/1	C-3/3/1	C-1/1pl	C-3/1pl/3pl	C-5/3/1		C-7.5/5/3/1		C-10/7.5/5/3					
D	From plunnet to POOL WALL AHEAD	DESIGNATION	D-1	D-3	D-1pl	D-3pl	D-5		D-7.5		D-10					
E	On plunnet, from BOARD TO CEILING	DESIGNATION		E-1	E-3	E-1pl	E-3pl	E-5		E-7.5		E-10				
F	CLEAR OVERHEAD behind and each side of plunnet	DESIGNATION	F-1	E-1	F-3	E-3	F-1pl	E-1pl	F-3pl	E-3pl	F-5	E-5	F-7.5	E-7.5	F-10	E-10
G	CLEAR OVERHEAD ahead of plunnet	DESIGNATION	C-1	E-1	C-3	E-3	6-1pl	E-1pl	6-3pl	E-3pl	6-5	E-5	6-7.5	E-7.5	6-10	E-10
H	DEPTH OF WATER at plunnet	DESIGNATION		H-1		H-3		H-1pl		H-3pl		H-5		H-7.5		H-10
J	DISTANCE AND DEPTH ahead of plunnet	DESIGNATION	J-1	K-1	J-3	K-3	J-1pl	K-1pl	J-3pl	K-3pl	J-5	K-5	J-7.5	K-7.5	J-10	K-10
K	DISTANCE AND DEPTH each side of plunnet	DESIGNATION	L-1	M-1	L-3	M-3	L-1pl	M-1pl	L-3pl	M-3pl	L-5	M-5	L-7.5	M-7.5	L-10	M-10
L	DISTANCE AND DEPTH each side of plunnet	DESIGNATION														
M	DISTANCE AND DEPTH each side of plunnet	DESIGNATION														
N	MAXIMUM SLOPE TO REDUCE DIMENSIONS beyond full requirements	POOL DEPTH	30 degrees		NOTE		Dimensions C (plunnet to adjacent plunnet) apply for Platform with widths as detailed. For wider Platforms increase C by half the additional width(s)									
		CEILING HT	30 degrees													

(d) Have adequate handholds around the perimeter in pools designed for extended swimming and bathing activity and excluding wave pools; and

(e) Stairs, ladders, or stepholes with:

(i) Stairs, when provided, meeting the following construction requirements:

(A) Treads of a nonslip finish;

(B) Stair tread edges colored to contrast with the color of the pool and clearly visible to the users;

(C) Recessed in pool areas used for lap swimming or provided with wave action; and

(D) Equipped with handrails extending over the edge of the deck.

(ii) Ladders or stepholes which:

(A) Furnish exit from pools greater than four feet in depth except in landing pools bringing the user toward a shallow area after entering the water;

(B) Are spaced a minimum of one for every fifty feet of pool perimeter greater than four feet deep;

(C) Are provided at both sides of the deep end in pools over thirty feet in width; and

(D) Are equipped with a handrail at the top of both sides extending over the coping or edge of the deck.

(iii) User access at the shallow end of pool.

(6) Owners shall ensure treatment turnover at rates no less than designated as follows:

(a) In receiving pools for water slides, water tubes, inner tube rides, speed slides or tubes, drop slides or tubes, and kiddie flume slides, treatment turnover time can be based on any of the following:

(i) Total attraction volume in one-hour period;

(ii) Treatment turnover equals design peak usage (maximum users per hour) expressed in gpm;

(iii) A rate of one hour for 20,000 gallons per two or less attraction segments. Treatment turnover times may increase proportionately for larger pool volumes per two or less attraction segments;

(iv) Alternative methods where provisions to reduce contaminants are justified to the satisfaction of the department or local health officer; and

(v) Treatment turnover times not to exceed six hours.

(b) For wave pools, a minimum treatment turnover time of two hours; and

(c) For activity pools, a minimum treatment turnover time of four hours.

(7) Owners shall provide pool inlets which are:

(a) Submerged and located to produce uniform circulation of water and chemicals throughout the pool; and

(b) Located on the bottoms of pools greater than two thousand five hundred square feet, unless otherwise justified by the engineer to the satisfaction of the department or local health officer.

(8) Owners shall provide pool outlets with:

(a) Overflow and main drain with each designed to carry one hundred percent of total recirculation filter flow;

(b) Overflow outlets that have:

(i) Design to maintain a minimum of sixty percent of filter recirculation flow at all times;

(ii) An overflow channel on the pool perimeter to promote uniform circulation and skimming action of the upper water layer for pools greater than twenty-five hundred square feet, with:

(A) Design preventing matter entering channel from returning to the pool;

(B) Dimensions minimizing the hazard for bathers, such as catching arms or feet in an overflow channel;

(C) 0.01 foot slope per foot or more;

(D) Drains sufficiently spaced and sized to collect and remove overflow water to return line to filter where applicable;

(E) Size sufficient to carry one hundred percent of the recirculation flow plus the surge flow equivalent to one-fifth of the balancing tank expressed in gallons per minute.

(iii) Skimmers, when used on pools up to twenty-five hundred square feet, if:

(A) Demonstrated to operate properly under design conditions;

(B) Turbulence is not expected to interfere with operation;

(C) Maximum flow rate through skimmers does not exceed four gpm per inch of weir;

(D) Devices are recessed in the wall of the pool so that no part protrudes beyond the plane of the wall into the pool;

(E) The skimmer is equipped with a device to prevent air lock in the recirculation suction line (i.e., an equalizer line); and

(F) The skimmer is equipped with a removable and cleanable screen designed to trap large solids.

(iv) Sidewall channels, when used on pools up to twenty-five hundred square feet, which accept the total recirculation volume of the pool through the upper side of the pool if:

(A) Overall flow through the channel exceeds four times the treatment recirculation rate;

(B) Design of channel prevents entrapment of the user;

(C) Openings of any screens have less than one-half inch slots;

(D) Channel openings do not allow access beyond the pool, except with the use of specific tools requiring their opening;

(E) Open area of grates prevent a suction or entrapment hazard which could be dangerous to the user; and

(F) The channel provides an action pulling water from the top of the pool to remove floatable debris and oils.

(c) Main drains in all pools with:

(i) Location at the low points of the pool;

(ii) A minimum of two main drains spaced not further than twenty feet apart nor closer than six feet or spaced as far as possible from each other in pools less than six feet linear floor distance;

(iii) Total open area of grates preventing a suction or entrapment hazard which could be dangerous to user;

(iv) Flat grate drains having:

(A) Maximum flow of 1.5 feet per second; or

(B) Net area of outlet being at least four times the area of the discharge pipe.

(v) Maximum flow of four feet per second in anti-vortex drains;

(vi) Openings less than one-half inch in width;

(vii) Grate design to withstand forces of users;

(viii) Grates removable only with specific tools; and

(ix) Means to control flow from recirculation pump or balancing tank.

(9) Owners shall maintain recirculation flow which:

(a) Does not exceed six feet per second in suction or valved discharge side of pump; and

(b) Does not exceed ten feet per second in open discharge pipes on the pressure side of the pump or filter discharge. This limit does not apply to the return inlet and the last two feet of pipe leading to the inlet.

(10) Owners shall provide a surge chamber or surge area in RWCFs with an entry pool to:

(a) Accommodate at least two minutes of the total turnover; and

(b) Maintain proper water levels for treatment and operation of the attraction.

(11) Owners having RWCFs with overflow channels requiring balancing tanks shall:

(a) Maintain volume equivalent to fifteen times maximum bathing load expressed in gallons; and

(b) Increase capacity as necessary to provide volume for make-up water and to prevent air lock in the pump suction line.

(12) Owners shall have and maintain recirculation pumps with adequate capacity to:

(a) Provide design flows and pressure for recirculation of the RWCF water over the entire operating pressure of the filter;

(b) Allow proper capacity for backwashing of filters when specified; and

(c) Have self-priming capability when installed above the pool water level.

(13) Where pumps precede the filter, owners shall install hair and lint strainers, which shall:

(a) Be located upstream of recirculation pumps;

(b) Be of corrosion-resistant material sufficiently strong to prevent collapse when clogged;

(c) Have an operable cover; and

(d) Provide valving to isolate the strainer when located below pool water level.

(14) Owners shall provide valves at appropriate locations to allow isolation and maintenance of equipment.

(15) Owners shall provide equipment rooms which:

(a) Enclose pumps, disinfection equipment, filters, and other electrical and mechanical equipment and associated chemicals;

(b) Provide adequate working space and access to perform routine operations;

(c) Provide lighting and ventilation of the equipment room; and

(d) Are not accessible to the public.

(16) Owners shall ensure the source of make-up water and associated piping in the RWCF:

(a) Provides sufficient quantity to replace daily losses from the pool;

(b) Comes from a supply conforming with chapter 248-54 WAC; and

(c) Prevents cross-connections using a minimum air gap of two pipe diameters or approved backflow prevention devices between the make-up water source and the RWCF attraction water or waste water.

(17) Owners shall equip RWCFs with filtration equipment which:

(a) Meets the applicable standards of NSF or equivalent;

(b) Uses acceptable types and filter rates described in Table 5 of this section:

TABLE 5
FILTER TYPES AND ACCEPTABLE RATES

Type of Filter	Range of Acceptable Filter Rate Expressed in gpm/sq. ft.	
	Minimum	Maximum*
Sand		
Rapid & pressure	—	3
Pressure high rate	10	18
Vacuum high rate	10	18
DE	Continu- ous feed	Manual feed
Vacuum	0.8	1.0
Pressure	1.0	1.35
Cartridge**		
Applied in temperature ranges:		
<95°F.	—	0.375
>95°F.	—	0.188

Note:

* Filters sized at maximum application rate shall use flow control valves.

** Cartridge filters shall have a nominal micron rating of twenty microns or less.

(c) Has pressure or vacuum gauges for measuring loss of head (pressure) through the filter with minimum of one gauge preceding and one gauge following the filter;

(d) Has a flow indicator to measure treatment turnover; and

(e) Has means of discharging filter backwash to waste with:

(i) Discharge in a manner not creating a public nuisance;

(ii) Disposal in accordance with applicable local law or regulation;

(iii) Minimum air gap of two pipe diameters to prevent cross-connection from waste discharge and recirculation system piping;

(iv) Discharge receptor and piping of sufficient size to accept backwash water and prevent flooding; and

(v) Provisions to monitor filter effluent during backwash.

(18) Owners shall provide disinfection equipment which:

(a) Provides a continuous and effective residual of disinfectant in the water;

(b) Uses a disinfectant with a residual that is easily monitored;

(c) Conforms with NSF standards when liquid or solid feed materials are used;

(d) Has a design feed rate which will provide effective disinfection levels when RWCFs are in use;

(e) Meets the following conditions if chlorine gas is used:

(i) Chlorine rooms shall:

(A) Be above ground level;

(B) Be constructed so all openings or partitions with adjoining rooms are sealed;

(C) Be located with consideration of prevailing winds to dissipate leaked chlorine away from the RWCF;

(D) Have door opening outward only and to the out-of-doors.

(ii) Mechanical exhaust ventilation of the chlorine room including:

- (A) Air inlet located as far as possible from fan intake to promote good air circulation patterns;
- (B) Minimum of one air change per minute in the chlorine room when fan is operating;
- (C) A remote switch outside the room or a door-activated switch to turn on fan prior to entering;
- (D) Suction for fan near the floor; and
- (E) Exhaust for fan and chlorinator vent located to prevent contaminating air intakes or prevent undue hazard for the users of the RWCF.

(iii) Gas chlorine systems which:

- (A) Are vacuum injection type, with vacuum actuated cylinder regulators; and
- (B) Provide adequate-sized backflow and anti-siphon protection at the ejector.

(iv) Breathing protection available in an accessible area for the operator outside of the chlorine room including:

(A) Instructions about limitations with chlorine concentrations and concentrations of oxygen if chlorine-type canister masks are used; and

(B) Self-contained breathing apparatus designed for use in a chlorine atmosphere as preferred equipment for working with chlorine leaks.

(v) Means for automatic shutoff when the recirculation filter pump is off or flow to the pool is interrupted;

(vi) Chlorine gas cylinders shall:

(A) Be stored only in chlorine rooms; and

(B) Not exceed one hundred fifty pounds tare weight per cylinder; except, wave pools, where one-ton cylinders may be used. Only a single, one-ton cylinder shall be stored on the premise at any time.

(19) Owners applying chemicals other than disinfectant shall provide chemical feed equipment with:

(a) Adequate size and design to allow routine cleaning and maintenance;

(b) Materials resistant to action of the chemicals to be used; and

(c) Means for automatic shut off when the recirculation filter pump is off or flow to the pool is interrupted.

(20) Owners shall have testing equipment to provide means for measuring disinfectant residuals, pH, alkalinity, and any other chemicals used routinely in the RWCF water. In pools where compressed chlorine gas is used, means to detect leaks shall be provided, i.e., use of proper strength ammonia vapor.

(21) Owners shall provide easily accessible change room facilities at all RWCFs with:

(a) Dressing rooms, showers, toilets, urinals, and sinks;

(b) Change room design including:

(i) Separate facilities for both sexes;

(ii) Floors of a nonslip finish with suitable drains;

(iii) Junctions between walls and floors covered for ease of cleaning;

(iv) Adequate ventilation to prevent build-up of moisture in the facility; and

(v) Provisions to minimize cross traffic with nonusers.

(c) Plumbing fixtures as described in Table 6 of this section.

TABLE 6
MINIMUM PLUMBING FIXTURE REQUIREMENTS
BASED ON MAXIMUM PEAK PERIOD OCCUPANCY

Type of Fixture	Occupancy/Sex	Number of Fixtures Required Per Occupancy Load	
		Male	Female
1. Toilets	First 600	1/200	1/100
	Portion exceeding 600	1/450	1/300
2. Urinals	First 600	1/200	-
	Portion exceeding 600	1/450	-
3. Showers	First 300	1/100	1/100
	Portion exceeding 300	1/200	1/200
4. Sinks	First 400	1/200	1/200
	Next 350	1/350	1/350
	Portion exceeding 750	1/500	1/500
5. Hose bibs		1 accessible to change rooms	
6. Janitor sink		1 within the RWCF	

(d) Showers:

(i) Delivering water at a temperature range between ninety and one hundred ten degrees Fahrenheit; and

(ii) Providing liquid or powdered soap in nonglass dispensers.

(e) Flush toilets and toilet tissue in dispensers;

(f) Sinks providing:

(i) Tempered or hot and cold running water,

(ii) Liquid or powdered soap in nonglass dispensers, and

(iii) Disposable towels or electric hand dryers.

(g) Sewage disposed of in a manner approved by the department or local health officer; and

(h) Hose bibs with vacuum breakers provided at convenient locations.

(22) Owners shall design and maintain lighting at RWCF attractions or change rooms to:

(a) Illuminate indoor attractions, outdoor attractions used after dusk, or change rooms with a minimum lighting intensity maintained thirty inches above any walking surface, pool deck, or pool area of:

(i) Thirty foot-candles at indoor facilities;

(ii) Fifteen foot-candles at outdoor facilities; or

(iii) Twenty foot-candles in change rooms.

(b) Allow lifeguards or attendants to clearly see every part of pool waters and walking surfaces; and

(c) Meet any additional lighting requirements deemed necessary by the department or local health officer.

(23) Owners shall provide first aid facilities in every RWCF including:

(a) A twenty-four package first aid kit per WAC 296-24-065;

(b) Two or more blankets reserved for emergency use;

(c) A telephone with a prominently displayed list of emergency medical service response numbers;

(d) A backboard meeting the specifications of the ARC; and

(e) Sufficient and suitable area to accommodate persons requiring treatment and necessary first aid equipment.

(24) Owners shall provide signs at RWCF entrances and change rooms. Any combination of words, pictures,

or symbols may be used to convey the following conditions:

- (a) Prohibition of use by persons with communicable diseases;
- (b) Prohibition of use by persons under the influence of alcohol or drugs;
- (c) Requirement for a cleansing shower before entering the attractions;
- (d) Warning that persons refusing to obey the attendants are subject to removal from the premises; and
- (e) Prohibition of food and drink in pool, change room, or on walking surfaces.

(25) If owners allow or make provision for food service:

- (a) Food and beverage sale and consumption areas shall be separate from pool, change room, and walking surfaces;
- (b) Trash containers shall be provided; and
- (c) No glass containers shall be allowed in the RWCF.

(26) Owners shall prevent users or spectators access to mechanical, electrical, or chemical equipment facilities.

(27) Owners shall provide an operable drinking fountain of the angle jet type design meeting the requirements of the American Standards Association.

NEW SECTION

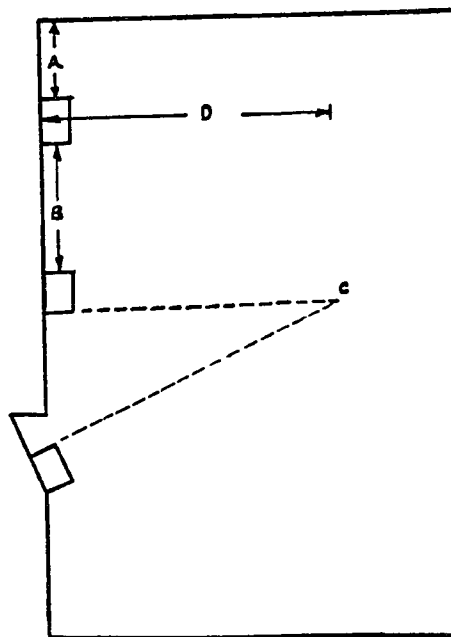
WAC 248-97-080 SPECIFIC DESIGN, CONSTRUCTION, AND EQUIPMENT. (1) Owners shall provide specific design, construction, and equipment for the various types of RWCF attractions.

(2) Owners and manufacturers shall ensure adherence to recognized design and construction standards including, but not limited to:

- (a) ASTM F-24 Standards on Amusement Rides and Devices;
 - (b) "Suggested Health and Safety Guidelines for Recreational Water Slide Flumes" U.S. Department of Health and Human Services, Centers for Disease Control, Atlanta, Georgia, 30333;
 - (c) "World Waterpark Association Considerations for Operating Safety" published by the World Waterpark Association, 7474 Village Drive, Prairie Village, Kansas, 66208; and
 - (d) Department recognized or approved guidelines, criteria, or standards.
- (3) Owners shall ensure design and construction for water slides or tubes, inner-tube rides, kiddie flumes, or ramp slides meet the following minimum standards:
- (a) Flume or tube entry access points shall have:
 - (i) Means to control unauthorized entrance;
 - (ii) Handrails or slip-resistant surfaces provided to assist users; and
 - (iii) Attendant stations which provide:
 - (A) User entry spacing control;
 - (B) Attendant line of sight to the attraction; and
 - (C) Attendant access to a communication system.
 - (b) Receiving pools shall have:
 - (i) Clearances and minimum distances as noted in Figure 3 of this section for tube or flume entrances into pools.

FIGURE 3
MINIMUM CLEARANCES FOR FLUME OR TUBE ENTRY TO RECEIVING POOLS

VALUE	MINIMUM DISTANCE	DESCRIPTION
A	5 feet	Minimum distance from edge of flume to side of pool.
B	6 feet	Minimum distance between sides of parallel flumes.
C	20 feet	Minimum distance between two flumes or tubes that are not parallel shall be so constructed so that the intersecting lines of each closest side does not intersect for a distance of at least twenty feet from the end of each flume.
D	20 feet	Minimum distance where flume terminates to opposite side of pool.



- (ii) Flume or tube sliding surface ending below the pool operating water level when users ride unaided or on mats;
- (iii) Flume or tube perpendicular for a minimum of ten feet to the wall of entry;
- (iv) Handrails, when steps are provided for exiting; and
- (v) Attendant and/or lifeguard stations with:
 - (A) Unobstructed access to users; and
 - (B) Ready access to communication system for contacting control station attendant and first aid personnel.
- (4) Owners shall design and construct barriers to prevent unauthorized entry or exit from any intermediate pool.
- (5) Owners shall ensure design and construction of speed slides meet the following minimum standards:
 - (a) Entry points conforming with subsection (3)(a) of this section;
 - (b) Roller- or sled-type slides designed to prevent accidental flipping of the sleds or coasters when entering the water;
 - (c) Provision of sufficient transition zones for deceleration preventing unsafe user impact; and
 - (d) Maintenance of critical water operation levels providing proper braking action of the user.

(6) Owners shall ensure design and construction of wave pools meet the following minimum standards:

(a) Walls of wave pools shall be vertical with minimum six inch radius of curvature between wall and pool bottom;

(b) Pool bottom sloped:

(i) Not exceeding one foot of drop in twelve feet of run where pool depths range from zero to three and one-half feet; or

(ii) Not exceeding one foot of drop in nine feet of run where depths range from three and one-half feet to six and one-half feet.

(c) Recessed ladders or step holes with vertical grab bars at depths above three and one-half feet:

(i) For emergency exit only;

(ii) Spaced at intervals of fifty feet or less where pool water depths are greater than three and one-half feet. Pool water depths are measured without wave action.

(d) Deck width of at least ten feet along the shallow end;

(e) A fence or restrictive barrier a minimum of forty-two inches in height and at least two feet out from the pool/deck interface at the side walls of wave pools, with emergency exit openings.

(f) Lifeguard station locations appropriate to prevailing conditions;

(g) A push-button system to shut off the wave-making equipment with:

(i) Shut offs installed on sidewall decks and spaced at intervals no greater than one hundred feet, readily accessible to the lifeguards; and

(ii) Shock hazard protection.

(h) A communication system for use by authorized personnel which is clearly audible to all portions of the pool;

(i) A communication system for interaction between authorized personnel; and

(j) Maximum bathing load (users) not to exceed a value equal to $S/12 + D/68$ where:

(i) "S" equals surface area in square feet where depth is less than three and one-half feet;

(ii) "D" equals surface area in square feet where pool depth is three and one-half feet deep or greater; and

(iii) Pool depths are measured without wave action.

(7) If inner tubes, boogie boards, or surf boards are used, the owner shall ensure the design and operation of the wave pool provides for such activity, including:

(a) The establishment of rules for use;

(b) Operating and emergency procedures; and

(c) Crowd control.

(8) Owners shall ensure design and construction of any wading activity pool meets the following minimum standards. Wading activity pool areas are:

(a) Built with maximum water depth of two feet;

(b) Constructed with pool walls so that distance from deck to water level is six inches or less for at least seventy-five percent of the pool perimeter;

(c) Equipped with floors uniformly sloped to drain with a maximum slope of one foot of drop in twelve feet of run;

(d) Separated by at least a four foot high barrier when distance to any water area greater than four feet in depth is less than ten feet; and

(e) Protected from water areas greater than two feet by providing:

(i) A float line separating the two areas;

(ii) A six inch contrasting color line on pool bottom and side walls at float line; and

(iii) A transition zone with a maximum floor slope not exceeding one foot of drop in twelve feet of run.

(9) Owners shall ensure design and construction of drop slides or drop tubes meet the following minimum standards:

(a) Entry in accordance with subsection (3)(a) of this section;

(b) Receiving pool envelope:

(i) Conforming to CNCA standards noted in WAC 248-97-070 (5)(c)(vi)(A) if the point of exit is less than one-half meter (or twenty inches);

(ii) Conforming to FINA standards noted in WAC 248-97-070 (5)(c)(vi)(B) if the point of exit is one-half meter (or twenty inches) or greater.

(iii) Increasing in size to ensure user safety if warranted by angle of entry or speed of the user.

(c) Sufficient distance between slides or tubes to prevent collisions of users. Parallel exits are recommended.

(d) Direct line of sight and direct communication between entry access point and receiving pool.

(10) Owners shall provide signs for specific RWCF attractions. Words, pictures, or symbols may be used to convey the following as appropriate:

(a) Prohibition of running, standing, kneeling, tumbling, horseplay, or stopping in the flumes or tubes;

(b) Failure to follow directions of attendant or failure to obey posted rules may result in removal from the RWCF;

(c) Prohibition of diving from flume;

(d) Prohibition of multiple user chains if applicable to ride;

(e) Requirement to leave the landing area promptly after exiting;

(f) Recommended minimum or maximum age or height for using this attraction; and

(g) Prohibition of head first sliding if applicable to ride.

(h) Additional information on wave pools including:

(i) Warning that wave pools can be very tiring;

(ii) Warning for small children and poor swimmers to use personal flotation devices in designated areas;

(iii) Requirement for adult supervision for children;

(iv) Prohibition of diving, jumping, or entering from sides of pool; and

(v) Prohibition of using surf boards during periods of general public use.

(11) If the proposed attraction design is not addressed by or exceeds limitations of standards and guidelines specified by this section, owners shall submit:

(a) Justification to the department or local health officer prepared by an engineer; and

(b) Information on the construction, maintenance, and operation of the proposed attraction.

NEW SECTION

WAC 248-97-090 OPERATION. (1) Owners shall ensure proper operation to protect the public health and safety of the users and the water quality of the RWCF.

(2) Owners shall prepare and use an operations manual for the RWCF.

(3) Owners shall routinely inspect, maintain, and repair the physical components to:

(a) Ensure all structural facilities are intact and free from corrosion, wear, or stress;

(b) Prevent water ponding on walking surfaces;

(c) Ensure equipment is available and operable including:

(i) Disinfection, filtration, and related equipment;

(ii) Lifesaving equipment; and

(iii) Communication systems.

(4) Owners shall ensure user health and safety by adequately staffing the RWCF during operation. Staffing shall include:

(a) Advanced first aid personnel at all times facility is open to the public;

(b) Lifeguards and/or attendants as appropriate at all times facility is open to the public; and

(c) Water treatment operator as needed.

(5) Owners shall ensure each type of personnel performs the following duties:

(a) Advanced first aid personnel shall provide emergency medical treatment;

(b) Lifeguard shall have sole responsibility for guarding users in area assigned;

(c) Attendants shall have sole responsibility for assuring proper user control in areas assigned; and

(d) Water treatment operator shall oversee water treatment operations and conduct necessary water quality monitoring.

(6) Owners shall ensure each type of personnel meets the designated training requirements:

(a) Advanced first aid personnel with:

(i) A current advanced first aid certification or equivalent or higher levels of training including:

(A) First responder;

(B) Emergency medical technician; or

(C) Paramedic.

(ii) Training on management of spinal injuries in the aquatic environment if lifeguards with lifeguard training are not at the RWCF.

(b) Lifeguards with a current lifeguard certificate through any of the recognized programs in the definition (WAC 248-97-020(23));

(c) Attendants with training determined appropriate by the owner to respond to user safety needs at the attractions, and:

(i) Attendants stationed at shallow pool facilities (less than four feet water depth) with documented training regarding their response in at least the following:

(A) Safety instruction on basic methods of water rescue, reaching, and extension assists;

(B) Cardiopulmonary resuscitation (CPR) and airway management;

(C) Basic bleeding control;

(D) Basic fracture management; and

(E) Specific instruction on management of spinal injuries related to the aquatic environment.

(ii) Attendants stationed at entry access areas with basic training including:

(A) Controlling and supervising users in areas where attendant is responsible;

(B) Controlling timing of user entry rate where appropriate;

(C) Use of communication systems; and

(D) Knowledge of CPR by at least one attendant on duty.

(d) Water treatment operators knowledgeable in pool water chemistry, filters, and pumping equipment; and

(e) When gas chlorine is used, the manager or the operator with specific training in:

(i) Proper operation and maintenance procedures of the chlorination equipment;

(ii) Physical and chemical properties of chlorine gas under pressure;

(iii) Use of emergency safety equipment; and

(iv) Proper first aid procedures and response for accidental inhalation of chlorine gas and leaks.

(7) Owners shall ensure adequate emergency response with:

(a) Lifeguards (and attendants where appropriate) located to provide a response time not to exceed thirty seconds to all users in pools;

(b) Backup lifeguard (or attendant where appropriate) provisions so response time is maintained during multiple rescues;

(c) Lifeguards at all pools. Attendants may substitute for lifeguards at pools less than four feet in depth which:

(i) Are strictly used as receiving pools for attractions where users leave the pool immediately after entering; or

(ii) Are strictly used for wading activity; and

(iii) Attendants meet the training requirements specified in subsection (6)(c)(i) of this section.

(d) Provisions for emergency response drills to meet the response time and actions noted in WAC 248-97-090 including:

(i) Drills at least twice each operating season; and

(ii) Documentation of testing.

(8) Owners shall regulate activities of users and spectators including:

(a) Requirement to obey RWCF rules related to health and safety; and

(b) Warning that failure to comply with rules constitutes grounds for exclusion from the premises or management action as necessary.

(9) Owners shall ensure RWCF user control in specific attractions by requiring:

(a) On speed slides, completion of the ride by one user before allowing another user to enter;

(b) On ramp slides, clearing of the slide by one group prior to second group entering; and

(c) On drop slide or tube, clearing of the pool entry area prior to allowing another user to enter.

(10) Owners shall monitor various environmental conditions which affect facility safety. Weather conditions, including electrical storms, fog, wind, sun glare creating

visibility problems, and other such factors shall be evaluated. Appropriate action shall be taken in response to these factors to ensure user safety.

NEW SECTION

WAC 248-97-100 MONITORING, REPORTING, AND RECORD KEEPING. (1) Owners shall:

(a) Provide information requested by the department or local health officer for statewide injury and illness surveillance reports; and

(b) Notify the department or local health officer within forty-eight hours of any drowning, near drowning, death, or serious injury or illness occurring at the RWCF.

(2) Owners shall monitor and maintain records on the following for at least three years:

(a) Water quality conditions including:

(i) Testing for residual disinfectant concentration three or more different periods daily, except once a day if electronic monitoring and control equipment is provided;

(ii) Hydrogen ion (pH) concentration tested daily;

(iii) Alkalinity monitored at least weekly;

(iv) Any other chemical added to water including alum, algicides, cyanurate compounds, acid, and alkalinity compounds, etc.;

(v) Pressure or vacuum gauge readings; and

(vi) Any gross contamination to the water (i.e., vomiting, feces, etc.).

(b) Routine preventive maintenance provided on all hazardous equipment, e.g., gas chlorination equipment;

(c) Number of users of the facility; and

(d) Credentials, training, and/or certifications required for personnel per WAC 248-97-090 of this chapter.

(3) Owners shall notify the department in the event an incident occurs with a chemical creating a problem of health or safety significance (e.g., chlorine gas leak).

(4) Owners shall make records available for department review upon request.

NEW SECTION

WAC 248-97-110 INSPECTION. (1) Owners shall permit the department or local health officer to perform on-site inspections as necessary in the discretion of the enforcing agency to ensure compliance with standards in chapter 70.90 RCW and chapter 248-97 WAC.

(2) Employees of the enforcing agency shall provide appropriate identification when entering for purpose of routine inspections.

NEW SECTION

WAC 248-97-120 ADVISORY COMMITTEE. The RWCF advisory committee shall:

(1) Perform functions as specified in accordance with RCW 70.90.130;

(2) Meet at least one time each year;

(3) Be composed of representatives as specified in RCW 70.90.130 appointed to staggered two-year terms, the representative from the department shall not be subject to these conditions;

(4) Select a chairperson every two years;

(5) Establish department representative as ongoing secretary of the advisory committee; and

(6) Present an annual report to the board summarizing committee activities.

NEW SECTION

WAC 248-97-130 ENFORCEMENT. (1) The department or, if enforcement responsibility has been assigned under a joint plan of operation, the local health officer:

(a) Shall enforce the rules of chapter 248-97 WAC; or

(b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a RWCF is in violation of provisions of chapter 70.90 RCW or the rules of chapter 248-97 WAC, appropriate enforcement action may be initiated by the department, local health officer, local prosecutor's office, or office of the attorney general. Enforcement actions may include any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department, local health officer, or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the RWCF and/or the person causing or responsible for the violation of the rules of chapter 248-97 WAC;

(c) Imposition of civil penalties of up to five hundred dollars per violation per day as authorized under RCW 70.90.200;

(d) Denial, suspension, or revocation of operating permits; and

(e) Civil or criminal action initiated by the local prosecutor's office or by the office of the attorney general.

(3) Orders authorized under this section include, but are not limited to, the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 248-97 WAC or chapter 70.90 RCW. Such orders may or may not include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any RWCF or portion thereof or improvement thereto until all permits, certifications, and approvals required by statute or rule are obtained.

(4) An order issued under this section shall:

(a) Be in writing;

(b) Name the facility and the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of chapter 70.90 RCW or the rules of chapter 248-97 WAC;

(d) Specify any required corrective action or forbearance together with a schedule for completing such corrective action, if applicable;

(e) Provide notice, as appropriate, that continued or repeated violation may subject the violator to:

(i) Civil penalties of up to five hundred dollars;

(ii) Denial, suspension, or revocation of the facilities operating permit; or

(iii) Referral to the office of the county prosecutor or attorney general.

(f) Provide the name, business address, and phone number of an appropriate staff person who may be contacted in regard to an order.

(5) Service of an order shall be made:

(a) Personally, unless otherwise provided by law; or

(b) By certified mail return receipt requested.

(6) Under such rules or policies as the department or local health officer may adopt, civil penalties of up to five hundred dollars per violation per day may be assessed against any person violating the provisions of chapter 70.90 RCW or chapter 248-97 WAC.

(7) The department or local health officer shall have cause to deny the application or reapplication for an operating permit or to revoke or suspend a required operating permit of any person who has:

(a) Previously had:

(i) An operating permit suspended or revoked; or

(ii) An application for an operating permit denied for any reason whether in this state or any other state.

(b) Failed or refused to comply with the provisions of chapter 70.90 RCW, chapter 248-97 WAC, or any other statutory provision or rule regulating the construction or operation of a RWCF; or

(c) Obtained or attempted to obtain an operating permit or any other required certificate or approval by fraudulent means or misrepresentation.

(8) For the purposes of subsection (7) of this section, a person shall be defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with subsection (8)(a), (b), or (c) of this section including, but not limited to:

(i) Board members,

(ii) Officers,

(iii) Managers,

(iv) Partners,

(v) Association members,

(vi) Employees,

(vii) Agents, and in addition

(viii) Third persons acting with the knowledge of such persons.

(9) Any person aggrieved by the department's or local health officer's denial, suspension, or revocation of an operating permit may request an administrative hearing.

(a) A hearing requested to contest a department action (departmental hearing) shall be governed by chapters 10-08 and 388-08 WAC. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section applies. The decision-making procedure shall be the initial decision, petition for review, and review decision procedure.

(b) A request for a department hearing must be in writing and:

(i) State the issue and law on which the appeal relies;

(ii) State the grounds for contending the denial, suspension, or revocation is erroneous;

(iii) Contain the appellant's current address and telephone number, if any; and

(iv) Have a copy of the order or notice of denial, suspension, or revocation attached.

(c) A request for a department hearing must be made within thirty days of the date the order or notice of denial, suspension, or revocation was received by the person.

(d) The request for a department hearing shall be made by personal service to the Office of Hearings, Olympia, or certified mail addressed to the Office of Hearings at P.O. Box 2465, Olympia, Washington 98504-2465. When the request is mailed, it shall be treated as having been made on the date it was post-marked provided it is received by the Office of Hearings properly addressed and with no postage due.

(e) A hearing requested to contest a local health officer's action shall be governed by the local health jurisdiction's rules for hearings.

(10) The department or local health officer may summarily suspend an operating permit, other required permit, license, or certification without a prior hearing if the department or local health officer:

(a) Finds that public health, safety, or welfare imperatively requires emergency action; and

(b) Incorporates a finding to that effect in its notice or order.

(11) The department or local health jurisdiction shall give priority to the scheduling and determination of any appeal from any notice or order issued under subsection (10) of this section.

NEW SECTION

WAC 248-97-140 INSURANCE. (1) As a condition of obtaining and maintaining a valid operating permit, owners shall provide evidence of having liability insurance.

(2) The minimum amount of liability insurance required shall be one hundred thousand dollars combined single limit. The coverage for this insurance shall include:

(a) Bodily injury or death of one or more persons in any one incident from the use of the RWCF.

(b) Tail coverage shall be required twenty-four months beyond the insured period on a "claims made" form of insurance.

(3) A certificate of insurance shall be provided to the department or local health officer at the time of application for operating permit subject to the approval of the risk manager of the state of Washington.

(4) The liability insurance company shall provide the department or local health officer a thirty-day prior notice of cancellation, alteration, or nonrenewal. This condition shall be stated in the certificate.

(5) If the owner's insurance is cancelled, the operating permit is void and the owner shall cease operation of the RWCF until required insurance is obtained and a valid operating permit is reinstated by the department or local health officer.

NEW SECTION

WAC 248-97-150 COMPLIANCE. Existing RWCFs not complying with the design, construction,

and equipment requirements outlined in WAC 248-97-070 and 248-97-080 of these regulations may continue in use, provided the facility is operated in continuous compliance of the safety, sanitation, and water quality provisions of chapter 248-97 WAC as outlined in WAC 248-97-060, 248-97-090, 248-97-100, and 248-97-140.

NEW SECTION

WAC 248-97-160 VARIANCE. The board may grant a variance from requirements of chapter 248-97 WAC if, in the sole discretion of the board, data and/or research provides sufficient evidence that the RWCF (attraction, device, equipment, procedure, etc.), will adequately protect public health and safety, as well as water quality.

NEW SECTION

WAC 248-97-170 INNOVATIONS—SUBSTITUTIONS. The board authorizes the department:

(1) To review new innovations, and if accepted for use, prepare appropriate amendments to chapter 248-97 WAC.

(2) To allow substitution of equipment, facilities, or procedures required by chapter 248-97 WAC when, in the sole discretion of the department, data and/or research provide sufficient evidence that such substitution is equivalent to the requirement and will adequately provide for the protection of the public health and safety of persons using the RWCF.

WSR 88-14-001

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 252, Resolution No. 261—Filed June 23, 1988]

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

Amd WAC 314-64-030 Procedures for chemical analysis.
Amd WAC 314-64-050 Accounting for board samples.

This action is taken pursuant to Notice No. WSR 88-11-084 filed with the code reviser on May 18, 1988. 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 Liquor Control Board as authorized in RCW 66.08.030.

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

APPROVED AND ADOPTED June 23, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 95, Resolution No. 104, filed 1/28/82)

WAC 314-64-030 PROCEDURES FOR CHEMICAL ANALYSIS. Procedures for submitting samples of beer or wine for chemical analysis are as follows:

(1) Quantity. (~~Samples shall consist of two containers of approximately 375 milliliters each or one container of approximately 750 milliliters. PROVIDED, That if such beer or wine is available only in containers of larger capacity, such a sample may be submitted in such package size nearest in quantity to the aforementioned sizes~~)

(a) Sample quantities and definitions for beer are stated in WAC 314-20-020.

(b) Sample quantities and definitions for wine are stated in WAC 314-24-040.

(2) Identification.

(a) Suppliers shall identify the items on the cartons and shipping documents as "samples for chemical analysis."

(b) All packages containing alcoholic beverages for testing purposes must be labeled in conformance with WAC 314-20-020 or 314-24-040 before being acceptable for testing purposes.

(c) All containers of samples shipped must have their return address on the outside of the container.

(3) Shipping instructions. Suppliers shall deliver or ship samples prepaid to Washington State Liquor Control Board (~~Distribution Center, Attention Manufacturers, Importers, and Wholesalers Division, 4401 East Marginal Way South, Seattle, Washington 98134~~) c/o Washington State Dairy and Food Laboratory, 2900 Northeast Blakely Street, Seattle, WA 98105, or to such other address as the board may require.

(4) Use and disposition of samples. Samples of beer and wine submitted for chemical analysis shall be analyzed at the Washington state (~~Food and Drug~~) dairy and food laboratory(, ~~University of Washington~~;) for alcoholic content and to determine whether they conform to standards of identity and quality standards prescribed by board regulations. After such analysis, any remaining portion of said samples shall be disposed of by laboratory personnel.

(5) Reports. The laboratory shall report its findings on appropriate forms to the board's manufacturers, importers, and wholesalers division and the controller of the board. The liquor board chemist shall also retain a copy at the laboratory of the analysis results. Based on the findings, and other statutory and regulatory requirements, the manufacturers, importers, and wholesalers division shall either issue a certificate of label approval to the supplier, or notify the supplier that a certificate of label approval has been denied, along with the reasons for the denial.

~~((6) Excess. Beer or wine received in excess of the quantity authorized in WAC 314-64-030 for chemical analysis will be held by the general manager of the distribution center or his designee until the supplier has been notified of the overshipment and given fifteen days~~

in which to respond as to whether he wants the excess returned to him at his expense. Failure of the supplier to respond within the time limitation or notification from the supplier that he does not want the excess returned to him, will result in the excess item or items being destroyed by a liquor control board auditor in the presence of the general manager of the distribution center, or his designee, after which a destruction notice will be prepared by the auditor and be certified by the general manager of the distribution center, or his designee, who witnessed the destruction. Copies of such destruction notices shall be distributed to the general manager of the distribution center and the liquor control board controller in Olympia.)

AMENDATORY SECTION (Amending Order 95, Resolution No. 104, filed 1/28/82)

WAC 314-64-050 ACCOUNTING FOR BOARD SAMPLES. Samples shall be accounted for as follows:

(1) Beer and wine submitted to the board for chemical analysis.

(a) Upon receipt of the samples at the ((distribution center in Seattle, the general manager of the distribution center, or his designee,)) Washington state dairy and food laboratory, the liquor board chemist shall prepare a multiple-copy receiving ((and disposition)) report for said samples, clearly identifying them as "samples for chemical analysis." If they are hand-delivered by the supplier, the supplier will be given a receipt.

(b) The ((general manager of the distribution center, or his designee,)) liquor board chemist shall sign the multiple-copy receiving ((and disposition)) report in the applicable section indicating receipt of samples.

(c) If more than the amount authorized in WAC 314-64-030 is received, the ((general manager of the distribution center, or his designee,)) liquor board chemist shall prepare a separate receiving report for the excess samples ((and dispose of them as provided in WAC 314-64-030(6))).

(d) ((The general manager of the distribution center, or his designee, shall deliver the multiple-copy receiving and disposition report, with the applicable samples, to a representative of the manufacturers, importers, and wholesalers division in the Seattle distribution center)) Samples received in excess of the quantity authorized in WAC 314-64-030 for chemical analysis will be destroyed by the liquor board chemist at the laboratory and such destruction shall be witnessed by another employee of either the liquor control board or the department of agriculture. The destruction will be certified on the receiving report by the liquor board chemist and the authorized employee who witnessed the destruction.

(e) ((The said representative of the manufacturers, importers, and wholesalers division shall sign the multiple-copy receiving and disposition report in the applicable section, indicating his receipt of the samples)) The liquor board chemist shall distribute the signed multiple-copy receiving report as follows: The original to the liquor board controller in Olympia, one copy to the manufacturers, importers, and wholesalers division in Olympia, and one copy to be retained by the liquor

board chemist at the Washington state dairy and food laboratory.

(f) ((The general manager of the distribution center, or his designee, shall distribute the signed multiple-copies of the receiving and disposition report as follows: The original and three copies to the manufacturers, importers, and wholesalers division in Seattle, one copy to the general manager of the distribution center, and one copy to the liquor board controller in Olympia.

(g) A representative of the manufacturers, importers, and wholesalers division shall deliver the original and remaining copies of the receiving and disposition reports, with the applicable samples, to the Washington State Food and Drug Laboratory, University of Washington, for chemical analysis and report as provided in WAC 314-64-030.

(h) A representative of the Washington State Food and Drug Laboratory shall sign the receiving and disposition reports in the applicable sections, indicating receipt of the samples at the laboratory.

(i) A representative of the manufacturers, importers, and wholesalers division shall distribute the signed receiving and disposition reports as follows: The original to the liquor control board controller in Olympia, one copy to the representative of the Washington State Food and Drug Laboratory, one copy to the manufacturers, importers, and wholesalers division in Olympia, and one copy to be retained by the manufacturers, importers, and wholesalers division in Seattle.

(j)) The liquor control board controller in Olympia shall maintain the official copies of the receiving ((and disposition)) reports and the chemical analysis reports((; and, where applicable, the destruction notices)).

(2) Malt liquor, wine or spirits submitted to the board for the purpose of negotiating the sale of liquor to the board.

(a) Upon receipt of the samples by the liquor purchasing agent in Olympia, the liquor purchasing agent, or his designee, shall prepare a multiple-copy receiving and disposition report for said samples, clearly identifying them as "samples for the purpose of negotiating the sale of liquor to the board."

(b) If more than the amount authorized in WAC 314-64-040 is received, the liquor purchasing agent, or his designee, shall prepare a separate receiving report for the excess samples and dispose of them as provided in WAC 314-64-040(7).

(c) The liquor purchasing agent, or his designee, shall sign the multiple-copy receiving and disposition report in the applicable section, indicating his receipt of the samples.

(d) The liquor purchasing agent, or his designee, shall distribute the signed multiple-copies of the receiving and disposition reports as follows: The original to be retained by the liquor purchasing agent, one copy to each member of the board, and one copy to the liquor control board controller.

(e) The purchasing agent, or his designee, shall provide an analysis report form, as required in WAC 314-64-040(6) for each sample. The receiving and disposition reports and analysis report forms shall be numbered consecutively, and shall correspond one with the other.

(f) The liquor purchasing agent shall deliver a copy of the receiving and disposition report and the analysis report forms with the samples, to members of the board, or their designees, and/or to the liquor purchasing agent, or his designee, for examination, testing and reporting as provided in WAC 314-64-040 (4), (5) and (6).

(g) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall sign the receiving and disposition report in the applicable section, indicating receipt of the samples.

(h) The purchasing agent shall distribute the signed receiving and disposition report as follows: The original to the member of the board, or his designee, or the liquor purchasing agent, or his designee, to whom the sample was delivered; one copy to the liquor control board controller, and one copy to be retained by the liquor purchasing agent.

(i) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall examine, test and report on the sample, as provided in WAC 314-64-040 (4), (5), and (6), complete the analysis report form, and distribute the form as follows: The original to the liquor purchasing agent, one copy to the liquor control board controller, and one copy to be retained by the member of the board, or his designee, and/or the liquor purchasing agent, or his designee who examined and tested the sample.

(j) The liquor control board controller shall maintain the official copies of the receiving and disposition reports, together with the matching analysis report forms, and, where applicable, the destruction notices.

WSR 88-14-002

PROPOSED RULES

DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking)

[Filed June 23, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Banking, Department of General Administration, intends to adopt, amend, or repeal rules concerning contents of statement to borrower, amending WAC 50-20-040; and restrictions as to charges, amending WAC 50-20-050.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 9, 1988.

The authority under which these rules are proposed is RCW 31.04.150(2).

The specific statute these rules are intended to implement is chapter 31.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: June 23, 1988
By: Thomas H. Oldfield
Supervisor of Banking

STATEMENT OF PURPOSE

Title: Contents of statement to borrower and restrictions as to charges.

Description of Purpose: Adopting regulations to implement statutory amendments passed by 1988 legislature and to clarify disclosure of interest rate.

Statutory Authority: RCW 31.04.150(2).

Specific Statute Rule is Intended to Implement: Chapter 31.04 RCW.

Summary of Rule: Amends regulation regarding disclosure of interest rate; and amends section regarding restrictions of charges to conform to statutory amendments regarding fees to public officials, investigation fees, appraisal fees, interest refunds, and title insurance premiums.

Reasons Supporting Proposed Action: The amendatory regulations are necessary to implement the amendments to the Industrial Loan Company Act passed by the 1988 legislature.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Thomas H. Oldfield, Supervisor of Banking.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Division of Banking, Department of General Administration, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The division recommends adoption of the regulations as promulgated.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: Not necessary for court action.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 5, filed 12/4/69)

WAC 50-20-040 CONTENTS OF STATEMENT TO BORROWER. (1) The company shall deliver to the borrower at the time any loan is made, a statement which shall disclose in clear and distinct terms the following information:

- (a) The name and address of the industrial loan company.
- (b) The name and address of the borrower.
- (c) The number and date of the loan.
- (d) The total amount of the loan.
- (e) List of ((statutory deductions from the face amount of the note)) charges, including:

(i) Interest((=discount,)) rate and amount. This shall be disclosed both as (A) the Annual Percentage Rate (APR) as defined in Regulation Z, 12 CFR 226, and (B) the simple interest rate, which is the single nominal annual percentage rate which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments agreed to by the borrower and calculations were made according to the actuarial method. For purposes of this calculation only, the original principal amount of a discount interest loan shall be deemed to be the amount of the total note less the interest deducted in advance.

- (ii) Investigation fee.
- (iii) Filing and releasing fee.
- (iv) Title insurance premium.
- (v) Appraisal fee.

(f) Date of maturity of the loan.

(g) Rate of interest after original maturity date.

(h) Description of the security, if any, including adequate description of the investment certificate.

(i) Agreement to permit payment in full before maturity. Refund of unearned interest shall be made in accordance with WAC 50-20-050(5).

(j) Amount and date of installment investment certificate.

(k) The terms of payment of the investment certificate, showing due dates and amount of installments.

(l) Penalty for payments which are delinquent one week or more.

(m) Service fees, if any.

(n) Any other requirements imposed by Regulation Z. (Titles I and V of Consumer Credit Protection Act, P.L. 90-321, 82 Stat. 146 1/5 U.S.C. 1601-1665.)

(2) Sufficient information must be maintained in the companies' files to show compliance with state and federal law.

AMENDATORY SECTION (Amending Order 63, filed 9/13/85)

WAC 50-20-050 RESTRICTIONS AS TO CHARGES. (1) No company shall charge the borrower for notarial fees.

(2) No industrial loan company shall require the purchasing of property insurance from the company or any employee, affiliate or associate of the company or from any agent, broker, or insurance company designated by the company as a condition precedent to the making of a loan nor shall any company decline existing insurance which meets or exceeds the standards set forth in this section.

A company may provide insurance on the life and disability of one borrower and on the life of the spouse of the borrower if both are obligors, provided that such insurance coverage shall not exceed the approximate unpaid balance of the total amount repayable under contract of indebtedness scheduled to be outstanding. The premium or cost for all such insurance when written pursuant to the Washington insurance code and regulations issued thereunder, shall not be deemed interest, charges or consideration in connection with the loan transaction and any gain or advantage to the lender arising out of the premium or cost of the insurance or from its sale shall not be a violation of any provision of chapter 31.04 RCW. The amount of the premium or cost of such insurance may be included in the original loan amount and may be paid from the proceeds of the loan.

If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, the credit life and/or accident and health insurance coverage shall be cancelled and a portion of the charge made for such insurance shall be rebated as provided by the Washington insurance code and regulations issued thereunder.

(3) No company shall ~~((make any))~~ charge to or collect from the customer any funds for the cost of filing, recording ~~((or))~~, releasing, or reconveyance of mortgages, deeds of trust, security agreements, or other ~~((instruments))~~ documents, or for transferring title certificates to ~~((automobiles unless such charges are or are in fact to be paid out by the company to the proper officials for such filing, recording, transferring or releasing thereof))~~ vehicles, or for any other fees paid or to be paid to public officials, unless such charges are paid or are to be paid within ten days by the company to public officials or other third parties for such filing, recording, transferring, releasing, or reconveyance thereof. Fees for releasing or reconveying security for the obligation owed to the company may be charged and collected at the time of final payment of the loan.

(4) In the event a company makes a new loan where any part of the proceeds is used to pay the amount due it on an existing loan within four months from date of ~~((the))~~ origination or of the most recent advance upon an existing loan, no charge for investigation fee shall be permitted, unless the investigation fee on the existing loan is refunded.

(5) No industrial loan company may charge and collect an annual fee in excess of eighteen dollars payable each year in advance for the privilege of opening and maintaining an open-end loan account.

(6) No industrial loan company may charge ~~((and))~~ or collect an appraisal fee incurred or to be incurred in appraising security offered by the borrower in excess of the actual costs paid or to be paid to an independent third party professional appraiser. ~~((No))~~ Such charge may be made or collected from the borrower for costs of an appraisal at the time of application for the loan or at any time thereafter except as prohibited herein. If the appraisal fee is not collected at the time of application, the customer shall be advised of the amount of that fee at the time of application. If the loan application is rejected by the company, or if the appraisal is inadequate to meet reasonable appraisal requirements for comparable loans from other lending institutions, the company must refund to the borrower any appraisal fee already collected.

(7) Any note which is prepaid in full by cash, a new loan, refinancing, or otherwise before the final due date, the unearned portion of the

interest shall be refunded using the sum of the digits method commonly known as the "Rule of 78's."

PROVIDED, HOWEVER, That in the case of any loan originally scheduled to be repaid in ~~((sixty-one))~~ thirty-seven months or more which is secured by an investment certificate, the refund of the unearned portion of the interest shall be computed as follows: Interest shall be considered earned at the single nominal annual percentage rate which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments due on the certificate and calculations were made according to the actuarial method. Interest earned so calculated up to the scheduled due date nearest the date of prepayment shall be subtracted from the original amount of interest included in the note and the balance of such interest shall be refunded.

For purposes of this calculation only, the original principal amount of the loan shall be deemed to be the amount of the total note less the interest deducted in advance. Actuarial method means the method of allocating payments made between principal and interest whereby a payment is applied first to the interest accumulated to date and the remainder then applied to the unpaid principal amount. In computing an actuarial refund, the lender may round the single annual percentage rate used to the nearest quarter of one percent.

In computing any required refund, any prepayment made on or before the fifteenth day following the scheduled payment date on the investment certificate shall be deemed to have been made on the payment date preceding such prepayment. In the case of prepayment prior to the first installment date, the company may retain an amount not to exceed 1/30 of the first month's interest charge for each date between the origination date of the loan and the actual date of prepayment.

(8) The maximum amount which may be charged as an investigation fee is two percent of the loan proceeds advanced to or for the direct benefit of the borrower. For a closed-end loan, this means two percent of the "amount financed" disclosed to the borrower pursuant to the federal Truth-in-Lending Act. For an open-end loan, this means two percent of the line of credit established for the borrower under the open-end loan account, not including any "prepaid finance charge". In an open-end loan, the investigation fee shall be collected as funds are actually advanced from time to time to the borrower, but in no event shall the amount so collected in connection with an advance exceed two percent of the amount advanced or, in the aggregate, exceed two percent of the maximum line of credit established for the borrower, less any "prepaid finance charge".

(9) A company may agree with the borrower for the payment by the borrower of the fees charged by a title company in connection with title insurance required by the company in connection with a loan. The borrower has the right to select the person or company by or through whom such title insurance will be offered, subject to the company's reasonable conditions, such as the type of coverage or endorsements, or financial soundness and proper licensing of the company to do business in the state of Washington. The company may select the person or company by or through whom such title insurance will be offered if the borrower does not do so within a reasonable time before the loan transaction is consummated.

WSR 88-14-003

EXECUTIVE ORDER

OFFICE OF THE GOVERNOR

[EO 88-04]

ESTABLISHING MOTOR VEHICLE ADVISORY COMMITTEE AND OFFICE OF MOTOR VEHICLE SERVICES

Uniform practices in managing all Washington State motor vehicles can achieve reduced operating costs and enhanced services to agencies and state employees. As determined by the Commission for Efficiency and Accountability in Government, some agencies have established efficient management systems. Other agencies

could greatly benefit from improved management controls over vehicle operations and disposition. As a result, these agencies should be able to accurately identify vehicle inventories, realize decreased operating costs, and improve vehicle utilization. Agencies should be able to also demonstrate increased accountability for fuel and avoid adverse environmental impacts and penalties, and their employees may experience fewer accidents.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby establish the Washington State Motor Vehicle Advisory Committee and the Office of Motor Vehicle Services as follows:

A. MOTOR VEHICLE ADVISORY COMMITTEE

1. The Committee shall be composed of not more than 11 members appointed by the Governor representing agency vehicle owners and users, and the private sector. The chair will be appointed by the Governor. Representation shall include, but not be limited to: Departments of Transportation, General Administration, Natural Resources, and State Parks and Recreation; Washington State Patrol; a representative of the state university system and a community college representative; an agency that uses but does not own vehicles; and a private sector representative knowledgeable in fleet management.
2. The primary mission of the Committee is to develop and recommend policies pertaining to the management of state agency motor vehicle operations including but not limited to: establishing requirements for a uniform motor vehicle data base reflecting operating costs and utilization of all state vehicles; providing periodic management reports; modernizing and enhancing management standards for state fuel facilities; establishing training requirements for state agency motor pool managers; and developing other programs that contribute to improved safety, service and efficiency in state motor vehicle operations.
3. The Committee will commence its activities no later than August 1, 1988. A simple majority of the Committee shall constitute a quorum, and a majority of those present may approve Committee action.
4. Members shall be reimbursed for travel expenses for attendance at meetings. Private sector member travel expenses will be reimbursed by the Office of Motor Vehicle Services and will be limited to the amount reimbursable under current state travel regulations.

B. OFFICE OF MOTOR VEHICLE SERVICES

1. The Office of Motor Vehicle Services (OMVS) will be composed of no more than four full-time paid staff. Funding for OMVS operations will be derived from a per vehicle agency assessment on vehicles under 10,000 G.V.W. OMVS will function as an organizational unit reporting within the Office of Financial Management (OFM).
2. The primary mission of this office is to assist in the development, coordination and implementation of motor vehicle policies, procedures and regulations recommended by the Committee governing: maintenance of a state motor vehicle data base; preparation of periodic motor vehicle management reports; accountability and responsibility for all fuel and fuel sites; training programs for state motor vehicle managers and operators; and implementation of other programs that contribute to the safety, service or efficiency of state motor vehicle operations.
3. This office will commence operation no later than September 1, 1988.

This Executive Order shall take effect July 1, 1988 and continue in effect unless modified by further Executive Order or action of the Legislature.

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
21st day of June, A.D.,
nineteen hundred and
eighty-eight.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Assistant Secretary of State

WSR 88-14-004
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-37—Filed June 23, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial 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 rules are adopted at the recommendation of the Columbia River Compact.

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 June 23, 1988.

By Judith Freeman
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-03000R COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-022, WAC 220-32-030, WAC 220-32-031, WAC 220-32-031, WAC 220-32-040 and WAC 220-32-041, it is unlawful for a person to take or possess salmon, sturgeon, or shad 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:

(a) Areas 1A, 1B and those waters of Area 1C downstream from the Longview Bridge – open 6:00 p.m. June 23 to 6:00 a.m. June 25, 1988.

Those waters of Areas 1D and 1E upstream of a line projected true north and south through the Washougal blinker light (light "50" flashing red) to the Washington and Oregon shores and downstream and westerly of a line projected across the Columbia River at a point 5 miles below Bonneville Dam – open 6:00 p.m. June 23 to 6:00 a.m. June 25, 1988.

(b) Lawful gear is restricted to single wall floating gill nets with a 4-1/2 inch maximum mesh.

(c) It is lawful to sell only sockeye salmon, shad, sturgeon of lawful commercial size, and chinook less than or equal to 24 inches in length taken in this fishery.

(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 lying within one-quarter mile of the Washington shore.

(d) Lewis River – those waters between points one mile downstream and one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore.

(e) Elokom River – those waters of Elokom 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 northly and easterly of a line between flashing light "33" on Price Island to quick flashing green light "31" on the Washington shore.

(f) 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.

(g) 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.

(h) 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 spelling error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03000Q COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (88-35)

NEW SECTION

WAC 220-32-05100C COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, effective immediately, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may:

(a) fish from 12:00 noon June 22 to 6:00 p.m. June 25, 1988, and from 6:00 a.m. June 27 to 6:00 p.m. June 29, 1988.

(b) only use gill net gear with a 4-1/2 inch maximum mesh size.

(c) sell sockeye salmon, shad, sturgeon and chinook salmon less than or equal to 24 inches in length taken in

this fishery. Chinook salmon greater than 24 inches in length may be sold beginning 6:00 a.m. June 27, 1988.

(2) During the seasons specified in subsection 1, it is unlawful:

(a) To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.

(b) To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.

(c) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300

(3) Notwithstanding the provisions of WAC 220-32-058, 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 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) 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.

(g) 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.

(h) 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.

(4) 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

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.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100B COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (88-35)

WSR 88-14-005

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed June 24, 1988]

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

Amd	WAC 458-20-240	Manufacturers, tax credits.
Amd	WAC 458-20-24001	Sales and use tax deferral—Manufacturing and research/development facilities in distressed areas. Manufacturers, tax credits.
Amd	WAC 458-20-24002	Sales and use tax deferral—New manufacturing and research/development facilities.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 16, 1988.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.62.010 through 82.62.040, 82.60.010 through 82.60.060 and 82.61.010 through 82.61.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: June 24, 1988

By: Greg Pierce
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 458-20-240 Manufacturers, tax credits.
Description of Purpose: To implement the provisions of chapters 41 and 42, Laws of 1988 (SHB 1450 and

SHB 1835), effective June 9, 1988, and March 15, 1988, respectively. The first of these bills simply extends the termination date of the manufacturers' B&O tax credits program from July 1, 1988, as originally scheduled, until July 1, 1994. The second bill provides for this same tax credit program to be extended to metropolitan statistical areas, as expressly defined in the bill. The purpose is to provide tax incentives and economic relief to cities such as those in the Tri-Cities area of Pasco-Kennewick-Richland which are adversely affected by federal program reductions.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.62.010 through 82.62.040.

Reasons Supporting Proposed Action: Amendments to this rule are proposed for adoption without the necessity for public hearing because the changes in the law are of a nonsubstantive nature, merely extending an existing tax credits program for a 6 year longer period and expressly including certain metropolitan areas as being eligible for tax benefits already available in eligible counties. The substantive tax provisions and benefits administered by this rule are otherwise unchanged. The rule amendments simply incorporate statutory provisions without interpretation and add no administrative burdens. Thus, public hearing is not appropriate, requested, or scheduled.

Title: WAC 458-20-24001 Sales and use tax deferral—Manufacturing and research/development facilities in distressed areas. Manufacturers, tax credits.

Description of Purpose: To implement the provisions of chapters 41 and 42, Laws of 1988 (SHB 1450 and SHB 1835), effective June 9, 1988, and March 15, 1988, respectively. The first of these bills simply extends the termination date of the manufacturers' B&O tax deferral program from July 1, 1988, as originally scheduled, until July 1, 1994. The second bill provides for this same tax deferral program to be extended to metropolitan statistical areas, as expressly defined in the bill. The purpose is to provide tax incentives and economic relief to cities such as those in the Tri-Cities area of Pasco-Kennewick-Richland which are adversely affected by federal program reductions.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.60.010 through 82.60.050.

Reasons Supporting Proposed Action: Amendments to this rule are proposed for adoption without the necessity for public hearing because the changes in the law are of a nonsubstantive nature, merely extending an existing tax deferral program for a 3 year longer period and expressly including certain metropolitan areas as being eligible for tax benefits already available in eligible counties. The substantive tax provisions and benefits administered by this rule are otherwise unchanged. The rule amendments simply incorporate statutory provisions without interpretation and add no administrative burdens. Thus, public hearing is not appropriate, requested, or scheduled.

Title: WAC 458-20-24002 Sales and use tax deferral—New manufacturing and research/development facilities.

Description of Purpose: To implement the provisions of chapter 41, Laws of 1988 (SHB 1450) to extend the termination date of the existing tax deferral program from July 1, 1988, to July 1, 1994, and eliminate the requirement for concurrence waivers by the department of trade and economic development.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.61.010 through 82.61.040.

Reasons Supporting Proposed Action: Amendments to this rule are proposed for adoption without the necessity for public hearing because the changes in the law are of a nonsubstantive nature, merely extending an existing tax deferral program for a 6 year longer period and expressly including certain metropolitan areas as being eligible for tax benefits already available in eligible counties. The substantive tax provisions and benefits administered by this rule are otherwise unchanged. The rule amendments simply incorporate statutory provisions without interpretation and add no administrative burdens. Thus, public hearing is not appropriate, requested, or scheduled.

Agency Personnel Responsible for Drafting and Implementation: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

AMENDATORY SECTION (Amending Order ET 87-5, filed 9/8/87)

WAC 458-20-240 MANUFACTURERS, TAX CREDITS. (1) Introduction. 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:

(i) 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.

(ii) A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application for credit is filed exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection shall be filed by April 30, 1989.

(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))~~ Except as noted below, the credit application and approval provisions of this program will expire on July 1, ~~((1988))~~ 1994. However, credits which become available under approved applications may be used after July 1, ~~((1988))~~ 1994, as actual hiring is done. No applications submitted by metropolitan statistical areas as defined in subsection (3)(c)(ii) of this section will be accepted after April 30, 1989.

(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 87-6, filed 9/22/87)

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:

(i) 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; ((f)) or

(ii) A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection shall be filed by April 30, 1989. For the purpose of (f)(i) of this subsection, 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 under this subsection 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 plant complex, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing plant complex prior to the initiation of 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. However, any application by a metropolitan statistical area defined as an "eligible area" in subsection (3)(f)(ii) of this section must be filed by April 30, 1989. 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, ~~((+99+)) 1994~~ nor will sales or use tax deferral certificates be issued on or after July 1, ~~((+99+)) 1994~~. See subsection (4) of this section for application deadline for any metropolitan statistical area. 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.

AMENDATORY SECTION (Amending Order ET 87-5, filed 9/8/87)

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)) 1994; 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 ((rate)) section.

(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 ((rate)) 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".

(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)) 1994. (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 ((rate)) section.

(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)) section.

(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, ((+988)) 1994. 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, ((+988)) 1994, nor will sales or use tax deferral certificates be issued after August 29, ((+988)) 1994. 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, ((+988)) 1994.

(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)) 1995.

(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 88-14-006

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 24, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning fees, new section WAC 308-195-110;

that the agency will at 0900 a.m., Monday, August 15, 1988, in the Quince Building Exam Room, 1300 Quince Street, 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 43.24.086.

The specific statute these rules are intended to implement is RCW 43.24.086.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1988.

Dated: June 24, 1988

By: Robert Van Schoorl
Assistant Director

STATEMENT OF PURPOSE

Name of Agency: State of Washington Department of Licensing.

Title: New section WAC 308-195-110 Fees.

Description of Purpose: To set fees necessary to implement program as set forth by the legislature.

Statutory Authority: RCW 43.24.086.

Summary of Rules: Fee schedule as determined by the director of the Department of Licensing which are necessary to implement and fund chapter 18.89 RCW, Respiratory care practitioners.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Robert Van Schoorl, Assistant Director, Business and Professions Administration, P.O. Box 9012, Olympia, Washington 98504-8001, phone (206) 753-2241 or 234-2241 scan; and Arlene Robertson, Program Manager, Business and Professions Administration, P.O. Box 9012, Olympia, Washington 98504-8001, phone (206) 753-3129 or 234-3129 scan.

Proponents: The state of Washington Department of Licensing and the Advisory Respiratory Care Practitioner Committee.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required since this rule does not impact small businesses as that term is defined by RCW 19.85.020.

NEW SECTION

WAC 308-195-110 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	\$ 85.00
Examination Application	110.00
Examination Retake	25.00
Duplicate License	15.00
Verification/Certification	25.00
Renewal	100.00
Late Renewal Penalty	50.00

WSR 88-14-007
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Registration for Architects)
 [Filed June 24, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Architects intends to adopt, amend, or repeal rules concerning registration examination, amending WAC 308-12-031;

that the agency will at 9:00 a.m., Friday, August 12, 1988, in the Hampton Room, The Ferryman's Inn, Best Western Hotel, 7901 N.E. 6th Avenue, Vancouver, WA 98665, 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 18.08.340.

The specific statute these rules are intended to implement is RCW 18.08.360.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 1, 1988.

Dated: June 24, 1988
 By: Sydney W. Beckett
 Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: State of Washington Board of Registration for Architects.

Purpose/Summary of Rule: WAC 308-12-031 is amended to clarify the responsibilities of the department and the board, delete out-of-date examination description, and supersede previous examination procedures with current policy.

Statutory Authority: RCW 18.08.340 and 18.08.360.

Reason Proposed: This amendment deletes out-of-date procedural guidance and adds current department and board responsibilities concerning the registration examination. The dates and frequency of the examination are superseded with current information.

Responsible Personnel: Members of the board who have knowledge of and responsibility for drafting, implementing and enforcing these rules are the members of the board who include: Larry Erickson, Vaughn Lein, Benjamin Woo, Edward Cushman, George Nachtsheim and Roger Rue. In addition to the above mentioned board members, the following personnel of the Department of Licensing have responsibility for implementing and enforcing these rules: Sydney Beckett, Executive Secretary of the Board; and James Hanson, Assistant Executive Secretary for the Board, P.O. Box 9012,

Olympia, Washington 98504-8001, phone (206) 753-6967 and 234-6967 scan.

AMENDATORY SECTION (Amending Order PM 694, filed 12/11/87)

WAC 308-12-031 REGISTRATION EXAMINATION. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.360 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered ~~((in June of each year))~~ at ~~((a))~~ times and ~~location~~~~((t))s~~~~((s))~~ the board determines appropriate.

The board adopts the architectural registration examination and grading procedures prepared by the National Council of Architectural Registration Boards as the written portion of the examination. The written examination includes computerized versions.

~~(((1)) The written examination: The "architectural registration examination" is divided into nine divisions. The examinees are tested on their ability to exercise value judgments in actual architectural practice situations. The examination covers the following:~~

TITLE	SUBJECT	HOURS ALLOWED
Division A	Pre-design	3
Division B	Site design	3 1/2
Division C	Building design	12
Division D/F	Structural technology general and long span	3
Division E	Structural lateral forces	1 1/2
Division G	Mechanical, plumbing, electrical and life safety systems	2 1/2
Division H	Materials and methods	2 1/2
Division I	Construction documents and services	3 1/2

(1) The director shall publish an information guide concerning examination content, locations, and schedules.

(2) To pass the written examination, an applicant must achieve a passing grade on each division.

(3) All nine divisions of the architects registration examination must be taken on the first attempt. On subsequent attempts, examinees may retake any divisions not passed on previous attempts.

(4) The oral examination is given upon the applicant's completion of the written examination.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.

The oral examination may be conducted by the full board or by an architect member of the board. The board may waive the full board examination if the examining board member deems the applicant prepared for registration. If such waiver is not granted or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

The board may waive the entire oral examination based upon certification by the National Council of Architectural Registration Boards of successful completion of the intern development program. Applicants may submit the "Green Cover" IDP certificate in lieu of the exhibit checklist which is required for the oral examination. This waiver of oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.

The examinee will be required to retake the entire examination if all portions of the written and oral examination ~~(((f)))~~ are not successfully completed as per RCW 18.08.360. The five-year period shall begin to run effective with the date on which the examinee first takes the examination. If the examinee does not successfully pass all portions of the written and oral examination, within five years from the date he or she first took the examination, he or she shall lose credit for all portions of the examination previously passed, and a new five-year period

shall begin on the date on which the examinee begins to retake the examination.

WSR 88-14-008
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order PM 741—Filed June 24, 1988]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the fees associated with the licensing or certification of respiratory care practitioners.

I, Theresa Anna Aragon, 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 for the implementation and funding of chapter 18.89 RCW.

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

This rule is promulgated pursuant to RCW 43.24.086 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 June 24, 1988.

By Robert Van Schoorl
 Assistant Director

NEW SECTION

WAC 308-195-110 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<i>Title of Fee</i>	<i>Fee</i>
<i>Application</i>	<i>\$ 85.00</i>
<i>Examination Application</i>	<i>110.00</i>
<i>Examination Retake</i>	<i>25.00</i>
<i>Duplicate License</i>	<i>15.00</i>
<i>Verification/Certification</i>	<i>25.00</i>
<i>Renewal</i>	<i>100.00</i>
<i>Late Renewal Penalty</i>	<i>50.00</i>

WSR 88-14-009
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order PM 742—Filed June 24, 1988]

I, Robert A. Van Schoorl, assistant director of Business and Professions Administration, Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to naturopathy; new sections WAC 308-34-110, 308-34-120, 308-34-

130, 308-34-140, 308-34-150, 308-34-160, 308-34-170, 308-34-180 and 308-34-190.

This action is taken pursuant to Notice No. WSR 88-11-090 filed with the code reviser on May 18, 1988. 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 18.36A-.060 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 18.36A 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 June 24, 1988.

By Robert Van Schoorl
 Assistant Director
 Business and
 Professions Administration

NEW SECTION

WAC 308-34-110 ELIGIBILITY FOR LICENSURE EXAMINATION. (1) Graduates holding a degree/diploma from a college of naturopathic medicine approved by Washington State Department of Licensing shall be eligible to take the examination, provided all other requirements of RCW 18.36A.090 are met.

(2) All applicants shall file with the department a completed application, with the required fee, at least 60 days prior to the exam.

(3) Applicants shall request that the college of naturopathic medicine send official transcripts directly to the department.

(4) Applicants who have filed the required applications, whose official transcript has been received by the department, and who meet all qualifications shall be notified of their eligibility, and only such applicants will be admitted to the exam.

NEW SECTION

WAC 308-34-120 LICENSURE EXAMINATION. (1) The licensure examination shall consist of the following components and tests:

(a) Basic science component which may include but not be limited to tests in the following subjects: pathology, anatomy, physiology, microbiology and biochemistry.

(b) Clinical science component which may include but not be limited to tests in the following subjects: physical diagnosis; nutrition; physical medicine; botanical medicines and toxicology; psychological and lifestyle counseling; emergency medicine, basic skills and public health; lab and x-ray diagnosis.

(c) Law of the state and administrative regulations as they relate to the practice of naturopathic medicine.

(d) The department, at its discretion, may require tests in other subjects. Candidates will receive information concerning additional tests prior to the examination.

(2) Candidates may take the basic science component of the exam after two years of training. A candidate who

has achieved a passing score on the basic science component after two years of training must achieve a passing score on the clinical science component and the state law test within twenty-seven (27) months after graduation; otherwise, the candidate's basic science component exam results will be null and void and the candidate must again take the basic science component of the exam. All exam candidates are required to obtain a passing score on all tests before a license is issued. A candidate who takes the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

(3) Examinations shall be conducted twice a year.

(4) The minimum passing score for each test in the examination is seventy-five.

NEW SECTION

WAC 308-34-130 RELEASE OF EXAMINATION RESULTS. (1) Candidates shall be notified of examination results by mail only.

(2) Candidates who successfully complete all components and tests of the examination shall receive a license to practice as a naturopathic physician provided all other requirements are met.

(3) Candidates who fail any test in the examination shall be so notified and shall be sent an application to retake the examination.

(4) A candidate's examination scores shall be released only to the candidate unless the candidate has requested, in writing, that the examination scores also be released to a specific school, individual, or entity.

NEW SECTION

WAC 308-34-140 REEXAMINATIONS. (1) A candidate wishing to retake the examination or any portion thereof must file with the department the required reexamination fees and an application to retake the examination at least sixty days before the administration of the exam.

(2) A candidate must retake the entire basic science component if he or she failed to achieve a passing score in three or more basic science tests. A candidate must retake the entire clinical science component if he or she failed to achieve a passing score in four or more clinical science tests. A candidate must retake any test(s) for which the candidate failed to achieve a passing score.

(3) A candidate who failed to achieve a passing score in three or more basic science tests and/or four or more clinical science tests must achieve a passing score on those tests within the next two administrations of the examination. A candidate who does not achieve a passing score within those next two administrations of the exam will be required to retake the entire component.

(4) A candidate must achieve passing scores on all tests in the entire exam within a twenty-seven month period; otherwise the candidate's exam results are null and void and the candidate must retake the entire exam.

Provided: WAC 308-34-120(2) shall apply to a candidate who took the basic science component of the exam after two years in training.

(5) A candidate is required to pay a reexamination fee to retake the exam or any portion thereof.

(6) A candidate who took the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

NEW SECTION

WAC 308-34-150 EXAMINATION APPEALS.

(1) Any candidate who takes the licensure examination and does not pass may request informal review of his or her examination results. This request must be in writing and must be received by the department within thirty (30) days of the date of service of notification of the examination results. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the Department of Licensing office in Olympia for an appointment to appear personally to review questions answered incorrectly and the incorrect answers on the written portion of failed examination.

(b) The candidate will be provided a form to complete in the Department of Licensing office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the department.

(e) The candidate may not bring in notes, texts, or resource material for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The department will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before an administrative law judge. The hearing will be conducted pursuant to the administrative procedures act. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order. Such written request for hearing must

be received by the Department of Licensing within twenty (20) days of the date of service of the result of the department's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

- (a) The simplification of issues;
- (b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;
- (c) The possibility of obtaining stipulations, admission of facts and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and,
- (f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty (20) days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order.

NEW SECTION

WAC 308-34-160 RENEWAL OF LICENSES.

(1) The license renewal date shall coincide with the licensee's birthdate.

(2) Licensees may renew their licenses at the annual renewal fee rate, for one year, from birth date to next birth date.

(3) The late renewal penalty provision will be applied as follows: Before the expiration date of the individual's license, the director shall mail the licensee a notice for renewal of license. The licensee must return such renewal notice, and proof of having met continuing educational requirements, along with current renewal fees prior to the expiration of said license. Failure of any licensee to

receive such notice for renewal shall not relieve or exempt such licensee from the requirements of license renewal by the licensee's birthdate. Should the licensee fail to renew his or her license prior to the expiration date, he or she is subject to the late renewal penalty fee.

(4) Any licensee failing to renew his or her license within one year from expiration must reapply for licensing in accordance with the section of this chapter pertaining to license reinstatement.

(5) Failure to renew a license shall invalidate the license and all privileges granted by the license.

(6) A licensee's annual renewal fees may be prorated during the transition period while renewal dates are changed to coincide with the licensee's birthdate.

NEW SECTION

WAC 308-34-170 NATUROPATHIC PHYSICIAN LICENSING FEES. (1) The following fees are payable to the Department of Licensing.

Title of fee	Amount
Application/Examination/Reexamination	\$275
License Renewal	250
Late Renewal Penalty	175
Duplicate License	15
Certification	25

(2) Fees submitted to and processed by the department are nonrefundable.

NEW SECTION

WAC 308-34-180 CONTINUING COMPETENCY PROGRAM. (1) Beginning with license renewal dates after July 31, 1989, each naturopathic physician licensed under these rules shall complete 20 hours of continuing education each year in courses approved by the director. Prior approval of courses shall be available by application to the director. Only courses in diagnosis and therapeutics as listed in RCW 18.36A.040 shall be eligible for credit.

(2) Along with the license renewal form and fee for license renewal dates after July 31, 1989, the licensee shall submit a completed sworn certification, on a form to be provided by the department, of completion of the twenty hours of continuing education. Failure to submit the sworn certification will result in nonrenewal of the license.

(3) It is the responsibility of the licensee to maintain appropriate records or evidence of compliance with the continuing education requirement. The department may, in its discretion require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements.

(4) A material false statement on the sworn certification, or failure to provide proof of completion of continuing education requirements when proof is required in the department's discretion, is grounds for disciplinary action, including but not limited to, suspension, revocation, or nonrenewal of the license.

(5) Continuing education hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(6) In emergency situations, such as personal or family illness, the department may in its discretion, for good cause shown, waive all or part of the continuing education requirement for a particular one year period for an individual licensee. The department may require such verification of the emergency as is necessary to prove its existence.

NEW SECTION

WAC 308-34-190 LICENSE REINSTATEMENT. (1) Any naturopathic physician whose license has expired must pay the current application fee and penalty fee, if applicable, and apply for reinstatement on an application form provided by the department. The application shall include an explanation for the license lapse and a chronology of the applicant's professional activities since last renewal.

(2) Any licensee who has been out of active practice for one year or more or has allowed his or her license to lapse for a period of three years or more, may, at the discretion of the director, be required to pass the licensing examination in order to determine the applicant's fitness to practice naturopathic medicine.

(3) In all cases, any person seeking to reinstate a license which has lapsed for one year or more must present satisfactory evidence of having completed at least twenty hours of approved continuing education for each year since his or her license expired, lapsed, or otherwise was not current and valid.

**WSR 88-14-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-38—Filed June 24, 1988]**

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington 98504, 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 chinook salmon are available to allow for additional recreational opportunity.

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 June 24, 1988.

By Sally J. Hicks
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-31500J KLICKITAT RIVER. Notwithstanding the provisions of WAC 220-57-315, effective 12:01 a.m. June 25, 1988 until further notice, Bag Limit A in those waters downstream from fishing boundary markers 400 feet below the barrier dam at Klickitat River Salmon Hatchery to a point 400 feet above the No. 5 fishway.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31500I KLICKITAT RIVER (88-27)

**WSR 88-14-011
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 88-13—Filed June 24, 1988]**

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 296-14-300 Mental conditions/mental disabilities.
- New WAC 296-14-350 Claim allowance and wage determination in occupational disease cases.
- New WAC 296-14-400 Reopenings for benefits.
- New WAC 296-14-600 Payment of benefits on asbestos-related disease claims.
- Amd WAC 296-18A-450 Vocational rehabilitation plan.
- Amd WAC 296-18A-520 Job modification assistance.

Summary of changes from CR-1 to CR-7: WAC 296-14-400, the title claim reopenings has been changed to reopenings for benefits; and WAC 296-14-600, the title payment of benefits on asbestosis claims has been changed to payment of benefits on asbestos-related disease claims.

This action is taken pursuant to Notice No. WSR 88-09-071 filed with the code reviser on April 20, 1988. 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 51.08 and 51.32 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 June 24, 1988.

By Joseph A. Dear
Director

NEW SECTION

WAC 296-14-300 MENTAL CONDITION/MENTAL DISABILITIES. (1) Claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of an occupational disease in RCW 51.08.140.

Examples of mental conditions or mental disabilities caused by stress that do not fall within occupational disease shall include, but are not limited to, those conditions and disabilities resulting from:

- (a) Change of employment duties;
- (b) Conflicts with a supervisor;
- (c) Actual or perceived threat of loss of a job, demotion, or disciplinary action;
- (d) Relationships with supervisors, coworkers, or the public;
- (e) Specific or general job dissatisfaction;
- (f) Work load pressures;
- (g) Subjective perceptions of employment conditions or environment;
- (h) Loss of job or demotion for whatever reason;
- (i) Fear of exposure to chemicals, radiation biohazards, or other perceived hazards;
- (j) Objective or subjective stresses of employment;
- (k) Personnel decisions;
- (l) Actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.

(2) Stress resulting from exposure to a single traumatic event will be adjudicated with reference to RCW 51.08.100.

NEW SECTION

WAC 296-14-350 CLAIM ALLOWANCE AND WAGE DETERMINATION IN OCCUPATIONAL DISEASE CASES. (1) The liable insurer in occupational disease cases is the insurer on risk at the time of the last injurious exposure to the injurious substance or hazard of disease which gave rise to the claim for compensation.

(2) The compensation schedules and wage base for claims filed prior to July 1, 1988, shall be determined according to the schedule in effect and the wage paid, if wage based schedules apply, at the time of the last injurious exposure to the substance or hazard giving rise to the claim for compensation.

(3) The compensation schedules and wage base for claims filed on or after July 1, 1988, shall be determined as follows:

(a) If the worker was employed at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based on the monthly wage paid on that date regardless of whether the worker is employed in the industry that gave rise to the disease or in an unrelated industry.

(b) If the worker was not employed, for causes other than voluntary retirement, at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based upon the last monthly wage paid.

(c) Benefits shall be paid in accordance with the schedules in effect at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, without regard to the date of the contraction of the disease or the date of filing the claim.

NEW SECTION

WAC 296-14-400 REOPENINGS FOR BENEFITS. The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must include documentation of medical recommendation, advice or examination. Such documentation is not required for closing orders issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall for the purposes of this section only, be deemed issued on July 1, 1985.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a doctor, or nurse consultant (departmental) or a nurse practitioner supervised by a doctor. The doctor or nurse consultant or nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" means the following professions: Medicine and surgery; osteopathic; chiropractic; drugless therapeutic; podiatry; dentistry; optometry. WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until an application form provided by the department has been completed in full by the worker and the doctor and filed with the department or self-insurer as the case may be.

A formal application occurs when the worker and doctor completes and files the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall

not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension may include, but not be limited to the following:

(1) Inability to schedule a necessary medical examination within the ninety-day time period;

(2) Failure of the worker to appear for a medical examination;

(3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;

(4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

NEW SECTION

WAC 296-14-600 PAYMENT OF BENEFITS ON ASBESTOS-RELATED DISEASE CLAIMS. The department shall furnish the benefits provided under Title 51 RCW to any worker or beneficiary who may have a right or claim for benefits under the maritime laws of the United States resulting from an asbestos-related disease if there are objective clinical findings to substantiate that the worker has an asbestos-related claim for occupational disease; and the worker's employment history has a prima facie indicia of injurious exposure to asbestos fibers while employed in the state of Washington in employment covered under Title 51 RCW.

(1) A worker's employment history will be deemed to have a prima facie indicia of injurious exposure to asbestos fibers if the employment history as contained in the department's file permits a reasonable conclusion that the worker was exposed to asbestos fibers and that such exposure was of sufficient duration to be injurious. "Injurious" means impairing to either a partial or total extent, and may be either permanent or temporary.

(2) Whenever the department has determined to pay benefits pursuant to chapter 271, Laws of 1988, the department shall render a decision as to the liable insurer and shall continue to pay benefits until the liable insurer initiates payments or benefits are otherwise properly terminated.

The department shall render its decision in a final order as provided in RCW 51.52.050.

Initiation of payments by a liable insurer shall be deemed to occur on the date such insurer issues a check or warrant or otherwise remits to the worker, beneficiary, or any provider any payment of any benefits owed by such insurer on the claim for asbestos.

(3) Benefits shall be paid on all pending asbestos-related claims as of July 1, 1988. Pending claims are those which have not been finally adjudicated by order of the department or the board of industrial insurance appeals

or by the entry of a judgment of a superior court or decision of the court of appeals or the supreme court.

If any order of the department granting such benefits is appealed, benefits shall continue, if otherwise available, until a final determination is made by the board of industrial insurance appeals or the courts, or upon initiation of payments by a liable insurer.

(4) If benefits are paid by the department from the medical aid fund on an asbestos-related claim, and it is determined by the department that such benefits are owed to the worker or beneficiary by an insurer under the maritime laws of the United States or by another federal program other than the Federal Social Security, Old Age Survivors and Disability Insurance Act, 42 U.S.C., the department shall pursue such insurer or program to recover such benefits as may have been paid by the department.

The determination by the department shall be expressed in a final order as provided by RCW 51.52.050.

(5) Whenever a self-insured employer is determined to be liable, the self-insured employer shall reimburse benefits to the department within ten days after the department order becomes final and binding. Failure to do so shall subject the employer to a penalty as authorized in RCW 51.48.080.

(6) The director's discretion to waive recovery of the benefits paid to the claimant or beneficiary shall be exercised in accordance with WAC 296-14-200 (3)(c).

(7) No information obtained under this section is subject to release by subpoena or other legal process. The department will release information only to those persons authorized access to claim files by RCW 51.28.070.

AMENDATORY SECTION (Amending Order 87-09, filed 3/20/87)

WAC 296-18A-450 VOCATIONAL REHABILITATION PLAN. (1) A vocational rehabilitation plan shall be approved by the referral source prior to its implementation. The plan shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

(a) Assessment of the skills and abilities, based on the physical capacities and mental status, aptitudes, and transferrable skills of the injured worker;

(b) The services necessary to enable the injured worker to become employable at gainful employment;

(c) Labor market information indicating the employability of the injured worker at plan completion;

(d) An estimate of the cost and the time necessary for the completion of the plan;

(e) A direct comparison of the injured worker's skills with potential types of employment to demonstrate a likelihood of success;

(f) If necessary, a job analysis of the injured worker's previous occupation, including earnings, may be included; and

(g) Any other information that will significantly affect the plan.

(2) The following priorities shall be addressed and justification given to why each preceding priority was not used.

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of a new job with the same employer including transitional return to work;

(e) Modification of the previous job with a new employer;

~~((f))~~ (f) A new job with a new employer or self-employment based upon transferable skills;

~~((f))~~ (g) A new job with a new employer or self-employment involving on-the-job training; ~~(and~~

~~(g))~~ (h) Modification of a new job with a new employer; and

(i) Short-term retraining and job placement.

(3) Each plan shall be signed by the vocational rehabilitation counselor and the injured worker. In state fund cases, a copy will be sent to the employer, attending physician, department, injured worker and any parties with responsibilities within the plan by the vocational rehabilitation counselor. The following statement shall be printed above the signatures:

I have read the above plan and understand its contents. By signing this plan I agree to faithfully execute my responsibilities described in it.

(4) If the plan is interrupted for good cause this case will be returned to the referral source at the discretion of the referral source. At the end of such interruption, the referral source may return the referral to the original vocational provider to resume the plan or its preparation.

AMENDATORY SECTION (Amending Order 85-20, filed 8/13/85)

WAC 296-18A-520 **JOB MODIFICATION ASSISTANCE.** (1) As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor or supervisor's designee in his or her discretion may pay job modification costs in an amount not to exceed five thousand dollars from the department per worker per job modification. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund. The employer may add to this amount with their own contribution.

(2) An employer requesting job modification assistance must submit to the department a job modification assistance application.

(3) The job modification assistance application shall include, but not be limited to:

(a) A document supporting the need for job modification;

(b) A description of the job modification; and

(c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department.

(4) The supervisor or supervisor's designee shall accept, reject, or modify the job modification application

within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

WSR 88-14-012

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-09—Filed June 24, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical aid rules and maximum fee schedule. WAC 296-20-210 and 296-21-035 dealing with allowing injured workers to have a person accompany them during independent medical or disability examinations.

Summary of changes from CR-1 to CR-7: WAC 296-20-210, the word "circumstances" was changed to "conditions"; and WAC 296-21-035, the word "circumstances" was changed to "conditions." These modifications were made as a result of testimony received during the public hearing and should clarify the intent of the WAC change.

This action is taken pursuant to Notice No. WSR 88-09-072 filed with the code reviser on April 20, 1988. 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 51.04.020(4) and 51.04.030 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 June 24, 1988.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 74-32, filed 6/21/74, effective 10/1/74)

WAC 296-20-210 **GENERAL RULES.** ~~((+))~~ These general rules establish a uniform standard for conducting examinations and submitting reports of examinations. These general rules must be followed by physicians who make examinations or evaluations of permanent bodily impairment.

~~((a))~~ (1) Examinations for the medical determination of the extent of permanent bodily impairment shall be made only by physicians currently licensed to practice medicine and surgery.

~~((b))~~ (2) Whenever an examination is made, the physician shall record, among other pertinent information, the complete history as obtained from the person examined; the complete history of past injuries and diseases; the complaints; the age, sex, height and weight; x-ray findings and diagnostic tests made or reviewed in connection with the examination; the diagnosis; and all findings, including negative findings, in all bodily areas

and systems where a detailed review of systems reveals past or present complaints. The physician shall record his conclusions as to: Whether the residuals of the injury are fixed; whether treatment is required for the injury and, if so, any treatment shall be described. If the examining physician finds residuals of the injury are fixed, he shall record the appropriate category or categories of permanent impairment for diagnoses attributable to the industrial injury or occupational disease. Conditions or impairments not attributable to the industrial injury or occupational disease shall be described and diagnosed in the report, with a description of how they affect the person examined and the appropriate category of permanent impairment where possible.

((+)) (3) The examining physician shall not assign a percentage figure for permanent bodily impairment described in the categories established herein.

((+)) (4) Reports shall specify diagnoses and medical terms as listed in current procedural terminology (CPT), current medical information and terminology (CMIT), international classification of diseases adopted (ICDA), or standard nomenclature of disease, except when otherwise specified in these rules.

(5) Workers who are scheduled for disability examinations are allowed to bring with them an accompanying person to be present during the physical examination. The accompanying person cannot be compensated in any manner, except that language interpreters may be necessary for the communication process and may be reimbursed for interpretative services.

The department may designate those conditions under which the accompanying person is allowed to be present during the disability examination process.

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-035 INDEPENDENT MEDICAL EXAMINATIONS. Purpose:

Independent medical examinations may be requested by the department, the self-insurer, or the attending physician; this is usually for one of the following purposes:

(1) To establish a diagnosis. Prior diagnoses may be controversial or ill-defined.

(2) To outline a basis of rational treatment, where treatment or progress is controversial.

(3) To establish medical data to determine if the medical condition is industrially acquired, or unrelated to industrial work activities.

(4) To determine the extent and duration of aggravation of preexisting medical condition, by an industrial injury or exposure.

(5) To establish when the accepted medical condition has reached maximum benefit from treatment.

(6) To establish a percentage rating of any permanent disability, based on the loss of body function when maximum recovery is reached.

(7) To determine the indications for reopening of a claim for further treatment on basis of aggravation of accepted condition, based on objective findings.

Workers who are scheduled for independent medical examinations are allowed to bring with them an accompanying person to be present during the physical examination. The accompanying person cannot be compensated in any manner, except that language interpreters may be necessary for the communication process and may be reimbursed for interpretative services.

The department may designate those conditions under which the accompanying person is allowed to be present during the independent medical examination process.

An independent medical examination must be specific and factual if accurate and consistent judgment is to be maintained and the result give justice and uniformity.

The history should be checked for accuracy, variation or exaggeration. Physical findings should be detailed enough to be compatible with the history, diagnosis and conclusions.

Diagnoses: Must be specific and describe the pathology found and be substantiated by the history and physical findings. (Vague terminology only confuses.)

Conclusions: Must be specific and definitely express an opinion on the purpose for which the examination was requested. This should be rationalized with the history, physical findings and diagnosis. (Evasiveness, generalizations and omissions frequently render the report misleading or worthless for the intended purpose.)

Permanent disability: Ratings must be substantiated by sufficient objective findings and medical data to establish the percentage disability rating; also medical logic to demonstrate a definite causal relationship to the accepted industrial conditions on a more probable than not basis.

WSR 88-14-013

ADOPTED RULES

EVERETT COMMUNITY COLLEGE

[Order 88-6A-7, Resolution No. 88-6A-7—Filed June 27, 1988]

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

Amd WAC 132E-276-060 Records officer.
Amd WAC 132E-276-070 Office hours.

This action is taken pursuant to Notice No. WSR 88-10-023 filed with the code reviser on April 29, 1988. 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 42.17.250 et seq. 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 June 20, 1988.

By Robert J. Drewel
President

AMENDATORY SECTION (Amending Order 4393,
filed 12/28/73, effective 1/30/74)

WAC 132E-276-060 RECORDS OFFICER. For purposes of compliance with chapter 1, Laws of 1973, a records officer shall be designated by the president of the district. The duties of the records officer shall be as provided by the president of the district and may include, but not be limited to: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. The person so designated shall be located in district headquarters ((at 112th Street Southwest and Navajo Avenue, Everett, Washington 98204)).

AMENDATORY SECTION (Amending Order 4393,
filed 12/28/73, effective 1/30/74)

WAC 132E-276-070 OFFICE HOURS. For purposes of this chapter, the office hours of Community College District V shall be ((8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m.)) regular business hours, Monday through Friday, excluding legal holidays.

WSR 88-14-014

ATTORNEY GENERAL OPINION

Cite as: AGO 1988 No. 14

[June 24, 1988]

ARCHITECTS AND ENGINEERS—LAND SURVEYORS—
STATE CONTRACTS—MUNICIPAL CORPORATION
CONTRACTS

The procedures outlined in ch. 39.80 RCW convey contracts with land surveyors.

Requested by:

Honorable Busse Nutley
State Representative
49th District
409 W. 37th St.
Vancouver, WA 98660

WSR 88-14-015

NOTICE OF PUBLIC MEETINGS

TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—June 28, 1988]

Sea-Tac Hilton Hotel
17620 Pacific Highway South
Seattle, Washington 98188

Worksession, beginning at 9:30 a.m., Wednesday, July 13, 1988, Horizon Room.

Worksession continued, beginning at 1:00 p.m., Wednesday, July 13, 1988, Horizon Room.

Board meeting, beginning at 8:30 a.m., Thursday, July 14, 1988, Glacier Room.

1:00 p.m., July 14, 1988, Glacier Room.

Note: Persons wishing to testify at this meeting will be required to contact the TIB in writing prior to July 7, 1988.

WSR 88-14-016

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-36—Filed June 28, 1988]

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 test fishing shows that inadequate numbers of shrimp are available for a personal use 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 June 24, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-56-32500L SHRIMP—CLOSED AREA—SEQUIM BAY. Notwithstanding the provisions of WAC 220-56-325, effective immediately until further notice it is unlawful to fish for or possess shrimp taken for personal use from those waters of Sequim Bay southerly of a line projected true west from Travis Spit on the Miller Peninsula.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500J SHRIMP—CLOSED AREA—SEQUIM BAY. (88-24)

WSR 88-14-017
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-39—Filed June 28, 1988]

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 these regulations are adopted to concur with Pacific Fisheries Management Council to allow harvest of coho and chinook 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 June 28, 1988.

By Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-19000Y SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for salmon in Punchcard Area 4, Pacific Ocean waters, and Washington waters west of the Buoy 10 line except as provided for in this section:

(1) In those waters north of a line projected due west from the mouth of the Queets River and west of the mouth of the Sekiu River:

(a) Open to salmon angling 12:01 a.m. July 3, 1988 until 11:59 p.m. September 5, 1988 or until 20,000 coho salmon are taken, or on a coast-wide basis north of Cape Falcon, Oregon, a combined total of 103,500 chinook salmon are taken by commercial and recreational fisheries.

(b) Bag Limit - 2 salmon except that only one chinook salmon may be retained per day. Minimum size limits: Chinook - 24 inches in length; Coho - 16 inches in length.

(c) Gear Restrictions: It is unlawful to use any terminal gear other than gear with a single shank, single point and barbless hook.

(d) Closed from 6 to 200 nautical miles of shore.

(2) In those waters south of a line projected due west from the mouth of the Queets River, north of a line projected due west from Klipsan Beach (46 degrees, 28 minutes, 12 seconds north latitude):

(a) Open to salmon angling 12:01 a.m. July 3, 1988 until 11:59 p.m. September 5, 1988, or until 50,000 coho salmon are taken or, on a coast-wide basis north of Cape Falcon, Oregon, a combined total of 103,500 chinook salmon are taken by commercial and recreational fisheries, except that those waters south of a line due west of Leadbetter Point and north of a line due west from Klipsan Beach will remain closed through 12:01 a.m. July 11, 1988.

(b) Bag Limit - 2 salmon except that only one chinook salmon may be retained per day. Minimum size limits: Chinook - 24 inches in length; Coho - 16 inches in length.

(c) Gear Restrictions: It is unlawful to use any terminal gear other than gear with a single shank, single point and barbless hook.

(d) Closed from 6 to 200 nautical miles of shore.

(3) In those waters south of a line due west from Klipsan Beach (as described in subsection (2) and north of Cape Falcon, Oregon:

(a) Open to salmon angling 12:01 a.m. July 11, 1988 until 11:59 p.m. September 5, 1988 or until 30,000 coho salmon are taken, or, on a coast-wide basis north of Cape Falcon, a combined total of 103,500 chinook salmon are taken by commercial and recreational fisheries.

(b) Bag Limit - 2 salmon except that only one chinook salmon may be retained per day. Minimum size limits: Chinook 24 inches in length; Coho - 16 inches in length.

(c) Gear Restrictions: It is unlawful to use any terminal gear other than gear with a single shank, single point and barbless hook.

(d) Closed from 5 to 200 nautical miles of shore between Northhead (46 degrees, 18 minutes, 00 seconds north latitude) and Klipsan Beach (as described in subsection (2)); and closed from 3 to 200 nautical miles of shore between the Columbia River south jetty and Cape Falcon, Oregon; and closed at the mouth of the Columbia River in an area bounded on the north by a line extending for 200 nautical miles due west from Northhead along 46 degrees, 18 minutes, 00 seconds north latitude, then southerly to 46 degrees, 11 minutes, 06 seconds north latitude, then east to 124 degrees, 11 minutes, 00 seconds west longitude (Columbia River Buoy) then northeast along Red Buoy Line to the tip of the south jetty.

(4) In all areas provided for in this subsection it is unlawful to fish for salmon from 12:01 a.m. Friday to 11:59 p.m. Saturday of each week.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000X SALTWATER SEASONS AND BAG LIMITS. (88-29)

WSR 88-14-018
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-40—Filed June 28, 1988]

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 rules are adopted at the recommendation of the Columbia River Compact.

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 June 28, 1988.

By Sally J. Hicks
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100D COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, effective immediately, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may:*

(a) *fish from 12:00 noon June 30 to 12:00 noon July 6, 1988,*

(b) *only use gill net gear with a 4-1/2 inch maximum mesh size.*

(c) *sell sockeye salmon, shad, sturgeon and chinook salmon taken in this fishery.*

(2) *During the seasons specified in subsection 1, it is unlawful:*

(a) *To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.*

(b) *To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.*

(c) *To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300*

(3) *Notwithstanding the provisions of WAC 220-32-058, 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 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) *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.*

(g) *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.*

(h) *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.*

(4) *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 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

Effective 6:00 p.m. June 28, 1988, the following section of the Washington Administrative Code is repealed:

WAC 220-32-05100C COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (88-37)

WSR 88-14-019
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-41—Filed June 28, 1988]

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 these regulations are necessary to provide for coho and chinook salmon escapement.

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 June 28, 1988.

By Robert A. Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000Z SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190, effective July 1, 1988, until further notice the daily bag limit in Skagit Bay is two salmon of any species, and the minimum size for chinook salmon is 22 inches. Skagit Bay is defined as those waters east of a line from West Point to Reservation Head on Fidalgo Island, north of a line from Polnell Point to Rocky Point, north of the State Highway 532 Bridge between Camano Island and the mainland, and south of a line between the southern end of McGlenn Island and the light on Fidalgo Island (QK fl "13") at the southern end of Swinomish Slough.

NEW SECTION

WAC 220-57-42500N SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective July 1, 1988:

(1) Until further notice, Bag Limit A upstream from the mouth of the Skagit River to Gilligan Creek.

(2) Until September 5, 1988, Bag Limit C upstream from Gilligan Creek to the mouth of the Baker River, effective September 6 until further notice Bag Limit A upstream from Gilligan Creek to the mouth of the Baker River, except that all chinook salmon greater than 24 inches in length must be released immediately.

(3) Until further notice, Bag Limit C upstream from the mouth of the Baker River.

WSR 88-14-020
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 88-42—Filed June 28, 1988]

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.

This action is taken pursuant to Notice No. WSR 88-09-051 filed with the code reviser on April 19, 1988. 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 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 May 24, 1988.

By Sally J. Hicks
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 87-17, filed 3/16/87)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) - ~~((one))~~ 30,000 pounds per vessel trip per calendar week ((not to exceed 30,000 pounds)), defined as Wednesday through the following Tuesday. ~~((No vessel may))~~ It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds per calendar week.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastes* spp.) – no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean perch (*Sebastes alutus*) – No restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes* spp.) – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as ((Sunday)) Wednesday through the following ((Saturday)) Tuesday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a ((+1987)) 1988 declaration of intent may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as ((Sunday)) Wednesday through the second ((Saturday)) Tuesday following, of which no more than 20,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The ((+1987)) 1988 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing ((at the beginning of any month)) by filing a declaration of intent to stop ((bi-weekly)) fishing ((for)) other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop ((bi-weekly)) such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

The date of first landing will determine the beginning of biweekly periodicity((;)). Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(5) Sablefish ((=)).

(a) Trawl vessels – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 20 percent or less of total weight of fish on board, or 6,000 pounds round weight (to convert from round weight to dressed weight multiply the dressed weight by 1.75), whichever is greater, with a maximum of two vessel trips per week. Minimum size 22 inches in length, unless dressed in which case minimum size ((+6)) 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail((, except that an)). Trawl vessels are allowed an incidental catch less than the minimum size of 5,000 pounds ((for trawl gear or 100 pounds for fixed gear is allowed, no vessel)), round weight, per trip ((restrictions)).

(b) Nontrawl vessels – No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Nontrawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds, round weight, per trip.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 88-14-021
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 350—Filed June 28, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to amendment to the 1988-90 Game fish regulations—Cowlitz River, WAC 232-28-61704.

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 broodstock needs for sea-run cutthroat at the Cowlitz Hatchery are not being met due to severely reduced smolt production in the past few years. The closure is necessary to provide additional broodstock escapement so that program goals can be achieved.

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 June 27, 1988.

By Curt Smith
Director

NEW SECTION

WAC 232-28-61704 AMENDMENT TO THE 1988-90 GAME FISH REGULATIONS—COWLITZ RIVER. Notwithstanding the provisions of WAC 232-28-617, effective from 12:01 a.m. July 1, 1988 to 11:59 p.m. December 31, 1988, it is unlawful to possess trout less than 20" in length on the Cowlitz River from its mouth upstream to 400' or the posted deadline below the barrier dam. All other provisions of WAC 232-28-617 remain in effect.

**WSR 88-14-022
EMERGENCY RULES
STATE PATROL**

(Commission on Equipment)

[Order 205-29-010—Filed June 29, 1988]

I, George B. Tellevik, chief of the Washington State Patrol, do promulgate and adopt at the General Administration Building, AX-12, Olympia, Washington, the annexed rules relating to marking the license plate of a person who has been arrested for driving while suspended or revoked in accordance with RCW 46.16.710(1).

I, George B. Tellevik, Chief, 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 46.16.710 takes effect July 1, 1988. This administrative code is necessary to properly administer this new statute.

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

This rule is promulgated pursuant to RCW 46.16.710 which directs that the Washington State Patrol has authority to implement the provisions of RCW 46.16.710.

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 June 29, 1988.

By George B. Tellevik
Chief

NEW SECTION

WAC 204-29-010 MARKING LICENSE PLATE. When marking a Washington State license

plate under RCW 46.16.710(1), the law enforcement officer shall apply a 1.25" x 3.4" adhesive label in the upper right-hand corner of the rear license plate. The adhesive label shall be coated with alternating red and yellow stripes of reflectorized material. The adhesive labels may be assigned serial numbers for internal accounting purposes by the law enforcement agency.

**WSR 88-14-023
PROPOSED RULES
STATE PATROL**
[Filed June 29, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning the amending of WAC 446-40-020 Definitions and adding a new section WAC 446-40-025 Line duty disabilities.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 9, 1988.

The authority under which these rules are proposed is RCW 43.43.040.

The specific statute these rules are intended to implement is RCW 43.43.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: June 29, 1988
By: George B. Tellevik
Chief

STATEMENT OF PURPOSE

Title: Amending WAC 446-40-020 Definitions; and adding WAC 446-40-025 Line duty disabilities.

Description of Purpose: To define by rule the situations where a disability has occurred during line duty.

Statutory Authority: RCW 43.43.040.

Specific Statute Rule is Intended to Implement: RCW 43.43.040 (1)(a).

Summary of Rule: Rule amends the existing definition of line duty. Further, the rule defines when a disability has occurred during line duty by providing for categories of line duty.

Reasons Supporting Proposed Action: In section 1, chapter 165, Laws of 1981, RCW 43.43.040 was changed to allow the chief of the Washington State Patrol to define by rule the situations where a disability has occurred during line duty. The agency has never exercised this authority until this date.

Agency Personnel Responsible for Drafting: Lt. John O'Laughlin, Research and Development; Implementation: Ms. Ruth Nesbitt, Personnel Section; and Enforcement: State Patrol personnel section.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Patrol, governmental.

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

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

Small Business Economic Impact Statement: Does not apply.

AMENDATORY SECTION (Amending Order II, filed 11/22/74)

WAC 446-40-020 DEFINITIONS. (1) The term "active service," as it applies to a member of the Washington state patrol, is defined as all performance of duties of whatever type, performed pursuant to orders by a superior of the member, provided, such duties shall be consistent with the responsibilities of the Washington state patrol. "Active service" shall consist of "line duty" and "other duty."

(2) "Line duty" is active service which encompasses the traffic ((safety)) law enforcement duties and/or other law enforcement responsibilities of the Washington state patrol. These duties encompass all law enforcement activities, accident and criminal investigations, or actions requiring physical exertion or exposure to hazardous elements, ((the accomplishment of which require, from time to time, extreme physical exertion:))

(3) "Other duty" is active service which encompasses activities consistent with the responsibilities of the Washington state patrol, but which do not foreseeably require more physical exertion than that normally required for the performance of clerical tasks.

(4) "Disability" is defined as any injury or incapacitation of such an extent as to render a member of the Washington state patrol mentally or physically incapable of active service.

(5) "Applicant" as the term is used in this regulation shall refer either to the member or to the department, whichever is initiating action pursuant to this regulation.

(6) The term "member" is defined as a regularly commissioned officer in the Washington state patrol.

(7) The term "chief" in this regulation refers to the chief of the Washington state patrol.

(8) The term "personnel officer" is defined as the person designated by the chief to be responsible for personnel matters within the Washington state patrol.

(9) The term "department" refers to the Washington state patrol as a state agency.

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 446-40-025 LINE DUTY DISABILITIES. (1) Line duty disabilities occur when a commissioned officer of the Washington state patrol is injured or incapacitated while:

(a) Performing traffic law enforcement duties.

(b) Investigating accidents or suspected criminal activities.

(c) Participating in law enforcement training that requires physical exertion, use of firearms, or exposure to hazardous elements.

(d) Performing other activities which must be performed by a commissioned law enforcement officer and exposes the officer to hazardous elements or requires physical exertion.

(2) Injuries that occur while performing activities that do not expose the officer to hazardous elements or require physical exertion, such as, but not limited to, report writing, answering telephone inquiries, attending meetings, or performing limited duty, do not qualify as line duty injuries.

(3) If a commissioned officer assigned to administrative duties must perform work defined as "line duty" and is injured, it will be considered a line duty injury.

WSR 88-14-024

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-43—Filed June 29, 1988]

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 for a limited 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 June 29, 1988.

By Judith Freeman
for Joseph R. Blum
Director

NEW SECTION

WAC 220-22-02000D WILLAPA HARBOR AREA 2G. Notwithstanding the provisions of WAC 220-22-020, Area 2G shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 285 degrees true to the Island Sands Light approximately 2 miles south of Riddle Spit Light Number 10 and thence due west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to Day Beacon Number 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (fl 4 sec., 16 ft.) to the northern tip of Goose Point, downstream and westerly of a line projected 235 degrees true from the north shore of the Willapa River through Willapa River Light Number 33 to the south shore, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through Channel Marker Number 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31 Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Section 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a line projected from the site of the old Cape Shoalwater Light 171 degrees true to Leadbetter Point.

NEW SECTION

WAC 220-36-02100T GRAYS HARBOR GILL-NET SEASON. Notwithstanding the provisions of WAC 220-36-021, effective immediately until further notice it is unlawful to fish for or possess salmon taken

for commercial purposes from any Grays Harbor Salmon Management and Catch Reporting Area except as provided for in this section:

Areas 2B, 2C, and 2D – Open 6:00 p.m. July 5 to 6:00 p.m. August 15, 1988, using five inch minimum mesh.

NEW SECTION

WAC 220-40-02100F WILLAPA HARBOR GILLNET SEASON. Notwithstanding the provisions of WAC 220-40-021, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes from any Willapa Harbor Salmon Management and Catch Reporting Area except as provided for in this section:

Areas 2G, 2H, 2K, and 2M – Open 6:00 p.m. July 5 to 6:00 p.m. August 15, using five inch minimum mesh, except that Area 2G is closed west of a line drawn true north south through Buoy 10 from 8:00 p.m. to 6:00 a.m. each night during the open period.

WSR 88-14-025
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
(Design Committee)
 [Memorandum—June 28, 1988]

The Design Committee of the Washington State Convention and Trade Center will meet on Wednesday, July 6, 1988, at 11:45 a.m., at the Plymouth Congregational Church, Room 221, 1217 6th Avenue, in downtown Seattle.

The regular meeting of the board of directors of the Washington State Convention and Trade Center will begin at 3:00 p.m., on the same date and at the same location noted above.

WSR 88-14-026
ADOPTED RULES
OIL AND GAS
CONSERVATION COMMITTEE
 [Order 11—Filed June 29, 1988]

Be it resolved by the Oil and Gas Conservation Committee, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- New WAC 344-12-043 This rule requires setbacks from lease lines and allows variance of these setbacks.
- Amd WAC 344-12-050 Application to drill, redrill, or deepen. This rule is amended to require notification in lieu of permitting seismic lines.
- New WAC 344-12-064 Operation of seismic lines. This rule sets environmental standards for reclamation of seismic lines.
- Amd WAC 344-12-145 This section is amended to require reclamation of seismic lines.

This action is taken pursuant to Notice No. WSR 88-07-115 filed with the code reviser on March 23, 1988.

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 78.52.120 and 78.52.155 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 78.52.040 and 78.52.050 which directs that the Oil and Gas Conservation Committee has authority to implement the provisions of chapter 78.52 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 June 29, 1988.

By Donald M. Ford

NEW SECTION

WAC 344-12-043 EXPLORATORY WELL LOCATIONS. (1) No exploratory well, or any part of the bore, casing, or drill site, shall be located closer than 500 feet (152 meters) to the external boundary of those lands on which the operator and/or their partners hold a contiguous mineral-interest.

(2) Upon written request to the supervisor, the committee may grant exceptions to the exploratory well setback requirements for good cause shown, provided that all owners of oil and gas and surface rights within a 500-foot radius of the well consent in writing to the proposed location.

AMENDATORY SECTION (Amending Order 6, Resolution No. 10, filed 1/8/85)

WAC 344-12-050 APPLICATION TO DRILL, REDRILL, OR DEEPEN (FORM-1). (1) A person desiring to drill, redrill, or deepen a well in search of oil or gas shall for each such well:

- (a) Apply to the supervisor of such intent on Form-1;
- (b) Submit a completed environmental checklist;
- (c) Provide information on drill site layout, blowout prevention equipment details, mud program, casing and cementing program, and mud pit details;
- (d) Designate location and source of water supply;
- (e) Indicate topographic features of well site including drainage patterns, and any associated surface waters and wetlands;
- (f) Provide a narrative statement describing the proposed measures to be taken for protection of the environment, including, but not limited to, the prevention or control of:
 - (i) Fires;
 - (ii) Soil erosion;
 - (iii) Pollution of surface and ground waters;
 - (iv) Damage to fish and wildlife or other natural resources;
 - (v) Air and noise pollution; and
 - (vi) Hazards to public health and safety;

(g) Provide such other pertinent information or data which the supervisor may require to support the application for the development of oil and gas resources and the protection of the environment including site reclamation procedures;

(h) Designate methods and site for disposal of waste materials and drilling muds that contain heavy metals or are considered hazardous waste;

(i) Notify the surface landowner, the landowners tenant, or other surface users in writing with a copy to the supervisor;

(j) Shall pay a fee, which is not refundable, in the following amounts for each application:

(i) For each well the estimated depth of which is three thousand five hundred feet or less, two hundred fifty dollars;

(ii) From three thousand five hundred one feet to seven thousand feet, five hundred dollars;

(iii) From seven thousand one feet to twelve thousand feet, seven hundred fifty dollars; and

(iv) From twelve thousand one feet and deeper, one thousand dollars.

The fee shall accompany the application and be in cash or check, drawn upon or issued by a Washington state qualified public depository payable to state treasurer, state of Washington. Upon receipt of the application, the fee, and other specified information, the supervisor may issue to such person a permit to drill, after completion of an inspection of the proposed drill site, unless the drilling of the well is contrary to law, or to a rule, regulation, or order of the committee. The drilling of the well is prohibited until a permit to drill is obtained in accordance with the provisions of this section. If the permit is disallowed, the supervisor will immediately notify the person in writing the reasons therefor. The permit will be on such form containing such conditions as the committee may prescribe.

(2) An operator shall be required to obtain a permit to deepen a well. The fee, which is based on the estimated depth of the well as per subsection (1)(j) of this section, is required for the permit to deepen a well previously drilled under permit. No permit is required for workover so long as the well remains completed in the same pool, provided the casing above the fresh-water shut-off depth is not to be disturbed or altered by the re-drilling, conditioning, or testing to be performed.

(3) A permit, for which a fee of one hundred dollars is required, shall be obtained for a relatively shallow well or wells (less than 2,000 feet) (610 meters) not drilled in search of oil and gas but solely to obtain subsurface geological data: PROVIDED, That holes drilled for the purpose of obtaining information about or sampling of the offshore beds of ocean waters shall be governed by chapter 344-16 and 173-15 WAC. Applications for a permit for a shallow well or wells shall comply with the provisions of subsection (1) of this section.

(4) ~~(A blanket permit, for which a fee of one hundred dollars is required, shall be obtained for the shot holes necessary to conduct a seismic geophysical investigation of structure and stratigraphy. The application for such blanket permit shall contain information on the~~

~~general location of the investigative work, the approximate number and depth of shot holes, an environmental checklist, the type and quantity of explosives to be used, and such other information as the supervisor may require.)~~ Prior to the initiation of any seismic geophysical survey, the supervisor shall be given written notification on Form-1. Notification shall consist of:

(a) Name of the operator;

(b) Name of the geophysical contractor;

(c) Approximate locations including counties in which the survey is to be conducted;

(d) Type of seismic survey;

(e) Number of line miles to be surveyed;

(f) Evidence that a shoreline permit (RCW 90.58-.140) has been obtained for proposals within two hundred feet of surface waters; and

(g) A notification fee of one hundred dollars per survey.

(5) A copy of each application received shall be transmitted by the supervisor within ten days to the department of ecology, department of social and health services, and general purpose local governments of the jurisdiction in which the proposed activity would occur or in the case of a city or a town a well proposed within a three mile radius of its municipal boundaries and other affected agencies as deemed necessary by the supervisor.

(6) A person shall not be issued a permit unless that person holds an ownership or contractual right to locate and operate a drilling operation upon the proposed drilling site.

(7) Designated representatives of general purpose local governments are requested to inform the supervisor in writing within ten working days of those local government zoning ordinances, permit requirements, or other factors, if any, which may apply to a well proposed to be drilled, re-drilled, or deepened.

NEW SECTION

WAC 344-12-064 OPERATION OF SEISMIC SURVEYS. Drilling and produced fluids from seismic shot holes shall be contained at each site. All fluid flows shall be killed immediately and the department shall be given notification of the location and depth from which the flow occurred. Insofar as is possible, disturbance of the soil shall be minimized. Vehicle traffic over seismic lines and line access routes shall be minimized. Siltation of ground or surface waters is prohibited.

AMENDATORY SECTION (Amending Order 3, Resolution No. 7, filed 6/1/82)

WAC 344-12-145 RECLAMATION. The supervisor shall establish guidelines for the reclamation of land impacted by oil and gas drilling and production activities.

The owner, operator, or producer of the well or wells shall develop a reclamation plan for the area disturbed in site preparation, drilling, completing, or producing a well or wells, and submit the reclamation plan to the supervisor for approval. The owner, operator, or producer shall, before the reclamation plan is implemented, consult affected state agencies, including the department of

((game)) wildlife, before submitting the reclamation plan to the supervisor. Reclamation shall be accomplished in accordance with the reclamation plan and the following:

(1) Within three months after the completion or abandonment of a well the operator shall fill all pits containing mud, cuttings, salt water and oil that are not needed for production purposes, or are not required or allowed by state or federal law or rule or regulation, and remove all concrete bases, drilling supplies, and drilling equipment. Within such period the operator shall grade or terrace, and plant, seed, or sod the area disturbed, that is not required in production of the well, to bind the soil and prevent substantial erosion and sedimentation.

(2) Within three months after the plugging of a well, the operator shall remove all production and storage structures, supplies and equipment, and any oil, saltwater and debris and fill any remaining excavations. Within such period the operator shall grade or terrace, and plant, seed, or sod the area disturbed to bind the soil and prevent substantial erosion and sedimentation.

(3) Ground water and soil resources on and adjacent to seismic surveys shall be provided the greatest practical protection on a continuing basis. The minimum reclamation program for seismic surveys shall provide for:

(a) Successful revegetation of disturbed ground to prevent substantial erosion and sedimentation within three months of cessation of operations;

(b) Removal of refuse and discarded equipment to a licensed landfill;

(c) Plugging of all shot holes that encountered water upon completion of each day's work with a nontoxic plug—mud or cement;

(d) Regrading, when appropriate, of areas where disruption of topography has occurred, such as deep tire tracks, such that reclaimed topography conforms with adjacent, undisturbed topography;

(e) Installation of erosion elimination devices where drainage or soil conditions indicate erosion may occur.

The supervisor may, upon written application by an operator, find reasonable cause to extend the period in which reclamation shall be completed, but not to exceed one year.

WSR 88-14-027

NOTICE OF PUBLIC MEETINGS TRAFFIC SAFETY COMMISSION

[Memorandum—June 28, 1988]

Due to a scheduling problem, the regularly scheduled August commission meeting, which was scheduled for August 3, 1988, in the Governor's Conference Room, is being rescheduled for August 10, 1988, at the Holiday Inn in Yakima, Washington. It will take place during the annual Safety Belt Training Conference, put on by the commission to train volunteers on ways to increase the use of safety belts and child safety seats. Our commission meeting will begin at 1:30 p.m. in Room 103.

WSR 88-14-028

NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE [Memorandum—June 28, 1988]

The July 12, 1988, regular meeting of the board of trustees of Whatcom Community College, District Number Twenty-One, has been cancelled.

WSR 88-14-029

WITHDRAWAL OF PROPOSED RULES BOARD OF PHARMACY [Filed June 30, 1988]

The Board of Pharmacy requests that WSR 88-13-093 concerning good manufacturing practices filed on June 20, 1988, for rule hearing on August 24, 1988, be withdrawn. The board will be reconsidering this proposal and expects to reschedule a rule hearing later this year.

John H. Keith

WSR 88-14-030

EXECUTIVE ORDER OFFICE OF THE GOVERNOR [EO 88-05]

RE-ESTABLISHING THE GOVERNOR'S ALLIANCE AGAINST DRUGS

The Governor's Alliance Against Drugs, formed on the 27th day of February A.D., nineteen hundred and eighty-seven, has been a successful part of the state's efforts to fight the serious drug and alcohol problems facing the State of Washington. The alliance has helped improve cooperation between the diverse segments of the community in breaking the drug abuse chain by calling public attention to the crisis and helping people to avoid drug abuse. The need continues for innovative and well-coordinated strategies between government, private industry, schools and citizens to fight the war against drugs.

The existing EO 87-02, expires June 30, 1988. I am hereby re-establishing the Alliance and making some changes to reflect the course of the Alliance.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby re-establish the Governor's Alliance Against Drugs, as follows:

- A. The Alliance shall be composed of not more than twenty-five members, to be appointed by the Governor. The Governor shall serve as Chair and shall appoint a Vice-Chair and three additional members to serve as a five-member Executive Committee of the Alliance. A majority of the Alliance shall constitute a quorum and a majority of those present can approve Alliance action.

- B. Members of the Alliance shall represent business, local and state government, citizen groups, and other interested persons. Four legislators, two members from the Senate and two from the House, shall serve as ex-officio members of the Alliance.
- C. The Alliance will have five primary responsibilities:
 1. Raise awareness and change attitudes toward drug use through a speakers' bureau to send Alliance members to school assemblies, business meetings and community gatherings.
 2. Produce public service announcements and materials, such as posters and brochures to increase visibility of the problem of drug abuse, and promote anti-drug programs in the media.
 3. Coordinate anti-drug activities of the state and local agencies through a central clearing house of information.
 4. Provide drug and alcohol program information to the public - 24 hours a day, seven days a week - through a toll-free telephone hotline.
 5. Encourage schools and police to work together to prevent drug and alcohol abuse.
- D. Administration. The Alliance will be administered through the Department of Community Development with support staff from the Washington State Traffic Safety Commission and the Department of Social and Health Services.
- E. The Governor's Alliance Against Drugs created by this Executive Order shall complete its responsibilities prior to June 30, 1989, and will automatically cease operation and be disbanded July 1, 1989.
- F. This Executive Order is effective July 1, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 28th day of June, A.D., nineteen hundred and eighty-eight.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Assistant Secretary of State

WSR 88-14-031
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Order FT-88-1—Filed June 30, 1988]

I, William R. Wilkerson, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to taxation of forest land and timber, amending sections to chapter 458-40 WAC.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 84.33 RCW requires stumpage values for timber be shown on tables prepared by the Department of Revenue each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31. These stumpage values shall, in accordance with the policy of the Department of Revenue, reflect the most recent sales data which 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 84.33.091 and chapter 84.33 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 June 30, 1988.

By Gordon S. Gienty
 Valuations Supervisor
 Forest Tax Division

AMENDATORY SECTION (Amending Order 87-2, filed 6/30/87)

WAC 458-40-650 **TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED.** The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, and 5

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and over 40% Special Mill, No. 1 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and ((over)) 15% & over Special Mill, No. 1 Sawmill, Peeler & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and 15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
2	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and 5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill & better log grade
3	Western Redcedar & Alaska-cedar	5-30% inclusive No. 2 Sawmill & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and less than 5% Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	25-50% inclusive No. 2 Sawmill & better log grade
4	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	25-50% inclusive No. 2 Sawmill & better log grade
	Douglas-fir & Spruce	5% to but not including 25% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	5% to but not including 25% No. 2 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility
6	Douglas-fir, Spruce, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

TABLE 3—Timber Quality Code Table
Stumpage Value Area 10

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale

TABLE 3—cont.

Timber Quality Code Number	Species	Log Grade Specifications
5	Utility	All logs graded as utility

AMENDATORY SECTION (Amending Order FT-87-5, filed 12/31/87)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1988:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$242	\$235	\$228	\$221	\$214
		2	213	206	199	192	185
		3	180	173	166	159	152
		4	167	160	153	146	139
		5	158	151	144	137	130
		6	131	124	117	110	103
Western Redcedar ²	RC	1	395	388	381	374	367
		2	347	340	333	326	319
		3	203	196	189	182	175
		4	147	140	133	126	119
Sitka Spruce	SS	1	496	489	482	475	468
		2	199	192	185	178	171
		3	151	144	137	130	123
		4	93	86	79	72	65
		5	92	85	78	71	64
		6	63	56	49	42	35
Western Hemlock ³	WH	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92
		5	94	87	80	73	66
		6	71	64	57	50	43
Other Conifer	OC	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92
		5	94	87	80	73	66
		6	71	64	57	50	43
Red Alder	RA	1	39	32	25	18	11
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Timber Quality Code	Hauling Distance Zone Number					
		1	2	3	4	5	
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
Fir Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$261	\$254	\$247	\$240	\$233
		2	228	221	214	207	200
		3	198	191	184	177	170
		4	181	174	167	160	153
		5	127	120	113	106	99
		6	106	99	92	85	78
Western Redcedar ²	RC	1	299	292	285	278	271
		2	290	283	276	269	262
		3	164	157	150	143	136
		4	123	116	109	102	95
Sitka Spruce	SS	1	200	193	186	179	172
		2	147	140	133	126	119
		3	118	111	104	97	90
		4	106	99	92	85	78
		5	92	85	78	71	64
		6	82	75	68	61	54
Western Hemlock ³	WH	1	244	237	230	223	216
		2	153	146	139	132	125
		3	145	138	131	124	117
		4	128	121	114	107	100
		5	99	92	85	78	71
		6	71	64	57	50	43
Other Conifer	OC	1	244	237	230	223	216
		2	153	146	139	132	125
		3	145	138	131	124	117
		4	128	121	114	107	100
		5	99	92	85	78	71
		6	71	64	57	50	43

TABLE 3—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Red Alder	RA	1	69	62	55	48	41
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table

Stumpage Value Area 2

January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
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Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table

Stumpage Value Area 3

January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$242	\$235	\$228	\$221	\$214
		2	228	221	214	207	200
		3	225	218	211	204	197
		4	171	164	157	150	143
		5	156	149	142	135	128
		6	129	122	115	108	101

TABLE 5—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	362	355	348	341	334
		2	242	235	228	221	214
		3	202	195	188	181	174
		4	135	128	121	114	107
Western Hemlock ⁴	WH	1	266	259	252	245	238
		2	247	240	233	226	219
		3	131	124	117	110	103
		4	102	95	88	81	74
		5	87	80	73	66	59
		6	79	72	65	58	51

Other Conifer	OC	1	266	259	252	245	238
		2	247	240	233	226	219
		3	131	124	117	110	103
		4	102	95	88	81	74
		5	87	80	73	66	59
		6	79	72	65	58	51

Red Alder	RA	1	67	60	53	46	39
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Black Cottonwood	BC	1	56	49	42	35	28
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Other Hardwood	OH	1	72	65	58	51	44
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Hardwood Utility	HU	5	25	25	25	25	25
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Conifer Utility	CU	5	8	8	8	8	8
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¹Log scale conversions—Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table

Stumpage Value Area 3

January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
---	-----	---	----	----	----	----	----

Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$333	\$326	\$319	\$312	\$305
		2	245	238	231	224	217
		3	215	208	201	194	187
		4	166	159	152	145	138
		5	136	129	122	115	108
		6	111	104	97	90	83
Western Redcedar ³	RC	1	247	240	233	226	219
		2	233	226	219	212	205
		3	165	158	151	144	137
		4	139	132	125	118	111
Western Hemlock ⁴	WH	1	296	289	282	275	268
		2	186	179	172	165	158
		3	131	124	117	110	103
		4	129	122	115	108	101
		5	79	72	65	58	51
		6	74	67	60	53	46
Other Conifer	OC	1	296	289	282	275	268
		2	186	179	172	165	158
		3	131	124	117	110	103
		4	129	122	115	108	101
		5	79	72	65	58	51
		6	74	67	60	53	46
Red Alder	RA	1	64	57	50	43	36
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.³

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	93	86	79	72	65

TABLE 8—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$365	\$358	\$351	\$344	\$337
		2	245	238	231	224	217
		3	199	192	185	178	171
		4	180	173	166	159	152
		5	123	116	109	102	95
		6	104	97	90	83	76
Western Redcedar ³	RC	1	261	254	247	240	233
		2	199	192	185	178	171
		3	182	175	168	161	154
		4	148	141	134	127	120
Western Hemlock ⁴	WH	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Other Conifer	OC	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as ¹White Fir.³

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
 January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ¹	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ¹	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ¹	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$110	\$104	\$98	\$92	\$86
Engelmann Spruce	ES	1	74	68	62	56	50
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	195	189	183	177	171
		2	121	115	109	103	97
Western Redcedar ³	RC	1	139	133	127	121	115
True Firs ⁴	WH	1	87	81	75	69	63
Western White Pine	WP	1	185	179	173	167	161
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
 January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$85	\$79	\$73	\$67	\$61
Engelmann Spruce	ES	1	76	70	64	58	52
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	148	142	136	130	124
		2	102	96	90	84	78
Western Redcedar ³	RC	1	122	116	110	104	98
True Firs ⁴	WH	1	79	73	67	61	55
Western White Pine	WP	1	164	158	152	146	140
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	16	16	16	16	16

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$170	\$164	\$158	\$152	\$146
		2	112	106	100	94	88
		3	77	71	65	59	53
Engelmann Spruce	ES	1	102	96	90	84	78
		2	78	72	66	60	54
		3	59	53	47	41	35
Lodgepole Pine	LP	1	112	106	100	94	88
		2	87	81	75	69	63
		3	69	63	57	51	45
Ponderosa Pine	PP	1	258	252	246	240	234
		2	242	236	230	224	218
		3	205	199	193	187	181
Western Redcedar ³	RC	1	196	190	184	178	172
		2	123	117	111	105	99
		3	113	107	101	95	89
True Firs ⁴	WH	1	122	116	110	104	98
		2	118	112	106	100	94
		3	73	67	61	55	49
Western White Pine	WP	1	311	305	299	293	287
		2	245	239	233	227	221
		3	236	230	224	218	212
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$313	\$306	\$299	\$292	\$285
		2	289	282	275	268	261
		3	219	212	205	198	191
		4	217	210	203	196	189
		5	158	151	144	137	130
		6	142	135	128	121	114
Western Redcedar ²	RC	1	480	473	466	459	452
		2	430	423	416	409	402
		3	244	237	230	223	216
		4	172	165	158	151	144
Sitka Spruce	SS	1	532	525	518	511	504
		2	317	310	303	296	289
		3	251	244	237	230	223
		4	226	219	212	205	198
		5	159	152	145	138	131
		6	91	84	77	70	63
Western Hemlock ³	WH	1	320	313	306	299	292
		2	199	192	185	178	171
		3	170	163	156	149	142
		4	136	129	122	115	108
		5	116	109	102	95	88
		6	102	95	88	81	74
Other Conifer	OC	1	320	313	306	299	292
		2	199	192	185	178	171
		3	170	163	156	149	142
		4	136	129	122	115	108

TABLE 1—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		5	116	109	102	95	88
		6	102	95	88	81	74
Red Alder	RA	1	52	45	38	31	24
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$371	\$364	\$357	\$350	\$343
		2	268	261	254	247	240
		3	266	259	252	245	238
		4	172	165	158	151	144

TABLE 3—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		5	131	124	117	110	103
		6	119	112	105	98	91
Western Redcedar ²	RC	1	427	420	413	406	399
		2	388	381	374	367	360
		3	256	249	242	235	228
		4	173	166	159	152	145
Sitka Spruce	SS	1	505	498	491	484	477
		2	195	188	181	174	167
		3	180	173	166	159	152
		4	167	160	153	146	139
		5	154	147	140	133	126
		6	104	97	90	83	76
Western Hemlock ³	WH	1	292	285	278	271	264
		2	199	192	185	178	171
		3	183	176	169	162	155
		4	179	172	165	158	151
		5	114	107	100	93	86
		6	102	95	88	81	74
Other Conifer	OC	1	292	285	278	271	264
		2	199	192	185	178	171
		3	183	176	169	162	155
		4	179	172	165	158	151
		5	114	107	100	93	86
		6	102	95	88	81	74
Red Alder	RA	1	72	65	58	51	44
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25

TABLE 4—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$352	\$345	\$338	\$331	\$324
		2	289	282	275	268	261
		3	261	254	247	240	233
		4	173	166	159	152	145
		5	158	151	144	137	130
		6	143	136	129	122	115
Western Redcedar ³	RC	1	391	384	377	370	363
		2	372	365	358	351	344
		3	251	244	237	230	223
		4	187	180	173	166	159
Western Hemlock ⁴	WH	1	377	370	363	356	349
		2	278	271	264	257	250
		3	211	204	197	190	183
		4	148	141	134	127	120
		5	110	103	96	89	82
		6	95	88	81	74	67
Other Conifer	OC	1	377	370	363	356	349
		2	278	271	264	257	250
		3	211	204	197	190	183
		4	148	141	134	127	120
		5	110	103	96	89	82
		6	95	88	81	74	67
Red Alder	RA	1	52	45	38	31	24
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ¹	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$418	\$411	\$404	\$397	\$390
		2	278	271	264	257	250
		3	259	252	245	238	231
		4	211	204	197	190	183
		5	166	159	152	145	138
		6	150	143	136	129	122
Western Redcedar ³	RC	1	344	337	330	323	316
		2	233	226	219	212	205
		3	231	224	217	210	203
		4	187	180	173	166	159
Western Hemlock ⁴	WH	1	368	361	354	347	340
		2	216	209	202	195	188
		3	159	152	145	138	131
		4	155	148	141	134	127
		5	130	123	116	109	102
		6	95	88	81	74	67
Other Conifer	OC	1	368	361	354	347	340
		2	216	209	202	195	188
		3	159	152	145	138	131
		4	155	148	141	134	127
		5	130	123	116	109	102
		6	95	88	81	74	67
Red Alder	RA	1	66	59	52	45	38
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8

TABLE 7—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
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Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$410	\$403	\$396	\$389	\$382
		2	306	299	292	285	278
		3	240	233	226	219	212
		4	200	193	186	179	172
		5	136	129	122	115	108
		6	123	116	109	102	95

TABLE 9—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ³	RC	1	390	383	376	369	362
		2	177	170	163	156	149
		3	175	168	161	154	147
		4	167	160	153	146	139

Western Hemlock ⁴	WH	1	397	390	383	376	369
		2	239	232	225	218	211
		3	193	186	179	172	165
		4	145	138	131	124	117
		5	133	126	119	112	105
		6	75	68	61	54	47

Other Conifer	OC	1	397	390	383	376	369
		2	239	232	225	218	211
		3	193	186	179	172	165
		4	145	138	131	124	117
		5	133	126	119	112	105
		6	75	68	61	54	47

Red Alder	RA	1	76	69	62	55	48
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Black Cottonwood	BC	1	47	40	33	26	19
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Other Hardwood	OH	1	36	29	22	15	8
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Hardwood Utility	HU	5	12	12	12	12	12
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Conifer Utility	CU	5	9	9	9	9	9
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¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
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Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$126	\$120	\$114	\$108	\$102
Engelmann Spruce	ES	1	92	86	80	74	68
Lodgepole Pine	LP	1	85	79	73	67	61
Ponderosa Pine	PP	1	229	223	217	211	205
		2	151	145	139	133	127
Western Redcedar ³	RC	1	139	133	127	121	115
True Firs ⁴	WH	1	112	106	100	94	88
Western White Pine	WP	1	217	211	205	199	193
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	15	15	15	15	15

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$92	\$86	\$80	\$74	\$68
Engelmann Spruce	ES	1	80	74	68	62	56
Lodgepole Pine	LP	1	71	65	59	53	47
Ponderosa Pine	PP	1	136	130	124	118	112
		2	106	100	94	88	82
Western Redcedar ³	RC	1	130	124	118	112	106
True Firs ⁴	WH	1	83	77	71	65	59
Western White Pine	WP	1	170	164	158	152	146
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	5	5	5	5	5

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$221	\$215	\$209	\$203	\$197
		2	151	145	139	133	127
		3	138	132	126	120	114
Engelmann Spruce	ES	1	107	101	95	89	83
		2	99	93	87	81	75
		3	97	91	85	79	73
Lodgepole Pine	LP	1	117	111	105	99	93
		2	107	101	95	89	83
		3	97	91	85	79	73
Ponderosa Pine	PP	1	270	264	258	252	246
		2	260	254	248	242	236
		3	250	244	238	232	226
Western Redcedar ³	RC	1	200	194	188	182	176
		2	135	129	123	117	111
		3	121	115	109	103	97
True Firs ⁴	WH	1	207	201	195	189	183
		2	174	168	162	156	150
		3	106	100	94	88	82
Western White Pine	WP	1	270	264	258	252	246
		2	174	168	162	156	150
		3	93	87	81	75	69
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending Order FT-87-5, filed 12/31/87)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1988:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
((January)) July 1 through
((June 30)) December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	-\$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	-\$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	-\$10.00

TABLE 1—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	((-\$9.00)) -\$11.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	((-\$22.00)) -\$23.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	((-\$99.00)) -\$81.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning (see WAC 458-40-610 (20))		
Class 1	Average log volume of 50 board feet or more.	-\$25.00
Class 2	Average log volume of less than 50 board feet.	-\$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
(~~(January)~~) July 1 through
(~~(June 30)~~) December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	-\$13.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$26.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	((-\$99.00)) -\$81.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00

TABLE 3—DOMESTIC MARKET ADJUSTMENT

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	((-\$26.00)) -\$46.00 per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	((-\$9.00)) -\$13.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

WSR 88-14-032

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order FT-88-2—Filed June 30, 1988]

I, William R. Wilkerson, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to taxation of forest land and timber, amending sections to chapter 458-40 WAC.

This action is taken pursuant to Notice No. WSR 88-10-048 filed with the code reviser on May 4, 1988. 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 84.33.091 and chapter 84.33 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 June 30, 1988.

By Gordon S. Gienty
Valuations Supervisor
Forest Tax Division

AMENDATORY SECTION (Amending Order 87-2, filed 6/30/87)

WAC 458-40-650 **TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED.** The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

**TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, and 5**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and over 40% Special Mill, No. 1 Sawmill & better log grade
1	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and ((over)) 15% & over Special Mill, No. 1 Sawmill, Peeler & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 3 Sawmill logs & better log grades
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and 15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
2	Western Redcedar & Alaska-cedar	Over 30% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and 5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	Over 50% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill & better log grade
3	Western Redcedar & Alaska-cedar	5-30% inclusive No. 2 Sawmill & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and less than 5% Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir & Spruce	25-50% inclusive No. 2 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
4	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	25-50% inclusive No. 2 Sawmill & better log grade
	Douglas-fir & Spruce	5% to but not including 25% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	5% to but not including 25% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility
6	Douglas-fir, Spruce, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

**TABLE 3—Timber Quality Code Table
Stumpage Value Area 10**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale

TABLE 3—cont.

Timber Quality Code Number	Species	Log Grade Specifications
1	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

AMENDATORY SECTION (Amending Order FT-87-5, filed 12/31/87)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1988:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$242	\$235	\$228	\$221	\$214
		2	213	206	199	192	185
		3	180	173	166	159	152
		4	167	160	153	146	139
		5	158	151	144	137	130
		6	131	124	117	110	103
Western Redcedar ²	RC	1	395	388	381	374	367
		2	347	340	333	326	319
		3	283	196	189	182	175
		4	147	140	133	126	119
Sitka Spruce	SS	1	496	489	482	475	468
		2	199	192	185	178	171
		3	151	144	137	130	123
		4	93	86	79	72	65
		5	92	85	78	71	64
		6	63	56	49	42	35
Western Hemlock ³	WH	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92
		5	94	87	80	73	66
		6	71	64	57	50	43
Other Conifer	OC	1	319	312	305	298	291
		2	163	156	149	142	135
		3	136	129	122	115	108
		4	120	113	106	99	92

TABLE 1—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		5	94	87	80	73	66
		6	71	64	57	50	43
Red Alder	RA	1	39	32	25	18	11
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ²	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$261	\$254	\$247	\$240	\$233
		2	228	221	214	207	200
		3	198	191	184	177	170
		4	181	174	167	160	153

TABLE 3—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
		5	127	120	113	106	99
		6	106	99	92	85	78
Western Redcedar ²	RC	1	299	292	285	278	271
		2	290	283	276	269	262
		3	164	157	150	143	136
		4	123	116	109	102	95
Sitka Spruce	SS	1	200	193	186	179	172
		2	147	140	133	126	119
		3	118	111	104	97	90
		4	106	99	92	85	78
		5	92	85	78	71	64
		6	82	75	68	61	54
Western Hemlock ³	WH	1	244	237	230	223	216
		2	153	146	139	132	125
		3	145	138	131	124	117
		4	128	121	114	107	100
		5	99	92	85	78	71
		6	71	64	57	50	43
Other Conifer	OC	1	244	237	230	223	216
		2	153	146	139	132	125
		3	145	138	131	124	117
		4	128	121	114	107	100
		5	99	92	85	78	71
		6	71	64	57	50	43
Red Alder	RA	1	69	62	55	48	41
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁴

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76

TABLE 4—cont.

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$242	\$235	\$228	\$221	\$214
		2	228	221	214	207	200
		3	225	218	211	204	197
		4	171	164	157	150	143
		5	156	149	142	135	128
		6	129	122	115	108	101
Western Redcedar ³	RC	1	362	355	348	341	334
		2	242	235	228	221	214
		3	202	195	188	181	174
		4	135	128	121	114	107
Western Hemlock ⁴	WH	1	266	259	252	245	238
		2	247	240	233	226	219
		3	131	124	117	110	103
		4	102	95	88	81	74
		5	87	80	73	66	59
		6	79	72	65	58	51
Other Conifer	OC	1	266	259	252	245	238
		2	247	240	233	226	219
		3	131	124	117	110	103
		4	102	95	88	81	74
		5	87	80	73	66	59
		6	79	72	65	58	51
Red Alder	RA	1	67	60	53	46	39
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."⁴

**TABLE 6—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1988**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222	
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65	
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76	
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25	
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50	

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1988**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			Number	1	2	3	4	5
Douglas-fir ²	DF	1	\$333	\$326	\$319	\$312	\$305
		2	245	238	231	224	217
		3	215	208	201	194	187
		4	166	159	152	145	138
		5	136	129	122	115	108
		6	111	104	97	90	83
Western Redcedar ³	RC	1	247	240	233	226	219
		2	233	226	219	212	205
		3	165	158	151	144	137
		4	139	132	125	118	111
Western Hemlock ⁴	WH	1	296	289	282	275	268
		2	186	179	172	165	158
		3	131	124	117	110	103
		4	129	122	115	108	101
		5	79	72	65	58	51
		6	74	67	60	53	46
Other Conifer	OC	1	296	289	282	275	268
		2	186	179	172	165	158
		3	131	124	117	110	103
		4	129	122	115	108	101
		5	79	72	65	58	51
		6	74	67	60	53	46
Red Alder	RA	1	64	57	50	43	36
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44

**TABLE 7—cont:
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			Number	1	2	3	4	5
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 8—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1988**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number			
		Code	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

**TABLE 9—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1988**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			Number	1	2	3	4	5
Douglas-fir ²	DF	1	\$365	\$358	\$351	\$344	\$337
		2	245	238	231	224	217
		3	199	192	185	178	171
		4	180	173	166	159	152
		5	123	116	109	102	95
		6	104	97	90	83	76
Western Redcedar ³	RC	1	261	254	247	240	233
		2	199	192	185	178	171
		3	182	175	168	161	154
		4	148	141	134	127	120

TABLE 9—cont:
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ⁴	WH	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Other Conifer	OC	1	274	267	260	253	246
		2	221	214	207	200	193
		3	132	125	118	111	104
		4	130	123	116	109	102
		5	128	121	114	107	100
		6	96	89	82	75	68
Red Alder	RA	1	65	58	51	44	37
Black Cottonwood	BC	1	56	49	42	35	28
Other Hardwood	OH	1	72	65	58	51	44
Hardwood Utility	HU	5	25	25	25	25	25
Conifer Utility	CU	5	8	8	8	8	8

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$250	\$243	\$236	\$229	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	93	86	79	72	65
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$110	\$104	\$98	\$92	\$86
Engelmann Spruce	ES	1	74	68	62	56	50
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	195	189	183	177	171
		2	121	115	109	103	97
Western Redcedar ³	RC	1	139	133	127	121	115
True Firs ⁴	WH	1	87	81	75	69	63
Western White Pine	WP	1	185	179	173	167	161
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas fir ²	DF	1	\$85	\$79	\$73	\$67	\$61
Engelmann Spruce	ES	1	76	70	64	58	52
Lodgepole Pine	LP	1	65	59	53	47	41
Ponderosa Pine	PP	1	148	142	136	130	124
		2	102	96	90	84	78
Western Redcedar ³	RC	1	122	116	110	104	98
True Firs ⁴	WH	1	79	73	67	61	55
Western White Pine	WP	1	164	158	152	146	140
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	16	16	16	16	16

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
 January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁴Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas fir ²	DF	1	\$170	\$164	\$158	\$152	\$146
		2	112	106	100	94	88
		3	77	71	65	59	53
Engelmann Spruce	ES	1	102	96	90	84	78
		2	78	72	66	60	54
		3	59	53	47	41	35
Lodgepole Pine	LP	1	112	106	100	94	88
		2	87	81	75	69	63
		3	69	63	57	51	45
Ponderosa Pine	PP	1	258	252	246	240	234
		2	242	236	230	224	218
		3	205	199	193	187	181
Western Redcedar ³	RC	1	196	190	184	178	172
		2	123	117	111	105	99
		3	113	107	101	95	89
True Firs ⁴	WH	1	122	116	110	104	98
		2	118	112	106	100	94
		3	73	67	61	55	49
Western White Pine	WP	1	311	305	299	293	287
		2	245	239	233	227	221
		3	236	230	224	218	212
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
 January 1 through June 30, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name	Species Code	Fimber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.))

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$313	\$306	\$299	\$292	\$285
		2	289	282	275	268	261
		3	219	212	205	198	191
		4	217	210	203	196	189
		5	158	151	144	137	130
		6	142	135	128	121	114
Western Redcedar ²	RC	1	480	473	466	459	452
		2	430	423	416	409	402
		3	244	237	230	223	216
		4	172	165	158	151	144
Sitka Spruce	SS	1	532	525	518	511	504
		2	317	310	303	296	289
		3	251	244	237	230	223
		4	226	219	212	205	198
		5	159	152	145	138	131
		6	91	84	77	70	63
Western Hemlock ³	WH	1	320	313	306	299	292
		2	199	192	185	178	171
		3	170	163	156	149	142
		4	136	129	122	115	108
		5	116	109	102	95	88
		6	102	95	88	81	74
Other Conifer	OC	1	320	313	306	299	292
		2	199	192	185	178	171
		3	170	163	156	149	142
		4	136	129	122	115	108
		5	116	109	102	95	88
		6	102	95	88	81	74
Red Alder	RA	1	52	45	38	31	24
		2	47	40	33	26	19
Black Cottonwood	BC	1	47	40	33	26	19
		2	36	29	22	15	8
Other Hardwood	OH	1	36	29	22	15	8
		2	12	12	12	12	12
Hardwood Utility	HU	5	12	12	12	12	12
		5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9
		5	9	9	9	9	9

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360

TABLE 2—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$371	\$364	\$357	\$350	\$343
		2	268	261	254	247	240
		3	266	259	252	245	238
		4	172	165	158	151	144
		5	131	124	117	110	103
		6	119	112	105	98	91
Western Redcedar ²	RC	1	427	420	413	406	399
		2	388	381	374	367	360
		3	256	249	242	235	228
		4	173	166	159	152	145
Sitka Spruce	SS	1	505	498	491	484	477
		2	195	188	181	174	167
		3	180	173	166	159	152
		4	167	160	153	146	139
		5	154	147	140	133	126
		6	104	97	90	83	76
Western Hemlock ³	WH	1	292	285	278	271	264
		2	199	192	185	178	171
		3	183	176	169	162	155
		4	179	172	165	158	151
		5	114	107	100	93	86
		6	102	95	88	81	74
Other Conifer	OC	1	292	285	278	271	264
		2	199	192	185	178	171
		3	183	176	169	162	155
		4	179	172	165	158	151
		5	114	107	100	93	86
		6	102	95	88	81	74
Red Alder	RA	1	72	65	58	51	44
		2	47	40	33	26	19
Black Cottonwood	BC	1	47	40	33	26	19
		2	36	29	22	15	8
Other Hardwood	OH	1	36	29	22	15	8
		2	12	12	12	12	12
Hardwood Utility	HU	5	12	12	12	12	12
		5	9	9	9	9	9
Conifer Utility	CU	5	9	9	9	9	9
		5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number		
		Code	Number	1	2	3

Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
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Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number		
		Code	Number	1	2	3	4	5

Douglas-fir ²	DF	1	\$352	\$345	\$338	\$331	\$324
		2	289	282	275	268	261
		3	261	254	247	240	233
		4	173	166	159	152	145
		5	158	151	144	137	130
		6	143	136	129	122	115

Western Redcedar ³	RC	1	391	384	377	370	363
		2	372	365	358	351	344
		3	251	244	237	230	223
		4	187	180	173	166	159

Western Hemlock ⁴	WH	1	377	370	363	356	349
		2	278	271	264	257	250
		3	211	204	197	190	183
		4	148	141	134	127	120
		5	110	103	96	89	82
		6	95	88	81	74	67

Other Conifer	OC	1	377	370	363	356	349
		2	278	271	264	257	250
		3	211	204	197	190	183
		4	148	141	134	127	120

TABLE 5—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number			
		Code	Number	1	2	3	4
		5	110	103	96	89	82
		6	95	88	81	74	67
Red Alder	RA	1	52	45	38	31	24
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	9	9	9	9	9

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 6—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number		
		Code	Number	1	2	3

Western Redcedar—Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
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Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
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Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
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Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
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True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50
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¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

² Stumpage value per 8 lineal feet or portion thereof.

³ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number		
		Code	Number	1	2	3	4	5

Douglas-fir ²	DF	1	\$418	\$411	\$404	\$397	\$390
		2	278	271	264	257	250
		3	259	252	245	238	231

TABLE 7—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
		4	211	204	197	190	183
		5	166	159	152	145	138
		6	150	143	136	129	122
Western Redcedar ³	RC	1	344	337	330	323	316
		2	233	226	219	212	205
		3	231	224	217	210	203
		4	187	180	173	166	159
Western Hemlock ⁴	WH	1	368	361	354	347	340
		2	216	209	202	195	188
		3	159	152	145	138	131
		4	155	148	141	134	127
		5	130	123	116	109	102
		6	95	88	81	74	67
Other Conifer	OC	1	368	361	354	347	340
		2	216	209	202	195	188
		3	159	152	145	138	131
		4	155	148	141	134	127
		5	130	123	116	109	102
		6	95	88	81	74	67
Red Alder	RA	1	66	59	52	45	38
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	9	9	9	9	9

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$410	\$403	\$396	\$389	\$382
		2	306	299	292	285	278
		3	240	233	226	219	212
		4	200	193	186	179	172
		5	136	129	122	115	108
		6	123	116	109	102	95
Western Redcedar ³	RC	1	390	383	376	369	362
		2	177	170	163	156	149
		3	175	168	161	154	147
		4	167	160	153	146	139
Western Hemlock ⁴	WH	1	397	390	383	376	369
		2	239	232	225	218	211
		3	193	186	179	172	165
		4	145	138	131	124	117
		5	133	126	119	112	105
		6	75	68	61	54	47
Other Conifer	OC	1	397	390	383	376	369
		2	239	232	225	218	211
		3	193	186	179	172	165
		4	145	138	131	124	117
		5	133	126	119	112	105
		6	75	68	61	54	47
Red Alder	RA	1	76	69	62	55	48
Black Cottonwood	BC	1	47	40	33	26	19
Other Hardwood	OH	1	36	29	22	15	8
Hardwood Utility	HU	5	12	12	12	12	12
Conifer Utility	CU	5	9	9	9	9	9

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1988

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$388	\$381	\$374	\$367	\$360
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	140	133	126	119	112

TABLE 10—cont.
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ²	RCP	1	0.76	0.76	0.76	0.76	0.76
Douglas-fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$126	\$120	\$114	\$108	\$102
Engelmann Spruce	ES	1	92	86	80	74	68
Lodgepole Pine	LP	1	85	79	73	67	61
Ponderosa Pine	PP	1	229	223	217	211	205
		2	151	145	139	133	127
Western Redcedar ³	RC	1	139	133	127	121	115
True Firs ⁴	WH	1	112	106	100	94	88
Western White Pine	WP	1	217	211	205	199	193
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	15	15	15	15	15

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCP	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$92	\$86	\$80	\$74	\$68
Engelmann Spruce	ES	1	80	74	68	62	56
Lodgepole Pine	LP	1	71	65	59	53	47
Ponderosa Pine	PP	1	136	130	124	118	112
		2	106	100	94	88	82
Western Redcedar ³	RC	1	130	124	118	112	106
True Firs ⁴	WH	1	83	77	71	65	59
Western White Pine	WP	1	170	164	158	152	146
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	5	5	5	5	5

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir ²	DF	1	\$221	\$215	\$209	\$203	\$197
		2	151	145	139	133	127
		3	138	132	126	120	114
Engelmann Spruce	ES	1	107	101	95	89	83
		2	99	93	87	81	75
		3	97	91	85	79	73
Lodgepole Pine	LP	1	117	111	105	99	93
		2	107	101	95	89	83
		3	97	91	85	79	73
Ponderosa Pine	PP	1	270	264	258	252	246
		2	260	254	248	242	236
		3	250	244	238	232	226
Western Redcedar ³	RC	1	200	194	188	182	176
		2	135	129	123	117	111
		3	121	115	109	103	97
True Firs ⁴	WH	1	207	201	195	189	183
		2	174	168	162	156	150
		3	106	100	94	88	82
Western White Pine	WP	1	270	264	258	252	246
		2	174	168	162	156	150
		3	93	87	81	75	69
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	2	2	2	2	2

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.

³ Includes Alaska-cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1988

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$54	\$48	\$42	\$36	\$30
Lodgepole Pine & Other Posts ²	LPP	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending Order FT-87-5, filed 12/31/87)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

(1) No harvest adjustment shall be allowed against conifer utility, hardwood utility, or any of the special forest products.

(2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 1988:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, and 5
~~((January))~~ July 1 through
~~((June 30))~~ December 31, 1988

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00

II. Logging conditions

Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	((-\$9.00)) - \$11.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	((-\$22.00)) - \$23.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	((-\$99.00)) - \$81.00

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610 (20))

Class 1	Average log volume of 50 board feet or more.	- \$25.00
Class 2	Average log volume of less than 50 board feet.	- \$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6, 7, and 10
~~((January))~~ July 1 through
~~((June 30))~~ December 31, 1988

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	\$0.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	- \$13.00
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$26.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	((-\$99.00)) - \$81.00

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

TABLE 3—DOMESTIC MARKET ADJUSTMENT

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

The adjustment amounts shall be as follows:

Class 1:	All eligible species in Western Washington (SVA's 1 through 5)	((-\$26.00)) - \$46.00 per MBF
Class 2:	All eligible species in Eastern Washington (SVA's 6, 7, and 10)	((-\$9.00)) - \$13.00 per MBF

Note: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

WSR 88-14-033
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-45—Filed June 30, 1988]

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 sockeye 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 June 30, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-57A-17500A LAKE WASHINGTON. Notwithstanding the provisions of WAC 220-57A-175, effective 4:30 a.m. July 1, 1988 until further notice it is lawful to take, fish for and possess salmon, including sockeye salmon for personal use from the waters of Lake Washington lying south of the Evergreen Point Floating Bridge. Bag Limit - 2 salmon. Minimum size limits: Chinook - 24 inches in length; Coho and Sockeye - 20 inches in length; all other salmon 10 inches in length. The following waters are closed to salmon angling at all times:

(a) Waters within a 1000-foot radius of the mouth of the Cedar River.

(b) Waters within 100 yards either side of the I-90 Bridge.

(c) Waters within 100 yards southerly of the Evergreen Point Floating Bridge.

WSR 88-14-034

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-44—Filed June 30, 1988]

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 these regulations are adopted pursuant to the decision of the Columbia River Compact and recommendation of the four Columbia River treaty tribes.

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 June 29, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05700A COLUMBIA RIVER STURGEON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-057, effective July 1, 1988 until further notice, it is unlawful for a person to take sturgeon with setline gear or to possess sturgeon taken with setline gear for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H.

WSR 88-14-035

NOTICE OF PUBLIC MEETINGS

CENTRAL WASHINGTON UNIVERSITY

[Memorandum—June 28, 1988]

The regularly scheduled meetings of the Central Washington University board of trustees will be held in Bouillon Hall, Room 143, on the Central Washington University campus in Ellensburg at 11:00 a.m. on the following dates:

September 30, 1988
October 28, 1988
December 9, 1988
February 10, 1989
March 17, 1989
April 21, 1989
June 16, 1989

WSR 88-14-036

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed June 30, 1988]

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 minimum ((monetary)) penalty, amending WAC 314-12-170;

that the agency will at 9:30 a.m., Wednesday, August 10, 1988, in the Capital Plaza Building, 1025 East Union Avenue, 5th Floor, 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 66.98.070.

The specific statute these rules are intended to implement is RCW 66.24.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1988.

Dated: June 29, 1988
By: L. H. Pedersen
Chairman

WSR 88-14-037
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 2638—Filed June 30, 1988]

STATEMENT OF PURPOSE

Title: WAC 314-12-170 Minimum monetary penalty.

Description of Purpose: To provide that when the board determines that a license shall be suspended, such suspension shall be for not less than three days.

Statutory Authority: RCW 66.08.030 and 66.98.070.

Statutes Implemented by the Rule: RCW 66.24.010.

Summary of Rule: Presently the rule provides that when a license suspension is vacated upon payment of a monetary penalty such monetary penalty shall not be less than \$500. There is presently no minimum suspension provided.

Reasons Supporting Proposed Action: The rule as amended would further provide that when the board determines that a license shall be suspended such a suspension shall be for not less than three operating days. Penalties of less than three operating days impose more of a hardship on the agency than on the violator because of the necessity for inventory of stock, etc., when a suspension begins and ends.

Agency Personnel Involved: In addition to the board the following agency personnel have responsibility for drafting, implementing and enforcing this rule amendment: Gary W. Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 586-3052.

Person or Organization Proposing the Rule: The 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: Cost impact for this amendment on businesses of all kinds will be minimal. This amendment does not establish any new paperwork or filing requirements.

AMENDATORY SECTION (Amending Order 148, Resolution No. 157, filed 8/22/84)

WAC 314-12-170 MINIMUM ((MONETARY)) PENALTY. ((Hf)) When the board, pursuant to RCW 66.24.010 and 66.24.120, determines to ((provide in either its prehearing summary disposition or final order of suspension that such suspension shall be vacated)) suspend a liquor license and/or vacate a license suspension upon payment of a monetary penalty, then such ((penalty)) license suspension shall not, in any event, be less than ((500.00)) three operating days nor shall such monetary penalty, in any event, be less than five hundred dollars.

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to special supplemental food program for women, infants and children (WIC), chapter 388-19 WAC.

This action is taken pursuant to Notice No. WSR 88-10-043 filed with the code reviser on May 4, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.20A-.550 which directs that the Department of Social and Health Services has authority to implement the provisions of 7 CFR Part 246, Federal Register.

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 June 22, 1988.

By Leslie F. James, Director
Administrative Services

Chapter 388-19 WAC
SPECIAL SUPPLEMENTAL FOOD PROGRAM
FOR WOMEN, INFANTS, AND CHILDREN
(WIC)

NEW SECTION

WAC 388-19-005 DESCRIPTION OF WIC PROGRAM. (1) The WIC program is a federally funded program established by the Child Nutrition Act of 1966. The purpose of the program is to provide nutritious food; nutrition education and counseling; and referral services to women, infants, and children in certain high-risk categories.

(2) Federal regulations governing the WIC program (7 CFR Part 246) require implementation of standards and procedures to guide the state's administration of the WIC program and are hereby incorporated. These regulations are designed to promote consistent and high quality services to clients, promote consistent application of procedures for eligibility and food issuance, and lessen the possibility of participant, food vendor, and local agency abuse of the WIC program. These regulations define the rights, responsibilities, and legal procedures of participants, vendors, and local agencies.

(3) The WIC program in the state of Washington is administered by the department of social and health services. As used in this chapter, "department" means the department of social and health services; "food vendor" means grocers and pharmacists; and "food instrument" means check or voucher.

NEW SECTION

WAC 388-19-015 AUTHORIZED FOODS. (1) The department shall provide one or more of the following foods to eligible women, infants, and children:

- (a) Cereals,
- (b) Juices,
- (c) Infant formula,
- (d) Infant cereal,
- (e) Milk,
- (f) Eggs,
- (g) Dry beans and peas,
- (h) Peanut butter, and
- (i) Cheese.

These foods shall meet nutritional standards established by federal regulations.

(i) The department shall approve specific brands of infant formula, juice, and cereal based on federal nutritional requirements. In addition, the department specifies juice provided to WIC clients must be unsweetened; and

(ii) The department shall designate specific types of domestic, pasteurized cheese for the WIC program.

(2) A copy of the authorized WIC food list shall be included in the annually revised state plan which is available for public comment and is submitted to the United States Department of Agriculture Food and Nutrition Services regional office.

(3) The following steps have been established by the department as the formal procedure for adding a food product to the WIC program:

(a) A food company or other entity, such as a local WIC clinic, shall submit a written request for authorization of a product;

(b) The food company representative shall furnish the state WIC office with package flats or labels, information on package sizes and prices, and a summary of current distribution. This information must be received at least ninety days prior to WIC food instrument revision deadlines. These revisions occur approximately twice a year, depending on the need for replenishing the supply;

(c) If the product meets federal and state requirements, the department shall verify product availability and price;

(d) The nutrition education work group of the office of parent and child health services shall make its recommendation based on the product's ingredients and its value to the promotion of healthful and economic food buying practices;

(e) The department shall survey local WIC clinics for their recommendation in regard to need and demand for the product;

(f) The department shall review data and recommendations and shall notify the food company of its decision;

(g) The department shall add the newly authorized food item to the WIC food instrument at the next scheduled printing.

(4) Any food products being considered for addition to the authorized WIC food list shall be on the shelves of retail outlets, statewide, by the time revisions are submitted for printing new food instrument stock.

(5) The department reserves the right to require a food company to submit a statement guaranteeing a minimum period of time during which a food product will be available throughout the state of Washington.

(6) The department reserves the right to refuse any food product that appears to be in contradiction to the principles promoted by the WIC program's nutrition education component.

(7) The department reserves the right to limit the number of authorized foods within a food category.

NEW SECTION

WAC 388-19-020 FOOD VENDOR PARTICIPATION. (1) The department shall authorize food vendors who may redeem WIC food instruments or otherwise provide supplemental foods to WIC participants. Unauthorized vendors who redeem WIC food instruments are subject to the penalties specified in WAC 388-19-035.

(2) Application procedure.

(a) Food vendors shall submit an application to the department, including a price list for authorized WIC food. Forms used in the application process are contained in the state plan which is submitted annually to the United States Department of Agriculture Food and Nutrition Services regional office.

(b) The department may require vendor applicants to provide information regarding gross food sales and inventory records for WIC-approved foods.

(c) The department shall conduct a documented on-site visit prior to, or at the time of, initial authorization of a new vendor, for the purpose of evaluating the inventory of WIC foods and providing training in rules and regulations of WIC transactions.

(d) The department shall issue contracts for a maximum period of two years. All contracts expire on December 31 of even-numbered years. No new applications will be accepted after July 1 in even-numbered years, except in the case of an ownership change at a location where there is a documented need. The department has the authority to limit acceptance of new applications to other specific times as well.

(3) The department shall authorize an appropriate number and distribution of food vendors to assure adequate participant convenience and access, and to assure the department can effectively manage review of these vendors. The department has the authority to limit the number of authorized food vendors in any given geographic area or statewide. Selection is based on the following conditions:

(a) At least six WIC participants shall request a food vendor location unless the vendor is a:

(i) Pharmacy needed as a supplier of special infant formulas; or

(ii) Retail grocery store in an isolated area.

In either case, the need shall be documented by the local WIC agency.

(b) Food vendors shall stock representative items from all food categories on the authorized WIC food list that apply to the vendor's classification. No waivers shall be granted unless there is an insufficient number of authorized vendors in a given service area. Minimum quantities

specified on the authorized WIC food list shall be stocked before a contract is offered to the food vendor;

(c) Prices of individual food items shall not exceed one hundred twenty percent of the statewide average price accepted from WIC authorized food vendors at the end of the last odd numbered year;

(d) The food vendor shall possess a valid Washington state tax registration number;

(e) The food vendor shall be willing to submit to monitor visits and to provide invoices and shelf prices upon request;

(f) The store shall be open for business at least eight hours per day, six days per week.

(4) The department shall give written notification of denial, stating the reason, and advising the food vendor of the vendor's right of appeal. The department may deny authorization to a:

(a) Food vendor who has redeemed WIC food instruments without authorization; or

(b) Store which has had more than two owners during a two-year contracting period; or

(c) Food vendor who has not implemented corrective action imposed by the department as a result of a monitoring visit; or

(d) Food vendor who has not completed payment of an imposed fine.

NEW SECTION

WAC 388-19-025 FOOD VENDOR CONTRACTS. (1) All participating food vendors shall enter into written contracts with the department. The contract shall be signed by the vendor's legal representative.

(2) When the food vendor obligates more than one outlet, there shall be an individual contract for each outlet; individual outlets may be added, temporarily disqualified, or terminated without affecting the remaining outlets.

(3) The department shall have the authority to contract with a sole source for a specified WIC food product or food product category.

(4) WIC vendor rules. The food vendor contract shall contain the following rules:

(a) The food vendor shall stock sufficient quantities of authorized WIC foods to meet the needs of WIC customers;

(b) The food vendor shall redeem WIC food instruments for only the supplemental foods specified on the food instrument;

(c) The food vendor shall provide supplemental foods at the current price or at less than the current price charged other customers;

(d) The food vendor shall accept food instruments from a WIC customer within thirty days of the issuance date and submit those instruments for payment within the time period stated on the food instrument;

(e) The department has the right to demand refunds from the food vendors for overcharges;

(f) The department may deny payment to the food vendor for improper food instruments or may demand

refunds for payments already made on improper food instruments. An example of an improper food instrument is one presented to the vendor for redemption after the thirty-day valid period;

(g) The food vendor shall not seek restitution from WIC customers for food instruments not honored by the WIC program;

(h) The manager of the store or an authorized representative such as head cashier shall agree to accept training on WIC program requirements and procedures. The department shall provide this training;

(i) The food vendor shall inform and train cashiers or other employees on WIC program rules and check cashing procedures;

(j) The department shall hold the food vendor responsible for the actions of employees or agents of the vendor with regard to any WIC transaction;

(k) The food vendor shall redeem food instruments made payable only to that specific store or with the words "any authorized WIC vendor;"

(l) The food vendor shall treat WIC customers with the same courtesy provided to other customers;

(m) The department shall monitor the food vendor for compliance with WIC program rules;

(n) During the department monitoring visit of a food vendor, the food vendor shall provide access to food instruments negotiated the day of the review, at the request of the department reviewer;

(o) Food vendors shall provide department reviewers access to shelf price records;

(p) Each food vendor shall provide the department with a complete price list of authorized WIC foods at least once a year;

(q) The food vendor shall notify the department of any store closure or change of ownership, store name, and/or location no later than the tenth of the month prior to the month during which the change will be effective. Notices from the vendor shall be addressed to DSHS WIC Program, Mail Stop LC-12C, Olympia, Washington 98504; and

(r) The food vendor shall require proof of identity of WIC customers by requesting their WIC identification cards.

(5) Renewal of contract.

(a) Neither the department nor the food vendor is obligated to renew the food vendor contract. The department shall provide vendors with not less than fifteen days advance written notice of the expiration of a contract not being renewed by the department.

(b) Food vendors shall observe time lines, such as deadlines for submitting price lists and returning properly signed contracts. Failure of vendors to do so may result in denial of authorization.

(6) Contract terminations.

(a) Either the department or the food vendor may terminate the contract by submitting a written notice to the other party thirty days in advance.

(b) The food vendor contract shall automatically be terminated without advance notice from the department in the event of a store closure or change in ownership.

NEW SECTION

WAC 388-19-030 FOOD VENDOR MONITORING. (1) The department shall identify high-risk vendors and ensure on-site monitoring, further investigation, and sanctioning of such vendors. Criteria for identifying high-risk vendors shall include, but not be limited to, such considerations as participant complaints and the amount or frequency of suspected overcharges on redeemed food instruments.

(2) The department shall conduct on-site monitoring visits to at least ten percent of authorized vendors per year. The department shall select the vendors on a representative basis, in order to survey the types and levels of abuse and errors among participating food vendors. Vendors shall take correction action as directed by the department.

(3) The department shall submit a summary of the results of the monitoring of high-risk and representative food vendors and of the review of food instruments to USDA food and nutrition service on an annual basis within four months after the end of the federal fiscal year.

(4) The department shall document the following for all on-site vendor monitoring visits:

- (a) names of both vendor and reviewer;
- (b) Date of review;
- (c) Nature of problem or problems detected or observation that the food vendor appears to be in compliance with program requirements;
- (d) How the food vendor plans to correct deficiencies detected; and
- (e) Signature of reviewer.

(5) Methods of on-site monitoring visits include, but are not limited to:

- (a) Compliance purchases;
- (b) Review of cashier check-out procedures;
- (c) Review of inventory records;
- (d) Review of the availability and prices of authorized WIC foods; and
- (e) Review of food instruments.

(6) The department may conduct compliance purchases to collect evidence of improper vendor practices, or arrange for this responsibility to be assumed by the proper state or local authorities.

(7) The department shall establish procedures to document the handling of complaints by participants against food vendors. The department shall deal with complaints of civil rights discrimination in accordance with 7 CFR 246.8(b).

NEW SECTION

WAC 388-19-035 FOOD VENDOR SANCTIONS. (1) The department may disqualify a food vendor for reasons of program abuse, and suspend the vendor's participation in the WIC program for a specified period of time. At the end of the disqualification period, the vendor shall be required to reapply for authorization.

(2) Food vendors may be subject to sanctions in addition to, or in lieu of, disqualification, such as monetary claims for improper or overcharged food instruments. Prior to disqualifying a food vendor, the department

shall consider whether the disqualification would create undue hardships for WIC participants.

(3) The department shall set the period of disqualification from program participation at a minimum of one year and shall not exceed three years. The maximum period of disqualification shall be imposed only for flagrant or repeated program abuse. The department may, at its option, issue a warning letter to the food vendor before a disqualification is imposed.

(4) The department shall disqualify a food vendor from the WIC program if that vendor is suspended or disqualified from another FNS program.

(5) The department shall recover funds due the WIC program and impose monetary fines of not less than one hundred dollars on food vendors for the offenses in subsection (5) of this section. The department shall deposit these funds into the WIC account in accordance with federal regulations.

Money shall be paid to the department within the time period specified in the notification of adverse action or the vendor shall be suspended from the WIC program for a period of at least one year. Offenses include:

- (a) Providing cash, unauthorized food, or other items to WIC customers in lieu of authorized WIC supplemental foods;
- (b) Charging the WIC program for foods not received by the customer;
- (c) Charging the WIC program more for authorized WIC supplemental foods than other customers are charged for the same food item;
- (d) Providing rain checks or other credit to customers in a WIC transaction;
- (e) Charging WIC customers cash in a WIC transaction; and
- (f) Redeeming WIC checks without having authorization from the department.

Repeating any offense listed in subsection (5) of this section would subject a vendor to a one-year disqualification.

(6) A food vendor who fails to give the specified notice of a change in ownership, store name, and/or location shall be liable for resultant costs incurred by the WIC program. In addition, a food vendor who fails to furnish the state WIC office with written notice of a change in ownership prior to the effective date of sale shall be subject to a monetary fine of not less than one hundred dollars.

(7) Failure to maintain a sufficient stock of WIC authorized foods or to follow the appropriate WIC check cashing procedure may result in a one-year disqualification.

(8) Food vendors who have willfully misapplied, stolen, or fraudulently obtained program funds shall be subject to a fine of not more than one thousand dollars or imprisonment for not more than five years or both, if the value of the funds is one hundred dollars or more. If the value is less than one hundred dollars, the penalties are a fine of not more than one thousand dollars or imprisonment for not more than one year or both. The department shall refer these vendors to federal, state, or local authorities for prosecution under applicable statutes.

NEW SECTION

WAC 388-19-040 NOTICE OF ADVERSE ACTION TO WIC FOOD VENDOR—DENIAL OF FOOD VENDOR APPLICATION, CONTRACT NONRENEWAL. (1) When the department denies a food vendor's application to participate in the WIC program or denies a contractor's application to renew the contract, the denial shall be in writing. The notice shall state the basis for the denial.

(2) When the department proposes to take an adverse action against a food vendor with whom the department has a contract, the department shall give the contractor a written notice. The notice shall:

- (a) State the cause for the action;
- (b) State the effective date of the action; and
- (c) Be provided to the contractor not less than fifteen days in advance of the effective date of the action.

NEW SECTION

WAC 388-19-045 WIC FOOD VENDOR—ADMINISTRATIVE REVIEW—CONTRACT DISPUTE RESOLUTION—ADMINISTRATIVE HEARING.

(1) Administrative review.

(a) A food vendor whose application to participate in the WIC program is denied has the right to administrative review which is an informal meeting with the vendor to discuss the facts related to the denial.

(b) A request for an administrative review shall be in writing and:

- (i) State the issue raised;
- (ii) State the grounds for contesting the aggrieving department action;
- (iii) State the law and allegations of fact on which the appeal relies;
- (iv) Contain the appellant's current address and telephone number, if any; and
- (v) Have a copy of the adverse department notice attached.

(c) A request for an administrative review shall be made by personal service on the office of parent-child health services headquarters office or by certified mail addressed to the Office of Parent-Child Health Services, Mail Stop LC-12C, Olympia, Washington 98504. The request shall be made within thirty days of the date the vendor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the office of parent-child health services properly addressed and with no postage due.

(d) The chief, office of parent-child health services, or the chief's designee, shall conduct the administrative review. The time limit for making the determination is thirty days from the date the request for an administrative review was received by the office. The time shall be extended by as many days as the vendor requests, assents to, or causes a delay in the proceedings.

(2) Contract dispute resolution.

(a) A WIC food vendor who is disqualified from participating in the program or who is aggrieved by any other adverse action the department takes which affects

participation, has the right to a dispute resolution. This shall not apply to a nonrenewal of the contract.

(b) A request for a dispute resolution shall be in writing and:

- (i) State the issue raised;
- (ii) State the grounds for contesting the aggrieving department action;
- (iii) State the law and allegations of fact on which the appeal relies;
- (iv) Contain the contractor's current address and telephone number, if any; and
- (v) Have a copy of the adverse department notice attached.

(c) A request for a dispute resolution shall be made by personal service on the office of contracts management in Olympia or by certified mail addressed to the Office of Contracts Management, Mail Stop OB-22N, Olympia, Washington 98504. The request shall be made within thirty days of the date the contractor received the notice of adverse action. When the request is mailed, it shall be treated as having been made on the date it was postmarked provided it is received by the office of contracts management properly addressed and with no postage due.

(d) The time limit for making the determination is thirty days from the date the request for a dispute resolution was received by the office of contracts management. The time shall be extended by as many days as the contractor requests, assents to, or causes a delay in the proceedings.

(3) Administrative hearing.

(a) An applicant dissatisfied with the administrative review determination has the right to an administrative hearing. A contractor dissatisfied with the dispute resolution has the right to an administrative hearing. Administrative hearings in the WIC program shall comply with 7 CFR 246.18. The hearing shall be governed by this subsection and chapters 10-08 and 388-08 WAC. If any provision of subsection (3) of this section conflicts with chapter 388-08 WAC, the provision in this section applies. The decision-making procedure shall be the initial decision, petition for review, and review decision procedure.

(b) A request for an administrative hearing must be in writing and:

- (i) State the issue raised;
- (ii) State the grounds for contesting the aggrieving department action;
- (iii) State the law and allegations of fact on which the appeal relies;
- (iv) Contain the appellant's current address and telephone number, if any; and
- (v) Have a copy of the administrative review or dispute resolution determination attached.

(c) A request for an administrative hearing must be made by personal service on the DSHS office of hearings in Olympia or by certified mail addressed to the DSHS Office of Hearings, P.O. Box 2465, Olympia, Washington 98504-2465. The request must be made within thirty days of the date the applicant or contractor received the adverse determination. When the request is mailed, it shall be treated as having been made on the

date it was postmarked provided it is received by the office of hearings properly addressed and with no postage due.

(d) The time limit for making the determination is sixty days from the date the request for a hearing was received by the office of hearings. The time shall be extended by as many days as the appellant requests, assents to, or causes a delay in the proceedings.

NEW SECTION

WAC 388-19-050 WIC FOOD VENDOR APPEAL—CONTINUED PARTICIPATION PENDING ADMINISTRATIVE HEARING DECISION. (1) If the action being appealed is a temporary disqualification of a WIC authorized vendor, that vendor shall cease redeeming WIC checks effective on the date specified in the sanction notice. The vendor shall not accept WIC food instruments during the appeal period. Payment shall not be made for any food instruments accepted by a vendor during a period of disqualification.

(2) The department may in its discretion permit the contractor to continue participating in the WIC program pending the proceedings when implementing the action would unduly inconvenience WIC participants.

WSR 88-14-038

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Order TL/RG 42—Filed June 30, 1988]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to cancellation of vehicle registration and license plates, new sections WAC 308-96A-450, 308-96A-460, 308-96A-470 and 308-96A-480.

I, Theresa Anna Aragon, 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 that rules must be in place July 1, 1988, the effective date of the statutes the rules are intended to implement.

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

This rule is promulgated pursuant to RCW 46.16.720(2) which directs that the director of the Department of Licensing has authority to implement the provisions of RCW 46.16.720 through 46.16.750.

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 June 30, 1988.

By Theresa Anna Aragon
Director

NEW SECTION

WAC 308-96A-450 DRIVING WITHOUT VALID LICENSE—TEMPORARY VEHICLE REGISTRATION. (1) Arresting officers, at the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, may issue a temporary vehicle registration on behalf of the department of licensing to replace any vehicle registration confiscated pursuant to RCW 46.16.710. The temporary vehicle registration shall provide notice to the arrested driver of the department's intention to cancel the vehicle registration and the license plates of the described vehicle in accordance with RCW 46.16.720 and 46.16.730.

(2) Vehicles may be operated during the term of the temporary registration without payment of annual renewal license fees and excise tax. Any renewal fee and tax received for the vehicle during the temporary registration period will be credited to the current renewal of the registration if any fees and/or taxes are currently owed. Fees and taxes received for vehicle registration and license plates which have been cancelled are not refundable and are not applicable to future renewals due to cancellation of the registration.

NEW SECTION

WAC 308-96A-460 VEHICLE REGISTRATION CANCELLATION HEARINGS. (1) Upon notification by the department, or by a law enforcement officer acting on its behalf, of the department's intention to cancel the vehicle registration and license plates under authority of RCW 46.16.720, the driver may request a formal hearing. Such request must be in writing and must be received by the department within fifteen days from the date the temporary registration was issued.

(2) The department will give the driver at least 20 days advance notice of the time and place of the hearing unless the period of notice is waived by the driver. The hearing will be conducted in the county of arrest or in some other county mutually agreed to by the department and the driver.

(3) The hearing will be conducted by a hearing officer appointed by the director. The hearing officer is authorized to render final decisions.

(4) The sworn report submitted by the arresting officer constitutes a presumption that the arresting officer complied with RCW 46.16.710; that the officer arrested the driver for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090; that the officer had reasonable grounds to believe the arrested driver was driving in violation of RCW 46.20.342(1); and that the arrest was lawful.

(5) The driving record as maintained by the department is prima facie correct.

(6) The hearing officer shall issue a subpoena upon the request of any party upon a statement showing general relevance and reasonable scope of the evidence sought: Provided, however, that such subpoena may be issued with like effect by the attorney of record of the party in whose behalf the witness is required to appear, and the form of the subpoena may be the same as when

issued by the hearing officer except that it shall only be subscribed by the signature of such attorney.

(7) Any party may cross-examine any witness and has the right to submit rebuttal evidence.

(8) The scope of the hearing shall be limited to the following issues:

(a) Whether the driver was a registered owner of the vehicle he or she was driving at the time of the arrest, or that in violation of RCW 46.20.101 no transfer of title of the vehicle has been made.

(b) Whether the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of the arrest.

(9) Upon a showing of good cause, the driver may request a continuance of the scheduled hearing date: Provided, the hearing may be continued only if it can be re-scheduled for a time no more than sixty days after arrest.

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

NEW SECTION

WAC 308-96A-470 DRIVING WITHOUT VALID LICENSE—RE-REGISTRATION AFTER CANCELLATION. (1) An application to re-register a vehicle whose registration and license plates have been cancelled pursuant to RCW 46.16.720 may be made:

(a) by a new owner qualified to register the vehicle when title to the vehicle is being transferred to him or her; or

(b) by the arrested driver after he or she has been issued a valid driver's license; or

(c) after the registered owner's suspended/cancelled/revoked driver's license or driving privilege has been reinstated.

(2) Application for re-registration shall be made on a form provided by the department and shall include a replacement plate fee and any annual license renewal fees and excise tax due.

(3) The re-registration expiration date will be:

(a) unchanged - when the previous registration year has not expired; or

(b) new - when the previous expiration date was more than twelve months prior to the month of application; or

(c) one year later than the current expiration date - when the current expiration date is less than thirteen months prior to the date of application.

(4) The department will reissue a registration and issue new vehicle license tabs without cost to the registered owner(s) when the confiscated registration is cancelled in error or the cancellation is reversed by administrative hearing or by the court.

NEW SECTION

WAC 308-96A-480 DRIVING WITHOUT VALID LICENSE—VEHICLE OPERATING ON A PERMIT. (1) At the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on a thirty day department temporary permit, the arresting officer shall mark the

Washington license plates when present, inscribe on the face of the department permit that a temporary vehicle registration was issued, and issue the sixty day temporary vehicle registration.

(2) Upon receipt of the sworn report of the arresting officer, the department shall send written notice by certified mail (or registered mail to Canada) to the arrested driver cancelling any registration and/or plates issued subsequent to the temporary registration and explaining the reasons therefore. Issuance of the registration and/or plates shall not affect the cancellation of the registration and license plates beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing, whichever occurs first.

WSR 88-14-039

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Optometry)

[Filed June 30, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Optometry intends to adopt, amend, or repeal rules concerning minimum equipment requirements, amending WAC 308-53-200;

that the agency will at 9:15 a.m., Friday, August 12, 1988, in the Tacoma Room, West Coast Hotel, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.54.070.

The specific statute these rules are intended to implement is RCW 18.54.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Tuesday, August 9, 1988.

Dated: June 22, 1988

By: Cynthia J. Jones

Program Manager

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Optometry.

Purpose of Proposed Amendments: To ensure that offices of optometry are properly equipped.

Statutory Authority: RCW 18.54.070.

Summary of the Rule: WAC 308-53-200 relates to the minimum equipment requirement.

Responsible Personnel: The Washington State Board of Optometry and the program manager for the board have the responsibility for drafting, implementing and enforcing these rules. The program manager is Cynthia Jones, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-1966.

Proponents of Proposed Rules: The Washington State Optometry Board.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required as this rule does not impact small business as that term is defined in RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 256, filed 9/13/76)

WAC 308-53-200 MINIMUM EQUIPMENT REQUIREMENTS. (1) At the minimum, every licensed optometrist must have in his office the following equipment and accessories, all of which must be in working condition:

- (a) Adjustable examining chair;
 - (b) Phoropter/refractor;
 - (c) Retinoscope;
 - (d) Ophthalmoscope;
 - (e) Pupillary distance measuring device;
 - (f) Projector and screen; or illuminated test cabinet, or chart for distant vision testing;
 - (g) Nearpoint vision testing equipment;
 - (h) Lensometer/vertometer;
 - (i) Tonometer.
- (2) In addition to the equipment and accessories listed in subsection (1) above, if a licensed optometrist prescribes contact lenses he must have in his office the following equipment, all of which must be in working condition:
- (a) Diameter gauge;
 - (b) Thickness gauge;
 - (c) Cobalt or black light instrument;
 - (d) Magnifier, which may separate or part of cobalt or black light instrument;
 - (e) Radiuscope/contactogauge type measuring instrument;
 - (f) Thickness tables;
 - (g) Diopter to millimeter conversion tables;
 - (h) Biomicroscope/slit lamp;
 - (i) Ophthalmometer/P.E.K. corneal measurement type instrument;
 - (j) A clinically accepted visual field testing instrument or equipment.

WSR 88-14-040
PROPOSED RULES
CHIROPRACTIC DISCIPLINARY BOARD
 [Filed June 30, 1988]

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 Scope of practice—Revocation or suspension of license authorized for practice outside scope, amending WAC 113-12-200;

that the agency will at 9:30 a.m., Thursday, August 18, 1988, in the West Coast Hotel, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.26.110.

The specific statute these rules are intended to implement is chapter 18.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 18, 1988.

Dated: June 29, 1988

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 113-12-200 Scope of practice—Revocation or suspension of license for practice outside scope, this proposal would clarify the board's interpretation that female breast examinations are outside the scope of chiropractic. The rule would also delete recent amendments regarding extremity adjustment, temporomandibular joint adjustment and furnishing foot orthotics, as suggested by the Joint Administrative Rules Committee.

Statutory Authority: RCW 18.26.110.

Reason Proposed: To protect the public's health, safety and welfare.

Responsible Departmental 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, WA 98504, (206) 753-3129 comm, (206) 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 693, filed 12/1/87)

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) 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) Female breast examinations.

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) 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 complementary to and/or preparatory to a spinal adjustment and not solely as a treatment of a specific extremity condition)).~~)
- (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, whether known as "acupressure," or the same type of therapy under any other names.
- (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 dysfunction in the temporomandibular joint:~~

~~((l) Furnishing foot orthotics unless provided complementary to and/or preparatory to a spinal adjustment and not solely as a treatment of a specific 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) 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) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) of this section shall constitute unprofessional conduct under RCW 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.

WSR 88-14-041

ADOPTED RULES

BOARD OF PHARMACY

[Order 215—Filed June 30, 1988]

Be it resolved by the Washington State Board of Pharmacy, acting at Yakima, Washington, that it does adopt the annexed rules relating to WAC 360-16-025.

This action is taken pursuant to Notice No. WSR 88-11-081 filed with the code reviser on May 18, 1988. 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 Board of Pharmacy as authorized in RCW 18.64.005.

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 June 23, 1988.

By Joseph M. Honda
Chairman

AMENDATORY SECTION (Amending Order 186, filed 5/25/84)

WAC 360-16-025 PHARMACY LICENSE RENEWAL. The state board of pharmacy will not renew any pharmacy license ((after June 1, 1984)) unless the following are submitted:

- (1) A complete renewal application form; and
- (2) ((A completed self-inspection form; and
- (3))) The fee as established by WAC 360-18-020.

WSR 88-14-042

ADOPTED RULES

BOARD OF PHARMACY

[Order 216—Filed June 30, 1988]

Be it resolved by the Washington State Board of Pharmacy, acting at Yakima, Washington, that it does adopt the annexed rules relating to WAC 360-18-010 and 360-18-020.

This action is taken pursuant to Notice No. WSR 88-11-082 filed with the code reviser on May 18, 1988. 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 Board of Pharmacy as authorized in RCW 18.64.005.

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 June 23, 1988.

By Joseph M. Honda
Chairman

AMENDATORY SECTION (Amending Order 171, filed 12/17/82)

WAC 360-18-010 LICENSING PERIODS. (1) The following are established by the board of pharmacy as the licensing periods for each license specified:

- (a) Pharmacist licenses will expire on February 1 of each year.

(b) Pharmacy location, (~~CSA (retail), prophylactic (retail)~~) controlled substance registration (pharmacy), pharmacy assistant utilization, (~~shopkeeper~~) and shopkeeper differential hours licenses will expire on June 1 of each year.

(c) (~~CSA (sodium pentobarbital), Level A assistant, physician assistant, wholesaler (full line), wholesaler (OTC only), intern, manufacturer, CSA wholesaler, CSA manufacturer, prophylactic (vending machine), and prophylactic wholesaler~~) All other licenses, permits, or registrations will expire on October 1 of each year.

(2) Any license, permit, or registration that is not renewed on or before the expiration date established herein shall expire and shall no longer be ((a)) valid ((license)) to practice or conduct the activity for which it is issued. Any license, permit, or registration that has not been renewed within sixty days of the expiration date shall be renewed only upon payment of the renewal fee and penalty fee as specified in WAC 360-18-020.

AMENDATORY SECTION (Amending Order 209, filed 3/3/88)

WAC 360-18-020 FEES. The following fees shall be charged by the board of pharmacy:

(a) PHARMACY LOCATION	
Original pharmacy fee	\$165.00
Original pharmacy assistant utilization fee	35.00
Renewal pharmacy fee	85.00
Renewal pharmacy assistant utilization fee	35.00
Penalty pharmacy fee	165.00
(b) VENDOR	
Original fee	40.00
Renewal fee	40.00
Penalty fee	40.00
(c) PHARMACIST	
Exam fee (full exam)	((+25.00)) 175.00
Reexamination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee, active and inactive license	60.00
Penalty fee	60.00
Reciprocity fee	250.00
Certification of license status to other states	10.00
(d) SHOPKEEPER	
(i) SHOPKEEPER - sixteen or more drugs	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00
(ii) SHOPKEEPER - with differential hours	
Original fee	10.00
Renewal fee	10.00
Penalty fee	5.00

(e) DRUG MANUFACTURER	
Original fee	250.00
Renewal fee	250.00
Penalty fee	250.00
(f) DRUG WHOLESALER - full line	
Original fee	250.00
Renewal fee	250.00
Penalty fee	250.00
(g) DRUG WHOLESALER - OTC only	
Original fee	150.00
Renewal fee	150.00
Penalty fee	150.00
(h) DRUG WHOLESALER - export	
Original fee	250.00
Renewal fee	250.00
Penalty	250.00
(i) PHARMACY ASSISTANT - Level "A"	
Original fee	30.00
Renewal fee	20.00
(j) PHARMACY INTERN	
Original registration fee	15.00
Renewal registration fee	15.00
(k) CONTROLLED SUBSTANCES ACT (CSA) REGISTRATIONS	
Dispensing registration fee (i.e. pharmacies)	35.00
Dispensing renewal fee (i.e. pharmacies)	30.00
Distributors registration fee (i.e. wholesalers)	50.00
Distributors renewal fee (i.e. wholesalers)	50.00
Manufacturers registration fee	50.00
Manufacturers renewal fee	50.00
Physician assistant registration fee	15.00
Physician assistant renewal fee	10.00
ARNP with prescriptive authorization registration fee	15.00
ARNP with prescriptive authorization renewal fee	10.00
Sodium pentobarbital for animal euthanization registration fee	20.00
Sodium pentobarbital for animal euthanization renewal fee	15.00
(l) LEGEND DRUG SAMPLE - distributor registration fees	
Original fee	125.00
Renewal fee	85.00
(m) POISON MANUFACTURER/SELLER - license fees	
Original fee	20.00
Renewal fee	20.00
(n) Facility inspection fee	100.00
(o) <u>PRECURSOR CONTROL PERMIT</u>	
<u>Original fee</u>	<u>40.00</u>
<u>Renewal fee</u>	<u>40.00</u>

WSR 88-14-043
ADOPTED RULES
BOARD OF PHARMACY
 [Order 217—Filed June 30, 1988]

Be it resolved by the Washington State Board of Pharmacy, acting at Yakima, Washington, that it does adopt the annexed rules relating to WAC 360-52-050, 360-52-060 and 360-52-090.

This action is taken pursuant to Notice No. WSR 88-11-080 filed with the code reviser on May 18, 1988. 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 18.64A-.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 June 23, 1988.

By Joseph M. Honda
 Chairman

AMENDATORY SECTION (Amending Order 141,
 filed 12/9/77)

WAC 360-52-050 LEVEL A CERTIFICATION. Any person completing an approved pharmacy assistant training program and who wishes to perform in that capacity shall apply to the board for certification as a Level A pharmacy assistant, on forms to be supplied by the board, which shall include a verification of program competency by a notarized statement of the program director and a declaration by the applicant that he has never been found guilty by any court of competent jurisdiction of any violation of any laws relating to drugs or the practice of pharmacy.

~~((The fee for annual certification shall be ten dollars.))~~

AMENDATORY SECTION (Amending Order 153,
 Resolution No. 1/80, filed 1/28/80)

WAC 360-52-060 LEVEL B PHARMACY ASSISTANTS UTILIZATION. Level B pharmacy assistants may perform, under the general supervision of a licensed pharmacist, duties including ~~((but not limited to))~~ typing of prescription labels, filing, refiling, book-keeping, pricing or determination of cost or charge, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

Level B pharmacy assistants may prepackage and label drugs for subsequent use in prescription dispensing operations. However, they cannot count, pour, or label for individual prescriptions.

AMENDATORY SECTION (Amending Order 141,
 filed 12/9/77)

WAC 360-52-090 BOARD APPROVAL OF PHARMACIES UTILIZING PHARMACY ASSISTANTS. (1) Application. All licensed pharmacies may apply on a form supplied by the board for permission to utilize the services of pharmacy assistants. ~~((The fee for such application or annual renewal shall be twenty-five dollars.))~~

(2) Utilization plan for Level A pharmacy assistants. The application for approval must describe the manner in which the pharmacy assistants will be utilized and supervised, including job descriptions, task analysis or similar type documents that define the duties performed and the conditions under which they are performed, number of positions in each category, as well as other information as may be required by the board. The board will be notified of all changes to the utilization plan. A copy of the utilization plan must be maintained in the pharmacy.

(3) Utilization plan for Level B pharmacy assistants. The application for approval shall list the job title or function of the pharmacy assistant.

(4) The board may give conditional approval for pilot or demonstration projects for innovative applications in the utilization of pharmacy assistants.

WSR 88-14-044
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order BLS 120—Filed June 30, 1988]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Uniform Commercial Code standardized filing forms and procedures, amending WAC 308-400-010, 308-400-020, 308-400-030, 308-400-047, 308-400-048, 308-400-052, 308-400-058, 308-400-059 and 308-400-095; adding new section WAC 308-400-120; and repealing WAC 308-400-025, 308-400-044, 308-400-050 and 308-400-080.

I, Theresa Anna Aragon, 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 73, Laws of 1988, allowing that certain federal liens be filed with the Department of Licensing, will go into effect on July 1, 1988.

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

This rule is promulgated pursuant to RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by chapter 73, Laws of 1988, 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 June 30, 1988.

By Theresa Anna Aragon
Director

Chapter 308-400 WAC
STANDARDIZED FILING FORMS AND PROCEDURES—UNIFORM COMMERCIAL CODE, CROP LIENS, AND PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL AND COMMERCIAL FISH PRODUCTS AND CERTAIN FEDERAL LIENS

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-010 AUTHORITY AND PURPOSE. These rules are adopted under authority of RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f) and 34.04.020, to standardize filing forms for use under the Uniform Commercial Code and to establish uniform procedures for filing with, and obtaining information from, filing officers.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-020 APPLICABLE STATUTES. The regulations in this chapter shall be considered a supplement to and not a replacement for Article 62A.9 RCW, or chapters 60.11 ((~~or~~)), 60.13, or 60.68 RCW.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-030 DEFINITIONS. As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code or crop lien or processor or preparer filing procedure.

"Person" includes groups of persons, corporations, cooperatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Title 62A RCW and chapters 60.11 ((~~and~~)), 60.13, and 60.68 RCW.

"Claimant" means a person who claims or asserts a right, demand, or claim.

"Secured" means supported or backed by security or collateral.

"Standard filing forms" mean the filing forms approved by the department of licensing.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-047 UCC-4 CROP LIENS AND PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL AND COMMERCIAL FISH PRODUCTS FILING FORM. Effective January 1, 1987, the following form shall be the standard UCC-4 form prescribed by the department of licensing.

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form.
 This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS TRADE NAME: (dba, aka)	FOR OFFICE USE ONLY
---	---------------------

2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	3. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))
---	---

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed _____	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS:
---	---	---------------------------------

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR

WASHINGTON UCC-4

COPY 1-FILING OFFICER-INDEX

APPROVED BY WASHINGTON STATE DEPARTMENT OF LICENSING

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form. This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS TRADE NAME: (dba, aka)	FOR OFFICE USE ONLY
---	---------------------

2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	3. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))
---	---

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed _____	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS:
---	--	---------------------------------

6. TYPE OF LIEN:
 LANDLORD
 SUPPLIER
 PREPARER
 PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement.
 PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address) <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	\$ _____ FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/>
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9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP

COUNTY IN WHICH CROP IS GROWN:

10. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.	12. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER
11. DATE PAYMENT IS DUE	13. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.

UCC-4

PLEASE TYPE OR PRINT CLEARLY - Names and addresses will be filed exactly as they appear on this form. This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below. IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS - The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS FOR OFFICE USE ONLY

TRADE NAME: (dba, aka) 2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS 3. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.) 5. NUMBER OF ADDITIONAL SHEETS:

6. TYPE OF LIEN: [] LANDLORD [] SUPPLIER [] PREPARER [] PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement. PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address) FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY IMAGES TO BE FILMED

9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP

COUNTY IN WHICH CROP IS GROWN: []

LIEN TERMINATION STATEMENT OR STATEMENT OF DISCHARGE: The LIEN HOLDER(S) certifies that the LIEN HOLDER(S) no longer claims an interest under the CROP LIEN OR PREPARER/PROCESSOR STATEMENT bearing the file number shown above.

Name _____ Date _____

Signature _____

Return to: Uniform Commercial Code Division Department of Licensing P.O. Box 9660 Olympia, WA 98504

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form.
 This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
 IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS	FOR OFFICE USE ONLY
TRADE NAME: (dba, aka)	

2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS	3. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))
---	---

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed _____	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS:
---	---	---------------------------------

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement.
 PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

\$ _____

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address)	FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504
FOR OFFICE USE ONLY	
IMAGES TO BE FILMED <input type="checkbox"/>	

9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP

COUNTY IN WHICH CROP IS GROWN: <input style="width: 100px;" type="text"/>	12. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER
10. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.	13. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.
11. DATE PAYMENT IS DUE	

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form.
 This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
 IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS TRADE NAME: (dba, aka)	FOR OFFICE USE ONLY
---	---------------------

2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	3. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es)) <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
---	---

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed _____	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS: _____
---	--	---------------------------------------

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement.
 PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address) <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	\$ _____ FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/>
---	--

9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP

COUNTY IN WHICH CROP IS GROWN: <input style="width:100%;" type="text"/>	10. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.
11. DATE PAYMENT IS DUE	12. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER
11. DATE PAYMENT IS DUE	13. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.

INSTRUCTIONS UCC-4

1. **PLEASE TYPE OR PRINT:** The information on this form will be filed exactly as you present it. Complete items 1 through 11 clearly and accurately. If you correct an error, be certain to correct all copies.
2. **LIEN DEBTOR:** The name of the lien debtor must be entered as follows—last name, comma, first name, comma, middle name or initial.
3. **ATTACHMENTS:** When the space on the form is inadequate, continue your information on additional 8 1/2 by 11 sheets. Enter the name of the lien debtor in the same manner as described in 2, as the first item on each additional page and indicate the item number on the form which is being continued. Only one copy of each attachment is necessary. Submit the **NONSTANDARD FEE**.
4. **ACKNOWLEDGEMENT:** The filing officer will return copy 3 when the statement is filed. Indicate where you wish this acknowledgement to be sent in the box within item number 8.
5. **FILING FEES:** Proper filing fees must accompany each filing.

STANDARD FORM:

WASHINGTON UCC-4 FORM \$4.00

NONSTANDARD FORMS:

WASHINGTON UCC-4 FORM WITH ATTACHMENTS, OR OTHER FORMS \$7.00

6. **MAILING:** Send copies 1, 2, and 3 to the address on the front of this form. Retain copies 4 and 5.

TERMINATION STATEMENT

To terminate a filing send the acknowledgement, copy 3, back to the filing officer with the termination statement signed by the lien holder/claimant of record. The UCC-3 form also may be used as a termination statement. Fees are not charged for the termination of filings.

If the name of the secured party or the assignee (if an assignment has been made) is other than the name of an individual, then the termination statements require that the exact name of the secured party or the assignee must appear directly above the signature representing the secured parties.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-048 UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION. Effective July 1, 1982, the following form shall be the standard UCC-11R Form prescribed by the department of licensing:

UCC - 11R

PLEASE PRINT NAME AND ADDRESS OF REQUESTING PARTY
REQUEST FOR CERTIFICATE OF INFORMATION SEE REVERSE SIDE FOR INSTRUCTIONS

1. OFFICE USE ONLY	2. DEBTOR NAME (Last name, first name, middle name)
3. REQUESTING PARTY (Name and address)	2A. DEBTOR ADDRESS 2B. ADDITIONAL ADDRESS(ES) (You may specify addresses or enter ALL to request all addresses for this debtor.)

4 TYPE OF REQUEST

Please furnish an INFORMATION certificate showing any previously effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products filed for the debtor named above, at the specific address(es) listed, on the date of receipt of this request. **The \$4.00 fee is enclosed.**

Please furnish a CERTIFICATE and true and exact COPIES of all previously effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products and any assignments thereof filed for the debtor named above, at the specific address(es) listed on the date of receipt of this request. **The \$8.00 fee is enclosed.**

Please furnish INFORMATION certificate of all filings from _____ to _____. **The \$4.00 fee is enclosed.**

Please furnish COPIES of all filings from _____ to _____. **The \$8.00 fee is enclosed.**

Please furnish COPIES of the specific file numbers listed below in box 5. **The \$8.00 fee is enclosed.**

5 SPECIFICALLY REQUESTED FILE NUMBER(S)

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address(es) cited in your request. If you believe there may be additional names you may wish to submit additional request forms and fees

6 DATE	7 SIGNATURE OF REQUESTING PARTY
--------	---------------------------------

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

NOTE

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON COMPLETION OF THIS SEARCH. Records of crop and crop related liens filed prior to January 1, 1987 are at a county clerk's office. Crop and crop related liens filed after this date are at the Department of Licensing in Olympia, Washington.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 1 FILING OFFICER

PLEASE TYPE OR PRINT FORM **REQUEST FOR CERTIFICATE OF INFORMATION** SEE REVERSE SIDE FOR INSTRUCTIONS

OFFICE USE ONLY

2. DEBTOR NAME (Last name, first name, middle name or initial. List one debtor name per request.)

2A. DEBTOR ADDRESS (List additional addresses in box 2B.)

3. REQUESTING PARTY (Name and address)

Form with four corner brackets for requesting party information.

2B. ADDITIONAL DEBTOR ADDRESS(ES) (You may specify additional addresses or enter ALL addresses to request all addresses for this debtor.)

4. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED

TYPE OF SEARCH DESIRED: At least one box must be checked.

All current UCC filings or liens for the debtor named above, at the address(es) shown in box(es) 2A and/or 2B, on the date of receipt of this request.

Any current UCC filings or liens from _____ to _____

Federal tax liens only — partnership and corporation.

Specific filing numbers listed below in box 6.

TYPE OF INFORMATION REQUESTED At least one box must be checked.

Certificate of information only. **\$4.00**

Certificate of information and true and exact copies. **\$8.00**

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON THE COMPLETION OF THIS SEARCH.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. IF YOU BELIEVE THERE MAY BE ADDITIONAL NAMES, YOU MAY WISH TO SUBMIT ADDITIONAL REQUEST FORMS AND FEES.

6. DATE

7. SIGNATURE OF REQUESTING PARTY

MAKE CHECKS PAYABLE TO:
DEPARTMENT OF LICENSING
FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9860
OLYMPIA, WA 98504

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 1 FILING OFFICER

UCC-11R

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION SEE REVERSE SIDE FOR INSTRUCTIONS

OFFICE USE ONLY

2. DEBTOR NAME (Last name, first name, middle name)

2A. DEBTOR ADDRESS

3. REQUESTING PARTY (Name and address)

2B. ADDITIONAL ADDRESS(ES) (You may specify addresses or enter ALL to request all addresses for this debtor.)

4. TYPE OF REQUEST

- Please furnish an INFORMATION certificate showing any presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products filed for the debtor named above, at the specific address(es) listed, on the date of receipt of this request. **The \$4.00 fee is enclosed.**
- Please furnish a CERTIFICATE and true and exact COPIES of all presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products and any assignments of crop on file for the debtor named above, at the specific address(es) listed on the date of receipt of this request. **The \$8.00 Fee is enclosed.**
- Please furnish INFORMATION certificate of all filings from _____ . **The \$4.00 fee is enclosed.**
- Please furnish COPIES of all filings from _____ to _____. **The \$4.00 fee is enclosed.**
- Please furnish COPIES of the specific file numbers listed below in box 5. **The \$8.00 fee is enclosed.**

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address(es) cited in your request. If you believe there may be additional names you may wish to submit additional request forms and fees.

6. DATE

7. SIGNATURE OF REQUESTING PARTY

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504

NOTE

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON COMPLETION OF THIS SEARCH. Records of crop and crop related liens filed prior to January 1, 1987 are at a county auditor office. Crop and crop related liens filed after this date are at the Department of Licensing in Olympia, Washington.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R

COPY 2 FILING OFFICER

PLEASE TYPE OR PRINT FORM **REQUEST FOR CERTIFICATE OF INFORMATION** SEE REVERSE SIDE FOR INSTRUCTIONS

OFFICE USE ONLY

2. DEBTOR NAME (Last name, first name, middle name or initial. List one debtor name per request.)

2A. DEBTOR ADDRESS (List additional addresses in box 2B.)

3. REQUESTING PARTY (Name and address)

Form area for requesting party name and address with corner brackets.

2B. ADDITIONAL DEBTOR ADDRESS(ES) (You may specify additional addresses or enter ALL addresses to request all addresses for this debtor.)

4. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED

TYPE OF SEARCH DESIRED: *At least one box must be checked.*

All current UCC filings or liens for the debtor named above, at the address(es) shown in box(es) 2A and/or 2B, on the date of receipt of this request.

Any current UCC filings or liens from _____ to _____

Federal tax liens only - partnership and corporation.

Specific filing numbers listed below in box 6.

TYPE OF INFORMATION REQUESTED *At least one box must be checked.*

Certificate of information only. **\$4.00**

Certificate of information and true and exact copies. **\$8.00**

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON THE COMPLETION OF THIS SEARCH.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. IF YOU BELIEVE THERE MAY BE ADDITIONAL NAMES, YOU MAY WISH TO SUBMIT ADDITIONAL REQUEST FORMS AND FEES.

6. DATE

7. SIGNATURE OF REQUESTING PARTY

MAKE CHECKS PAYABLE TO:
DEPARTMENT OF LICENSING
FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 2 FILING OFFICER

UCC-11R

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION SEE REVERSE SIDE FOR INSTRUCTIONS

1. OFFICE USE ONLY	2. DEBTOR NAME (Last name, first name, middle name)
	2A. DEBTOR ADDRESS

3. REQUESTING PARTY (Name and address)	2B. ADDITIONAL ADDRESS(ES) (You may specify addresses or enter ALL to request all addresses for this debtor.)
--	---

4. TYPE OF REQUEST
- Please furnish an INFORMATION certificate showing any presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products filed for the debtor named above, at the specific address(es) listed, on the date of receipt of this request. **The \$4.00 fee is enclosed.**
 - Please furnish a CERTIFICATE and true and exact COPIES of all presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products and any assignments thereof, filed for the debtor named above, at the specific address(es) listed on the date of receipt of this request. **The \$8.00 Fee is enclosed.**
 - Please furnish INFORMATION certificate of all filings from _____ to _____. **The \$4.00 fee is enclosed.**
 - Please furnish COPIES of all filings from _____ to _____. **The \$8.00 fee is enclosed.**
 - Please furnish COPIES of the specific file numbers listed below in box 5. **The \$8.00 fee is enclosed.**

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address(es) cited in your request. If you believe there may be additional names you may wish to submit additional request forms and fees.

6. DATE	7. SIGNATURE OF REQUESTING PARTY
---------	----------------------------------

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504

NOTE

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON COMPLETION OF THE SEARCH. Records of crop and crop related liens filed prior to January 1, 1987 are at a county auditor's office. Crop and crop related liens filed after this date are at the Department of Licensing in Olympia, Washington.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R

COPY 3 FILE COPY REQUESTING PARTY

PLEASE TYPE OR PRINT FORM **REQUEST FOR CERTIFICATE OF INFORMATION** SEE REVERSE SIDE FOR INSTRUCTIONS

OFFICE USE ONLY

2. DEBTOR NAME (Last name, first name, middle name or initial. List one debtor name per request.)

2A. DEBTOR ADDRESS (List additional addresses in box 2B.)

3. REQUESTING PARTY (Name and address)

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2B. ADDITIONAL DEBTOR ADDRESS(ES) (You may specify additional addresses or enter ALL addresses to request all addresses for this debtor.)

4. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED

TYPE OF SEARCH DESIRED: *At least one box must be checked.*

All current UCC filings or liens for the debtor named above, at the address(es) shown in box(es) 2A and/or 2B, on the date of receipt of this request.

Any current UCC filings or liens from _____ to _____.

Federal tax liens only — partnership and corporation.

Specific filing numbers listed below in box 6.

TYPE OF INFORMATION REQUESTED *At least one box must be checked.*

Certificate of information only. **\$4.00**

Certificate of information and true and exact copies. **\$8.00**

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON THE COMPLETION OF THIS SEARCH.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. IF YOU BELIEVE THERE MAY BE ADDITIONAL NAMES, YOU MAY WISH TO SUBMIT ADDITIONAL REQUEST FORMS AND FEES.

6. DATE

7. SIGNATURE OF REQUESTING PARTY

MAKE CHECKS PAYABLE TO:
DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 3 FILE COPY REQUESTING PARTY

INSTRUCTIONS UCC-11R

1. PLEASE TYPE OR PRINT THIS FORM. Complete this form accurately and clearly. The search will be conducted using the exact spelling of the debtor name as shown in box 2. If you make corrections to the form, be sure that all copies are corrected.

2. ONE DEBTOR NAME PER FORM: Only the first debtor name entered on this form will be searched. A separate UCC-11R must be submitted for each debtor.

A husband and wife are considered to be two individual debtors.

3. DEBTOR NAME: The name of the debtor must be entered as follows—last name, comma, first name, comma, middle name or initial.

DBAs are considered separate debtors.

~~((3))~~ 4. ADDITIONAL ADDRESSES OF THE DEBTOR: Previous or additional addresses will be searched as specified in box 2B or you may request a search of all addresses currently filed for a debtor by specifying ALL ADDRESSES. If a debtor has a P.O. Box in addition to a street address, please list both addresses.

~~((4))~~ 5. SEARCH FEES: The proper fees must accompany each search request.

CERTIFICATE OF INFORMATION	\$4.00
CERTIFICATE AND COPIES	\$8.00

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING.

~~((5))~~ 6. MAILING: Send copies 1 and 2 to the address on the front of the form. Retain copy 3 for your records.

~~((6))~~ 7. SEARCH RESULTS: When your search request has been completed, copy 1 will be returned with the results and/or certification attached.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-052 NONSTANDARD FORM.
(1) Beginning July 1, 1982, the only forms which will be considered standard forms for the purpose of assessing standard fees are those set out in WAC 308-400-040, 308-400-042, (~~308-400-044~~), 308-400-046, and

308-400-048. All other forms will be considered non-standard forms to which the nonstandard form filing fees apply.

(2) Beginning January 1, 1987, the only forms which will be considered the standard form for assessing standard fees for processor, preparer, or crop liens shall be those set out as WAC 308-400-046, 308-400-047, and 308-400-048.

(3) A standard form which includes attachments becomes a nonstandard filing and will be assessed the nonstandard filing fee.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-058 SIGNATURE REQUIREMENTS. (1) A financing statement must be signed by each person listed by name as the debtor.

(2) If a ~~((partial assignment of the security interest perfected by a financing statement or filing form has been made, signatures of both the secured party and the assignee are required to terminate the financing statement or filing form.))~~ financing statement or filing form lists collateral clearly identified to multiple secured parties, either on the original financing statement or by partial assignment, individual secured parties may terminate their clearly identified security interest(s) without the signature(s) of the remaining secured parties.

(3) All required signatures on UCC-3 actions must be original. ~~((When representing a person other than the signer, the person must be identified as the representative.~~

(3) Each party listed as a secured party on the financing statement or filing form must sign any UCC-3 action or termination form.)) (4) When a filing form is signed by someone in a representative capacity, the signer must be identified as the representative.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-059 TERMINATION STATEMENT, STATEMENT OF DISCHARGE ~~((AND))~~ LIEN TERMINATION STATEMENT AND CERTIFICATE OF RELEASE. (1) A "termination statement" is used to terminate a security interest under a financing statement (RCW 62A.9-404). A "statement of discharge" is used to discharge a processor or preparer lien which has been filed with a filing officer (RCW 60.13.060). A "lien termination statement" is used for terminating a crop lien pursuant to chapter 60.11 RCW.

(2) For a security interest under a financing statement, whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, a secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a properly signed termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A secured party's failure to file such a termination statement or to send such a termination statement within ten days after proper demand therefor, the secured party shall be liable to the debtor for one hundred dollars plus any damages caused to the debtor by such failure.

(3) For a processor or preparer lien which has been filed with the filing officer, if the producer has received full payment for the obligation, the producer shall promptly file with the filing officer a statement declaring that full payment has been received and that the lien is

discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

(4) For a crop lien, the lienholder shall file with the filing officer a lien termination statement within fifteen days following receipt of full payment of the amount of the lien. Failure to file a lien termination statement by the lienholder or its assignee shall cause the lienholder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated plus damages incurred by the debtor due to the failure of the lienholder to terminate the lien.

(5) Failure to file a statement of discharge or a lien termination statement with the department of licensing may result in retention of filings records beyond the duration of the secured interest or the lien.

(6) Certificate of release of federal lien. Federal certificates of release shall be filed in accordance with provisions of the Uniform Federal Lien Registration Act, chapter 60.68 RCW.

AMENDATORY SECTION (Amending Order BLS 115, filed 7/30/87)

WAC 308-400-095 FEES. The following fees shall be charged for filing information with, and for obtaining information from ~~((, filing officers shall be charged by))~~ the department of licensing:

(1) For filing, indexing, and furnishing data pursuant to a security interest created by a deed of trust or mortgage under provisions of RCW 62A.9-302, the fee shall be seven dollars.

(2) For filing and indexing an original financing statement or a continuation statement pursuant to RCW 62A.9-403, and for stamping a copy furnished by the secured party showing the date and place of filing, the fee shall be four dollars if the statement is in the standard form prescribed by the department of licensing, but if the form of the statement does not conform to the standards prescribed by the department the fee shall be seven dollars.

(3) For filing, indexing, and furnishing filing data for a financing statement indicating an assignment or a separate statement of assignment, under provisions of RCW 62A.9-405, on a form conforming to standards prescribed by the department of licensing shall be four dollars, but if the form of the financing statement or separate statement of assignment does not conform to the standards prescribed by the department the fee shall be seven dollars.

(4) For filing and noting a statement of partial release pursuant to RCW 62A.9-406 on a form conforming to standards prescribed by the department of licensing, the fee shall be four dollars, but if the form of the statement does not conform to the standards prescribed by the department the fee shall be seven dollars.

(5) For a certificate of information pursuant to RCW 62A.9-407, the fee shall be four dollars. For a certificate of information pursuant to RCW 62A.9-407 and for a copy of any filed financing statements or statements of

assignment the fee shall be eight dollars for each particular debtor's statements requested.

NEW SECTION

WAC 308-400-120 FORMS, FEES, AND PROCEDURES—FILING FEDERAL LIENS. *The filing fees and procedures for filing information with and obtaining information from filing officers pertaining to federal liens pursuant to chapter 60.68 RCW shall correspond to the filing fees and procedures prescribed by the department of licensing pursuant to Article 62A.9 RCW, for filing information statements with and obtaining information from filing officers. The filing forms shall be those forms approved between the department of licensing and the Internal Revenue Service.*

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-400-025 FILING OF CROP LIENS AND PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL PRODUCTS.

WAC 308-400-044 UCC-1X FINANCING STATEMENT TO CONTINUE A COUNTY FILING AT THE DEPARTMENT OF LICENSING.

WAC 308-400-050 OFFICIAL APPROVAL OF FORMS.

WAC 308-400-080 DELEGATION OF CERTIFICATION AUTHORITY.

WSR 88-14-045

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 30, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning Uniform Commercial Code standardized filing forms and procedures, amending WAC 308-400-010, 308-400-020, 308-400-030, 308-400-047, 308-400-048, 308-400-052, 308-400-058, 308-400-059 and 308-400-095; adding new section WAC 308-400-120; and repealing WAC 308-400-025, 308-400-044, 308-400-050 and 308-400-080;

that the agency will at 9:00 a.m., Wednesday, August 24, 1988, in the 1st Floor Conference Room, Building 2, 405 Black Lake Boulevard, 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 62A.9-409, 60.13.040, 60.11.040 and chapter 60.68 RCW as amended by chapter 73, Laws of 1988.

The specific statute these rules are intended to implement is RCW 62A.409 [62A.9-409], 60.13.040, 60.11.040 and chapter 60.68 RCW as amended by chapter 73, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 24, 1988.

Dated: June 29, 1988

By: Keith Weaver
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To clarify existing provisions and to add federal liens against the personal property of corporations and partnerships into the UCC filing and search process as provided in chapter 73, Laws of 1988.

Statutory Authority: Chapter 60.68 RCW as amended by chapter 73, Laws of 1988, RCW 62A.9-409, 60.13.040, 60.11.040 and 34.04.020.

Summary of Rules: Amendatory sections WAC 308-400-010 Authority and purpose; 308-400-020 Applicable statutes; 308-400-030 Definitions; 308-400-047 UCC-4 Crop liens and processor and preparer liens for agricultural and commercial fish products filing form; 308-400-048 UCC-11R request for certificate of information; 308-400-052 Nonstandard form; 308-400-058 Signature requirements; 308-400-059 Termination statement, statement of discharge lien termination statement and certificate of release; 308-400-095 Fees; new section WAC 308-400-120 Forms, fees, and procedures—Filing federal liens; and repealing sections WAC 308-400-025 Filing of crop liens and processor and preparer liens for agricultural products; 308-400-044 UCC-1X Financing statement to continue a county filing at the Department of Licensing; 308-400-050 Official approval of forms; and 308-400-080 Delegation of certification authority.

Reason Proposed: Rules are amended prescribing fees for filing information with and obtaining information from, filing officers, because, effective July 1, 1988, certain federal liens may be filed with the Department of Licensing.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Ken Mark, Assistant Director, Business License Services, Department of Licensing, 405 Black Lake Boulevard, Olympia, WA 98504, phone (206) 753-1749 comm or 234-1749 scan and Keith Weaver, Administrator, Business License Services, Department of Licensing, 405 Black Lake Boulevard, Olympia, WA 98504, phone (206) 753-9627 comm or 234-9627 scan.

Proponents: The state of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

Chapter 308-400 WAC
STANDARDIZED FILING FORMS AND PROCEDURES—
UNIFORM COMMERCIAL CODE, CROP LIENS, AND PRO-
CESSOR AND PREPARER LIENS FOR AGRICULTURAL AND

COMMERCIAL FISH PRODUCTS AND CERTAIN FEDERAL
LIENS

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-010 AUTHORITY AND PURPOSE. These rules are adopted under authority of RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f) and 34.04.020, to standardize filing forms for use under the Uniform Commercial Code and to establish uniform procedures for filing with, and obtaining information from, filing officers.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-020 APPLICABLE STATUTES. The regulations in this chapter shall be considered a supplement to and not a replacement for Article 62A.9 RCW, or chapters 60.11 ((or)), 60.13, or 60.68 RCW.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-030 DEFINITIONS. As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code or crop lien or processor or preparer filing procedure.

"Person" includes groups of persons, corporations, cooperatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Title 62A RCW and chapters 60.11 ((and)), 60.13, and 60.68 RCW.

"Claimant" means a person who claims or asserts a right, demand, or claim.

"Secured" means supported or backed by security or collateral.

"Standard filing forms" mean the filing forms approved by the department of licensing.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-047 UCC-4 CROP LIENS AND PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL AND COMMERCIAL FISH PRODUCTS FILING FORM. Effective January 1, 1987, the following form shall be the standard UCC-4 form prescribed by the department of licensing.

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form.
 This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
 IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (<i>last, first, middle</i>) AND ADDRESS	FOR OFFICE USE ONLY
TRADE NAME: (<i>dba, aka</i>)	

2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS	3. ASSIGNEE(S) OF SECURED PARTY (IES) (if applicable) (last name first, and address(es))
---	--

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed _____	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS:
---	---	---------------------------------

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR

WASHINGTON UCC-4

COPY 1-FILING OFFICER-INDEX

APPROVED BY WASHINGTON
STATE DEPARTMENT OF LICENSING

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form.
 This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
 IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS	FOR OFFICE USE ONLY
TRADE NAME: (dba, aka)	

2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS	3. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))
---	---

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed _____	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS:
---	--	---------------------------------

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement.
 PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address)	\$ _____ FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504
	FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/>

9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP

COUNTY IN WHICH CROP IS GROWN: <input type="text"/>	
10. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.	12. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER
11. DATE PAYMENT IS DUE	13. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON
 WASHINGTON UCC-4

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form. This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below. IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS FOR OFFICE USE ONLY

TRADE NAME: (dba, aka) 2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS 3. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.) 5. NUMBER OF ADDITIONAL SHEETS:

6. TYPE OF LIEN: [] LANDLORD [] SUPPLIER [] PREPARER [] PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement. PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address) \$ FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY IMAGES TO BE FILMED

9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP COUNTY IN WHICH CROP IS GROWN:

LIEN TERMINATION STATEMENT OR STATEMENT OF DISCHARGE: The LIEN HOLDER(S) certifies that the LIEN HOLDER(S) no longer claims an interest under the CROP LIEN OR PREPARER/PROCESSOR STATEMENT bearing the file number shown above.

Name _____ Date _____

Signature _____ Return to: Uniform Commercial Code Division Department of Licensing P.O. Box 9660 Olympia, WA 98504

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form.
 This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS TRADE NAME: (dba, aka)	FOR OFFICE USE ONLY
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2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	3. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))
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4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed _____	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS: _____
---	---	---------------------------------------

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement.
 PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address) <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	\$ _____ FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/>
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9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP

COUNTY IN WHICH CROP IS GROWN: <input style="width: 100px;" type="text"/> 10. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.	12. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER
11. DATE PAYMENT IS DUE	13. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.

UCC-4

PLEASE TYPE OR PRINT CLEARLY — Names and addresses will be filed exactly as they appear on this form.
 This statement is presented for filing a crop lien pursuant to chapter 60.11 RCW, and a processor and preparer lien for agricultural products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below.
 IF PROCESSOR AND PREPARER LIEN FOR AGRICULTURAL PRODUCTS — The term lien debtor is to be construed as a processor, preparer, or conditioner. The lien holder claimant is to be construed as the producer.

1. LIEN DEBTOR(S): NAME (last, first, middle) AND ADDRESS TRADE NAME: (dba, aka)	FOR OFFICE USE ONLY
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2. LIEN HOLDER/CLAIMANT: NAME AND ADDRESS <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	3. ASSIGNEE(S) of SECURED PARTY(IES) (if applicable) (last name first, and address(es))
---	---

4. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed	NOTE: You may attach additional sheets to provide more information where space is limited. (A non-standard fee will be charged.)	5. NUMBER OF ADDITIONAL SHEETS:
---	--	---------------------------------

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR

7. LANDLORD/SUPPLIER: Describe the LABOR SERVICES, MATERIALS or SUPPLIES covered by this statement.
 PREPARER/PROCESSOR: Describe the AGRICULTURAL PRODUCT to be charged with the lien. Include the amount demanded after deducting credits and offsets.

8. RETURN ACKNOWLEDGEMENT COPY TO: (name and address) <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	\$ _____ FILE WITH: UNIFORM COMMERCIAL CODE DIVISION DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504 FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/>
---	--

9. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP

COUNTY IN WHICH CROP IS GROWN: <input style="width: 100px;" type="text"/>	12. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER
10. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.	13. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.
11. DATE PAYMENT IS DUE	(Signature line)

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON
 WASHINGTON UCC-4

COPY 5 FILE COPY SECURED PARTY

INSTRUCTIONS UCC-4

- 1. **PLEASE TYPE OR PRINT:** The information on this form will be filed exactly as you present it. Complete items 1 through 11 clearly and accurately. If you correct an error, be certain to correct all copies.
- 2. **LIEN DEBTOR:** The name of the lien debtor must be entered as follows—last name, comma, first name, comma, middle name or initial.
- 3. **ATTACHMENTS:** When the space on the form is inadequate, continue your information on additional 8 1/2 by 11 sheets. Enter the name of the lien debtor in the same manner as described in 2, as the first item on each additional page and indicate the item number on the form which is being continued. Only one copy of each attachment is necessary. Submit the **NONSTANDARD FEE**.
- 4. **ACKNOWLEDGEMENT:** The filing officer will return copy 3 when the statement is filed. Indicate where you wish this acknowledgement to be sent in the box within item number 8.
- 5. **FILING FEES:** Proper filing fees must accompany each filing.

STANDARD FORM:

WASHINGTON UCC-4 FORM \$4.00

NONSTANDARD FORMS:

WASHINGTON UCC-4 FORM WITH ATTACHMENTS, OR OTHER FORMS \$7.00

- 6. **MAILING:** Send copies 1, 2, and 3 to the address on the front of this form. Retain copies 4 and 5.

TERMINATION STATEMENT

To terminate a filing send the acknowledgement, copy 3, back to the filing officer with the termination statement signed by the lien holder/claimant of record. The UCC-3 form also may be used as a termination statement. Fees are not charged for the termination of filings.

If the name of the secured party or the assignee (if an assignment has been made) is other than the name of an individual, then the termination statements require that the exact name of the secured party or the assignee must appear directly above the signature representing the secured parties.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-048 UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION. Effective July 1, 1982, the following form shall be the standard UCC-11R Form prescribed by the department of licensing:

UCC-11R

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION SEE REVERSE SIDE FOR INSTRUCTIONS

1. OFFENSE ONLY	2. DEBTOR NAME (Last name, first name, middle name) 2A. DEBTOR ADDRESS
3. REQUESTING PARTY (Name and address)	2B. ADDITIONAL ADDRESS(ES) (You may specify addresses or enter ALL to request all addresses for this debtor.)

4. TYPE OF REQUEST

- Please furnish an INFORMATION certificate showing any presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products filed for the debtor named above at the specific address(es) listed, on the date of receipt of this request. **The \$4.00 fee is enclosed.**
- Please furnish a CERTIFICATE and true and exact COPIES of all presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products and any assignments thereof made for the debtor named above, at the specific address(es) listed on the date of receipt of this request. **The \$8.00 fee is enclosed.**
- Please furnish INFORMATION certificate of all filings from _____ to _____. **The \$4.00 fee is enclosed.**
- Please furnish COPIES of all filings from _____ to _____. **The \$8.00 fee is enclosed.**
- Please furnish COPIES of the specific file numbers listed below in box 5. **The \$8.00 fee is enclosed.**

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address(es) cited in your request. If you believe there may be additional names you may wish to submit additional request forms and fees.

6. DATE	7. SIGNATURE OF REQUESTING PARTY
---------	----------------------------------

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504

NOTE

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON COMPLETION OF THIS SEARCH. Records of crop and crop related liens filed prior to January 1, 1987 are at a county auditor's office. Crop and crop related liens filed after this date are at the Department of Licensing in Olympia, Washington.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R COPY 1 FILING OFFICER

PLEASE TYPE OR PRINT FORM **REQUEST FOR CERTIFICATE OF INFORMATION** SEE REVERSE SIDE FOR INSTRUCTIONS

OFFICE USE ONLY

2. DEBTOR NAME (Last name, first name, middle name or initial. List one debtor name per request.)

2A. DEBTOR ADDRESS (List additional addresses in box 2B.)

3. REQUESTING PARTY (Name and address)

Form area for requesting party name and address with corner brackets.

2B. ADDITIONAL DEBTOR ADDRESS(ES) (You may specify additional addresses or enter ALL addresses to request all addresses for this debtor.)

4. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED

TYPE OF SEARCH DESIRED: *At least one box must be checked.*

All current UCC filings or liens for the debtor named above, at the address(es) shown in box(es) 2A and/or 2B, on the date of receipt of this request.

Any current UCC filings or liens from _____ to _____

Federal tax liens only - partnership and corporation.

Specific filing numbers listed below in box 6.

TYPE OF INFORMATION REQUESTED *At least one box must be checked.*

Certificate of information only. **\$4.00**

Certificate of information and true and exact copies. **\$8.00**

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON THE COMPLETION OF THIS SEARCH.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. IF YOU BELIEVE THERE MAY BE ADDITIONAL NAMES, YOU MAY WISH TO SUBMIT ADDITIONAL REQUEST FORMS AND FEES.

6. DATE

7. SIGNATURE OF REQUESTING PARTY

**MAKE CHECKS PAYABLE TO:
DEPARTMENT OF LICENSING**

FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 1 FILING OFFICER

UCC - 11R

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION SEE REVERSE SIDE FOR INSTRUCTIONS

1. OFFICER USE ONLY	2. DEBTOR NAME (Last name, first name, middle name)
	2A. DEBTOR ADDRESS
3. REQUESTING PARTY (Name and address)	2B. ADDITIONAL ADDRESS(ES) (You may specify addresses or enter ALL to request all addresses for this debtor.)

4. TYPE OF REQUEST

- Please furnish an INFORMATION certificate showing any presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products filed for the debtor named above, at the specific address(es) listed, on the date of receipt of this request. The \$4.00 fee is enclosed.
- Please furnish a CERTIFICATE and true and exact COPIES of all presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products and any assignments thereof on file for the debtor named above, at the specific address(es) listed on the date of receipt of this request. The \$8.00 Fee is enclosed.
- Please furnish INFORMATION certificate of all filings from _____ to _____. The \$4.00 fee is enclosed.
- Please furnish COPIES of all filings from _____ to _____. The \$8.00 fee is enclosed.
- Please furnish COPIES of the specific file numbers listed below in box 5. The \$8.00 fee is enclosed.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address(es) cited in your request. If you believe there may be additional names you may wish to submit additional request forms and fees.

6. DATE	7. SIGNATURE OF REQUESTING PARTY
---------	----------------------------------

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE
 DEPARTMENT OF LICENSING
 P.O. BOX 9660
 OLYMPIA, WA 98504

NOTE
 CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON COMPLETION OF THE SEARCH. Records of crop and crop related liens filed prior to January 1, 1987 are at a county auditor office. Crop and crop related liens filed after this date are at the Department of Licensing in Olympia, Washington.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 2 FILING OFFICER

UCC - 11R

PLEASE TYPE OR PRINT FORM **REQUEST FOR CERTIFICATE OF INFORMATION** SEE REVERSE SIDE FOR INSTRUCTIONS

OFFICE USE ONLY	2. DEBTOR NAME <i>(Last name, first name, middle name or initial. List one debtor name per request.)</i>
	2A. DEBTOR ADDRESS <i>(List additional addresses in box 2B.)</i>
3. REQUESTING PARTY <i>(Name and address)</i> <input type="checkbox"/> <input type="checkbox"/>	2B. ADDITIONAL DEBTOR ADDRESS(ES) <i>(You may specify additional addresses or enter ALL addresses to request all addresses for this debtor.)</i>

4. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED

TYPE OF SEARCH DESIRED: *At least one box must be checked.*

- All current UCC filings or liens for the debtor named above, at the address(es) shown in box(es) 2A and/or 2B, on the date of receipt of this request.
- Any current UCC filings or liens from _____ to _____
- Federal tax liens only -- partnership and corporation.
- Specific filing numbers listed below in box 6.

TYPE OF INFORMATION REQUESTED *At least one box must be checked.*

- Certificate of information only. **\$4.00**
- Certificate of information and true and exact copies. **\$8.00**

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON THE COMPLETION OF THIS SEARCH.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. IF YOU BELIEVE THERE MAY BE ADDITIONAL NAMES, YOU MAY WISH TO SUBMIT ADDITIONAL REQUEST FORMS AND FEES.

6. DATE	7. SIGNATURE OF REQUESTING PARTY
---------	----------------------------------

MAKE CHECKS PAYABLE TO:
DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.6B RCW.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 2 FILING OFFICER

UCC - 11R

PLEASE TYPE FORM REQUEST FOR CERTIFICATE OF INFORMATION SEE REVERSE SIDE FOR INSTRUCTIONS

1. OFFEROR USE ONLY	2. DEBTOR NAME (Last name, first name, middle name) 2A. DEBTOR ADDRESS
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3. REQUESTING PARTY (Name and address)	2B. ADDITIONAL ADDRESS(ES) (You may specify addresses or enter ALL to request all addresses for this debtor.)
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4. TYPE OF REQUEST

- Please furnish an INFORMATION certificate showing any presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products filed for the debtor named above, at the specific address(es) listed, on the date of receipt of this request. The \$4.00 fee is enclosed.
- Please furnish a CERTIFICATE and true and exact COPIES of all presently effective financing statements and statements evidencing crop liens and processor and preparer liens for agricultural products and any assignments thereof on file for the debtor named above, at the specific address(es) listed on the date of receipt of this request. The \$8.00 Fee is enclosed.
- Please furnish INFORMATION certificate of all filings from _____ to _____. The \$4.00 fee is enclosed.
- Please furnish COPIES of all filings from _____ to _____. The \$8.00 fee is enclosed.
- Please furnish COPIES of the specific file numbers listed below in box 5. The \$8.00 fee is enclosed.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address(es) cited in your request. If you believe there may be additional names you may wish to submit additional request forms and fees.

6. DATE	7. SIGNATURE OF REQUESTING PARTY
---------	----------------------------------

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

NOTE

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON COMPLETION OF THE SEARCH. Records of crop and crop related liens filed prior to January 1, 1987 are at a county auditor office. Crop and crop related liens filed after this date are at the Department of Licensing in Olympia, Washington.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R

COPY 3 FILE COPY REQUESTING PARTY

PLEASE TYPE OR PRINT FORM **REQUEST FOR CERTIFICATE OF INFORMATION** SEE REVERSE SIDE FOR INSTRUCTIONS

OFFICE USE ONLY	2. DEBTOR NAME (Last name, first name, middle name or initial. List one debtor name per request.)
	2A. DEBTOR ADDRESS (List additional addresses in box 2B.)
3. REQUESTING PARTY (Name and address)	2B. ADDITIONAL DEBTOR ADDRESS(ES) (You may specify additional addresses or enter ALL addresses to request all addresses for this debtor.)

4. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED

<p>TYPE OF SEARCH DESIRED: <i>At least one box must be checked.</i></p> <p><input type="checkbox"/> All current UCC filings or liens for the debtor named above, at the address(es) shown in boxes) 2A and/or 2B, on the date of receipt of this request.</p> <p><input type="checkbox"/> Any current UCC filings or liens from _____ to _____.</p> <p><input type="checkbox"/> Federal tax liens only - partnership and corporation.</p> <p><input type="checkbox"/> Specific filing numbers listed below in box 6.</p>	<p>TYPE OF INFORMATION REQUESTED <i>At least one box must be checked.</i></p> <p><input type="checkbox"/> Certificate of information only. \$4.00</p> <p><input type="checkbox"/> Certificate of information and true and exact copies. \$8.00</p>
--	--

CERTIFIED SEARCH RESULTS WILL BE ATTACHED TO THIS FORM UPON THE COMPLETION OF THIS SEARCH.

5. SPECIFICALLY REQUESTED FILE NUMBER(S)

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. IF YOU BELIEVE THERE MAY BE ADDITIONAL NAMES, YOU MAY WISH TO SUBMIT ADDITIONAL REQUEST FORMS AND FEES.

6. DATE	7. SIGNATURE OF REQUESTING PARTY
---------	----------------------------------

MAKE CHECKS PAYABLE TO:
DEPARTMENT OF LICENSING

FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R
COPY 3 FILE COPY REQUESTING PARTY

INSTRUCTIONS UCC-11R

1. PLEASE TYPE OR PRINT THIS FORM. Complete this form accurately and clearly. The search will be conducted using the exact spelling of the debtor name as shown in box 2. If you make corrections to the form, be sure that all copies are corrected.

2. ONE DEBTOR NAME PER FORM: Only the first debtor name entered on this form will be searched. A separate UCC-11R must be submitted for each debtor.

A husband and wife are considered to be two individual debtors.

3. DEBTOR NAME: The name of the debtor must be entered as follows—last name, comma, first name, comma, middle name or initial.

DBAs are considered separate debtors.

~~(3)~~ 4. ADDITIONAL ADDRESSES OF THE DEBTOR: Previous or additional addresses will be searched as specified in box 2B or you may request a search of all addresses currently filed for a debtor by specifying ALL ADDRESSES. If a debtor has a P.O. Box in addition to a street address, please list both addresses.

~~(4)~~ 5. SEARCH FEES: The proper fees must accompany each search request.

CERTIFICATE OF INFORMATION	\$4.00
CERTIFICATE AND COPIES	\$8.00

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING.

~~(5)~~ 6. MAILING: Send copies 1 and 2 to the address on the front of the form. Retain copy 3 for your records.

~~(6)~~ 7. SEARCH RESULTS: When your search request has been completed, copy 1 will be returned with the results and/or certification attached.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-052 NONSTANDARD FORM. (1) Beginning July 1, 1982, the only forms which will be considered standard forms for the purpose of assessing standard fees are those set out in WAC 308-400-040, 308-400-042, ~~((308-400-044,))~~ 308-400-046, and 308-400-048. All other forms will be considered nonstandard forms to which the nonstandard form filing fees apply.

(2) Beginning January 1, 1987, the only forms which will be considered the standard form for assessing standard fees for processor, preparer, or crop liens shall be those set out as WAC 308-400-046, 308-400-047, and 308-400-048.

(3) A standard form which includes attachments becomes a non-standard filing and will be assessed the nonstandard filing fee.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-058 SIGNATURE REQUIREMENTS. (1) A financing statement must be signed by each person listed by name as the debtor.

(2) If a ~~((partial assignment of the security interest perfected by a financing statement or filing form has been made, signatures of both the secured party and the assignee are required to terminate the financing statement or filing form:))~~ financing statement or filing form lists collateral clearly identified to multiple secured parties, either on the original financing statement or by partial assignment, individual secured parties may terminate their clearly identified security interest(s) without the signature(s) of the remaining secured parties.

(3) All required signatures on UCC-3 actions must be original. ((When representing a person other than the signer, the person must be identified as the representative.

~~(3)~~ Each party listed as a secured party on the financing statement or filing form must sign any UCC-3 action or termination form:)) (4) When a filing form is signed by someone in a representative capacity, the signer must be identified as the representative.

AMENDATORY SECTION (Amending Order BLS 105, filed 12/2/86, effective 1/1/87)

WAC 308-400-059 TERMINATION STATEMENT, STATEMENT OF DISCHARGE ((AND)) LIEN TERMINATION STATEMENT AND CERTIFICATE OF RELEASE. (1) A "termination statement" is used to terminate a security interest under a financing statement (RCW 62A.9-404). A "statement of discharge" is used to discharge a processor or preparer lien which has been filed with a filing officer (RCW 60.13.060). A "lien termination statement" is used for terminating a crop lien pursuant to chapter 60.11 RCW.

(2) For a security interest under a financing statement, whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, a secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a properly signed termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A secured party's failure to file such a termination statement or to send such a termination statement within ten days after proper demand therefor, the secured party shall be liable to the debtor for one hundred dollars plus any damages caused to the debtor by such failure.

(3) For a processor or preparer lien which has been filed with the filing officer, if the producer has received full payment for the obligation, the producer shall promptly file with the filing officer a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

(4) For a crop lien, the lienholder shall file with the filing officer a lien termination statement within fifteen days following receipt of full payment of the amount of the lien. Failure to file a lien termination statement by the lienholder or its assignee shall cause the lienholder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated plus damages incurred by the debtor due to the failure of the lienholder to terminate the lien.

(5) Failure to file a statement of discharge or a lien termination statement with the department of licensing may result in retention of filings records beyond the duration of the secured interest or the lien.

(6) Certificate of release of federal lien. Federal certificates of release shall be filed in accordance with provisions of the Uniform Federal Lien Registration Act, chapter 60.68 RCW.

AMENDATORY SECTION (Amending Order BLS 115, filed 7/30/87)

WAC 308-400-095 FEEES. The following fees shall be charged for filing information with, and for obtaining information from(~~(-filing officers shall be charged by))~~ the department of licensing:

(1) For filing, indexing, and furnishing data pursuant to a security interest created by a deed of trust or mortgage under provisions of RCW 62A.9-302, the fee shall be seven dollars.

(2) For filing and indexing an original financing statement or a continuation statement pursuant to RCW 62A.9-403, and for stamping a copy furnished by the secured party showing the date and place of filing, the fee shall be four dollars if the statement is in the standard form prescribed by the department of licensing, but if the form of the statement does not conform to the standards prescribed by the department the fee shall be seven dollars.

(3) For filing, indexing, and furnishing filing data for a financing statement indicating an assignment or a separate statement of assignment, under provisions of RCW 62A.9-405, on a form conforming to standards prescribed by the department of licensing shall be four dollars, but if the form of the financing statement or separate statement of assignment does not conform to the standards prescribed by the department the fee shall be seven dollars.

(4) For filing and noting a statement of partial release pursuant to RCW 62A.9-406 on a form conforming to standards prescribed by the department of licensing, the fee shall be four dollars, but if the form of the statement does not conform to the standards prescribed by the department the fee shall be seven dollars.

(5) For a certificate of information pursuant to RCW 62A.9-407, the fee shall be four dollars. For a certificate of information pursuant to RCW 62A.9-407 and for a copy of any filed financing statements or statements of assignment the fee shall be eight dollars for each particular debtor's statements requested.

NEW SECTION

WAC 308-400-120 FORMS, FEES, AND PROCEDURES— FILING FEDERAL LIENS. The filing fees and procedures for filing information with and obtaining information from filing officers pertaining to federal liens pursuant to chapter 60.68 RCW shall correspond to the filing fees and procedures prescribed by the department of licensing pursuant to Article 62A.9 RCW, for filing information statements with and obtaining information from filing officers. The filing forms shall be those forms approved between the department of licensing and the Internal Revenue Service.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-400-025 FILING OF CROP LIENS AND PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL PRODUCTS.

WAC 308-400-044 UCC-1X FINANCING STATEMENT TO CONTINUE A COUNTY FILING AT THE DEPARTMENT OF LICENSING.

WAC 308-400-050 OFFICIAL APPROVAL OF FORMS.

WAC 308-400-080 DELEGATION OF CERTIFICATION AUTHORITY.

WSR 88-14-046**EMERGENCY RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 88-17—Filed June 30, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—General apportionment, chapter 392-121 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 emergency adoption is needed to allow the agency to proceed with implementation of new certificated instructional staff personnel reporting requirements for 1988-89; and school districts are in immediate need of knowing 1988-89 salary schedule placement requirements and state allocation entitlements in order to prepare their 1988-89 budgets prior to the July 10th statutory deadline.

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.41-.170 and 28A.41.055 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 June 30, 1988.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 88-8, filed 1/11/88)

WAC 392-121-260 DEFINITION—TOTAL ELIGIBLE CREDITS. As used in this chapter, "total eligible credits" means the ~~((total))~~ number of credits determined ~~((pursuant to this section.))~~ as follows:

(1) ~~((Eligible academic credits by degree level are determined as follows:~~

~~((a)))~~ For an employee whose highest degree is a bachelor's degree, ~~((eligible academic credits equals the total of all))~~ sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257.

~~((b)))~~ (2) For an employee whose highest degree is a master's degree which was awarded or conferred on or before August 31, 1987, ~~((eligible academic credits equals))~~ sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257 earned after the awarding or conferring of the master's degree.

~~((c)))~~ (3) For an employee whose highest degree is a master's degree earned after August 31, 1987, ~~((eligible academic credits equals the))~~ sum ~~((of))~~ the following:

~~((i)))~~ (a) Academic credits as defined in WAC 392-121-255 earned after the awarding or conferring of the master's degree; ~~((plus~~

~~((ii) Academic))~~ (b) In-service credits as defined in WAC 392-121-257 earned after the awarding or conferring of the master's degree; and

~~((c) In-service credits as defined in WAC ((392-121-255 in excess of forty-five credits)) 392-121-257 earned after August 31, 1987, and before August 31, 1988, or the awarding or conferring of the master's degree whichever is earlier.~~

~~((2) In-service credits as defined in WAC 392-121-257.~~

~~((3) The result obtained by adding the credits calculated under subsections (1) and (2) of this section is the total eligible credits for the purposes of this chapter.))~~

WSR 88-14-047**PROPOSED RULES****OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

[Filed June 30, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning:

Amd	WAC 326-30-060	General exclusions from the contracting base.
New	WAC 326-30-03901	Goals for 1988-1989;

that the agency will at 1:00 p.m., Thursday, August 11, 1988, in the Office Building 2 Auditorium, Department of Social and Health Services, 12th and Franklin Streets, 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 August 18, 1988.

The authority under which these rules are proposed is chapter 39.19 RCW.

The specific statute these rules are intended to implement is RCW 39.19.030 and 39.19.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 29, 1988.

Dated: June 30, 1988

By: Ralph C. Ruff
Director**STATEMENT OF PURPOSE**

Title: WAC 326-30-03901 Goals for 1988-1989; and 326-30-060 General exclusions from the contracting base.

Description of Purpose: WAC 326-30-03901 establishes annual overall goals for participation by qualified minority and women-owned businesses for each state agency and educational institution; and WAC 326-30-060 removes two exclusions from the reporting base against which achievement of overall annual goals by state agencies and educational institutions is measured. After adoption of this amendment, the reporting base will include funds received by state agencies and educational institutions for transfer to other governmental entities, and funds used to purchase training films and testing materials. Agencies and educational institutions request exclusion of these items from the contracting base, under WAC 326-30-070, but the amendment removes the automatic exclusion.

Statutory Authority: RCW 39.19.030(4) and 39.19.060.

Specific Statute Rule is Intended to Implement: Chapter 39.19 RCW.

Summary of Rule: Same as Description of Purpose.

Reasons Supporting Proposed Action: WAC 326-30-03901, the office is charged with responsibility to establish annual goals for participation by certified MWBEs. RCW 39.19.030(4). Agencies and educational institutions are making progress toward meeting MWBE goals; nonetheless, 1987-88 goals were higher than overall achievement by most agencies. There has not been a significant increase in population on the number of certified businesses to warrant an increase in goals at this time; and WAC 326-30-060, the purpose of chapter 39.19 RCW is to increase the opportunities for minorities and women to participate in state contracting. Automatic exclusion of all funds received for transfer to local government jurisdictions from the contracting base of the state agency and educational institution receiving the fund does not further the purpose of the chapter.

Agency Personnel Responsible for Drafting: Mary Tennyson, Senior Assistant Attorney General, Attorney General's Office; Implementation and Enforcement: Ralph C. Ruff, Director, Office of Minority and Women's Business Enterprises.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: The Washington State Office of Minority and Women's Business Enterprises.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: WAC 326-30-03901, this rule is designed to notify the state agencies, educational institutions, and

interested parties of the goals. There is no change in the preceding year.

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

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-060 GENERAL EXCLUSIONS FROM THE CONTRACTING BASE. Certain exclusions from the reporting base against which achievement of the annual overall goals is computed will be allowed without requesting permission from OMWBE.

- (1) Exclusions will be reviewed by OMWBE on an annual basis.
- (2) Contracts solely for the purchase of the following items are allowable exclusions:
 - (a) Convention fees,
 - (b) Emergency purchases, those made in response to unforeseen circumstances beyond the control of an agency/educational institution which presents a real, immediate and extreme threat to the proper performance of essential functions and/or which may be reasonably expected to result in excessive loss or damage to property, bodily injury, or loss of life,
 - (c) Copyrighted materials,
 - (d) Personal service contracts for consultant services in preparation for litigation and expert witness fees,
 - ~~((e))~~ ~~Funds received for transfer to other governmental entities,~~
 - ~~((f))~~ (e) Purchases from other governmental agencies, including from cities and counties,
 - ~~((g))~~ (f) Honorariums,
 - ~~((h))~~ (g) Interagency purchases,
 - ~~((i))~~ (h) Interagency reimbursements,
 - ~~((j))~~ (i) Membership dues,
 - ~~((k))~~ (j) Purchases from nonprofit and not-for-profit firms,
 - ~~((l))~~ (k) Purchases for resale,
 - ~~((m))~~ (l) Purchases from quasi-governmental agencies, e.g., utilities,
 - ~~((n))~~ (m) Purchases from sheltered workshops,
 - ~~((o))~~ (n) Purchases from sole source suppliers, those which can be obtained from only one vendor and can be documented as such,
 - ~~((p))~~ (o) Subscriptions,
 - ~~((q))~~ Training films, and testing materials,
 - ~~((r))~~ (p) Contracts which are not competitively awarded and which are awarded to all qualified applicants, e.g., physicians and day care providers, and
 - ~~((s))~~ (q) Payments for travel made directly to a common carrier, not through a travel agency, whether by an agency/educational institution, or the employee.

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

NEW SECTION

WAC 326-30-03901 GOALS FOR 1988-1989. The annual overall goals for each state agency and educational institution for each of the following classes of contracts for the period July 1, 1988 through June 30, 1989, should be:

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

These MWBE participation goals are based on the state agency's or education institution's total contracts subject to this chapter within each of the above noted classes of contracts, less excluded contracts.

WSR 88-14-048
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Order 88-7—Filed June 30, 1988]

I, Ralph C. Ruff, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA 98504, the annexed rules relating to General exclusions from the contracting base, WAC 326-30-060.

I, Ralph C. Ruff, 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 without this amendment, this section automatically excludes moneys received by an agency for transfer to other government jurisdictions from the agency's contracting base. Certain amount of moneys are in the process of being allocated and it is necessary to clarify whether the goals apply to such moneys. Even after the amendment of this rule, agencies may still apply for exclusion of these moneys from the contracting base under WAC 326-30-070.

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

This rule is promulgated pursuant to chapter 39.19 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 June 30, 1988.

By Ralph C. Ruff
 Director

AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-060 GENERAL EXCLUSIONS FROM THE CONTRACTING BASE. Certain exclusions from the reporting base against which achievement of the annual overall goals is computed will be allowed without requesting permission from OMWBE.

- (1) Exclusions will be reviewed by OMWBE on an annual basis.
- (2) Contracts solely for the purchase of the following items are allowable exclusions:
 - (a) Convention fees,
 - (b) Emergency purchases, those made in response to unforeseen circumstances beyond the control of an agency/educational institution which presents a real, immediate and extreme threat to the proper performance of essential functions and/or which may be reasonably expected to result in excessive loss or damage to property, bodily injury, or loss of life,
 - (c) Copyrighted materials,
 - (d) Personal service contracts for consultant services in preparation for litigation and expert witness fees,

~~((c)) Funds received for transfer to other governmental entities,~~

~~((f)) (e) Purchases from other governmental agencies, including from cities and counties,~~

~~((g)) (f) Honorariums,~~

~~((h)) (g) Interagency purchases,~~

~~((i)) (h) Interagency reimbursements,~~

~~((j)) (i) Membership dues,~~

~~((k)) (j) Purchases from nonprofit and not-for-profit firms,~~

~~((l)) (k) Purchases for resale,~~

~~((m)) (l) Purchases from quasi-governmental agencies, e.g., utilities,~~

~~((n)) (m) Purchases from sheltered workshops,~~

~~((o)) (n) Purchases from sole source suppliers, those which can be obtained from only one vendor and can be documented as such,~~

~~((p)) (o) Subscriptions,~~

~~((q) Training films, and testing materials,~~

~~((r)) (p) Contracts which are not competitively awarded and which are awarded to all qualified applicants, e.g., physicians and day care providers, and~~

~~((s) (q) Payments for travel made directly to a common carrier, not through a travel agency, whether by an agency/educational institution, or the employee.~~

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

WSR 88-14-049
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed July 1, 1988]

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 Consolidated emergency assistance program—Payments, amending WAC 388-24-260;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

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 August 9, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: June 29, 1988

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

This amendment is to WAC 388-24-260.

Purpose of the Amendment: To substitute language defining the period during which consolidated emergency assistance program (CEAP) grants may be authorized, clarifying the WAC rules to ensure compliance with the Code of Federal Regulations.

Summary: WAC 388-24-260 (1) and (2) are revised to limit the CEAP authorization period to 30 consecutive calendar days in a twelve month period, as specified in 45 CFR 233.120 (b)(3).

Person Responsible for the Amendment: Wayne Balcom, Community Services Program Manager, Division of Income Assistance, OB-31C, 234-4910 scan.

The rules are necessary as a result of federal law, 45 CFR 233.120 (b)(3).

AMENDATORY SECTION (Amending Order 2503, filed 6/17/87)

WAC 388-24-260 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—PAYMENTS. (1) The department shall authorize CEAP for no more than ~~((one calendar month))~~ thirty consecutive days in any period of twelve consecutive calendar months.

(a) Each certification period cannot exceed ~~((one))~~ thirty calendar ~~((month))~~ days.

(b) CEAP may not be paid to persons who received emergency assistance from the department within the last twelve months.

(2) The department shall pay CEAP by warrant directly to the household or by vendor payment.

WSR 88-14-050
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed July 1, 1988]

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 categorically needy medical assistance eligibility, amending WAC 388-82-115;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

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 August 9, 1988.

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

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Dated: June 29, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-82-115.

Purpose: To change the age of children covered by categorically needy Medicaid; to add as categorically needy Medicaid eligible certain widows and widowers and disabled adult children; to delete "FIP" from subsection (6); and regulations to be filed for emergency adoption to implement changes in the law to be effective July 1, 1988. The results will provide a substantial benefit to clients.

Reason: To implement OBRA 1987 mandatory changes for needy children and certain eligible widows and widowers.

Statutory Authority: RCW 74.08.090.

Summary: WAC 388-82-115: Subsection (5) adds the number of the P.L. Law 99-643 that made the original project a permanent part of the SSA law; subsection (6) deletes "FIP" from ineligible pregnant women who have not reached their 6th month; subsection (8) the age of children eligible for categorically needy medical assistance has been raised from under "five" to under "seven"; subsection (14) extends the time period for widows and widowers, age 50 to 59 who lost their SSI due to an increase or entitlement to Title II benefits, to file an application for categorically needy medical by July 1, 1988; subsection (15) effective July 1, 1988, adds as categorically needy eligible clients, widows and widowers age 60 to 65, not entitled to Medicare, who lost their SSI/SSP due to the receipt of or increase in TII DWB; subsection (16) the cross reference is changed to refer to the new FIP extended benefits section; and subsection (17) adds as categorically needy eligible clients, adult children, who lost their SSI/SSP due to the receipt of or increase in TII DAC.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7462.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law, Omnibus Budget Reconciliation Act of 1987.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2620, filed 4/15/88)

WAC 388-82-115 (~~THE DEPARTMENT SHALL CLASSIFY AS ELIGIBLE FOR~~) CATEGORICALLY NEEDY MEDICAL ASSISTANCE ELIGIBILITY. The department shall classify as eligible for categorically needy medical assistance:

- (1) (~~Persons~~) Clients who(~~;~~):
 - (a) In August 1972, received:
 - (i) Old Age Assistance (OAA(~~;~~));
 - (ii) Aid to Blind (AB(~~;~~));
 - (iii) Aid to Families with Dependent Children (AFDC(~~;~~)); or
 - (iv) Aid to the Permanently and Totally Disabled (APTD(~~;~~)); and
 - (~~also~~)
 - (b) Received Retirement, Survivors, and Disability Insurance (RSDI) benefits(~~;~~); and (~~who~~)
 - (c) Are ineligible for OAA, AB, AFDC, or APTD solely because of the twenty percent increase in Social Security benefits under (~~Public Law~~) P.L. 92-336.
- (2) (~~Persons~~) Clients who:
 - (a) Were entitled to RSDI benefits in August 1972(~~;~~); and
 - (b) Are ineligible for AFDC, FIP, or SSI solely because of the twenty percent increase in Social Security benefits under (~~Public Law~~) P.L. 92-336.
 - (3) Family units ineligible for AFDC solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:
 - (a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility(~~;~~); and
 - (b) A member of such family continues to be employed(~~;~~); and
 - (c) The family is otherwise eligible for AFDC (~~except for increased hours or increased income from employment~~); and
 - (d) The department shall consider earned income tax credits (EITC) as income for purposes of this subsection.
 - (4) Current recipients of Title II, SSA benefits who:
 - (a) Were concurrent recipients of Title II and SSI benefits; and
 - (b) Are ineligible for SSI benefits and/or state supplementary payments; and
 - (c) Would be eligible for SSI benefits if the following were deducted from the current Title II benefit amount:
 - (i) All Title II cost-of-living benefit increases received by the recipient since termination from SSI/SSP; and
 - (ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the recipient's spouse and/or other financially responsible family member living in the same household.
 - (5) Certain recipients of SSI, after January 1, 1981, who continue to be eligible for medical assistance (MA) under (~~Public Law~~) P.L. 96-265 and 99-643.
 - (6) Pregnant women, with no other eligible children, who are ineligible for AFDC (~~or FIP~~) cash assistance solely because they have not reached the sixth month of pregnancy.
 - (7) (~~Persons~~) Clients who are denied AFDC or FIP cash payments solely (~~by reason of recovery~~) because of a departmental recovery of an overpayment.
 - (8) Children under (~~five~~) seven years of age, who are born after September 30, 1983, and who meet the income and resource requirements of AFDC or FIP financial assistance.
 - (9) Family units shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC, when terminated from AFDC financial assistance solely because of:
 - (a) The loss of the thirty dollars plus one-third exemption; or
 - (b) The thirty-dollar income exemption(~~s shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC~~).
 - (10) Children, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year if:
 - (a) The child remains a member of the mother's household; and
 - (b) The mother remains eligible for medical assistance; and

(c) The child was born on or after October 1, 1984.
 (11) Family units ineligible for AFDC or FIP financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ~~((such))~~ ineligibility; provided ~~((that))~~ the family unit:

(a) Received AFDC or FIP financial assistance in at least three of the six months immediately preceding the month of ~~((such))~~ ineligibility; and

(b) Became ineligible for AFDC or FIP ~~((during))~~ on or after ~~((the month of))~~ August 1, 1984, and prior to October 1, 1988.

(12) Pregnant women who do not meet the deprivation requirements of AFDC or FIP financial assistance if:

(a) They would meet the AFDC or FIP financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and

(b) They meet the AFDC or FIP financial assistance resource requirements.

(13) ~~((Persons who are))~~ Aliens denied AFDC, FIP, or SSI cash assistance solely because of deeming of income of ~~((alien))~~ their sponsors.

(14) Current disabled ~~((recipients of))~~ clients receiving widow's or widower's benefits under section 202(e) or (f) of the Social Security Act if the disabled ~~((person))~~ client:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and

(b) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the Social Security Act for January 1984; and

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to ~~((him or her))~~ the client; and

(d) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the act; and

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under section 215(i) of the act, were disregarded; and

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

(15) Effective July 1, 1988, disabled or blind clients receiving Title II Disabled Widow/Widower Benefits (DWB) under section 202(e) or (f) of the SSA, if the client:

(a) Is sixty through sixty-four years of age; and

(b) Is not eligible for the hospital Medicare (Part A of Title XVIII) benefits; and

(c) Received SSI/SSP prior to sixty years of age; and

(d) Became ineligible for SSI/SSP due to receipt of or increase in DWB; and

(e) Would be eligible for SSI/SSP if the amount of the DWB or increase under section 202(e) or (f) of the SSA, and any subsequent cost-of-living increases provided under section 215(i) of the act were disregarded.

(16) Family units suspended from FIP financial assistance because of increased earned income. This period of eligibility shall not exceed twelve months as determined by WAC ~~((388-77-735))~~ 388-77-737.

~~((16))~~ (17) Family units ineligible for FIP solely because of increased hours of employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that:

(a) The family unit received FIP in at least three of the six months immediately preceding the month of ineligibility;

(b) A member of such family continues to be employed;

(c) The family unit is otherwise eligible for FIP ~~((except for increased hours of employment)).~~

(18) Disabled or blind clients receiving Title II Disabled Adult Childhood (DAC) benefits under section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age; and

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the SSA and any subsequent cost-of-living increases provided under section 215(i) of the SSA Act were disregarded.

WSR 88-14-051
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed July 1, 1988]

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

New	WAC 388-82-008	Family independence program (FIP).
Amd	WAC 388-83-036	Monthly maintenance standard—Applicant not in own home.
Amd	WAC 388-83-130	Eligibility—Special situation.
Amd	WAC 388-84-105	Medical assistance.
Amd	WAC 388-85-105	Certificate of eligibility.
Amd	WAC 388-95-360	Allocation of income—Institutionalized recipient.
Amd	WAC 388-95-400	Medically needy—Eligibility determination—Institutional;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: June 30, 1988

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-82-008, 388-83-036, 388-83-130, 388-84-105, 388-85-105, 388-95-360 and 388-95-400.

Purpose: To incorporate the family independence program (FIP) into the medical assistance portion of WAC; to simplify current language for easier readability; and regulations to be filed for emergency adoption to implement FIP to be effective July 1, 1988. The results will provide a substantial benefit to clients.

Reason: The department plans to implement the family independence program (FIP) on July 1, 1988.

Statutory Authority: RCW 74.08.090.

Summary: The following WAC sections will incorporate FIP: WAC 388-82-008, FIP related Medicaid is limited to designated FIP geographic areas; WAC 388-83-036, incorporates FIP reference into the Monthly maintenance standard—Client not in own home section of WAC; WAC 388-83-130, incorporates FIP related cross references; WAC 388-84-105, a FIP enrollee receiving cash assistance need not make a separate application for medical assistance; WAC 388-85-105, FIP enrollee is eligible for a medical extension when their cash assistance is terminated for reasons listed in WAC 388-85-105; WAC 388-95-360, the department shall pay a FIP enrollee a personal needs allowance while institutionalized in a medical facility; and WAC 388-95-400, the department considers the FIP enrollee, who is institutionalized, medically needy if the countable income exceeds the FIP one-person grant standard.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7462.

Rules are proposed by DSHS.

These rules are 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 388-82-008 FAMILY INDEPENDENCE PROGRAM (FIP). All FIP Medicaid and FIP-related medicaid shall be limited to designated FIP geographic areas. The FIP geographic areas shall be established under WAC 388-77-005.

AMENDATORY SECTION (Amending Order 2142, filed 8/15/84)

WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—((APPLICANT)) CLIENT NOT IN OWN HOME. (1) The monthly standard for a ((Title XVI)) SSI/SSP related ((individual)) client or GA-U recipient living in a CCF, adult family home, adult residential treatment facility (ARTF), or group home shall be the cost standard of the facility plus a specified CPI. This monthly standard ((may)) shall not exceed three hundred percent of the current SSI federal benefit level.

(2) The AFDC or FIP recipient receiving intensive (thirty days or less) alcohol treatment may be granted GA-U funds within the maximum which are paid to the facility for the cost of care.

(3) For the ((Title XVI)) SSI/SSP related person with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs. The GA-U ((recipient)) client is subject to GA-U income and resource standards.

(4) If income available to the ((recipient)) client is less than the CPI standard, the department shall authorize a state payment ((is authorized)) to the ((recipient)) client to meet his or her personal needs.

(5) ((Payment is made by)) The department shall make payment to the facility for the difference between income available for payment on care and the cost standard of the facility.

AMENDATORY SECTION (Amending Order 2424, filed 9/22/86)

WAC 388-83-130 ELIGIBILITY—SPECIAL SITUATIONS. (1) The department shall consider parent's income available whether or not actually contributed, when determining eligibility of ((an)) a person under ((age)) eighteen ((person resides)) years of age residing in the same family unit with parents((-the parents' income is considered available whether or not actually contributed. See WAC 388-82-115(6) for the pregnant woman)).

(2) The department shall not allow the AFDC earned income exemption of thirty dollars plus one-third of remainder ((does not apply)) to ((individuals)) clients initially applying solely for medical assistance.

(3) The department shall allow the thirty dollars plus one-third disregard for families applying for medical assistance who received AFDC or FIP assistance in any of the four preceding months ((shall be allowed the thirty dollars plus one-third disregard)). After receiving the thirty dollars plus one-third income disregard for a maximum of four consecutive months ((an individual)), the client is not eligible for the disregard ((again)) until ((he/she)) the client has been off assistance for twelve consecutive months.

(4) AFDC or FIP children ((age)) sixteen or seventeen ((who are)) years of age terminated from AFDC or FIP cash assistance solely because they have ceased to attend school and have refused to register for WIN are eligible for Medicaid ((while living in the home with a relative of specified degree)) on the same basis as a dependent child.

(5) For family units ((which are)) determined ineligible for AFDC or FIP assistance solely due to the requirements of WAC 388-24-050 or WAC 388-77-210 that certain parents and siblings be included in the assistance unit((-)), at the applicant's option, such individuals and their income may((-at the applicant's option)) be excluded from the assistance unit when determining eligibility of the remaining assistance unit members for categorically needy medical assistance.

(6) For family units ((which are)) determined ineligible for AFDC or FIP financial assistance solely due to the requirements of WAC 388-28-500(4) or 388-77-285 that income of the nonapplying parents of a minor parent be considered available to the assistance unit of the minor parent and such minor's child or children((-)), such income shall be disregarded when determining eligibility of such minor's child or children.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-84-105 MEDICAL ASSISTANCE. (1) ((All individuals wishing to make)) The department shall accept applications for medical assistance or the limited casualty program ((shall have the opportunity to do so)) without delay.

(a) ((Applicants will be provided)) The department shall provide clients with:

- (i) An explanation of the Civil Rights Act((-));
 - (ii) Fair hearing information((-););
 - (iii) Information on early and periodic screening, diagnosis, and treatment (EPSDT), when appropriate((-););
 - (iv) Information on family planning, when appropriate.
- (b) The application shall be in writing; a verbal request is not an application.

(c) ((If death of applicant intervenes, the application may be completed by)) A relative or interested person((-s)) may complete the application if the client dies.

(2) ((Individuals)) The department shall find clients who receive cash assistance ((payment)) under AFDC, FIP, SSI, or state supplement ((are)) eligible for medical assistance without a separate application.

(3) A spouse ineligible for SSI benefits solely because of the level of ((his/her)) the spouse's income ((must)) shall apply individually for medical assistance.

(4) A resident of the state of Washington temporarily out of the state may make application directly to the community services office (CSO) in ((his/her)) the resident's area of the state through either an individual or agency acting in ((his/her)) the resident's behalf.

AMENDATORY SECTION (Amending Order 2569, filed 12/11/87)

WAC 388-85-105 CERTIFICATION OF ELIGIBILITY. ((Entitlement to)) The department shall continue eligibility for medical assistance ((continues)) until the ((recipient)) client is determined ineligible for cash assistance.

(1) ((Whenever terminating cash assistance or)) The department shall automatically redetermine eligibility for other medical assistance programs prior to termination of medical assistance including Medicaid, the limited casualty program, or medical care services((-the department shall automatically redetermine eligibility for other medical assistance programs prior to termination of medical assistance)).

(a) If additional information is necessary to redetermine eligibility, the department shall give the ((recipient)) client ten days' notice and an opportunity to provide such information.

(b) The department shall give the ((recipient)) client advance and adequate notice of the redetermination decision prior to termination of medical assistance. See WAC 388-33-376.

(c) Until the department redetermines a ~~((recipient))~~ client's eligibility in conformity with the requirements of this section, the ~~((recipient))~~ client shall remain eligible for categorically needy medical benefits.

(2) When eligibility for AFDC cash assistance is terminated:

(a) ~~((For AFDC cash assistance))~~ Due to increased income or increased hours from employment, medical assistance shall continue for four calendar months beginning with month of ineligibility~~((:));~~;

(b) ~~((For AFDC cash assistance))~~ Due to reaching state legal age of majority, the department shall automatically redetermine eligibility for medical assistance under another program~~((:));~~;

(c) For lack of cooperation in WIN or work registration or for lack of school attendance which are not eligibility factors for medical assistance, the eligibility for medical assistance shall continue~~((:));~~;

(d) ~~((For AFDC cash assistance))~~ Due solely to the loss of the thirty dollars plus one-third or the thirty dollar income exemption, medical assistance shall continue for nine calendar months beginning with the month of ineligibility~~((:));~~;

(e) Due to the termination of pregnancy, medical assistance shall continue for two calendar months following the month of pregnancy termination.

(3) When eligibility for FIP cash assistance is terminated:

(a) Due to increased earnings, medical assistance shall continue for up to twelve calendar months beginning with the month of ineligibility;

(b) Due to an increase in hours from employment, medical assistance shall continue for up to four calendar months beginning with the month of ineligibility;

(c) Due to reaching state legal age of majority, the department shall automatically redetermine eligibility for medical assistance under another program;

(d) Due to termination of pregnancy, medical assistance shall continue for two calendar months following the month of pregnancy termination.

(4) The department shall redetermine eligibility for medical assistance the same as for the related cash assistance program:

(a) For ~~((recipients))~~ clients under ~~((age))~~ eighteen years of age not related to SSI, eligibility shall be redetermined every six months using AFDC or FIP financial criteria~~((:));~~;

(b) For ~~((recipients))~~ clients in medical institutions, eligibility shall be redetermined every twelve months.

~~((4))~~ (5) The ~~((recipient))~~ client shall report to the CSO, within twenty days, any change in circumstances relating to ~~((the recipient's financial or medical))~~ eligibility ~~((within twenty days of the date of change)).~~

~~((5))~~ (6) For any change of eligibility, the department shall use the same notification procedures as for cash assistance.

AMENDATORY SECTION (Amending Order 2005, filed 8/23/83)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED ~~((RECIPIENT))~~ CLIENT. (1) All institutionalized ~~((recipients with))~~ clients shall retain a specified personal needs allowance.

(2) The AFDC or FIP related individual in a medical facility is eligible to receive ~~((an amount as))~~ a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related ~~((recipients may))~~ clients shall retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total ~~((amount of))~~ wages received plus the personal needs allowance may not exceed the one person medically needy income level. There are no deductions for expenses of employment. When the total ~~((amount of))~~ wages received plus the initial personal needs allowance exceeds the one person medically needy income level, the excess wages ~~((are applied))~~ apply to the cost of care.

(4) In addition to the allocations in subsections (1) and (3) of this section, SSI related ~~((individuals))~~ clients residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed the one person medically needy income level;

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest AFDC or FIP payment standard for a family of same size ~~((under AFDC));~~;

(c) Amounts for incurred medical expenses not subject to third-party payment including but not limited to:

(i) Health insurance premiums, co-insurance or deductible charges;

(ii) Necessary medical care recognized under state law but not covered under Medicaid;

(d) For a single person, maintenance of the home ~~((where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-95-380 (1)(a)(iv));~~);

~~((i))~~ ~~((Income thus exempted must be used to retain the independent living situation of))~~ An individual with no dependents ~~((through))~~ must use allocated income for payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home~~((— Also see chapter 388-28 WAC));~~;

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months;

(iii) The allocation shall be limited to the six-month period ~~((beginning))~~ beginning on the first of the month following date of admission for Medicaid eligible ~~((recipients))~~ clients or the date of eligibility for individuals changing from private pay status to Medicaid~~((— and ceases)).~~ The period ends when the patient is discharged to an independent living arrangement or at the end of six months if the ~~((recipient))~~ client has not been discharged;

(iv) ~~((CSO))~~ Social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

(5) Income remaining after allocations specified in subsections (1), (2), (3) or (4) of this section, ~~((with))~~ shall be used to compute payment of the participation amount ~~((that income remaining after allocation of income))~~ at the department rate.

AMENDATORY SECTION (Amending Order 1964, filed 6/1/83)

WAC 388-95-400 MEDICALLY NEEDY—ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) The department shall consider individuals ~~((are considered))~~ institutionalized if they reside in a medical facility at least a full calendar month.

(a) SSI/~~((state supplement))~~SSP-related individuals in medical facilities are medically needy if their gross income exceeds three hundred percent of the SSI benefit (SSI cap). AFDC-related ~~((individuals))~~ clients or FIP enrollees in medical facilities are medically needy if countable income exceeds the one-person AFDC or FIP grant standard.

(b) ~~((Determination of))~~ The department shall determine countable ~~((income. Countable))~~ income of a medically needy applicant residing in a nursing home ~~((is determined))~~ by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining ~~((either))~~ eligibility for AFDC ~~((eligibility or for aged, blind, and disabled persons; amounts that would be deducted in determining eligibility for the state supplementary payment)),~~ FIP, or SSI/SSP.

(ii) Previously incurred medical expenses ~~((that are))~~ not subject to third-party payment and which are the current liability of the applicant.

(c) ~~((Medically needy))~~ The department shall determine nursing home residents ~~((will be determined))~~ eligible if their countable income is less than the department's contracted rate plus verifiable recurring medical expenses. These individuals ~~((with))~~ shall participate in the cost of their nursing home care~~((— Once it is established that an applicant meets the medically needy financial eligibility, see))~~ per WAC 388-95-360 for post-eligibility allocation of income.

(d) The department shall determine applicants for the medically needy program ~~((with))~~ ineligible if countable income is above the private nursing home rate plus verifiable recurring medical expenses ~~((are ineligible)).~~

(e) The department shall determine eligibility for individuals with countable ~~((incomes))~~ income below the private nursing home rate plus recurring medical expenses, but above the department's contracted rate plus medical expenses~~((— will have eligibility determined))~~ as follows:

(i) Such applicants ~~((with))~~ shall be certified eligible for nursing home care. See WAC 388-95-360 for post-eligibility allocation of income~~((:));~~;

(ii) Eligibility for nonnursing home medical care ~~((with))~~ shall require ~~((spending down))~~ spenddown of all income remaining after allocating income~~((:))~~ per subdivision (e)(i) above. Coupons ~~((with))~~ shall be issued only ~~((when spend down))~~ after spenddown has been met~~((:));~~ and

(iii) Certification for nursing home care for such individuals shall be on a three-month basis. (~~Spend-down~~) Spenddown of nonnursing home medical expenses (~~with~~) shall be on a three-month basis.

(f) Absence of not more than fourteen consecutive days from an institutional living arrangement (~~would~~) shall not interrupt an individual's institutional status.

(i) A transfer between institutions (~~does~~) shall not change institutional status.

(ii) A transfer from a hospital to a nursing home and discharge within the same calendar month (~~is~~) shall not constitute continuous institutional status.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-95-380 and 388-95-390.

(3) The department shall determine eligibility for individuals who reside in a medical facility less than a full calendar month (~~shall have their eligibility determined~~) as for a noninstitutionalized person (~~for that month~~).

WSR 88-14-052
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Radiation Control)
[Filed July 1, 1988]

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 definitions/registration/airborne emission permits, amending WAC 402-80-040 and 402-80-060 and new WAC 402-80-065;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 70.98.050.

The specific statute these rules are intended to implement is chapter 70.98 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: June 28, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

New WAC 402-80-065 and amending WAC 402-80-040 and 402-80-060.

Purpose of the Rule Change: To establish the requirements for issuance of permits for airborne emissions of radioactive materials, and to correct an error in reference to another WAC.

These Rules are Necessary: To support the state's air emission monitoring and enforcement program authorized by RCW 70.98.050 (4)(c) and described in chapter 402-80 WAC.

Statutory Authority: RCW 43.20A.055 and 70.98.050 (4)(c).

Summary of the Rule Change: These changes to chapter 402-80 WAC will specify the requirements for radioactive airborne emission permits; add a new definition for clarification; and correct an error in reference to WAC 440-44-062 for fees for air emission permits.

Person Responsible for Drafting and Enforcement of the Rule: T. R. Strong, Chief, Radiation Protection, mailstop LE-13, phone 753-3468.

The Department of Social and Health Services proposes these rules.

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

AMENDATORY SECTION (Amending Order 2450, filed 12/11/86)

WAC 402-80-040 DEFINITIONS. As used in this chapter, these terms have the definitions set forth below.

(1) "Best available radionuclide control technology (BARCT)" means technology which will result in a radionuclide emission limitation based on the maximum degree of reduction for radionuclides which would be emitted from any proposed stationary source or modification of a 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 source or modification through application of production processes or available methods, systems, and techniques. In no event shall application of best available radionuclide technology result in emissions of radionuclides which would exceed the ambient annual standard limitation specified in this chapter.

(2) "Critical organ" means the most exposed human organ or tissue exclusive of the integumentary system (skin) and the cornea.

(3) "Department" means the department of social and health services.

(4) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body. Units of dose equivalent are mrem.

(5) "Emission source" means the point-of-release of airborne emissions of radioactive materials.

(6) "Radionuclide" means any nuclide that emits radiation.

~~((6))~~ (7) "Whole body" means all human organs or tissue exclusive of the integumentary system (skin) and the cornea.

AMENDATORY SECTION (Amending Order 2450, filed 12/11/86)

WAC 402-80-060 REGISTRATION. (1) The owner or operator of each source of airborne radionuclide emissions within the following source categories (unless specifically exempted in WAC 402-80-030) shall register the source with the department:

(a) NRC-licensed facilities;

(b) United States Department of Energy Facilities;

(c) Non-DOE federally owned or operated facilities;

(d) Any other facility having emissions of radionuclides to air in amounts that cause a dose equivalent in excess of 5 mrem/year to the whole body or 15 mrem/year to the critical organ of any member of the public.

(2) State licensees under the authority of other chapters of Title 402 WAC will be deemed registered.

(3) Registration shall be on forms to be supplied by the department. Upon a determination that registration of a particular source meets department of ecology and department of social and health services regulations, the department of social and health services will issue a permit authorizing the emission source with such conditions and limitations as it deems appropriate or necessary.

(4) Fees for permit issuance and inspection services rendered by the department are covered in WAC ((440-44-070)) 440-44-062. A report of closure shall be filed with the department whenever operations producing emissions are permanently ceased at any source within the above categories.

NEW SECTION

WAC 402-80-065 AIRBORNE EMISSION PERMITS. Each operator of radioactive airborne emission sources shall obtain a permit issued by the department to operate those sources. The department shall grant these permits only after receipt of the appropriate fees and registration materials and a full review of those materials by the department.

(1) For emission sources at facilities licensed by the department, air emission permits shall be part of the source operator's radioactive materials license.

(2) For emission sources at the United States Department of Energy (DOE) Hanford Site, the department shall issue one permit for each major production, processing, or research area, e.g., 200 East Area.

(3) For emission sources at non-DOE federal facilities, the department shall issue one permit for each base or installation, e.g., Puget Sound Naval Shipyard.

WSR 88-14-053

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(General Provisions)

[Filed July 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning fees for airborne emissions of radioactive materials, new WAC 440-44-062;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 70.98.050.

The specific statute these rules are intended to implement is chapter 70.98 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: June 28, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

New WAC 440-44-062.

Purpose of the Rule Change: To access annual permit fees for airborne emissions of radioactive materials.

Reason These Rules are Necessary: To support the development of the state's air emission monitoring and enforcement program authorized by RCW 70.98.050 (4)(c) and described in chapter 402-80 WAC.

Statutory Authority: RCW 43.20A.055 and 70.98.050 (4)(c).

Summary of Rule Change: This change to chapter 440-44 WAC will establish the fees for radioactive airborne emission permits issued under WAC 402-80-065.

Person Responsible for Drafting and Enforcement of the Rule: T. R. Strong, Chief, Radiation Protection, mailstop LE-13, phone 753-3468.

The Department of Social and Health Services proposes these rules.

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

NEW SECTION

WAC 440-44-062 FEES FOR AIRBORNE EMISSIONS OF RADIOACTIVE MATERIALS. (1) The department shall include fees for emission sources at facilities licensed by the department, as part of the license fees specified in WAC 440-44-057.

(2) For emission sources at all other facilities, the department shall assess fees for air emission permits as follows:

(a) Application. The initial application fee shall be one thousand dollars for each air emission permit.

(i) Each application for an emission permit shall be accompanied by the full amount of the initial application fee.

(ii) No application shall be processed prior to payment of the full amount specified.

(iii) Applications for which no remittance is received shall be returned to the applicant.

(iv) The applicant shall pay any additional actual costs involved with processing the application, and the department shall bill for these on a calendar quarter basis.

(v) The initial application fee shall be a credit to the applicant's quarterly billings.

(b) Operations. The department shall charge each emission source operator to cover the actual expenses the department incurs in determining compliance with the provisions of established regulations and conditions of the air emission permit.

(i) The department shall bill the operator each calendar quarter until the permit is terminated by the department.

(ii) The quarterly bills shall specify the manpower, laboratory, and support service costs associated with the regulatory activities conducted by the department.

(c) Amendment. The actual costs the department incurs in reviewing and processing an amendment to an air emission permit shall be added to and included in the department's calendar quarter charge for regulatory activities.

WSR 88-14-054
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2636—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Standards of assistance—Persons in medical institutions, amending WAC 388-29-125.

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 increase by five dollars the clothing and personal incidentals (CPI) allowance for persons in medical institutions.

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 June 21, 1988.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2588, filed 1/22/88)

WAC 388-29-125 STANDARDS OF ASSISTANCE—PERSONS IN MEDICAL INSTITUTIONS. Effective ((~~January 1, 1986~~)) July 1, 1988, the monthly standard for clothing, personal maintenance, and necessary incidentals for an eligible person in a skilled nursing home, a public nursing home, a general or tuberculosis hospital, or an intermediate care facility shall be ((~~thirty-six~~)) forty-one dollars and sixty-two cents.

WSR 88-14-055
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2637—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to authorization for foster care placement, amending WAC 388-70-013.

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 increase use of voluntary placements in child foster care and group care under certain circumstances as a means to reduce court activity and to enhance permanency planning. This rule is also necessary to prevent loss of federal revenue for voluntary placements.

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 June 22, 1988.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2337, filed 1/29/86)

WAC 388-70-013 AUTHORIZATION FOR FOSTER CARE PLACEMENT. A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody pursuant to chapter 13.32A RCW, Runaway Youth Act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child, parent or parents, or the department requesting alternative residential placement for the child has been filed pursuant to RCW 13.32A.120 or 13.32A.140, or approved pursuant to RCW 13.32A.170, or upon a child having been admitted directly by RCW 13.32A.090.

(3) A child has been placed in shelter care as provided in the following:

(a) The child has been taken into custody and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety, and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW and placed the custody of the child with the department or a licensed child placing agency.

(6) The child and his or her parent or parents agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement subject to limitations in subsection (8) of this section.

(7) If a child is to be placed in group care, such placement shall only be made when the department has assessed the child's and family's needs and determined group care is the most appropriate placement option.

(a) The department will only provide financial support for a child's group care placement when the placement is in a licensed group care facility, and

(b) The department has custody of the child and the authority to remove the child in a cooperative manner after at least seventy-two hours notice to the child care provider; such notice may be waived in emergency situations.

(8) The child's parent or parents or legal guardian or guardians has voluntarily requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care and the department concurs such placement is currently necessary(~~(, provided that the maximum time period for the voluntary placement shall be three months. The placement may be extended if an exception to policy is approved per WAC 388-20-010. Such requests shall comply with foster care placement criteria as developed by the department)~~).

(a) By the end of one hundred eighty days, the child shall return to his or her parent or guardian unless the juvenile court has made a judicial determination that return to the parent or guardian is contrary to the welfare of the child, or that continued placement in foster care is in the best interest of the child.

(b) The DCFs regional administrator or area manager may grant exceptions to the one hundred eighty-day limit on voluntary placements subject to the following limitation:

(i) DSHS conducted an administrative review fulfilling the requirements of P.L. 96-272 and the review chairperson recommends continuation of voluntary placement; and

(ii) The exception shall not cause the child to remain in care for greater than eighteen months without a court review hearing which meets the dispositional hearing requirements of P.L. 96-272; and

(iii) The child's return to the home is imminent; or

(iv) The child is seventeen years of age or older.

WSR 88-14-056
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2640—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Payment—Eligibility provider defined, amending WAC 388-87-005.

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 add dental hygienists as an eligible provider to benefit clients effective July 1, 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 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 June 29, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2501, filed 6/1/87)

WAC 388-87-005 PAYMENT—ELIGIBLE PROVIDERS DEFINED. (1) Eligible providers are:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, nursing, chiropractic, dental hygiene, or physical therapy,

(b) A hospital currently licensed by the department,

(c) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility,

(d) A licensed pharmacy,

(e) A home health services agency certified by the department,

(f) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the requirements for such participation,

(g) A company or individual (not excluded in subsection (3) of this section) supplying items such as ambulance service, oxygen, eyeglasses, other appliances, or approved services,

(h) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the EPSDT program,

(i) A certified center for the detoxification of acute alcoholic conditions,

(j) A certified outpatient clinical community mental health center, an approved inpatient psychiatric facility, drug treatment center, or Indian health service clinic,

(k) A Medicare certified rural health clinic,

(l) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations,

(m) An out-of-state provider of services listed in (a) through (k) of this subsection subject to conditions specified in WAC 388-87-105.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners shall not be furnished to applicants or recipients:

Sanipractors

Naturopaths

Homopathists

Herbalists

Masseurs or manipulators

Christian Science practitioners or theological healers

Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

(3) Conditions of eligibility:

(a) When a provider has a restricted professional license or previously has been terminated, excluded, or suspended from the Medicare/Medicaid programs, eligibility shall be authorized only if the department has determined that the violations that led to the sanction or license restriction are not likely to be repeated. In making this determination, the department shall consider, among other factors, whether the provider has been convicted of offenses related to the delivery of medical care which were not considered during the development of the previous sanction by Medicare, Medicaid, or state or local licensing authorities.

(b) The department shall not reinstate in the medical assistance program, a provider that has been suspended from Medicare or suspended at the direction of the department of health and human services until DHHS notifies the department that the provider may be reinstated.

(c) Nothing in this subsection shall preclude the department from denying authorization if, in the opinion of the medical director, division of medical assistance, the provider constitutes a danger to the health and safety of recipients.

WSR 88-14-057
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2641—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to categorically needy medical assistance eligibility, amending WAC 388-82-115.

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 change the age of children covered by categorically needy Medicaid and to add as categorically needy Medicaid eligible certain widows and widowers and disabled adult children effective July 1, 1988, per the Omnibus Budget Reconciliation Act of 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 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 June 29, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2620, filed 4/15/88)

WAC 388-82-115 ~~((THE DEPARTMENT SHALL CLASSIFY AS ELIGIBLE FOR))~~ CATEGORICALLY NEEDY MEDICAL ASSISTANCE ELIGIBILITY. The department shall classify as eligible for categorically needy medical assistance:

(1) ~~((Persons))~~ Clients who~~(:);~~:

(a) In August 1972, received:

(i) Old Age Assistance (OAA~~(:);~~);

(ii) Aid to Blind (AB~~(:);~~);

(iii) Aid to Families with Dependent Children (AFDC~~(:);~~); or

(iv) Aid to the Permanently and Totally Disabled (APTD~~(:);~~); and ~~((also))~~

(b) Received Retirement, Survivors, and Disability Insurance (RSDI) benefits~~(:);~~ and ~~((who))~~

(c) Are ineligible for OAA, AB, AFDC, or APTD solely because of the twenty percent increase in Social Security benefits under ~~((Public Law))~~ P.L. 92-336.

(2) ~~((Persons))~~ Clients who:

(a) Were entitled to RSDI benefits in August 1972~~(:);~~; and

(b) Are ineligible for AFDC, FIP, or SSI solely because of the twenty percent increase in Social Security benefits under ~~((Public Law))~~ P.L. 92-336.

(3) Family units ineligible for AFDC solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility~~(:);~~; and

(b) A member of such family continues to be employed~~(:);~~; and

(c) The family is otherwise eligible for AFDC (~~(except for increased hours or increased income from employment.); and~~); and

(d) The department shall consider earned income tax credits (EITC) as income for purposes of this subsection.

(4) Current recipients of Title II, SSA benefits who:

(a) Were concurrent recipients of Title II and SSI benefits; and

(b) Are ineligible for SSI benefits and/or state supplementary payments; and

(c) Would be eligible for SSI benefits if the following were deducted from the current Title II benefit amount:

(i) All Title II cost-of-living benefit increases received by the recipient since termination from SSI/SSP; and

(ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the recipient's spouse and/or other financially responsible family member living in the same household.

(5) Certain recipients of SSI, after January 1, 1981, who continue to be eligible for medical assistance (MA) under (~~(Public Law)~~) P.L. 96-265 and 99-643.

(6) Pregnant women, with no other eligible children, who are ineligible for AFDC (~~(or FIP)~~) cash assistance solely because they have not reached the sixth month of pregnancy.

(7) (~~(Persons)~~) Clients who are denied AFDC or FIP cash payments solely ((by reason of recovery)) because of a departmental recovery of an overpayment.

(8) Children under (~~(five)~~) seven years of age, who are born after September 30, 1983, and who meet the income and resource requirements of AFDC or FIP financial assistance.

(9) Family units shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC, when terminated from AFDC financial assistance solely because of:

(a) The loss of the thirty dollars plus one-third exemption; or

(b) The thirty-dollar income exemption(~~s shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC~~).

(10) Children, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year if:

(a) The child remains a member of the mother's household; and

(b) The mother remains eligible for medical assistance; and

(c) The child was born on or after October 1, 1984.

(11) Family units ineligible for AFDC or FIP financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of (~~(such)~~) ineligibility; provided (~~(that)~~) the family unit:

(a) Received AFDC or FIP financial assistance in at least three of the six months immediately preceding the month of (~~(such)~~) ineligibility; and

(b) Became ineligible for AFDC or FIP (~~(during)~~) on or after ((the month of)) August 1, 1984, and prior to October 1, 1988.

(12) Pregnant women who do not meet the deprivation requirements of AFDC or FIP financial assistance if:

(a) They would meet the AFDC or FIP financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and

(b) They meet the AFDC or FIP financial assistance resource requirements.

(13) (~~(Persons who are)~~) Aliens denied AFDC, FIP, or SSI cash assistance solely because of deeming of income of ((alien)) their sponsors.

(14) Current disabled ((recipients of)) clients receiving widow's or widower's benefits under section 202(e) or (f) of the Social Security Act if the disabled ((person)) client:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and

(b) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the Social Security Act for January 1984; and

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to ((him or her)) the client; and

(d) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the act; and

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under section 215(i) of the act, were disregarded; and

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

(15) Effective July 1, 1988, disabled or blind clients receiving Title II Disabled Widow/Widower Benefits (DWB) under section 202(e) or (f) of the SSA, if the client:

(a) Is sixty through sixty-four years of age; and

(b) Is not eligible for the hospital Medicare (Part A of Title XVIII) benefits; and

(c) Received SSI/SSP prior to sixty years of age; and

(d) Became ineligible for SSI/SSP due to receipt of or increase in DWB; and

(e) Would be eligible for SSI/SSP if the amount of the DWB or increase under section 202(e) or (f) of the SSA, and any subsequent cost-of-living increases provided under section 215(i) of the act were disregarded.

(16) Family units suspended from FIP financial assistance because of increased earned income. This period of eligibility shall not exceed twelve months as determined by WAC ((388-77-735)) 388-77-737.

((+6)) (17) Family units ineligible for FIP solely because of increased hours of employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that:

(a) The family unit received FIP in at least three of the six months immediately preceding the month of ineligibility;

(b) A member of such family continues to be employed;

(c) The family unit is otherwise eligible for FIP (~~except for increased hours of employment~~).

(18) Disabled or blind clients receiving Title II Disabled Adult Childhood (DAC) benefits under section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age; and

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the SSA and any subsequent cost-of-living increases provided under section 215(i) of the SSA Act were disregarded.

WSR 88-14-058
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2642—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Consolidated emergency assistance program—Payments, amending WAC 388-24-260.

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 revise the maximum CEAP authorization period from one calendar month to 30 consecutive days per 45 CFR 233.120 (b)(3).

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 June 29, 1988.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2503, filed 6/17/87)

WAC 388-24-260 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM—PAYMENTS.
 (1) The department shall authorize CEAP for no more

than (~~one calendar month~~) thirty consecutive days in any period of twelve consecutive calendar months.

(a) Each certification period cannot exceed (~~one~~) thirty calendar (~~month~~) days.

(b) CEAP may not be paid to persons who received emergency assistance from the department within the last twelve months.

(2) The department shall pay CEAP by warrant directly to the household or by vendor payment.

WSR 88-14-059
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2643—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 388-82-008 Family independence program (FIP).
- Amd WAC 388-83-036 Monthly maintenance standard—Applicant not in own home.
- Amd WAC 388-83-130 Eligibility—Special situation.
- Amd WAC 388-84-105 Medical assistance.
- Amd WAC 388-85-105 Certificate of eligibility.
- Amd WAC 388-95-360 Allocation of income—Institutionalized recipient.
- Amd WAC 388-95-400 Medically needy—Eligibility determination—Institutional.

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 these rules are necessary to incorporate the family independence program (FIP) per SHB 448 into the medical assistance program effective July 1, 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 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 June 30, 1988.

By Leslie F. James, Director
 Administrative Services

NEW SECTION

WAC 388-82-008 FAMILY INDEPENDENCE PROGRAM (FIP). All FIP Medicaid and FIP-related medicaid shall be limited to designated FIP geographic areas. The FIP geographic areas shall be established under WAC 388-77-005.

AMENDATORY SECTION (Amending Order 2142, filed 8/15/84)

WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—~~((APPLICANT))~~ CLIENT NOT IN OWN HOME. (1) The monthly standard for a ~~((Title XVI))~~ SSI/SSP related ~~((individual))~~ client or GA-U recipient living in a CCF, adult family home, adult residential treatment facility (ARTF), or group home shall be the cost standard of the facility plus a specified CPI. This monthly standard ~~((may))~~ shall not exceed three hundred percent of the current SSI federal benefit level.

(2) The AFDC or FIP recipient receiving intensive (thirty days or less) alcohol treatment may be granted GA-U funds within the maximum which are paid to the facility for the cost of care.

(3) For the ~~((Title XVI))~~ SSI/SSP related person with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs. The GA-U ~~((recipient))~~ client is subject to GA-U income and resource standards.

(4) If income available to the ~~((recipient))~~ client is less than the CPI standard, the department shall authorize a state payment ~~((is authorized))~~ to the ~~((recipient))~~ client to meet his or her personal needs.

(5) ~~((Payment is made by))~~ The department shall make payment to the facility for the difference between income available for payment on care and the cost standard of the facility.

AMENDATORY SECTION (Amending Order 2424, filed 9/22/86)

WAC 388-83-130 ELIGIBILITY—SPECIAL SITUATIONS. (1) The department shall consider parent's income available whether or not actually contributed, when determining eligibility of ~~((an))~~ a person under ~~((age))~~ eighteen ~~((person resides))~~ years of age residing in the same family unit with parents ~~((the parents' income is considered available whether or not actually contributed. See WAC 388-82-115(6) for the pregnant woman)).~~

(2) The department shall not allow the AFDC earned income exemption of thirty dollars plus one-third of remainder ~~((does not apply))~~ to ~~((individuals))~~ clients initially applying solely for medical assistance.

(3) The department shall allow the thirty dollars plus one-third disregard for families applying for medical assistance who received AFDC or FIP assistance in any of the four preceding months ~~((shall be allowed the thirty dollars plus one-third disregard)).~~ After receiving the thirty dollars plus one-third income disregard for a maximum of four consecutive months ~~((an individual)),~~ the client is not eligible for the disregard ~~((again))~~ until ~~((he/she))~~ the client has been off assistance for twelve consecutive months.

(4) AFDC or FIP children ~~((age))~~ sixteen or seventeen ~~((who are))~~ years of age terminated from AFDC or FIP cash assistance solely because they have ceased to attend school and have refused to register for WIN are eligible for Medicaid ~~((while living in the home with a~~

~~relative of specified degree))~~ on the same basis as a dependent child.

(5) For family units ~~((which are))~~ determined ineligible for AFDC or FIP assistance solely due to the requirements of WAC 388-24-050 or WAC 388-77-210 that certain parents and siblings be included in the assistance unit~~((:)),~~ at the applicant's option, such individuals and their income may ~~((, at the applicant's option,))~~ be excluded from the assistance unit when determining eligibility of the remaining assistance unit members for categorically needy medical assistance.

(6) For family units ~~((which are))~~ determined ineligible for AFDC or FIP financial assistance solely due to the requirements of WAC 388-28-500(4) or 388-77-285 that income of the nonapplying parents of a minor parent be considered available to the assistance unit of the minor parent and such minor's child or children~~((:)),~~ such income shall be disregarded when determining eligibility of such minor's child or children.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-84-105 MEDICAL ASSISTANCE. (1) ~~((All individuals wishing to make))~~ The department shall accept applications for medical assistance or the limited casualty program ~~((shall have the opportunity to do so))~~ without delay.

(a) ~~((Applicants will be provided))~~ The department shall provide clients with:

(i) An explanation of the Civil Rights Act~~((:));~~

(ii) Fair hearing information~~((:));~~

(iii) Information on early and periodic screening, diagnosis, and treatment (EPSDT), when appropriate~~((:));~~

(iv) Information on family planning, when appropriate.

(b) The application shall be in writing; a verbal request is not an application.

(c) ~~((If death of applicant intervenes, the application may be completed by))~~ A relative or interested person ~~((ts))~~ may complete the application if the client dies.

(2) ~~((Individuals))~~ The department shall find clients who receive cash assistance ~~((payment))~~ under AFDC, FIP, SSI, or state supplement ~~((are))~~ eligible for medical assistance without a separate application.

(3) A spouse ineligible for SSI benefits solely because of the level of ~~((his/her))~~ the spouse's income ~~((must))~~ shall apply individually for medical assistance.

(4) A resident of the state of Washington temporarily out of the state may make application directly to the community services office (CSO) in ~~((his/her))~~ the resident's area of the state through either an individual or agency acting in ~~((his/her))~~ the resident's behalf.

AMENDATORY SECTION (Amending Order 2569, filed 12/11/87)

WAC 388-85-105 CERTIFICATION OF ELIGIBILITY. ~~((Entitlement to))~~ The department shall continue eligibility for medical assistance ~~((continues))~~ until the ~~((recipient))~~ client is determined ineligible for cash assistance.

~~(1) (Whenever terminating cash assistance or) The department shall automatically redetermine eligibility for other medical assistance programs prior to termination of medical assistance including Medicaid, the limited casualty program, or medical care services (the department shall automatically redetermine eligibility for other medical assistance programs prior to termination of medical assistance).~~

(a) If additional information is necessary to redetermine eligibility, the department shall give the ((recipient)) client ten days' notice and an opportunity to provide such information.

(b) The department shall give the ((recipient)) client advance and adequate notice of the redetermination decision prior to termination of medical assistance. See WAC 388-33-376.

(c) Until the department redetermines a ((recipient)) client's eligibility in conformity with the requirements of this section, the ((recipient)) client shall remain eligible for categorically needy medical benefits.

(2) When eligibility for AFDC cash assistance is terminated:

(a) ~~((For AFDC cash assistance))~~ Due to increased income or increased hours from employment, medical assistance shall continue for four calendar months beginning with month of ineligibility((-));

(b) ~~((For AFDC cash assistance))~~ Due to reaching state legal age of majority, the department shall automatically redetermine eligibility for medical assistance under another program((-);

(c) For lack of cooperation in WIN or work registration or for lack of school attendance which are not eligibility factors for medical assistance, the eligibility for medical assistance shall continue((-);

(d) ~~((For AFDC cash assistance))~~ Due solely to the loss of the thirty dollars plus one-third or the thirty dollar income exemption, medical assistance shall continue for nine calendar months beginning with the month of ineligibility((-);

(e) Due to the termination of pregnancy, medical assistance shall continue for two calendar months following the month of pregnancy termination.

(3) When eligibility for FIP cash assistance is terminated:

(a) Due to increased earnings, medical assistance shall continue for up to twelve calendar months beginning with the month of ineligibility;

(b) Due to an increase in hours from employment, medical assistance shall continue for up to four calendar months beginning with the month of ineligibility;

(c) Due to reaching state legal age of majority, the department shall automatically redetermine eligibility for medical assistance under another program;

(d) Due to termination of pregnancy, medical assistance shall continue for two calendar months following the month of pregnancy termination.

(4) The department shall redetermine eligibility for medical assistance the same as for the related cash assistance program:

(a) For ~~((recipients))~~ clients under ~~((age))~~ eighteen years of age not related to SSI, eligibility shall be redetermined every six months using AFDC or FIP financial criteria((-);

(b) For ~~((recipients))~~ clients in medical institutions, eligibility shall be redetermined every twelve months.

~~((4))~~ (5) The ~~((recipient))~~ client shall report to the CSO, within twenty days, any change in circumstances relating to ~~((the recipient's financial or medical))~~ eligibility ~~((within twenty days of the date of change)).~~

~~((5))~~ (6) For any change of eligibility, the department shall use the same notification procedures as for cash assistance.

AMENDATORY SECTION (Amending Order 2005, filed 8/23/83)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED ((RECIPIENT)) CLIENT. (1) All institutionalized ~~((recipients will))~~ clients shall retain a specified personal needs allowance.

(2) The AFDC or FIP related individual in a medical facility is eligible to receive ~~((an amount as))~~ a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related ~~((recipients may))~~ clients shall retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total ~~((amount of))~~ wages received plus the personal needs allowance may not exceed the one person medically needy income level. There are no deductions for expenses of employment. When the total ~~((amount of))~~ wages received plus the initial personal needs allowance exceeds the one person medically needy income level, the excess wages ~~((are applied))~~ apply to the cost of care.

(4) In addition to the allocations in subsections (1) and (3) of this section, SSI related ~~((individuals))~~ clients residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed the one person medically needy income level;

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest AFDC or FIP payment standard for a family of same size ~~((under AFDC));~~

(c) Amounts for incurred medical expenses not subject to third-party payment including but not limited to:

(i) Health insurance premiums, co-insurance or deductible charges;

(ii) Necessary medical care recognized under state law but not covered under Medicaid;

(d) For a single person, maintenance of the home ~~((where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-95-380 (1)(a)(iv);));~~

(i) ~~((Income thus exempted must be used to retain the independent living situation of))~~ An individual with no dependents ~~((through))~~ must use allocated income for payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or

sewer necessary to maintain the home (~~(. Also see chapter 388-28 WAC)~~);

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months;

(iii) The allocation shall be limited to the six-month period ((begins)) beginning on the first of the month following date of admission for Medicaid eligible ((recipients)) clients or the date of eligibility for individuals changing from private pay status to Medicaid ((and ceases)). The period ends when the patient is discharged to an independent living arrangement or at the end of six months if the ((recipient)) client has not been discharged;

(iv) ((CSO)) Social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

(5) Income remaining after allocations specified in subsections (1), (2), (3) or (4) of this section, ((will)) shall be used to compute payment of the participation amount ((that income remaining after allocation of income)) at the department rate.

AMENDATORY SECTION (Amending Order 1964, filed 6/1/83)

WAC 388-95-400 MEDICALLY NEEDED—ELIGIBILITY DETERMINATION—INSTITUTIONAL.
(1) The department shall consider individuals ((are considered)) institutionalized if they reside in a medical facility at least a full calendar month.

(a) SSI/((state supplement))SSP-related individuals in medical facilities are medically needy if their gross income exceeds three hundred percent of the SSI benefit (SSI cap). AFDC-related ((individuals)) clients or FIP enrollees in medical facilities are medically needy if countable income exceeds the one-person AFDC or FIP grant standard.

(b) ((Determination of)) The department shall determine countable ((income. Countable)) income of a medically needy applicant residing in a nursing home ((is determined)) by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining ((either)) eligibility for AFDC ((eligibility or for aged, blind, and disabled persons, amounts that would be deducted in determining eligibility for the state supplementary payment)), FIP, or SSI/SSP.

(ii) Previously incurred medical expenses ((that are)) not subject to third-party payment and which are the current liability of the applicant.

(c) ((Medically needy)) The department shall determine nursing home residents ((will be determined)) eligible if their countable income is less than the department's contracted rate plus verifiable recurring medical expenses. These individuals ((will)) shall participate in the cost of their nursing home care ((. Once it is established that an applicant meets the medically needy financial eligibility, see)) per WAC 388-95-360 for post-eligibility allocation of income.

(d) The department shall determine applicants for the medically needy program ((with)) ineligible if countable income is above the private nursing home rate plus verifiable recurring medical expenses ((are ineligible)).

(e) The department shall determine eligibility for individuals with countable ((incomes)) income below the private nursing home rate plus recurring medical expenses, but above the department's contracted rate plus medical expenses ((will have eligibility determined)) as follows:

(i) Such applicants ((will)) shall be certified eligible for nursing home care. See WAC 388-95-360 for post-eligibility allocation of income((-);

(ii) Eligibility for nonnursing home medical care ((will)) shall require ((spending-down)) spenddown of all income remaining after allocating income((-)) per subdivision (e)(i) above. Coupons ((will)) shall be issued only ((when spend-down)) after spenddown has been met((-); and

(iii) Certification for nursing home care for such individuals shall be on a three-month basis. ((Spend-down)) Spenddown of nonnursing home medical expenses ((will)) shall be on a three-month basis.

(f) Absence of not more than fourteen consecutive days from an institutional living arrangement ((would)) shall not interrupt an individual's institutional status.

(i) A transfer between institutions ((does)) shall not change institutional status.

(ii) A transfer from a hospital to a nursing home and discharge within the same calendar month ((is)) shall not constitute continuous institutional status.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-95-380 and 388-95-390.

(3) The department shall determine eligibility for individuals who reside in a medical facility less than a full calendar month ((shall have their eligibility determined)) as for a noninstitutionalized person ((for that month)).

WSR 88-14-060

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2644—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Direct rental payments to landlords—Pilot project, amending WAC 388-33-480.

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 conduct a pilot program to assess if direct rental payments to landlords

would increase the supply of housing for persons on public assistance per SHB 932.

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

This rule is promulgated pursuant to RCW 74.04.050 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.04 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 June 30, 1988.

By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-33-480 DIRECT RENTAL PAYMENTS TO LANDLORDS—PILOT PROGRAM. The department shall conduct a pilot program to assess if direct rental payments to landlords would increase the supply of housing for persons on public assistance.

(1) The department shall solicit no less than three nor more than seven local governing bodies to participate in the pilot program. To implement this program, the department shall:

(a) Enter into an agreement with selected local governing bodies for direct rental payments to landlords;

(b) Provide a written notice to the recipient that the landlord may not legally require direct rental payment from the department;

(c) Upon written request of the recipient, pay the landlord through the local governing body either ninety percent of the monthly shelter standard or ninety percent of the rent, whichever is less;

(d) Terminate direct rental payments to the landlord when:

(i) The landlord mails to the local governing body and the department, by certified mail, a copy of any termination notice served to the tenant; or

(ii) The recipient provides:

(A) A written request to the department at least ten days prior to the termination date; and

(B) A written notice of termination to the local governing body and the landlord.

(iii) Conditions in WAC 388-38-270 exist.

(e) Recoup from the landlord any incorrect payment made to the landlord. An incorrect payment is defined as any payment made to a landlord to which the landlord was not entitled, including, but not limited to:

(i) The recipient no longer resides at the landlord's rental property; or

(ii) The recipient lives at the landlord's rental property, but has provided the written notice terminating the agreement as required by WAC 388-33-480 (1)(d).

(2) The department shall not hold the recipient liable for any incorrect payments to the landlord.

(3) The local governing body shall:

(a) Administer the pilot program using existing housing assistance providers;

(b) Charge the landlord a monthly fee of two dollars to cover the cost of each direct payment; and

(c) Charge the landlord a fee, up to fifty dollars, to cover the cost of inspecting and certifying that the housing unit is in compliance with United States Department of Housing and Urban Development, section 8, housing quality standards.

WSR 88-14-061

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2645—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Direct rental payments to landlords—Pilot project, amending WAC 388-33-480.

This action is taken pursuant to Notice No. WSR 88-11-058 filed with the code reviser on May 17, 1988. 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 74.04.050 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.04 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 June 30, 1988.

By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-33-480 DIRECT RENTAL PAYMENTS TO LANDLORDS—PILOT PROGRAM. The department shall conduct a pilot program to assess if direct rental payments to landlords would increase the supply of housing for persons on public assistance.

(1) The department shall solicit no less than three nor more than seven local governing bodies to participate in the pilot program. To implement this program, the department shall:

(a) Enter into an agreement with selected local governing bodies for direct rental payments to landlords;

(b) Provide a written notice to the recipient that the landlord may not legally require direct rental payment from the department;

(c) Upon written request of the recipient, pay the landlord through the local governing body either ninety percent of the monthly shelter standard or ninety percent of the rent, whichever is less;

(d) Terminate direct rental payments to the landlord when:

(i) The landlord mails to the local governing body and the department, by certified mail, a copy of any termination notice served to the tenant; or

(ii) The recipient provides:

(A) A written request to the department at least ten days prior to the termination date; and

(B) A written notice of termination to the local governing body and the landlord.

(iii) Conditions in WAC 388-38-270 exist.

(e) Recoup from the landlord any incorrect payment made to the landlord. An incorrect payment is defined as any payment made to a landlord to which the landlord was not entitled, including, but not limited to:

(i) The recipient no longer resides at the landlord's rental property; or

(ii) The recipient lives at the landlord's rental property, but has provided the written notice terminating the agreement as required by WAC 388-33-480 (1)(d).

(2) The department shall not hold the recipient liable for any incorrect payments to the landlord.

(3) The local governing body shall:

(a) Administer the pilot program using existing housing assistance providers;

(b) Charge the landlord a monthly fee of two dollars to cover the cost of each direct payment; and

(c) Charge the landlord a fee, up to fifty dollars, to cover the cost of inspecting and certifying that the housing unit is in compliance with United States Department of Housing and Urban Development, section 8, housing quality standards.

WSR 88-14-062

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-14, Resolution No. 88-14—Filed July 1, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to system of specified disciplinary or corrective actions, WAC 296-116-370.

This action is taken pursuant to Notice No. WSR 88-10-035 filed with the code reviser on May 3, 1988. 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 88.16.100 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 June 9, 1988.

By Marjorie T. Smitch
Assistant Attorney General

NEW SECTION

WAC 296-116-370 SYSTEM OF SPECIFIED DISCIPLINARY OR CORRECTIVE ACTIONS.

When a pilot has received multiple disciplinary actions pursuant to RCW 88.16.100 (1) and/or (2) within any two-year period, the board shall evaluate the pilot and prepare and personally serve upon him a notice advising of the board's intended action, the specific ground therefore, and the right to request a hearing pursuant to RCW 88.16.100(4) to challenge the board's action. Such intended action may include the temporary suspension of the pilot from duties until such pilot has satisfactorily completed subsection (1) or (2) of this section:

(1) An approved course-of-study which may include navigation training and testing; or

(2) Any remedial activity or treatment designated by the board to assure fitness and competence for full pilotage duties.

In ordering such disciplinary action, the board shall take into account both the causes of the previous disciplinary actions and the pilot's previous record.

Failure to enter into such corrective action within thirty days of the board's action may be cause for revocation of the pilot's license.

In the event of a temporary license suspension, license reinstatement and resumption of pilotage duties shall not be authorized until the board has reviewed completed activity and formally extended approval. Such approval shall not be unreasonably withheld by the board and shall be reviewed and acted upon within five days of the completion of the activity.

WSR 88-14-063

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-13, Resolution No. 88-13—Filed July 1, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to collection of fees, WAC 296-116-070.

This action is taken pursuant to Notice No. WSR 88-10-036 filed with the code reviser on May 3, 1988. 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 June 9, 1988.

By Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 85-1, Resolution No. 85-1, filed 7/12/85)

WAC 296-116-070 COLLECTION OF FEES. All pilots shall pay an annual license fee of one thousand five hundred dollars for every year in which they perform any pilotage services. If a licensed pilot does not perform pilotage services during a license year, his fee for that year shall be reduced to five hundred dollars upon application to the board. The board of pilotage commissioners shall receive all fees for licenses or for other purposes and make proper accounting of same and transmit all such funds to the pilotage account.

WSR 88-14-064**ADOPTED RULES****PUBLIC DISCLOSURE COMMISSION**

[Order 88-02—Filed July 1, 1988]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, 711 Capitol Way, Olympia, WA 98504-3342, that it does adopt the annexed rules relating to:

New	WAC 390-16-223	Definition of major political party.
Amd	WAC 390-05-210	Definition of contribution.
Amd	WAC 390-18-040	Use of the terms "re-elect," "retain," and "return."
Amd	WAC 390-20-105	Lobbyist's employer—Meaning, examples.

This action is taken pursuant to Notice No. WSR 88-11-064 filed with the code reviser on May 17, 1988. 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 42.17.370(1) 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 June 28, 1988.

By Graham E. Johnson
Executive Director

NEW SECTION

WAC 390-16-223 MAJOR POLITICAL PARTY—DEFINITION. For the purposes of RCW 42.17.105, the term "major political party" as defined in RCW 29.01.090 means only those political party organizations at the state or county level within the State of Washington established pursuant to chapter 29.42 RCW.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-05-210 DEFINITION—CONTRIBUTION. The term "contribution" as defined in RCW

42.17.020(10) shall be deemed to include, among other things, furnishing services or property or rights on a discriminatory basis or at less than their fair market value as defined in WAC 390-05-235, for the purpose of assisting any candidate or political committee. When such in-kind contribution of goods or services is provided, it shall be reported at its fair market value, per WAC 390-05-235.

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 86-03, filed 6/3/86)

WAC 390-18-040 USE OF THE TERMS "RE-ELECT," "RETAIN," AND "RETURN." (1) The term "re-elect" when used in a political advertisement ((implies)) represents that the candidate is presently holding office, and was elected to it, and is seeking another term in that same position.

(2) The term "re-elect" may be used in a political advertisement by a nonincumbent candidate who has previously been elected to the position being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in a political advertisement ((implies)) represents that the candidate is the incumbent but does not ((imply)) represent that the candidate attained the position by election.

(4) The term "return" in a political advertisement ((implies)) represents that the candidate now holds, or has previously held, the position being sought, but does not ((imply)) represent that the position was attained by election.

(5) Stating the office sought (e.g., "mayor") by a candidate in a political advertisement without expressly stating the candidate is seeking election to the position (e.g., "for mayor"; "Elect Smith Mayor") represents that the candidate presently holds that office.

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-20-105 LOBBYIST'S EMPLOYER—MEANING, EXAMPLES. ~~((A person shall not be deemed to be a lobbyist's employer within the meaning of RCW 42.17.150-.200 solely because an employee of such person engages in lobbying.))~~ (1) The term "lobbyist's employer" ~~((as defined in the Act shall be deemed to))~~ includes every person who engages or utilizes the services of any other person to lobby, upon an agreement express or implied, for compensation or for other consideration, as that term is defined in WAC 390-05-220. A person ~~((shall be deemed to be))~~ is a lobbyist's employer within the meaning of ~~((RCW 42.17.180 as to the following persons))~~ the Act when: ~~((1))~~

(a) other persons ~~((who))~~ are actually employed by or receive consideration from such person in whole or in part for lobbying; ~~((2))~~

(b) officers or employers of such person, ~~((whose actual duties consist, in whole or in part, of))~~ lobby ~~((ing))~~ for or on behalf of such person, whether such duties are

expressed in the corporate or partnership articles or by-laws or other writings of such employer, or in a written or oral contract, or exist by reason of a mutual understanding;

(c) the lobbying services are secured or arranged for through an authorized representative.

(2) A person shall not be deemed to be a lobbyist's employer solely because an employee of such person engages in lobbying.

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 88-14-065
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed July 1, 1988]

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 356-05-320	Project employment.
Amd	WAC 356-05-415	Temporary employment.
Amd	WAC 356-18-190	Interim employee rights.
Amd	WAC 356-26-050	Certification—Requests for.
Amd	WAC 356-26-080	Certification—Exhausted registers—Procedure.
Amd	WAC 356-30-015	Appointments—Prohibition of multiple appointments to a single position—Exceptions.
Amd	WAC 356-30-065	Temporary appointments—Classified.
New	WAC 356-30-067	Temporary appointments from within classified service.
Amd	WAC 356-30-140	Intermittent employment—Rules—Regulations.
Amd	WAC 356-30-145	Project employment.
Amd	WAC 356-30-330	Reduction in force—Reasons, regulations—Procedure.
Amd	WAC 356-47-030	Career executive program—General provisions.
Amd	WAC 356-47-045	Career executive program—Employee selection;

that the agency will at 10:00 a.m., Thursday, August 11, 1988, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 August 9, 1988.

Dated: July 1, 1988
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amending WAC 356-05-320.

Title: Project employment.

Purpose: This rule defines project employment.

Summary: This rule proposal will limit the time frame of projects and simplify the rule.

Reasons: General update to establish time frames within project designations.

Amending WAC 356-05-415.

Title: Temporary employment.

Purpose: Definition of temporary employment.

Summary: The rule proposal will change the time frames on temporary employment.

Reasons: General update to establish time frames within project designations.

Amending WAC 356-18-190.

Title: Interim employee rights.

Purpose: Requires the use of temporary appointments to fill in for employees on approved leave without pay.

Summary: The proposal brings rule in line with other changes and new rule on temporary appointments.

Reasons: To clarify this rule and make it consistent with the changes to WAC's on temporary appointments.

Amending WAC 356-26-050.

Title: Certification—Requests for.

Purpose: This rule describes requirements for filling vacancies in existing or newly allocated positions.

Summary: This rule proposal will strike the reference to emergency appointments.

Reasons: This will make the rule consistent with the changes to WAC's on temporary appointments.

Amending WAC 356-26-080.

Title: Certification—Exhausted registers—Procedure.

Purpose: [No information supplied by agency.]

Summary: This rule change strikes the reference to provisional and replaces it with temporary.

Reasons: This will make the rule consistent with the changes to WAC's on temporary appointments.

Amending WAC 356-30-015.

Title: Appointments—Prohibition of multiple appointments to single position—Exceptions.

Purpose: This rule restricts the use of multiple appointments and defines when they can be used.

Summary: The change will strike the references to emergency and acting appointments.

Reasons: This will make the rule consistent with the changes to WAC's on temporary appointments.

Amending WAC 356-30-065.

Title: Temporary appointments—Classified service.

Purpose: Provides general guidelines for temporary appointments.

Summary: This proposal will extend the length, expand the reasons, restricts consecutive appointments and merges several types of nonpermanent appointments.

Reasons: This will make the rule consistent with the changes to the WAC's on temporary appointments.

New WAC 356-30-067.

Title: Temporary appointments from within classified service.

Purpose: N/A.

Summary: The proposal provides guidelines for temporary appointments of permanent employees.

Reasons: The update changes the parameters and requirements.

Amending WAC 356-30-140.

Title: Intermittent employment—Rules—Regulations.

Purpose: Gives parameters for intermittent employment.

Summary: The proposal adds a requirement to meet qualifications, and to monitor the use of intermittent appointments.

Reasons: The update changes the parameters and requirements.

Amending WAC 356-30-145.

Title: Project employment.

Purpose: Rule gives requirements for project designation and provides rights for project employees.

Summary: The proposal adds requirements for project requests and gives more rights to project employees entering employment through competitive procedures.

Reasons: The update changes the parameters and requirements.

Amending WAC 356-30-330.

Title: Reduction in force—Reasons, regulations—Procedure.

Purpose: Provides procedures for employee rights during reduction in force.

Summary: The proposal strikes references to emergency and provisional appointments.

Reasons: This will make the rules consistent with the WAC changes on temporary appointments.

Amending WAC 356-47-030.

Title: Career executive program—General provisions.

Purpose: Provides guidelines for the career executive program.

Summary: The proposal strikes references to acting, emergency and provisional appointments.

Reasons: This will make the rules consistent with the WAC changes on temporary appointments.

Amending WAC 356-47-045.

Title: Career executive program—Employee selection.

Purpose: Explains the provisions for selecting career executive program employees.

Summary: The proposal strikes references to acting, provisional and emergency appointments.

Reasons: This will make the rules consistent with the WAC changes on temporary appointments.

Statutory Authority: RCW 41.06.150(4).

Responsibility for Drafting: Paul Peterson, Department of Personnel, 521 South Capitol Way, FE-11, Olympia, WA 98501, phone (206) 586-1769; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel.

Comments: [No information supplied by agency.]
Rule Proposal a Result of Federal Law, or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-320 PROJECT EMPLOYMENT. A program designated by the director of personnel as "project employment," that is separately ~~((financed))~~ funded by a grant, ~~((federal))~~ or by specially targeted funds, or ~~((by))~~ state funds, ~~((or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system))~~ has a specific goal, and has an end in sight. Such a program may last ~~((upward))~~ up to two years ~~((and beyond, but has an end in sight))~~.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-415 TEMPORARY EMPLOYMENT. Single or multiple periods of employment during the absence of a permanent employee or for work done at a workload peak and normally lasting for ~~((less than nine))~~ twelve months ~~((and having an end in sight))~~ or less.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-18-190 INTERIM EMPLOYEE RIGHTS. (1) The appointment and employment of any person on a position vacated under the provision governing leave without pay shall be temporary ~~((under the meaning of this rule, except that the temporary period may be extended to cover the period of the leave of absence by the director and shall end not later than 30 days after the end of the leave of absence. The appointing authority shall advise the temporary employee in writing of the temporary status of the appointment)), and shall be filled in accordance with WAC 356-30-065 and 356-30-067.~~

~~((2) If the employee on leave without pay does not return to the position after the above 30 calendar days have elapsed, except in the case of military leave, the temporary incumbent employee may be given a permanent appointment in accordance with the rules governing certification:))~~

Reviser's note: The typographical error 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 SECTION (Amending Order 40, filed 12/10/71)

WAC 356-26-050 CERTIFICATION—REQUESTS FOR. (1) Requests for certification will be submitted ~~((on))~~ in the prescribed ~~((form))~~ manner by the appointing authority to the director when filling vacancies in existing or newly allocated positions. Such requests shall constitute assurance to the director that funds are available for filling vacancies for which registers are requested.

(2) ~~((Except for an emergency appointment, no))~~ No appointment to a classified position shall be made without prior authorization by the director or designee.

(3) No certification may be cancelled except for reasons filed with and approved by the director.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-26-080 CERTIFICATION—EXHAUSTED REGISTERS—PROCEDURE. (1) While all names need not be taken from the same register, each register must be exhausted before using the next register.

(2) When there are fewer names than constitute a complete certification for the class, the director may substitute an allied series of registers if he determines the allied registers are sufficiently similar.

(3) When there are fewer names than constitute a complete certification for the class and no allied register is determined appropriate, the remaining names on all incomplete registers will be certified. However, an appointing authority may request a ~~((provisional))~~ temporary appointment providing full and fair consideration has been given to those names certified, and the director determines that the person meets the announced qualifications and grants approval.

AMENDATORY SECTION (Amending Order 124, filed 10/2/78)

WAC 356-30-015 APPOINTMENTS—PROHIBITION OF MULTIPLE APPOINTMENTS TO SINGLE POSITION—EXCEPTIONS. Multiple appointments to single positions within the classified service shall be restricted to the following situations:

(1) Tandem or part-time employment where the total FTE's for all persons in the position(s) does not exceed one FTE per position.

(2) Reasonable training periods.

(3) Periods of approved leave of absence.

(4) ~~((Emergency,†))~~ Temporary ~~((or acting))~~ appointments made in accordance with the merit system rules.

Any exceptions not permitted by this section must be approved in advance by the director of personnel, or designee.

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 210, filed 10/17/84)

WAC 356-30-065 TEMPORARY APPOINTMENTS—~~((CLASSIFIED))~~ EXEMPT SERVICE. (1) The director or designee may make ~~((†))~~ temporary appointments ~~((may be made))~~ to classified positions during the absence of a permanent employee or ~~((during a workload peak having an end in sight))~~ when there is a need to fill a position for less than twelve months or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at the same or lower level classes within the same or related class series as the classification of the position to which the appointment is made.

(3) Temporary appointments shall be ~~((reported to))~~ approved by the director of personnel, or designee. A temporary appointment shall last no more than ~~((nine))~~ twelve months for single appointments, or no more than ~~((nine))~~ twelve cumulative months for multiple appointments within a ~~((continuous twelve-month))~~ two-year period ~~((except when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140, 356-39-120, and 356-39-130 or when a temporary appointment is made to replace a permanent employee who was appointed pursuant to WAC 356-39-040, 356-30-040, 356-30-065, and 356-30-070. In such cases, the temporary appointment may extend to thirty days after the date the permanent employee is scheduled to return)).~~ No extensions of temporary appointments of persons from outside classified service shall be granted.

(4) A ~~((two))~~ six-month break in service ~~((shall))~~ must occur ~~((since))~~ between the last temporary or intermittent appointment and a new non-permanent appointment of the same person in the same agency, except for multiple appointments as indicated in subsection (3) of this section.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee who is on leave may enter a probationary ~~((or trial-service))~~ period ~~((and subsequently gain permanent status))~~ when ~~((a change in))~~ the permanent employee does not return to the agency and the agency needs ~~((results in the permanent availability of))~~ to fill the position permanently. The director must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary ~~((appointees))~~ employees shall be ~~((consistent with the rules))~~ the same as permanent employees in the same classification.

(7) ~~((An employee who accepts a temporary appointment to another classified position shall not achieve permanent status in the class to which the employee was temporarily appointed. Upon termination of such temporary appointment, a permanent employee shall have the right to resume a permanent position at their former status and salary including any increments and/or adjustments that may have accrued.))~~ Merit system rules governing all forms of leave will apply to temporary employees.

(8) An employee's temporary appointment may be ended ~~((with by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.~~

(9) Temporary employees not appointed from within the classified service are exempt from these rules unless specifically included and have no appeal rights.

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

ALTERNATE PROPOSAL

[AMENDATORY SECTION (Amending Order 210, filed 10/17/84)]

WAC 356-30-065 TEMPORARY APPOINTMENTS ~~((= CLASSIFIED EXEMPT SERVICE))~~ (1) Temporary appointments may be made to classified positions during the absence of a permanent employee or ~~((during a workload peak having an end in sight))~~ when there is a need to fill a position for less than twelve months or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at the same or lower level classes within the same or related class series as the classification of the position to which the appointment is made.

(3) Temporary appointments shall be ~~((reported to))~~ approved by the ~~((d))~~ Director of ~~((p))~~ Personnel, or designee. A temporary appointment shall last no more than ~~((nine))~~ twelve months for single appointments, or no more than ~~((nine))~~ twelve cumulative months for multiple appointments within a continuous ~~((twelve-month))~~ eighteen month period ~~((except when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140, 356-39-120, and 356-39-130 or when a temporary appointment is made to replace a permanent employee who was appointed pursuant to WAC 356-39-040, 356-30-040, 356-30-065, and 356-30-070. In such cases, the temporary appointment may extend to thirty days after the date the permanent employee is scheduled to return)).~~ Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond twelve months or under other circumstances that warrant the approval of the Director of Personnel. Such extensions must be approved by the Director of Personnel.

(4) A ~~((two))~~ six-month break in service ~~((shall))~~ must occur ~~((since))~~ between the last temporary or intermittent appointment and a new temporary appointment of the same person in the same agency, except for multiple appointments as indicated in subsection (3) of this section.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee who is on leave may enter a probationary ~~((or trial-service))~~ period ~~((and subsequently gain permanent status))~~ when ~~((a change in))~~ the permanent employee does not return to the agency and the agency needs ~~((results in the permanent availability of))~~ to fill the position permanently. The Director of Personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary appointees shall be consistent with the rules.

(7) ~~((An employee who accepts a temporary appointment to another classified position shall not achieve permanent status in the class to which the employee was temporarily appointed. Upon termination of such temporary appointment, a permanent employee shall have the right to resume a permanent position at their former status and salary including any increments and/or adjustments that may have accrued.))~~ Merit System Rules governing all forms of leave will apply to temporary employees.

(8) An employee's temporary appointment may be ended ~~((with))~~ by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) Temporary employees not appointed from within the classified service are exempt from the rules unless specifically included and have no appeal rights.

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.

NEW SECTION

WAC 356-30-067 TEMPORARY APPOINTMENTS FROM WITHIN CLASSIFIED SERVICE. (1) Temporary appointments of classified employees may be made at any level during the absence of a permanent employee, or when there is a need to fill a position for less than twelve months. In addition to the reasons cited above, temporary appointments to supervisory or managerial positions may also be made to fill a vacancy pending reorganization.

(2) All temporary appointments to supervisory or managerial positions must be made from within State service when practicable.

(3) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee who is on leave may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the agency and the agency needs to fill the position permanently. The Director of Personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(4) Permanent or probationary classified employees may accept a temporary appointment to a class for which they meet the minimum qualifications. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(5) Temporary appointments made from within classified service will normally last no more than twelve months for single appointments, or no more than twelve cumulative months for multiple appointments within a two-year period. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence or when temporarily filling a supervisory or managerial position when there is reorganization pending. In such cases, the temporary appointment may extend to thirty days after the date the permanent employee is scheduled to return.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-30-140 INTERMITTENT EMPLOYMENT—RULES—REGULATIONS. (1) ~~((The director may not authorize an))~~ An intermittent appointment may not go beyond a total working time of nine months (1560 hours) during any consecutive 12-month period. Any position which is filled beyond the nine-month cumulative period shall be considered a permanent full-time position and ((with)) must be filled in accordance with WAC 356-26-010 through 356-26-130.

(2) ~~((The appointing authority is not obligated to consult the register, but he may request the director to furnish the register as a service.))~~ Intermittent appointees must meet the minimum qualifications for the class in which they are hired. Intermittent appointments must be made from an existing register if candidates on the register are available for and willing to accept temporary and/or part-time employment.

(3) No person can become a permanent employee because of time served as an intermittent employee.

(4) A six-month break in service must occur between the last intermittent or temporary appointment and a new non-permanent appointment of the same person in the same agency.

(5) Agencies must review intermittent appointments on a quarterly basis to ensure that intermittent employees are not being used when the hours required warrant the use of full-time permanent employees.

ALTERNATE PROPOSAL

[AMENDATORY SECTION (Amending Order 36, filed 7/1/71)]

WAC 356-30-140 INTERMITTENT EMPLOYMENT—RULES—REGULATIONS. (1) ~~((The director may not authorize an))~~ An intermittent ((appointment)) employee may not work beyond a total working time of nine months (1560 hours) during any consecutive 12-month period. Any position which is filled beyond the nine-

month cumulative period shall be considered a permanent full-time position and ~~((with))~~ must be filled in accordance with sections 356-26-010 through 356-26-130.

(2) ~~((The appointing authority is not obligated to consult the register, but he may request the director to furnish the register as a service.))~~ Intermittent appointees must meet the minimum qualifications for the class in which they are hired. Intermittent appointments must be made from an existing register if candidates on the register are available for and willing to accept temporary and/or part-time employment.

(3) No person can become a permanent employee because of time served as an intermittent employee.

(4) A six-month break in service must occur between the last intermittent appointment and a new temporary appointment of the same person in the same agency unless the intermittent employee is filling in temporarily for an employee who is on leave or under other circumstances that warrant approval of the Director of Personnel.

(5) Agencies must review intermittent appointments on a quarterly basis to ensure that intermittent employees are not being used when the hours required warrant the use of permanent employees.

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 112, filed 11/7/77)

WAC 356-30-145 PROJECT EMPLOYMENT. (1) Project employment when designated by the director, is the grouping together of employees whose length of employment is contingent on state, federal or other grant funding of specific and ~~((noncontinuing-projects))~~ of time limited duration.

(2) ~~((Proposals))~~ Requests for the designation of project employment will be initiated by the ((or one of the involved agencies)) proposing agency and made to the director. Such ((proposal)) requests will include:

(a) The nature and scope of the program.

(b) Source and conditions of funding.

(c) Explanation of why project status should be used rather than regular classified service.

(d) Explanation of why competitive service is not practical to use if noncompetitive service is requested.

~~((e))~~ (e) Relationship of project to regular operations and programs of the agencies.

~~((f))~~ (f) Number of positions.

~~((g))~~ (g) Duration.

~~((h))~~ (h) Employee organizations affected.

~~((i))~~ (i) Project employees benefits.

(3) Permanent employees in regular positions may transfer, promote, or voluntarily demote into project employment positions as provided by these rules unless prohibited by the contract that established the project.

(4) Positions in project employment will be ~~((designated as))~~ in the ~~((noncompetitive or))~~ competitive service ~~((as the situation and))~~ unless the director determines otherwise. ~~((Positions in this grouping of employment will be so designated and the employees filling the positions will be notified, in writing, of the expected ending date of their employment.))~~ Grounds such as special requirements of the project contract, insufficient time to recruit and unavailability of a register, or other circumstances where a competitive exam is not practicable may warrant use of the noncompetitive service.

(5) ~~((Project employees, who have transferred into project employment without permanent status, will gain permanent status upon completion of their probation period and shall be entitled to appropriate rights within project employment. Employees filling project positions, who have entered project employment through the noncompetitive procedure, may apply for regular positions via the open competitive route; once permanent project status has been gained, project employees may have their names placed on the transfer register for regular positions in the same or similar job classes for which permanent project status has been gained. In addition, permanent project employees may have their names placed on the voluntary demotion register for similar job classes for which permanent project status has been gained. Permanent project employees may not transfer or voluntarily demote directly into regular positions without first being certified from the appropriate register.~~

~~Project employees who have gained permanent status within the boundaries of the project, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period. Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.)) Employees hired into proposed positions must be notified, in writing, of the expected ending date of their employment.~~

~~(6) Project employees who have entered into project employment without permanent status, will gain permanent project status upon completion of their probationary period and shall be entitled to appropriate rights within project employment and to those outlined below.~~

~~(a) Once permanent project status has been gained, project employees may have their names placed on the transfer or voluntary demotion register for regular positions in the same or similar job classes for which permanent project status has been gained.~~

~~(b) Permanent project employees who entered project employment via the noncompetitive process must be certified from the appropriate register in order to transfer, voluntarily demote, or promote directly into regular positions. These employees may continue to apply for regular positions via the open competitive route.~~

~~(c) Permanent project employees who entered project positions via the competitive process may transfer, voluntarily demote, or apply as promotional candidates to regular classified positions as though they were permanent employees unless permanent employees have been prohibited from competing for the project positions.~~

~~(d) Project employees who have gained permanent project status, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period.~~

~~(e) Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.~~

~~((6)) (7) Employees who left a state agency with permanent status and came directly into project employment will continue to have promotional opportunities and transfer rights of their former position as though they were still employed in that agency. ((Also, employees with permanent status who entered project positions in the competitive service via the competitive procedure may be accepted as promotional candidates to regular positions as though they had been employees with permanent status with the sponsoring agency.))~~

~~((7)) (8) Project employees will have reduction in force rights within their project boundaries only and will compete according to "seniority," except permanent employees who left regular classified positions to accept project employment will have the reduction in force rights of the position they left. This time spent in project employment will also be credited to the employees' seniority for use in competing in the regular state positions, provided there is no break in service. Names of project employees separated by reduction in force actions, who did not leave regular classified positions to accept project employment, will be placed on the reemployment register WAC 356-26-030(9) for the usual life of that register. Project employees who entered the project through the competitive process may have their names placed on the agency reduction in force registers for the classes in which permanent project status was attained. Bumping options will be limited to the project boundaries.~~

~~((8)) (9) The time spent in project employment will also be credited toward periodic increment dates, annual leave, sick leave and other benefits provided to employees in these rules and/or as provided in project contracts.~~

~~(10) Project positions lasting more than two years must be converted to regular classified positions, and filled competitively. Agencies shall take steps to transition permanent project employees into classified service. Permanent project employees who were hired through the competitive process will be given permanent status in the position. Permanent project employees who were hired through the noncompetitive service may have their names placed on the reemployment, transfer, and voluntary demotion registers to attempt to transition them into the classified service.~~

AMENDATORY SECTION (Amending Order 271, filed 2/24/87)

WAC 356-30-330 REDUCTION IN FORCE—REASONS, REGULATIONS—PROCEDURE. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for

efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employee's last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) Position at the current salary range of the employee doing the bumping, or lower; and
- (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
- (v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;
- (ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;
- (iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;
- (iv) Is located within a reasonable commuting distance of the employee's permanent work location; and
- (v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "no permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by (~~emergency~~) temporary, (~~provisional~~) probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall submit the procedure to the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a (~~provisional~~) temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by (~~emergency~~) temporary, (~~provisional~~) or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(7) Options to positions which are covered by WAC 356-26-140 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force:

(a) Are exempt from a background inquiry by WAC 356-26-140(4); or

(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry.

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 250, filed 5/30/86)

WAC 356-47-030 CAREER EXECUTIVE PROGRAM—GENERAL PROVISIONS. (1) No more than one percent of employees covered by chapter 41.06 RCW, the state civil service law, may be placed in the career executive program at one time.

(2) Employees shall not be placed in positions in the career executive program without their prior agreement.

(3) Employees holding temporary(~~acting, emergency, provisional~~) or intermittent appointments to classified career executive positions are not considered to be participants in the career executive program.

(4) Employees shall not be offered reduction in force options or trial service reversion right to positions within the career executive program.

AMENDATORY SECTION (Amending Order 250, filed 5/30/86)

WAC 356-47-045 CAREER EXECUTIVE PROGRAM—EMPLOYEE SELECTION. (1) The following general provisions apply to placing persons in the career executive program:

(a) Appointments shall be the responsibility of the agency director.

(b) Appointments shall be made in accordance with agency affirmative action plans.

(c) Appointments may be made without regard to established minimum qualifications.

(d) The registers and procedures described in chapter 356-26 WAC shall not apply to the career executive program.

(2) A permanent employee of a classified position that is nominated for inclusion in the career executive program shall, with the employees' consent, automatically move with the position into the program when the position is approved by the personnel board. This provision does not apply to persons holding temporary(~~acting, emergency, provisional~~) or intermittent appointments to such positions.

(3) Vacant classified career executive positions shall be filled as follows:

(a) Recruitment may be conducted to fill vacancies. The recruitment plan shall be developed by the appointing agency in consultation with the department of personnel; provided that:

(i) Recruitment shall be conducted if the agency director intends to consider persons who are not permanent state employees.

(ii) The names of applicants who have successfully undergone an eligibility evaluation of managerial qualifications developed and administered by the department of personnel shall be transmitted to the appointing agency. The agency director may consider all eligible names transmitted; or

(b) The agency director may appoint a permanent employee to a vacant position without conducting recruitment: PROVIDED, The candidate has passed the evaluation administered by the department of personnel. Such appointments shall be made in accordance with procedures established by the department of personnel.

(c) Agencies shall notify the director of personnel, or designee, of appointments to career executive positions within fifteen calendar days after the appointment. Such notice shall identify the appointee, the position, and the effective date of appointment.

WSR 88-14-066
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed July 1, 1988]

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 supplemental shift premium for registered nurses, new WAC 356-15-063;

that the agency will at 10:00 a.m., Thursday, August 11, 1988, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 August 9, 1988.

Dated: July 1, 1988

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

New WAC 356-15-063.

Title: Supplemental shift premium for registered nurses.

Purpose: The rule proposes supplemental shift and weekend premium pay for registered nurses in the Departments of DSHS, Corrections and Veterans Affairs.

Statutory Authority: RCW 41.06.150(9).

Summary and Reasons: A severe and continuing recruiting problem has made it impossible to fill many registered nurse positions in DSHS, Corrections and Veterans Affairs. This amendment is an attempt to make the state more comparable to the shift and weekend premium pay practices of other hospitals with whom the state must compete.

Responsibility for Drafting: Fred Richardson, Department of Personnel, 521 South Capitol Way, FE-11, Olympia, WA 98504, phone (206) 753-1003; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: No.

NEW SECTION

WAC 356-15-063 SUPPLEMENTAL SHIFT PREMIUM FOR REGISTERED NURSES. (1) For the classes of Registered Nurse 1, 2, 3, and 4 only, there shall be the following supplemental shift premium rates payable only in the amounts and under the conditions described in this section.

(a) \$0.50 an hour, payable alone or in combination with shift premiums authorized in sections 356-15-060, -061, and -063 (1)(b) during any hours worked from 11 p.m. until 7 a.m. and for no other hours.

(b) \$2.00 an hour, payable alone or in combination with shift premiums authorized in sections 356-15-060, -061, and -063 (1)(a) during any hours worked from any Saturday morning midnight to Monday morning midnight, and for no other hours.

Example: A Registered Nurse 2 is scheduled to work from 10 p.m. to 6 a.m. Friday through Tuesday. On Friday from 10 p.m. to 11 p.m. the shift premium would be \$1.00 an hour as provided in 356-15-060 and -061. From 11 p.m. until 12 midnight the supplemental \$0.50 an hour would be added, raising the premium rate to \$1.50 an hour. At midnight, the supplemental \$2.00 an hour for work on Saturday would be added, raising the premium to \$3.50 an hour until the end of the shift at 6 a.m.

If the employee is directed to work overtime until noon, the basic \$1.00 an hour night shift premium continues to be payable to this night shift employee. And the \$2.00 Saturday-Sunday premium continues. But the 11 p.m. to 7 a.m. \$0.50 stops at 7 a.m., reducing the premium to \$3.00 an hour until noon.

(2) These supplemental shift premiums are payable regardless of whether the work was previously scheduled, and regardless of whether the employee is full time or part time.

(3) These supplemental shift premiums are not payable during hours other than those specified, even though additional contiguous hours may be worked by the employee.

WSR 88-14-067

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed July 1, 1988]

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 standby compensation, amending WAC 356-15-080;

that the agency will at 10:00 a.m., Thursday, August 11, 1988, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 August 9, 1988.

Dated: July 1, 1988

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amending WAC 356-15-080.

Title: Standby compensation.

Purpose: The rule defines conditions under which standby pay is authorized.

Statutory Authority: RCW 41.06.150(9).

Summary: This amendment will clarify the differences between work time and standby time for employees assigned to temporary duty for periods both less than, and in excess of 24 hours, especially including fire camps.

Reasons: The present rules were intended to pertain to fire camp duty. Other situations regarding assignment to emergency or other temporary living quarters have arisen without clear WAC direction of how these should be compensated.

Responsibility for Drafting: Gail Salisbury, Department of Personnel, 521 South Capitol Way, FE-11, Olympia, WA 98504, phone (206) 753-5383; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: The rule must comply with code of federal regulations pertaining to the Fair Labor Standards Act.

AMENDATORY SECTION (Amending Order 281, filed 7/16/87)

WAC 356-15-080 STANDBY COMPENSATION AND TEMPORARY LIVING QUARTERS. (1) Requirements:

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location(;~~but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site).~~);

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

~~((Note: When the nature of a duty station confines an employee during off-duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.))~~

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(d) Any combination of standby assignments and/or work time for periods of less than 24 hours shall be paid as work time if the standby location is the employee's worksite. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a worksite.

(e) Fire camps and other temporary living quarters

(i) When a scheduled, nonscheduled, or law enforcement work period employee is ordered to work in or from a camp or other temporary living quarters for 24 hours or more, and is given a work schedule of at least 8 work hours daily, which schedule has no duty or on-call responsibility during scheduled hours off, standby pay is not required, even if there is no reasonable means to leave the location.

(ii) When such employee is required to remain on site for the purpose of responding to emergencies during off-duty hours, all hours shall be considered work hours; except that eight hours of each work day may be considered as eating and sleeping time and compensated as standby, rather than work time. Provided that:

(a) If the standby time is interrupted by a call to duty, the ensuing work time shall not be paid as standby time.

(b) If adequate sleeping facilities are not provided, or if the employee is prevented from acquiring at least five hours of sleep which is uninterrupted by a call to duty, then all hours shall be paid as worktime. (Adequate sleeping facilities are those which are usual and customary for the activity.)

(f) Residential facilities (including ships and camps)

Conditions for payment of standby pay and work time during assignment to work in or from a client-residential facility, ship, or camp for periods of 24 hours or more shall be the same as for work in or from fire camps.

(g) Employees whose positions are subject to being called to work in or from fire camps or other temporary living quarters, designated by the employer for periods in excess of 24 hours, shall be so notified, either when appointed to their positions or work units, or at least fifteen calendar days in advance of their first call. This notice will be presumed given if the incumbent has previously been called to such duty. If such notice is not provided, the employee will be credited with continuous work time for all time within the first such call which occurs during the 15-day notice period. This notice requirement applies only to employees who are required to use temporary living quarters designated by the employer; not to those who are allowed to choose other accommodations, or those who are attending conferences, classes, or functions of similar nature.

(2) Payment: Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

(3) Rate: The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a work-week (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

WSR 88-14-068

EMERGENCY RULES

DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 300—Filed July 1, 1988]

Be it resolved by the State Personnel Board, acting at Personnel Board Room, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to supplemental shift premium for registered nurses, new WAC 356-15-063.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is a severe and continuing recruiting problem has made it impossible to fill many registered nurse positions in the Departments of DSHS, DOC and Veterans Affairs. This amendment is an attempt to make the state more comparable to the premium pay practices of other hospitals with whom the state must compete.

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

This rule is promulgated pursuant to RCW 41.06.150 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 June 9, 1988.

By Leonard Nord
SecretaryNEW SECTION

WAC 356-15-063 SUPPLEMENTAL SHIFT PREMIUM FOR REGISTERED NURSES. (1) For the classes of Registered Nurse 1, 2, 3, and 4 only, there shall be the following supplemental shift premium rates payable only in the amounts and under the conditions described in this section.

(a) \$0.50 an hour, payable alone or in combination with shift premiums authorized in sections 356-15-060, -061, and -063 (1)(b) during any hours worked from 11 p.m. until 7 a.m. and for no other hours.

(b) \$2.00 an hour, payable alone or in combination with shift premiums authorized in sections 356-15-060, -061, and -063 (1)(a) during any hours worked from any Saturday morning midnight to Monday morning midnight, and for no other hours.

Example: A Registered Nurse 2 is scheduled to work from 10 p.m. to 6 a.m. Friday through Tuesday. On Friday from 10 p.m. to 11 p.m. the shift premium would be \$1.00 an hour as provided in 356-15-060 and -061. From 11 p.m. until 12 midnight the supplemental \$0.50 an hour would be added, raising the premium rate to \$1.50 an hour. At midnight, the supplemental \$2.00 an

hour for work on Saturday would be added, raising the premium to \$3.50 an hour until the end of the shift at 6 a.m.

If the employee is directed to work overtime until noon, the basic \$1.00 an hour night shift premium continues to be payable to this night shift employee. And the \$2.00 Saturday-Sunday premium continues. But the 11 p.m. to 7 a.m. \$0.50 stops at 7 a.m., reducing the premium to \$3.00 an hour until noon.

(2) These supplemental shift premiums are payable regardless of whether the work was previously scheduled, and regardless of whether the employee is full time or part time.

(3) These supplemental shift premiums are not payable during hours other than those specified, even though additional contiguous hours may be worked by the employee.

WSR 88-14-069
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 301—Filed July 1, 1988]

Be it resolved by the State Personnel Board, acting at the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to Employee appointment status—Upward reallocation, amending WAC 356-10-050.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule was adopted on an emergency basis because the effective date of the implementation of the proposed class study is due to take effect prior to the next regularly scheduled board meeting at which this rule revision could be adopted on a regular basis.

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

This rule is promulgated pursuant to RCW 41.06.150 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 June 30, 1988.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-10-050 EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range. However, the personnel may, by resolution, determine that salaries will be adjusted in accordance with the rules governing promotion (MSR 356-15-140) when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those

cases where the employee has performed duties at a higher class for three continuous years or more.

(6) The effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

WSR 88-14-070
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 302—Filed July 1, 1988]

Be it resolved by the State Personnel Board, acting at the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to veteran, amending WAC 356-05-465.

This action is taken pursuant to Notice No. WSR 88-11-038 filed with the code reviser on May 13, 1988. 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 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 June 30, 1988.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 233, filed 9/24/85)

WAC 356-05-465 VETERAN. For the purpose of determining seniority, as defined in WAC 356-05-390, for granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service,

has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That for the purposes of this section "veteran" does not include any person who has:

(1) (~~Voluntarily retired with twenty or more years of active military service;~~) Twenty or more years active military service, and whose retirement is designated by the armed forces of the United States as "voluntary" as evidenced by the DD Form 214 or other official military records; and

(2) Whose military retirement pay is in excess of five hundred dollars per month.

WSR 88-14-071
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-46—Filed July 1, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal and 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 shrimp are available for an extended 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 July 1, 1988.

By Sally J. Hicks
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-52-05300W COMMERCIAL SHRIMP FISHERY—HOOD CANAL. Notwithstanding the provisions of WAC 220-52-053, it is unlawful for any fisherman to fish for or possess shrimp taken for commercial purposes from the waters of Hood Canal south of the Hood Canal Floating Bridge except from 9:00 a.m. June 23 to 6:00 p.m. July 7, 1988, and the maximum number of pots that may be fished by any one fisherman or fished from any one vessel is 35.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05300V Commercial Shrimp Season—Hood Canal (88-34)

NEW SECTION

WAC 220-56-32500M PERSONAL USE SHRIMP—HOOD CANAL. Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for or possess shrimp taken for personal use from the waters of Hood Canal south of the Hood Canal Floating Bridge except from:

Immediately until 6:00 p.m. July 7, 1988.

The daily bag limit is 10 pounds in the shell; additional shrimp may be possessed in a frozen or processed form.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500K PERSONAL USE SHRIMP—HOOD CANAL. (88-26)

WSR 88-14-072
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-47—Filed July 1, 1988]

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 these regulations are necessary to provide for coho and chinook salmon escapement.

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 July 1, 1988.

By Sally J. Hicks
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-42500P SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective July 1, 1988:

(1) Until further notice, Bag Limit A upstream from the mouth of the Skagit River to Gilligan Creek.

(2) Through September 5, 1988, Bag Limit C upstream from Gilligan Creek to the mouth of the Baker River, effective September 6 until further notice Bag Limit A upstream from Gilligan Creek to the mouth of the Baker River, except that all chinook salmon greater than 24 inches in length must be released immediately.

(3) Until further notice, Bag Limit C upstream from the mouth of the Baker River to the mouth of the Cascade River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-42500N SKAGIT RIVER. (88-41)

WSR 88-14-073
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
 [Order 538—Filed July 1, 1988]

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 burn on lands protected by the Department of Natural Resources in Spokane County and parts of Stevens and Lincoln counties.

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 the described areas of Eastern Washington are experiencing extreme fire danger due to lack of rain and forest fuels becoming extremely dry. This necessitates restricting the public's use of fire in order to prevent a wildfire from occurring, whereby 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 July 1, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-080 OUTDOOR RULE BURN SUSPENSION IN PARTS OF EASTERN WASHINGTON. *Effective on midnight, July 4, 1988, through midnight, September 30, 1988, all outdoor rule burning on land protected by the Department of Natural Resources in parts of Eastern Washington shall require a written burning permit, except as follows: Burning barrels as described in WAC 32-24-225 and recreational fires in approved campgrounds at Deer Lake, Loon Lake, Liberty Lake and Newman Lake are allowed without a written burning permit.*

Effected areas include lands under the protection of the Department of Natural Resources in:

(1) *All of Spokane County.*

(2) *Parts of southeastern Stevens County lying within the boundaries of the Spokane River on the south, the Spokane Indian Reservation and State Route 231 to the town of Springdale on the west, State Route 292 between the town of Springdale and State Route 395, thence northerly along State Route 395 to the north line of Township 30 North, then east to the Stevens/Pend Oreille County line on the north; the Stevens/Pend Oreille County line and the Stevens/Spokane County line on the east.*

(3) *The north part of Lincoln County lying within Lincoln County Fire Protection Districts #4 and #7, bounded by the Spokane River on the north and Highway 2 on the south, and respective fire district boundaries on the east and west.*

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

WSR 88-14-074**ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1981—Filed July 1, 1988]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to general pesticide rules, chapter 16-228 WAC.

This action is taken pursuant to Notice No. WSR 88-09-077 filed with the code reviser on April 20, 1988. 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 17.21 and 15.58 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 July 1, 1988.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1869, filed 8/16/85)

WAC 16-228-010 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 of the state of Washington, or a duly authorized representative.

(3) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by humans or animals.

(4) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(5) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(6) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(7) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(8) "Certified applicator" means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, licensed demonstration and research applicators, and certified private applicators.

(9) "Controlled disposal site" means any place where solid or liquid waste is disposed: **PROVIDED**, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: **PROVIDED FURTHER**, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

(10) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

(11) "EPA" means the United States Environmental Protection Agency.

(12) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(13) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(14) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

(15) "Floor level" is considered to be the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(16) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(17) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(18) "Highly toxic" for the purpose of this chapter, are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

(19) "Private applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity on land owned or rented by the private applicator or the private applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(20) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(21) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(22) "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(23) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the

product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

NEW SECTION

WAC 16-228-157 WASTE PESTICIDE DISPOSAL. Under authority of RCW 70.105B.150 and 70.105B.180, the department may establish a waste disposal program for farmers, or other parties regulated under chapter 17.21 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

(a) Become identified as a hazardous waste generator;

(b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-160 RESTRICTION ON DISTRIBUTION, TRANSPORTATION, STORAGE AND DISPOSAL. (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated ((must)) shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip and ~~((/or))~~ the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(9) All pesticide ~~((accidents must))~~ incidents involving undesirable impacts on human health shall be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is ~~((fit))~~ in the registrant's or the manufacturer's unbroken, immediate container and there is affixed to the container its registered pesticide label.

(12) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-165 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY. (1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives.

These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Monocrotophos (Azodrin)
- (b) Dicrotophos (Bidrin)
- (c) DDD DDT
- (d) Disulfoton (DiSyston) – Liquid
- (e) Endrin
- (f) Parathion and Methyl Parathion
- (g) Mevinphos (Phosdrin)
- (h) Sodium Arsenite
- (i) Demeton (Systox)
- (j) Aldicarb (Temik)
- (k) TEPP
- (l) Phorate (Thimet) – Liquid

(m) 2,4-D – all dry formulations and all liquid formulations distributed in packages of one gallon and larger to be used in counties located east of the crest of the Cascade Mountains ~~((and all dry formulations except those labeled and intended for home and garden use only))~~:

(i) The following types of formulations are exempt from this requirement:

(A) Dry formulations labeled and intended for home and garden use only;

(B) One gallon containers of liquid amine formulations packaged as ready-to-use products, labeled for consumer use; and

(C) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(ii) Pesticide dealers shall be required to make available to the purchaser a copy of the ((regulations)) rules covering the use of 2,4-D in the area in which the material will be applied.

(n) Zinophos

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

(i) Swimming pools;

(ii) Wholly impounded ornamental pools and fountains;

(iii) Aquariums;

(iv) Closed plumbing and sewage systems;

(v) Enclosed food processing systems;

(vi) Air conditioners and humidifiers;

(vii) Cooling towers; and

(viii) Aquatic environments in states other than Washington: PROVIDED, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to noncertified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers ~~((must))~~ shall furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records

~~((must))~~ shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(2) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in WAC 16-228-165(1) by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(3) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

- (a) Name and address of the certified applicator
 - (b) Applicator or operator certificate or license number
 - (c) Name of authorized agent (if applicable)
 - (d) Date of purchase
 - (e) Brand and specific pesticide name and/or EPA registration number
 - (f) Amount sold
 - ~~((g) Crop or site to which pesticide will be applied))~~
- (4) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-185 RESTRICTIONS APPLYING TO ANY PERSON HOLDING, HANDLING, USING, OR DISPOSING OF PESTICIDES AND THEIR CONTAINERS. (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care ~~((must))~~ shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, or wildlife: PROVIDED, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: PROVIDED FURTHER, That disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other ~~((public))~~ water supplies in ~~((their))~~ pesticide loading ~~((and))~~₂ mixing ~~((operation))~~₂ and application. ~~((This includes using devices or procedures to prevent "back-siphoning."))~~ Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

- (a) Monocrotophos (Azodrin)
- (b) Demeton (Systox)
- (c) Disulfoton (DiSyston)-Liquid
- (d) Aldicarb (Temik)
- (e) Endrin
- (f) Tepp
- (g) Parathion
- (h) Phorate (Thimet)-Liquid
- (i) Mevinphos (Phosdrin)
- (j) Zinophos

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices ~~((must))~~ shall be maintained for all pesticides and their containers ~~((which are covered under chapter 15.58 RCW))~~.

(b) The provisions of ~~((subsections (d) and (e)))~~ (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only~~((; and shall not apply to drums of petroleum oils, lime sulfur, and ferrous sulfate))~~.

(c) For the purposes of ~~((subsections (d) and (e)))~~ (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 — highly toxic pesticides labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry. ~~((Appropriate warning signs shall be posted on these enclosures or containers. The warning signs shall carry the skull and crossbones symbol and the wording "Danger - Poison (or pesticide or chemical) storage area - Keep out" in letters large enough to be legible at a distance of thirty feet. The signs shall be posted to be visible from any direction:))~~

- (i) Closed vehicle.
- (ii) Closed trailer.
- (iii) Building or room or fenced area with a fence at least six feet high.
- (iv) Foot locker or other container which can be locked.

(v) Unattended trucks or trailers ~~((must))~~ which have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 — pesticides labeled with the signal word "warning" and categories 3 and 4 — pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in ~~((subsection))~~ (d) of this subsection: PROVIDED, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs ~~((;))~~ and/or secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage ~~((for pesticides covered in subsection (c)))~~.

(7) Requirements for posting of storage for category 1 pesticides:

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: PROVIDED, That posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide from any aircraft while in flight except over the target field and at the customary application height for that crop: PROVIDED, That emergency dumping shall not be considered a violation of this section.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-190 APPLICATOR REQUIREMENTS. (1) Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records which shall include the following:

(a) The name of the person for whom the pesticide was applied.

(b) The address or location of the land where the pesticide was applied.

(c) The year, month, day and time the pesticide was applied.

(d) The trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product.

(e) The direction and estimated velocity of the wind and the temperature at the time the pesticide was applied: PROVIDED, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.

(f) The amount, or amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.

~~((a))~~ For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(g) The pests to be controlled (for PCO classification only).

(h) Specific crop or site to which pesticide was applied.

(i) Apparatus license plate number.

(j) Applicator's name and address and the name of the individual making the application.

(k) Acreage or area treated: PROVIDED, That residential ornamental and lawn applications, and applications within structures are exempt from this requirement.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-190(1).

(5) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: PROVIDED, That this inspection is made at the site of application of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise ~~((the employee[s]))~~ employees on its use to meet the safety requirements of the pesticide label.

(8) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-210 FINANCIAL RESPONSIBILITY INSURANCE CERTIFICATE (FRIC). (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Plane number(s) (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of ~~((provision[s]))~~ provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a properly executed surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

AMENDATORY SECTION (Amending Order 1470, filed 5/14/76)

WAC 16-228-215 APPLICATION FEE AND FAA CERTIFICATE. (1) An applicant shall complete the application form for ~~((his))~~ a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(2) Applicants for an aerial applicators license shall supply a current copy of their FAA operating certificate to the director prior to issuance of their license.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-220 EXAMINATION REQUIREMENTS. (1) An examination fee of five dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Candidates for public pesticide operator/public pest control consultant or private pesticide applicator are exempt from payment of the five-dollar fee.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

NEW SECTION

WAC 16-228-227 TRIBUTYLTIN. (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: PROVIDED, That this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

NEW SECTION

WAC 16-228-232 CHEMIGATION. After October 31, 1988, the following shall apply:

(1) No pesticide may be applied through an irrigation system, unless its registered label contains statement(s) specifically permitting this means of application: PROVIDED, That applications of spray adjuvants are exempt from requirements of this section.

(2) Any person calibrating, loading, starting up, monitoring during application, or shutting down a chemigation system shall be knowledgeable about the system, and shall be under the direct supervision of a certified applicator.

(3) Any irrigation system used for chemigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of pesticide introduction. Discharge of water into a reservoir tank prior to pesticide injection is acceptable: PROVIDED, That there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the inside diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the pesticide injection pipeline to prevent the flow of liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where pesticide distribution is affected; and

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(4) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (3) of this section: PROVIDED, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-228-003 PROMULGATION.

WSR 88-14-075

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-10—Filed July 1, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of retrospective rating plans and group insurance plans, (chapter 296-17 WAC). This rule revises the basic premium ratios, loss conversion factors and size group tables to reflect the most current insurance charges, administrative expense and investment earnings to be used in adjusting premium payments for possible refunds or penalties.

I, Joseph A. Dear, 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 retrospective rating plan parameters must be updated due to the increase of disability benefits. Otherwise, the retrospective rating plan becomes inequitable to retrospective rated employers compared with other employers not retrospectively rated. The increase in disability benefits will become effective July 1, 1988. This emergency revision is necessary for those employers enrolling into retrospective rating plans July 1, 1988.

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

This rule is promulgated pursuant to RCW 51.04.020(1) and 51.16.035 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 July 1, 1988.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91901 TABLE II.

**RETROSPECTIVE RATING PLAN A
BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = ((.692)) .630
Effective ((January 1, 1986)) July 1, 1988**

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.975	.955	.942	.929	.918	.910	.901	.895	.887	.881	.869	.858	.848	.829
83	.973	.954	.938	.924	.912	.902	.894	.886	.879	.872	.860	.848	.838	.817
82	.972	.950	.932	.918	.906	.895	.886	.879	.870	.863	.850	.838	.827	.806
81	.967	.946	.925	.913	.899	.889	.878	.869	.862	.854	.840	.828	.816	.795
80	.966	.940	.921	.906	.891	.881	.870	.862	.853	.845	.830	.818	.806	.781
79	.964	.937	.915	.900	.884	.873	.863	.853	.844	.836	.821	.808	.794	.770
78	.958	.932	.911	.895	.880	.866	.856	.845	.836	.827	.811	.797	.783	.757
77	.957	.929	.905	.888	.873	.862	.848	.839	.827	.819	.802	.787	.772	.746
76	.955	.927	.902	.884	.865	.853	.840	.829	.818	.809	.792	.774	.760	.733
75	.954	.920	.896	.877	.860	.845	.830	.820	.809	.799	.781	.764	.749	.720
74	.948	.918	.892	.869	.852	.837	.823	.811	.800	.790	.770	.754	.737	.708
73	.946	.911	.885	.863	.845	.829	.816	.803	.790	.781	.760	.743	.726	.695
72	.944	.908	.878	.858	.840	.824	.809	.794	.783	.772	.750	.732	.714	.682
71	.938	.901	.874	.850	.831	.814	.799	.785	.772	.761	.739	.721	.701	.667
70	.936	.899	.867	.843	.824	.807	.790	.776	.762	.751	.729	.707	.690	.654
69	.935	.892	.859	.838	.815	.797	.782	.767	.753	.740	.717	.697	.678	.642
68	.928	.884	.855	.829	.807	.789	.772	.756	.742	.731	.707	.684	.664	.628
67	.925	.882	.847	.821	.797	.779	.763	.747	.732	.720	.694	.673	.652	.615
66	.918	.873	.839	.813	.789	.771	.753	.737	.721	.710	.682	.661	.640	.601
65	.917	.870	.835	.805	.783	.762	.744	.728	.712	.698	.671	.648	.628	.589
64	.910	.863	.827	.800	.775	.753	.735	.717	.701	.686	.661	.636	.614	.576
63	.907	.855	.819	.790	.766	.743	.724	.707	.691	.676	.649	.623	.603	.562
62	.900	.851	.810	.783	.756	.734	.715	.697	.681	.665	.636	.610	.589	.549

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
61	.898	.844	.807	.773	.748	.724	.704	.687	.670	.654	.625	.599	.575	.535
60	.890	.836	.798	.765	.738	.714	.695	.674	.657	.641	.612	.585	.562	.520
59	.888	.833	.790	.756	.730	.705	.684	.663	.646	.629	.598	.572	.549	.506
58	.881	.826	.781	.747	.719	.695	.674	.652	.635	.617	.587	.560	.536	.493
57	.879	.817	.772	.737	.710	.684	.661	.641	.624	.607	.574	.546	.522	.480
56	.871	.813	.763	.729	.700	.674	.650	.631	.609	.592	.561	.534	.509	.466
55	.863	.805	.754	.718	.690	.663	.639	.620	.598	.580	.548	.521	.495	.454
54	.860	.795	.745	.709	.680	.653	.628	.606	.587	.570	.536	.507	.482	.440
53	.851	.786	.736	.699	.665	.639	.617	.594	.572	.554	.522	.495	.470	.427
52	.842	.777	.725	.688	.656	.628	.603	.583	.561	.543	.510	.480	.457	.416
51	.833	.767	.716	.678	.645	.617	.591	.568	.549	.531	.498	.468	.444	.402
50	.825	.758	.706	.667	.633	.606	.580	.556	.534	.517	.483	.456	.429	.389
49	.822	.749	.696	.658	.623	.591	.565	.544	.522	.503	.470	.442	.417	.377
48	.813	.739	.685	.643	.608	.579	.553	.530	.510	.489	.457	.429	.405	.364
47	.803	.729	.675	.631	.596	.568	.541	.517	.495	.477	.444	.417	.390	.352
46	.795	.719	.664	.620	.585	.553	.526	.502	.482	.464	.432	.404	.379	.341
45	.786	.709	.648	.605	.569	.540	.514	.490	.467	.449	.417	.391	.369	.331
44	.775	.694	.638	.593	.556	.524	.499	.478	.455	.437	.406	.380	.357	.320
43	.766	.682	.621	.577	.541	.512	.486	.462	.443	.426	.394	.367	.347	.311
42	.757	.672	.610	.565	.530	.497	.471	.450	.428	.411	.379	.354	.333	.298
41	.747	.662	.600	.554	.514	.485	.459	.435	.415	.398	.367	.342	.320	.285
40	.737	.645	.589	.538	.502	.473	.446	.423	.401	.386	.354	.328	.306	.274
39	.727	.635	.572	.527	.490	.457	.431	.408	.389	.371	.340	.316	.295	.262
38	.717	.625	.561	.511	.474	.445	.419	.394	.376	.356	.328	.303	.282	.250
37	.700	.608	.544	.499	.462	.429	.403	.379	.361	.343	.314	.290	.270	.239
36	.689	.596	.533	.481	.445	.417	.390	.367	.349	.332	.301	.279	.258	.227
35	.671	.578	.515	.469	.428	.400	.375	.354	.334	.316	.289	.266	.247	.217
34	.653	.560	.497	.452	.416	.388	.362	.339	.321	.305	.276	.256	.236	.207
33	.642	.542	.484	.434	.399	.371	.346	.326	.306	.290	.264	.243	.225	.198
32	.623	.523	.466	.422	.386	.355	.334	.312	.294	.279	.253	.232	.215	.189
31	.605	.511	.449	.405	.370	.342	.318	.299	.282	.267	.243	.222	.207	.181
30	.586	.493	.431	.388	.357	.330	.306	.285	.268	.255	.230	.212	.197	.174
29	.568	.475	.418	.374	.340	.314	.291	.273	.257	.243	.220	.203	.189	.167
28	.549	.457	.401	.357	.324	.301	.279	.261	.244	.230	.207	.191	.177	.154
27	.537	.444	.384	.345	.311	.285	.262	.244	.229	.216	.193	.176	.160	.138
26	.519	.427	.371	.329	.295	.269	.249	.228	.215	.201	.178	.161	.145	.124
25	.499	.408	.353	.311	.281	.256	.233	.215	.200	.186	.165	.147	.133	.113
24	.480	.390	.335	.298	.265	.241	.222	.205	.189	.176	.157	.141	.128	.108
23	.454	.371	.317	.280	.253	.229	.210	.194	.179	.168	.149	.134	.122	.104
22	.435	.352	.299	.263	.237	.216	.196	.184	.171	.160	.141	.127	.116	.100
21	.408	.333	.285	.251	.225	.203	.186	.171	.161	.152	.134	.122	.112	.097
20	.388	.314	.268	.234	.209	.190	.174	.161	.151	.141	.125	.114	.105	.091
19	.377	.301	.251	.222	.196	.178	.162	.149	.139	.131	.116	.105	.097	.084
18	.358	.283	.238	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
17	.339	.265	.221	.189	.169	.152	.137	.127	.117	.110	.098	.090	.083	.074
16	.319	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
15	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
14	.291	.217	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
13	.275	.200	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
12	.263	.182	.152	.135	.121	.111	.102	.096	.089	.086	.079	.073	.069	.063
11	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
10	.235	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
9	.216	.133	.119	.109	.101	.094	.088	.083	.079	.077	.072	.068	.065	.061
8	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
7	.160	.112	.101	.095	.088	.084	.079	.076	.074	.071	.067	.063	.062	.059
6	.131	.101	.095	.088	.083	.079	.076	.073	.070	.068	.064	.062	.061	.058
5	.131	.093	.087	.081	.078	.075	.071	.069	.067	.065	.062	.061	.059	.057

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91902 TABLE III.

((RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective January 1, 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84 Basic Premium Ratio	.998	.997	.995	.993	.992	.990	.988	.987	.985	.983	.980	.977	.974	.967
84 Loss Conversion Factor	.002	.003	.005	.007	.008	.010	.012	.013	.015	.017	.020	.023	.026	.033
83 Basic Premium Ratio	.998	.996	.995	.993	.991	.989	.987	.986	.984	.982	.978	.975	.971	.964
83 Loss Conversion Factor	.002	.004	.005	.007	.009	.011	.013	.014	.016	.018	.022	.025	.029	.036
82 Basic Premium Ratio	.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.977	.973	.969	.961
82 Loss Conversion Factor	.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.023	.027	.031	.039
81 Basic Premium Ratio	.998	.996	.994	.991	.989	.987	.985	.983	.981	.979	.974	.970	.966	.957
81 Loss Conversion Factor	.002	.004	.006	.009	.011	.013	.015	.017	.019	.021	.026	.030	.034	.043
80 Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
80 Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045
79 Basic Premium Ratio	.998	.995	.993	.990	.988	.986	.983	.981	.978	.976	.971	.966	.961	.952
79 Loss Conversion Factor	.002	.005	.007	.010	.012	.014	.017	.019	.022	.024	.029	.034	.039	.048
78 Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.982	.979	.976	.974	.968	.963	.958	.947
78 Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.018	.021	.024	.026	.032	.037	.042	.053
77 Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.973	.971	.965	.959	.953	.941
77 Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.029	.035	.041	.047	.059
76 Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.975	.972	.969	.963	.957	.951	.939
76 Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.025	.028	.031	.037	.043	.049	.061
75 Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.978	.975	.971	.968	.962	.956	.949	.937
75 Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.022	.025	.029	.032	.038	.044	.051	.063
74 Basic Premium Ratio	.997	.993	.990	.986	.983	.979	.976	.972	.969	.965	.959	.952	.945	.931
74 Loss Conversion Factor	.003	.007	.010	.014	.017	.021	.024	.028	.031	.035	.041	.048	.055	.069
73 Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
73 Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
72 Basic Premium Ratio	.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917
72 Loss Conversion Factor	.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083
71 Basic Premium Ratio	.995	.991	.986	.982	.977	.972	.968	.963	.958	.954	.945	.935	.926	.908
71 Loss Conversion Factor	.005	.009	.014	.018	.023	.028	.032	.037	.042	.046	.055	.065	.074	.092
70 Basic Premium Ratio	.995	.990	.985	.980	.974	.969	.964	.959	.954	.949	.939	.928	.918	.898
70 Loss Conversion Factor	.005	.010	.015	.020	.026	.031	.036	.041	.046	.051	.061	.072	.082	.102
69 Basic Premium Ratio	.994	.989	.983	.978	.972	.967	.961	.956	.950	.945	.933	.922	.911	.889
69 Loss Conversion Factor	.006	.011	.017	.022	.028	.033	.039	.044	.050	.055	.067	.078	.089	.111
68 Basic Premium Ratio	.994	.988	.982	.977	.971	.965	.959	.953	.947	.941	.930	.918	.906	.883
68 Loss Conversion Factor	.006	.012	.018	.023	.029	.035	.041	.047	.053	.059	.070	.082	.094	.117
67 Basic Premium Ratio	.994	.988	.981	.975	.969	.963	.957	.950	.944	.938	.926	.913	.901	.876
67 Loss Conversion Factor	.006	.012	.019	.025	.031	.037	.043	.050	.056	.062	.074	.087	.099	.124
66 Basic Premium Ratio	.993	.987	.980	.973	.966	.960	.953	.946	.939	.933	.919	.906	.892	.865
66 Loss Conversion Factor	.007	.013	.020	.027	.034	.040	.047	.054	.061	.067	.081	.094	.108	.135
65 Basic Premium Ratio	.993	.985	.978	.971	.964	.956	.949	.942	.935	.927	.913	.898	.884	.855
65 Loss Conversion Factor	.007	.015	.022	.029	.036	.044	.051	.058	.065	.073	.087	.102	.116	.145
64 Basic Premium Ratio	.992	.984	.977	.969	.961	.953	.946	.938	.930	.922	.907	.891	.875	.844
64 Loss Conversion Factor	.008	.016	.023	.031	.039	.047	.054	.062	.070	.078	.093	.109	.125	.156
63 Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.925	.917	.900	.884	.867	.834
63 Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.075	.083	.100	.116	.133	.166
62 Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
62 Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
61 Basic Premium Ratio	.990	.981	.971	.962	.952	.943	.933	.923	.914	.904	.885	.866	.847	.808
61 Loss Conversion Factor	.010	.019	.029	.038	.048	.057	.067	.077	.086	.096	.115	.134	.153	.192

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
60	.990	.979	.969	.958	.948	.937	.927	.917	.906	.896	.875	.854	.833	.791
Loss Conversion Factor	.010	.021	.031	.042	.052	.063	.073	.083	.094	.104	.125	.146	.167	.209
59	.989	.977	.966	.955	.943	.932	.920	.909	.898	.886	.864	.841	.818	.773
Loss Conversion Factor	.011	.023	.034	.045	.057	.068	.080	.091	.102	.114	.136	.159	.182	.227
58	.988	.975	.963	.951	.938	.926	.914	.901	.889	.877	.852	.827	.803	.753
Loss Conversion Factor	.012	.025	.037	.049	.062	.074	.086	.099	.111	.123	.148	.173	.197	.247
57	.987	.973	.960	.946	.933	.919	.906	.893	.879	.866	.839	.812	.785	.732
Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.107	.121	.134	.161	.188	.215	.268
56	.986	.971	.957	.942	.928	.913	.899	.884	.870	.855	.826	.797	.768	.710
Loss Conversion Factor	.014	.029	.043	.058	.072	.087	.101	.116	.130	.145	.174	.203	.232	.290
55	.984	.969	.953	.938	.922	.906	.891	.875	.860	.844	.813	.782	.750	.688
Loss Conversion Factor	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.218	.250	.312
54	.983	.967	.950	.933	.917	.900	.883	.867	.850	.833	.800	.767	.733	.667
Loss Conversion Factor	.017	.033	.050	.067	.083	.100	.117	.133	.150	.167	.200	.233	.267	.333
53	.982	.964	.947	.929	.911	.893	.876	.858	.840	.822	.787	.751	.717	.646
Loss Conversion Factor	.018	.036	.053	.071	.089	.107	.124	.142	.160	.178	.213	.249	.283	.354
52	.981	.962	.943	.924	.905	.887	.868	.849	.830	.811	.773	.735	.697	.622
Loss Conversion Factor	.019	.038	.057	.076	.095	.113	.132	.151	.170	.189	.227	.265	.303	.378
51	.980	.960	.940	.919	.899	.879	.859	.839	.819	.798	.758	.718	.677	.597
Loss Conversion Factor	.020	.040	.060	.081	.101	.121	.141	.161	.181	.202	.242	.282	.323	.403
50	.978	.957	.935	.913	.891	.870	.848	.826	.804	.783	.739	.696	.652	.565
Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.196	.217	.261	.304	.348	.435
49	.977	.954	.930	.907	.884	.861	.837	.814	.791	.768	.721	.675	.628	.535
Loss Conversion Factor	.023	.046	.070	.093	.116	.139	.163	.186	.209	.232	.279	.325	.372	.465
48	.975	.950	.926	.901	.876	.851	.826	.801	.777	.752	.702	.652	.603	.503
Loss Conversion Factor	.025	.050	.074	.099	.124	.149	.174	.199	.223	.248	.298	.348	.397	.497
47	.973	.947	.920	.893	.867	.840	.814	.787	.760	.734	.680	.627	.574	.467
Loss Conversion Factor	.027	.053	.080	.107	.133	.160	.186	.213	.240	.266	.320	.373	.426	.533
46	.972	.943	.915	.887	.859	.830	.802	.774	.745	.717	.660	.604	.547	.434
Loss Conversion Factor	.028	.057	.085	.113	.141	.170	.198	.226	.255	.283	.340	.396	.453	.566
45	.970	.940	.910	.880	.850	.820	.790	.760	.730	.700	.640	.579	.519	.399
Loss Conversion Factor	.030	.060	.090	.120	.150	.180	.210	.240	.270	.300	.360	.421	.481	.601
44	.968	.936	.904	.872	.840	.808	.776	.744	.712	.680	.616	.552	.488	.360
Loss Conversion Factor	.032	.064	.096	.128	.160	.192	.224	.256	.288	.320	.384	.448	.512	.640
43	.966	.932	.898	.864	.829	.795	.761	.727	.693	.659	.591	.522	.454	.318
Loss Conversion Factor	.034	.068	.102	.136	.171	.205	.239	.273	.307	.341	.409	.478	.546	.682
42	.963	.926	.889	.853	.816	.779	.742	.705	.668	.631	.558	.484	.410	.263
Loss Conversion Factor	.037	.074	.111	.147	.184	.221	.258	.295	.332	.369	.442	.516	.590	.737
41	.960	.920	.880	.840	.799	.759	.719	.679	.639	.599	.519	.438	.358	.198
Loss Conversion Factor	.040	.080	.120	.160	.201	.241	.281	.321	.361	.401	.481	.562	.642	.802
40	.957	.913	.870	.826	.783	.739	.696	.652	.609	.565	.479	.392	.305	.131
Loss Conversion Factor	.043	.087	.130	.174	.217	.261	.304	.348	.391	.435	.521	.608	.695	.869
39	.953	.906	.859	.812	.765	.717	.670	.623	.576	.529	.435	.341	.246	.058
Loss Conversion Factor	.047	.094	.141	.188	.235	.283	.330	.377	.424	.471	.565	.659	.754	.942
38	.949	.898	.847	.796	.745	.694	.643	.592	.541	.490	.387	.285	.183	.000
Loss Conversion Factor	.051	.102	.153	.204	.255	.306	.357	.408	.459	.510	.613	.715	.817	.993
37	.944	.889	.833	.777	.721	.666	.610	.554	.498	.443	.331	.220	.108	.000
Loss Conversion Factor	.056	.111	.167	.223	.279	.334	.390	.446	.502	.557	.669	.780	.892	.971
36	.940	.880	.820	.761	.701	.641	.581	.521	.461	.402	.282	.162	.043	.000
Loss Conversion Factor	.060	.120	.180	.239	.299	.359	.419	.479	.539	.598	.718	.838	.957	.951
35	.935	.870	.804	.739	.674	.609	.544	.479	.413	.348	.218	.087	.000	.000
Loss Conversion Factor	.065	.130	.196	.261	.326	.391	.456	.521	.587	.652	.782	.913	.988	.933
34	.929	.858	.787	.717	.646	.575	.504	.433	.362	.291	.150	.008	.000	.000
Loss Conversion Factor	.071	.142	.213	.283	.354	.425	.496	.567	.638	.709	.850	.992	.968	.916
33	.922	.845	.767	.689	.612	.534	.456	.379	.301	.223	.068	.000	.000	.000
Loss Conversion Factor	.078	.155	.233	.311	.388	.466	.544	.621	.699	.777	.932	.977	.945	.900

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
32	Basic Premium Ratio	.916	.832	.747	.663	.579	.495	.410	.326	.242	.158	.000	.000	.000	.000
	Loss Conversion Factor	.084	.168	.253	.337	.421	.505	.590	.674	.758	.842	.927	.958	.927	.885
31	Basic Premium Ratio	.908	.816	.724	.632	.540	.448	.356	.264	.172	.080	.000	.000	.000	.000
	Loss Conversion Factor	.092	.184	.276	.368	.460	.552	.644	.736	.828	.920	.972	.937	.911	.873
30	Basic Premium Ratio	.900	.799	.699	.598	.498	.397	.297	.196	.096	.000	.000	.000	.000	.000
	Loss Conversion Factor	.100	.201	.301	.402	.502	.603	.703	.804	.904	.999	.953	.920	.895	.862
29	Basic Premium Ratio	.889	.779	.668	.558	.447	.336	.226	.115	.005	.000	.000	.000	.000	.000
	Loss Conversion Factor	.111	.221	.332	.442	.553	.664	.774	.885	.995	.974	.934	.906	.882	.851
28	Basic Premium Ratio	.878	.757	.635	.513	.392	.270	.148	.027	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.122	.243	.365	.487	.608	.730	.852	.973	.977	.952	.915	.887	.865	.838
27	Basic Premium Ratio	.865	.730	.594	.459	.324	.189	.054	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.135	.270	.406	.541	.676	.811	.946	.981	.952	.929	.893	.866	.847	.819
26	Basic Premium Ratio	.849	.699	.548	.398	.247	.097	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.151	.301	.452	.602	.753	.903	.988	.954	.929	.906	.873	.849	.829	.802
25	Basic Premium Ratio	.832	.664	.497	.329	.161	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.168	.336	.503	.671	.839	.999	.961	.930	.906	.885	.855	.832	.814	.790
24	Basic Premium Ratio	.812	.624	.436	.247	.059	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.753	.941	.971	.938	.911	.889	.874	.843	.822	.807	.785
23	Basic Premium Ratio	.788	.576	.363	.151	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.212	.424	.637	.849	.986	.947	.915	.892	.873	.856	.832	.814	.800	.781
22	Basic Premium Ratio	.757	.513	.270	.027	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.243	.487	.730	.973	.958	.924	.898	.875	.858	.844	.822	.806	.793	.777
21	Basic Premium Ratio	.719	.438	.158	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.281	.562	.842	.976	.933	.904	.880	.861	.844	.832	.813	.799	.788	.771
20	Basic Premium Ratio	.674	.348	.022	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.326	.652	.978	.952	.913	.884	.862	.846	.831	.820	.803	.790	.780	.766
19	Basic Premium Ratio	.622	.245	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.378	.755	.979	.926	.891	.865	.845	.831	.818	.807	.792	.780	.772	.760
18	Basic Premium Ratio	.562	.124	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.438	.876	.951	.904	.871	.849	.830	.816	.805	.796	.782	.772	.764	.755
17	Basic Premium Ratio	.479	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.521	.995	.926	.883	.853	.832	.816	.803	.794	.786	.773	.765	.759	.750
16	Basic Premium Ratio	.374	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.626	.962	.902	.863	.837	.818	.803	.793	.784	.777	.767	.759	.753	.746
15	Basic Premium Ratio	.226	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.774	.943	.879	.844	.822	.806	.793	.783	.775	.770	.760	.755	.749	.743
14	Basic Premium Ratio	.148	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.852	.918	.859	.830	.812	.798	.787	.779	.771	.766	.757	.752	.748	.742
13	Basic Premium Ratio	.058	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.942	.899	.839	.818	.803	.791	.782	.775	.767	.764	.755	.750	.746	.741
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.992	.877	.825	.808	.795	.784	.776	.770	.764	.760	.753	.748	.745	.740
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.972	.861	.811	.798	.787	.778	.771	.766	.761	.757	.751	.747	.743	.739
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.950	.831	.799	.789	.780	.773	.766	.761	.757	.754	.749	.745	.742	.738
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.930	.802	.791	.782	.773	.767	.762	.758	.754	.752	.747	.743	.741	.737
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.899	.791	.781	.774	.767	.762	.758	.754	.751	.749	.744	.742	.740	.736
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.865	.780	.773	.767	.762	.757	.754	.751	.748	.747	.743	.740	.739	.736

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.829	.773	.766	.760	.757	.752	.750	.747	.745	.744	.741	.739	.737	.735
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.779	.763	.758	.755	.751	.749	.747	.744	.742	.741	.738	.737	.736	.735))

**RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective July 1, 1988**

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
84	Basic Premium Ratio	.998	.996	.994	.992	.991	.989	.987	.985	.983	.981	.977	.973	.970	.962
	Loss Conversion Factor	.002	.004	.006	.008	.009	.011	.013	.015	.017	.019	.023	.027	.030	.038
83	Basic Premium Ratio	.998	.996	.994	.992	.990	.987	.985	.983	.981	.979	.975	.971	.967	.958
	Loss Conversion Factor	.002	.004	.006	.008	.010	.013	.015	.017	.019	.021	.025	.029	.033	.042
82	Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
	Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045
81	Basic Premium Ratio	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.965	.960	.951
	Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.035	.040	.049
80	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.981	.979	.976	.973	.968	.963	.957	.947
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.019	.021	.024	.027	.032	.037	.043	.053
79	Basic Premium Ratio	.997	.994	.991	.989	.986	.983	.980	.977	.974	.972	.966	.960	.954	.943
	Loss Conversion Factor	.003	.006	.009	.011	.014	.017	.020	.023	.026	.028	.034	.040	.046	.057
78	Basic Premium Ratio	.997	.994	.991	.987	.984	.981	.978	.975	.972	.969	.962	.956	.950	.937
	Loss Conversion Factor	.003	.006	.009	.013	.016	.019	.022	.025	.028	.031	.038	.044	.050	.063
77	Basic Premium Ratio	.996	.993	.989	.986	.982	.979	.975	.972	.968	.965	.957	.950	.943	.929
	Loss Conversion Factor	.004	.007	.011	.014	.018	.021	.025	.028	.032	.035	.043	.050	.057	.071
76	Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
	Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
75	Basic Premium Ratio	.996	.992	.988	.984	.980	.977	.973	.969	.965	.961	.953	.945	.937	.922
	Loss Conversion Factor	.004	.008	.012	.016	.020	.023	.027	.031	.035	.039	.047	.055	.063	.078
74	Basic Premium Ratio	.996	.991	.987	.983	.978	.974	.970	.965	.961	.957	.948	.940	.931	.914
	Loss Conversion Factor	.004	.009	.013	.017	.022	.026	.030	.035	.039	.043	.052	.060	.069	.086
73	Basic Premium Ratio	.995	.991	.986	.981	.976	.972	.967	.962	.957	.953	.943	.934	.924	.905
	Loss Conversion Factor	.005	.009	.014	.019	.024	.028	.033	.038	.043	.047	.057	.066	.076	.095
72	Basic Premium Ratio	.995	.989	.984	.979	.973	.968	.963	.958	.952	.947	.936	.926	.915	.894
	Loss Conversion Factor	.005	.011	.016	.021	.027	.032	.037	.042	.048	.053	.064	.074	.085	.106
71	Basic Premium Ratio	.994	.988	.982	.976	.970	.964	.958	.952	.946	.940	.928	.916	.904	.881
	Loss Conversion Factor	.006	.012	.018	.024	.030	.036	.042	.048	.054	.060	.072	.084	.096	.119
70	Basic Premium Ratio	.993	.987	.980	.973	.967	.960	.953	.947	.940	.933	.920	.906	.893	.866
	Loss Conversion Factor	.007	.013	.020	.027	.033	.040	.047	.053	.060	.067	.080	.094	.107	.134
69	Basic Premium Ratio	.993	.986	.978	.971	.964	.957	.949	.942	.935	.928	.913	.899	.884	.855
	Loss Conversion Factor	.007	.014	.022	.029	.036	.043	.051	.058	.065	.072	.087	.101	.116	.145
68	Basic Premium Ratio	.992	.985	.977	.969	.961	.954	.946	.938	.931	.923	.907	.892	.876	.846
	Loss Conversion Factor	.008	.015	.023	.031	.039	.046	.054	.062	.069	.077	.093	.108	.124	.154
67	Basic Premium Ratio	.992	.984	.975	.967	.959	.951	.942	.934	.926	.918	.901	.885	.869	.836
	Loss Conversion Factor	.008	.016	.025	.033	.041	.049	.058	.066	.074	.082	.099	.115	.131	.164
66	Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
	Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
65	Basic Premium Ratio	.990	.981	.971	.962	.952	.942	.933	.923	.913	.904	.885	.865	.846	.808
	Loss Conversion Factor	.010	.019	.029	.038	.048	.058	.067	.077	.087	.096	.115	.135	.154	.192
64	Basic Premium Ratio	.990	.979	.969	.958	.948	.938	.927	.917	.907	.896	.875	.855	.834	.792
	Loss Conversion Factor	.010	.021	.031	.042	.052	.062	.073	.083	.093	.104	.125	.145	.166	.208

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
63	Basic Premium Ratio	.989	.978	.966	.955	.944	.933	.922	.910	.899	.888	.866	.843	.821	.776
	Loss Conversion Factor	.011	.022	.034	.045	.056	.067	.078	.090	.101	.112	.134	.157	.179	.224
62	Basic Premium Ratio	.988	.976	.964	.952	.940	.928	.916	.904	.892	.880	.856	.832	.808	.759
	Loss Conversion Factor	.012	.024	.036	.048	.060	.072	.084	.096	.108	.120	.144	.168	.192	.241
61	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.740
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.260
60	Basic Premium Ratio	.986	.972	.958	.944	.929	.915	.901	.887	.873	.859	.831	.803	.774	.718
	Loss Conversion Factor	.014	.028	.042	.056	.071	.085	.099	.113	.127	.141	.169	.197	.226	.282
59	Basic Premium Ratio	.985	.970	.954	.939	.924	.909	.893	.878	.863	.848	.817	.787	.757	.696
	Loss Conversion Factor	.015	.030	.046	.061	.076	.091	.107	.122	.137	.152	.183	.213	.243	.304
58	Basic Premium Ratio	.984	.967	.951	.934	.918	.901	.885	.869	.852	.836	.803	.770	.737	.672
	Loss Conversion Factor	.016	.033	.049	.066	.082	.099	.115	.131	.148	.164	.197	.230	.263	.328
57	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.840	.823	.787	.752	.716	.645
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.160	.177	.213	.248	.284	.355
56	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.809	.771	.733	.695	.619
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.191	.229	.267	.305	.381
55	Basic Premium Ratio	.980	.960	.939	.919	.899	.879	.859	.838	.818	.798	.757	.717	.677	.596
	Loss Conversion Factor	.020	.040	.061	.081	.101	.121	.141	.162	.182	.202	.243	.283	.323	.404
54	Basic Premium Ratio	.978	.957	.935	.914	.892	.871	.849	.828	.806	.785	.742	.699	.656	.570
	Loss Conversion Factor	.022	.043	.065	.086	.108	.129	.151	.172	.194	.215	.258	.301	.344	.430
53	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.678	.632	.540
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.322	.368	.460
52	Basic Premium Ratio	.975	.951	.926	.902	.877	.853	.828	.804	.779	.755	.706	.656	.607	.509
	Loss Conversion Factor	.025	.049	.074	.098	.123	.147	.172	.196	.221	.245	.294	.344	.393	.491
51	Basic Premium Ratio	.974	.947	.921	.895	.869	.842	.816	.790	.763	.737	.685	.632	.579	.474
	Loss Conversion Factor	.026	.053	.079	.105	.131	.158	.184	.210	.237	.263	.315	.368	.421	.526
50	Basic Premium Ratio	.972	.944	.915	.887	.859	.831	.803	.775	.746	.718	.662	.606	.549	.436
	Loss Conversion Factor	.028	.056	.085	.113	.141	.169	.197	.225	.254	.282	.338	.394	.451	.564
49	Basic Premium Ratio	.970	.939	.909	.879	.848	.818	.787	.757	.727	.696	.636	.575	.514	.393
	Loss Conversion Factor	.030	.061	.091	.121	.152	.182	.213	.243	.273	.304	.364	.425	.486	.607
48	Basic Premium Ratio	.968	.935	.903	.870	.838	.805	.773	.740	.708	.676	.611	.546	.481	.351
	Loss Conversion Factor	.032	.065	.097	.130	.162	.195	.227	.260	.292	.324	.389	.454	.519	.649
47	Basic Premium Ratio	.965	.930	.896	.861	.826	.791	.756	.721	.687	.652	.582	.513	.443	.304
	Loss Conversion Factor	.035	.070	.104	.139	.174	.209	.244	.279	.313	.348	.418	.487	.557	.696
46	Basic Premium Ratio	.963	.926	.889	.851	.814	.777	.740	.703	.666	.628	.554	.480	.406	.257
	Loss Conversion Factor	.037	.074	.111	.149	.186	.223	.260	.297	.334	.372	.446	.520	.594	.743
45	Basic Premium Ratio	.960	.921	.881	.842	.802	.762	.723	.683	.644	.604	.525	.446	.367	.208
	Loss Conversion Factor	.040	.079	.119	.158	.198	.238	.277	.317	.356	.396	.475	.554	.633	.792
44	Basic Premium Ratio	.958	.915	.873	.831	.788	.746	.704	.661	.619	.576	.492	.407	.322	.153
	Loss Conversion Factor	.042	.085	.127	.169	.212	.254	.296	.339	.381	.424	.508	.593	.678	.847
43	Basic Premium Ratio	.954	.909	.863	.818	.772	.727	.681	.636	.590	.545	.453	.362	.271	.089
	Loss Conversion Factor	.046	.091	.137	.182	.228	.273	.319	.364	.410	.455	.547	.638	.729	.911
42	Basic Premium Ratio	.951	.901	.852	.803	.754	.704	.655	.606	.557	.507	.409	.310	.212	.015
	Loss Conversion Factor	.049	.099	.148	.197	.246	.296	.345	.394	.443	.493	.591	.690	.788	.985
41	Basic Premium Ratio	.946	.893	.839	.785	.732	.678	.625	.571	.517	.464	.356	.249	.142	.000
	Loss Conversion Factor	.054	.107	.161	.215	.268	.322	.375	.429	.483	.536	.644	.751	.858	.974
40	Basic Premium Ratio	.942	.884	.827	.769	.711	.653	.595	.537	.480	.422	.306	.190	.075	.000
	Loss Conversion Factor	.058	.116	.173	.231	.289	.347	.405	.463	.520	.578	.694	.810	.925	.948
39	Basic Premium Ratio	.937	.875	.812	.749	.686	.624	.561	.498	.435	.373	.247	.122	.000	.000
	Loss Conversion Factor	.063	.125	.188	.251	.314	.376	.439	.502	.565	.627	.753	.878	.995	.924
38	Basic Premium Ratio	.932	.865	.797	.729	.662	.594	.527	.459	.391	.324	.188	.053	.000	.000
	Loss Conversion Factor	.068	.135	.203	.271	.338	.406	.473	.541	.609	.676	.812	.947	.968	.903
37	Basic Premium Ratio	.926	.853	.779	.706	.632	.558	.485	.411	.337	.264	.117	.000	.000	.000
	Loss Conversion Factor	.074	.147	.221	.294	.368	.442	.515	.589	.663	.736	.883	.988	.944	.884
36	Basic Premium Ratio	.920	.840	.760	.680	.599	.519	.439	.359	.279	.199	.039	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.401	.481	.561	.641	.721	.801	.961	.961	.921	.866

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
35	Basic Premium Ratio	.913	.826	.739	.652	.564	.477	.390	.303	.216	.129	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.348	.436	.523	.610	.697	.784	.871	.983	.935	.899	.848
34	Basic Premium Ratio	.905	.809	.714	.618	.523	.427	.332	.236	.141	.045	.000	.000	.000	.000
	Loss Conversion Factor	.095	.191	.286	.382	.477	.573	.668	.764	.859	.955	.955	.911	.879	.833
33	Basic Premium Ratio	.896	.791	.687	.582	.478	.373	.269	.164	.060	.000	.000	.000	.000	.000
	Loss Conversion Factor	.104	.209	.313	.418	.522	.627	.731	.836	.940	.985	.930	.891	.861	.819
32	Basic Premium Ratio	.886	.772	.658	.544	.430	.316	.202	.088	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.114	.228	.342	.456	.570	.684	.798	.912	.991	.958	.908	.872	.844	.806
31	Basic Premium Ratio	.875	.749	.624	.498	.373	.247	.122	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.125	.251	.376	.502	.627	.753	.878	.997	.961	.931	.886	.854	.829	.794
30	Basic Premium Ratio	.861	.723	.584	.446	.307	.169	.030	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.139	.277	.416	.554	.693	.831	.970	.967	.935	.908	.867	.838	.815	.784
29	Basic Premium Ratio	.847	.694	.541	.389	.236	.083	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.153	.306	.459	.611	.764	.917	.978	.941	.911	.887	.850	.823	.803	.775
28	Basic Premium Ratio	.831	.662	.494	.325	.156	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.169	.338	.506	.675	.844	.993	.950	.916	.889	.866	.832	.807	.789	.762
27	Basic Premium Ratio	.812	.624	.436	.249	.061	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.751	.939	.963	.922	.891	.865	.844	.812	.789	.771	.745
26	Basic Premium Ratio	.791	.582	.373	.164	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.209	.418	.627	.836	.985	.935	.898	.868	.844	.825	.794	.772	.755	.731
25	Basic Premium Ratio	.764	.528	.293	.057	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.236	.472	.707	.943	.955	.910	.875	.847	.825	.807	.779	.758	.742	.720
24	Basic Premium Ratio	.730	.461	.191	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.270	.539	.809	.978	.923	.883	.852	.828	.808	.792	.767	.749	.735	.715
23	Basic Premium Ratio	.689	.379	.068	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.311	.621	.932	.944	.895	.859	.832	.811	.793	.779	.757	.741	.728	.711
22	Basic Premium Ratio	.637	.275	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.363	.725	.977	.914	.871	.839	.815	.796	.780	.768	.748	.734	.722	.707
21	Basic Premium Ratio	.566	.133	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.434	.867	.943	.888	.850	.822	.800	.783	.769	.758	.740	.727	.717	.703
20	Basic Premium Ratio	.488	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.512	.992	.913	.864	.829	.804	.784	.769	.756	.746	.730	.719	.710	.698
19	Basic Premium Ratio	.411	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.589	.960	.887	.840	.809	.785	.768	.754	.743	.734	.720	.710	.702	.691
18	Basic Premium Ratio	.305	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.695	.930	.862	.819	.790	.769	.753	.741	.731	.723	.711	.702	.695	.686
17	Basic Premium Ratio	.154	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.846	.901	.839	.801	.775	.756	.741	.730	.721	.714	.703	.696	.690	.682
16	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.984	.875	.819	.784	.761	.744	.731	.721	.713	.707	.697	.691	.686	.679
15	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.952	.852	.801	.770	.749	.734	.722	.714	.707	.701	.693	.687	.683	.677
14	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.938	.836	.783	.757	.740	.727	.717	.709	.703	.698	.691	.685	.681	.676
13	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.922	.819	.764	.745	.731	.720	.712	.705	.700	.695	.688	.684	.680	.675
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.905	.800	.751	.735	.724	.714	.707	.701	.696	.692	.686	.682	.679	.674
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.887	.779	.739	.727	.717	.709	.703	.697	.693	.690	.684	.680	.678	.673
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.866	.755	.729	.719	.710	.704	.698	.694	.690	.687	.682	.679	.676	.673
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.844	.731	.720	.711	.704	.699	.694	.690	.687	.685	.680	.677	.675	.672
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.818	.720	.712	.705	.699	.694	.690	.687	.684	.682	.679	.676	.674	.671

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.788	.711	.704	.699	.694	.690	.687	.684	.682	.680	.677	.674	.673
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.753	.703	.697	.693	.689	.686	.683	.681	.679	.677	.675	.673	.669
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.710	.695	.691	.687	.684	.682	.680	.678	.677	.675	.673	.672	.669

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91903 TABLE IV.

RETROSPECTIVE RATING PLAN A1
 MINIMUM PREMIUM RATIOS
 BASIC PREMIUM RATIO = .052
 LOSS CONVERSION FACTOR = ((-692)) .630
 Effective ((January 1, 1986)) July 1, 1988

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.996	.990	.986	.982	.978	.973	.969	.966	.961	.957	.949	.941	.933	.919
83	.996	.989	.985	.981	.976	.971	.967	.963	.958	.954	.945	.936	.928	.913
82	.995	.989	.984	.979	.974	.969	.964	.960	.955	.950	.941	.932	.924	.908
81	.995	.988	.983	.978	.973	.966	.962	.957	.952	.947	.937	.927	.919	.902
80	.995	.987	.981	.976	.971	.964	.959	.955	.949	.944	.934	.923	.914	.896
79	.994	.986	.980	.975	.969	.962	.957	.952	.946	.940	.930	.919	.909	.891
78	.994	.985	.979	.973	.967	.960	.954	.949	.943	.937	.926	.914	.904	.885
77	.993	.984	.978	.972	.965	.958	.952	.946	.940	.933	.922	.910	.900	.880
76	.993	.984	.977	.970	.964	.956	.949	.943	.937	.930	.918	.905	.895	.874
75	.993	.983	.976	.969	.962	.953	.947	.941	.934	.927	.914	.901	.890	.868
74	.992	.982	.975	.967	.960	.951	.944	.938	.931	.923	.910	.896	.885	.863
73	.992	.981	.973	.966	.958	.949	.942	.935	.928	.920	.906	.892	.880	.857
72	.991	.980	.972	.965	.956	.947	.939	.932	.925	.916	.902	.888	.876	.851
71	.991	.980	.971	.963	.955	.945	.937	.929	.922	.913	.899	.883	.871	.846
70	.991	.979	.970	.962	.953	.942	.934	.927	.919	.910	.895	.879	.866	.840
69	.990	.978	.969	.960	.951	.940	.932	.924	.916	.906	.891	.874	.861	.834
68	.990	.977	.968	.959	.949	.938	.929	.921	.913	.903	.887	.870	.856	.829
67	.989	.976	.967	.957	.948	.936	.927	.918	.910	.899	.883	.866	.851	.823
66	.989	.976	.966	.956	.946	.934	.924	.915	.907	.896	.879	.861	.847	.817
65	.989	.975	.964	.954	.944	.932	.921	.913	.903	.893	.875	.857	.842	.812
64	.988	.974	.963	.953	.942	.929	.919	.910	.900	.889	.871	.852	.837	.806
63	.988	.973	.962	.951	.940	.927	.916	.907	.897	.886	.867	.848	.832	.801
62	.987	.972	.961	.950	.939	.925	.914	.904	.894	.882	.864	.844	.827	.795
61	.987	.971	.960	.948	.937	.923	.911	.901	.891	.879	.860	.839	.823	.789
60	.987	.971	.959	.947	.935	.921	.909	.899	.888	.875	.856	.835	.818	.784
59	.986	.970	.958	.945	.933	.918	.906	.896	.885	.872	.852	.830	.813	.778
58	.986	.969	.957	.944	.931	.916	.904	.893	.882	.869	.848	.826	.808	.772
57	.985	.968	.955	.942	.930	.914	.901	.890	.879	.865	.844	.821	.803	.767
56	.985	.967	.954	.941	.928	.912	.899	.887	.876	.862	.840	.817	.798	.761
55	.985	.967	.953	.940	.926	.910	.896	.885	.873	.859	.836	.813	.794	.757
54	.984	.966	.952	.938	.924	.908	.894	.882	.870	.856	.834	.810	.791	.753
53	.984	.965	.951	.937	.922	.905	.892	.880	.867	.853	.831	.807	.787	.750
52	.983	.964	.950	.935	.921	.903	.890	.878	.864	.851	.828	.804	.784	.746
51	.983	.963	.949	.934	.919	.901	.888	.875	.862	.848	.825	.801	.781	.742
50	.983	.963	.948	.932	.917	.899	.886	.873	.859	.845	.822	.798	.778	.739
49	.982	.962	.946	.931	.915	.897	.883	.871	.857	.843	.819	.795	.774	.735
48	.982	.961	.945	.929	.913	.895	.881	.868	.855	.840	.816	.792	.771	.732
47	.981	.960	.944	.928	.912	.894	.879	.866	.852	.837	.813	.789	.768	.728
46	.981	.959	.943	.926	.910	.892	.877	.863	.850	.835	.810	.786	.765	.725
45	.981	.958	.942	.925	.909	.890	.875	.861	.847	.832	.807	.783	.761	.721
44	.980	.958	.941	.923	.907	.888	.873	.859	.845	.829	.804	.780	.758	.718
43	.980	.957	.940	.922	.905	.886	.871	.856	.843	.827	.801	.777	.755	.714

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
42	.980	.956	.939	.921	.904	.884	.869	.854	.840	.824	.798	.774	.752	.710
41	.979	.956	.937	.919	.902	.882	.867	.852	.838	.821	.796	.771	.748	.707
40	.979	.955	.936	.918	.901	.881	.865	.849	.835	.819	.793	.768	.745	.703
39	.979	.954	.935	.916	.899	.879	.863	.847	.833	.816	.790	.765	.742	.700
38	.978	.954	.934	.915	.897	.877	.860	.845	.831	.813	.787	.762	.739	.696
37	.978	.953	.933	.914	.896	.875	.858	.842	.828	.811	.784	.759	.735	.693
36	.978	.952	.932	.912	.894	.873	.856	.840	.826	.808	.781	.756	.732	.689
35	.978	.951	.930	.911	.892	.871	.854	.838	.824	.806	.779	.754	.730	.687
34	.977	.950	.929	.909	.891	.870	.852	.836	.822	.804	.777	.752	.728	.686
33	.977	.950	.928	.908	.889	.868	.850	.834	.820	.802	.775	.750	.726	.684
32	.976	.949	.927	.906	.887	.866	.848	.832	.818	.799	.772	.748	.724	.682
31	.976	.948	.926	.905	.886	.865	.847	.830	.816	.797	.770	.746	.722	.681
30	.975	.947	.925	.904	.884	.863	.845	.828	.814	.795	.768	.744	.719	.679
29	.975	.946	.924	.902	.882	.861	.843	.826	.812	.793	.766	.742	.717	.677
28	.974	.946	.923	.901	.881	.859	.841	.824	.810	.791	.764	.740	.715	.675
27	.974	.945	.922	.899	.879	.858	.839	.822	.808	.789	.762	.738	.713	.674
26	.974	.944	.921	.898	.878	.856	.837	.821	.806	.787	.760	.736	.711	.672
25	.973	.943	.919	.897	.876	.854	.835	.819	.803	.784	.757	.733	.709	.670
24	.973	.942	.918	.895	.874	.853	.833	.817	.801	.782	.755	.731	.707	.669
23	.972	.942	.917	.894	.873	.851	.831	.815	.799	.780	.753	.729	.705	.667
22	.972	.941	.916	.892	.871	.849	.829	.813	.797	.778	.751	.727	.703	.665
21	.971	.940	.915	.891	.869	.848	.828	.811	.795	.776	.749	.725	.701	.664
20	.971	.939	.914	.890	.868	.846	.826	.809	.793	.774	.747	.723	.698	.662
19	.970	.938	.913	.888	.866	.844	.824	.807	.791	.771	.744	.721	.696	.660
18	.970	.938	.912	.887	.864	.842	.822	.805	.789	.769	.742	.719	.694	.658
17	.969	.937	.911	.885	.863	.841	.820	.803	.787	.767	.740	.717	.692	.657
16	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
15	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
14	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
13	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
12	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
11	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
10	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
9	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
8	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
7	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
6	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
5	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91904 TABLE V.

**RETROSPECTIVE RATING PLAN A2
MINIMUM PREMIUM RATIOS
AND BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = ((-692)) .630
Effective ((January 1, 1986)) July 1, 1988**

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
84	Basic Premium Ratio	.514	.504	.497	.491	.485	.481	.477	.474	.470	.467	.461	.455	.450	.441
	Minimum Premium Ratio	.994	.986	.981	.975	.969	.964	.960	.955	.951	.944	.936	.927	.918	.902
83	Basic Premium Ratio	.513	.503	.495	.488	.482	.477	.473	.469	.466	.462	.456	.450	.445	.435
	Minimum Premium Ratio	.993	.985	.979	.973	.967	.962	.957	.951	.947	.940	.931	.921	.912	.894
82	Basic Premium Ratio	.512	.501	.492	.485	.479	.474	.469	.466	.461	.458	.451	.445	.440	.429
	Minimum Premium Ratio	.993	.984	.978	.971	.964	.959	.953	.947	.943	.936	.926	.916	.906	.887
81	Basic Premium Ratio	.510	.499	.489	.483	.476	.471	.465	.461	.457	.453	.446	.440	.434	.424
	Minimum Premium Ratio	.992	.983	.976	.969	.962	.956	.950	.944	.939	.931	.921	.910	.899	.880

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
80	Basic Premium Ratio	.509	.496	.487	.479	.472	.467	.461	.457	.453	.449	.441	.435	.429	.417
	Minimum Premium Ratio	.991	.982	.975	.967	.959	.953	.947	.940	.935	.927	.916	.904	.893	.873
79	Basic Premium Ratio	.508	.495	.484	.476	.468	.463	.458	.453	.448	.444	.437	.430	.423	.411
	Minimum Premium Ratio	.990	.981	.973	.965	.957	.950	.943	.936	.930	.923	.911	.898	.887	.865
78	Basic Premium Ratio	.505	.492	.482	.474	.466	.459	.454	.449	.444	.440	.432	.425	.418	.405
	Minimum Premium Ratio	.990	.980	.972	.963	.955	.947	.940	.933	.926	.919	.906	.893	.881	.858
77	Basic Premium Ratio	.505	.491	.479	.470	.463	.457	.450	.446	.440	.436	.427	.420	.412	.399
	Minimum Premium Ratio	.989	.979	.970	.960	.952	.944	.936	.929	.922	.914	.901	.887	.875	.851
76	Basic Premium Ratio	.504	.490	.477	.468	.459	.453	.446	.441	.435	.431	.422	.413	.406	.393
	Minimum Premium Ratio	.988	.978	.969	.958	.950	.941	.933	.926	.918	.910	.896	.881	.869	.844
75	Basic Premium Ratio	.503	.486	.474	.465	.456	.449	.441	.436	.431	.426	.417	.408	.401	.386
	Minimum Premium Ratio	.988	.977	.967	.956	.947	.938	.929	.922	.914	.906	.891	.876	.865	.836
74	Basic Premium Ratio	.500	.485	.472	.461	.452	.445	.438	.432	.426	.421	.411	.403	.395	.380
	Minimum Premium Ratio	.987	.976	.966	.954	.945	.935	.926	.918	.910	.901	.886	.870	.856	.829
73	Basic Premium Ratio	.499	.482	.469	.458	.449	.441	.434	.428	.421	.417	.406	.398	.389	.374
	Minimum Premium Ratio	.986	.975	.964	.952	.942	.933	.923	.915	.906	.897	.881	.864	.850	.822
72	Basic Premium Ratio	.498	.480	.465	.455	.446	.438	.431	.423	.418	.412	.401	.392	.383	.367
	Minimum Premium Ratio	.985	.974	.963	.950	.940	.930	.919	.911	.901	.893	.875	.858	.844	.814
71	Basic Premium Ratio	.495	.477	.463	.451	.442	.433	.426	.419	.412	.407	.396	.387	.377	.360
	Minimum Premium Ratio	.985	.972	.961	.948	.937	.927	.915	.907	.896	.888	.869	.852	.837	.806
70	Basic Premium Ratio	.494	.476	.460	.448	.438	.430	.421	.414	.407	.402	.391	.380	.371	.353
	Minimum Premium Ratio	.984	.971	.959	.945	.934	.923	.911	.903	.891	.882	.863	.845	.830	.799
69	Basic Premium Ratio	.494	.472	.456	.445	.434	.425	.417	.410	.403	.396	.385	.375	.365	.347
	Minimum Premium Ratio	.983	.969	.956	.943	.931	.919	.907	.898	.886	.877	.857	.839	.823	.791
68	Basic Premium Ratio	.490	.468	.454	.441	.430	.421	.412	.404	.397	.392	.380	.368	.358	.340
	Minimum Premium Ratio	.983	.968	.954	.940	.928	.916	.903	.893	.881	.872	.851	.833	.816	.783
67	Basic Premium Ratio	.489	.467	.450	.437	.425	.416	.408	.400	.392	.386	.373	.363	.352	.334
	Minimum Premium Ratio	.982	.966	.952	.937	.924	.912	.899	.889	.876	.866	.845	.826	.809	.775
66	Basic Premium Ratio	.485	.463	.446	.433	.421	.412	.403	.395	.387	.381	.367	.357	.346	.327
	Minimum Premium Ratio	.981	.965	.950	.934	.921	.908	.895	.884	.871	.861	.840	.820	.802	.767
65	Basic Premium Ratio	.485	.461	.444	.429	.418	.407	.398	.390	.382	.375	.362	.350	.340	.321
	Minimum Premium Ratio	.980	.963	.948	.931	.918	.904	.891	.879	.866	.856	.834	.814	.795	.759
64	Basic Premium Ratio	.481	.458	.440	.426	.414	.403	.394	.385	.377	.369	.357	.344	.333	.314
	Minimum Premium Ratio	.979	.961	.946	.928	.915	.900	.887	.874	.861	.850	.828	.807	.788	.751
63	Basic Premium Ratio	.480	.454	.436	.421	.409	.398	.388	.380	.372	.364	.351	.338	.328	.307
	Minimum Premium Ratio	.979	.960	.943	.926	.912	.896	.883	.870	.856	.845	.822	.801	.781	.744
62	Basic Premium Ratio	.476	.452	.431	.418	.404	.393	.384	.375	.367	.359	.344	.331	.321	.301
	Minimum Premium Ratio	.978	.958	.941	.923	.908	.893	.879	.865	.851	.840	.816	.795	.774	.736
61	Basic Premium Ratio	.475	.448	.430	.413	.400	.388	.378	.370	.361	.353	.339	.326	.314	.294
	Minimum Premium Ratio	.977	.957	.939	.920	.905	.889	.875	.860	.846	.834	.810	.788	.767	.728
60	Basic Premium Ratio	.471	.444	.425	.409	.395	.383	.374	.363	.355	.347	.332	.319	.307	.286
	Minimum Premium Ratio	.976	.955	.937	.917	.902	.885	.871	.856	.841	.829	.804	.782	.760	.720
59	Basic Premium Ratio	.470	.443	.421	.404	.391	.379	.368	.358	.349	.341	.325	.312	.301	.279
	Minimum Premium Ratio	.975	.954	.935	.914	.899	.881	.867	.851	.836	.823	.798	.775	.753	.712
58	Basic Premium Ratio	.467	.439	.417	.400	.386	.374	.363	.352	.344	.335	.320	.306	.294	.273
	Minimum Premium Ratio	.974	.952	.933	.911	.895	.877	.863	.846	.831	.818	.793	.769	.746	.704
57	Basic Premium Ratio	.466	.435	.412	.395	.381	.368	.357	.347	.338	.330	.313	.299	.287	.266
	Minimum Premium Ratio	.973	.951	.930	.908	.892	.873	.859	.842	.826	.813	.787	.763	.739	.696
56	Basic Premium Ratio	.462	.433	.408	.391	.376	.363	.351	.342	.331	.322	.307	.293	.281	.259
	Minimum Premium Ratio	.972	.949	.928	.905	.888	.869	.855	.837	.821	.807	.781	.756	.732	.689
55	Basic Premium Ratio	.458	.429	.403	.385	.371	.358	.346	.336	.325	.316	.300	.287	.274	.253
	Minimum Premium Ratio	.972	.947	.925	.903	.885	.866	.851	.832	.816	.802	.775	.750	.725	.681
54	Basic Premium Ratio	.456	.424	.399	.381	.366	.353	.340	.329	.320	.311	.294	.280	.267	.246
	Minimum Premium Ratio	.971	.946	.923	.900	.881	.862	.847	.827	.811	.797	.769	.744	.718	.676
53	Basic Premium Ratio	.452	.419	.394	.376	.359	.346	.335	.323	.312	.303	.287	.274	.261	.240
	Minimum Premium Ratio	.969	.944	.920	.897	.878	.858	.843	.823	.807	.792	.764	.739	.713	.671

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
52	Basic Premium Ratio	.447	.415	.389	.370	.354	.340	.328	.318	.307	.298	.281	.266	.255	.234
	Minimum Premium Ratio	.968	.942	.918	.894	.874	.855	.839	.818	.803	.787	.759	.734	.708	.666
51	Basic Premium Ratio	.443	.410	.384	.365	.349	.335	.322	.310	.301	.292	.275	.260	.248	.227
	Minimum Premium Ratio	.966	.940	.915	.891	.871	.851	.834	.814	.798	.783	.755	.729	.704	.662
50	Basic Premium Ratio	.439	.405	.379	.360	.343	.329	.316	.304	.293	.285	.268	.254	.241	.221
	Minimum Premium Ratio	.965	.938	.913	.888	.867	.847	.830	.810	.794	.778	.750	.724	.699	.657
49	Basic Premium Ratio	.437	.401	.374	.355	.338	.322	.309	.298	.287	.278	.261	.247	.235	.215
	Minimum Premium Ratio	.964	.935	.910	.885	.863	.844	.826	.805	.790	.774	.745	.719	.694	.652
48	Basic Premium Ratio	.433	.396	.369	.348	.330	.316	.303	.291	.281	.271	.255	.241	.229	.208
	Minimum Premium Ratio	.962	.933	.908	.883	.860	.840	.822	.801	.786	.770	.741	.714	.689	.647
47	Basic Premium Ratio	.428	.391	.364	.342	.324	.310	.297	.285	.274	.265	.248	.235	.221	.202
	Minimum Premium Ratio	.961	.931	.905	.880	.856	.837	.818	.797	.781	.765	.736	.710	.684	.642
46	Basic Premium Ratio	.424	.386	.358	.336	.319	.303	.289	.277	.267	.258	.242	.228	.216	.197
	Minimum Premium Ratio	.959	.929	.903	.877	.853	.833	.814	.793	.777	.761	.732	.705	.680	.637
45	Basic Premium Ratio	.419	.381	.350	.329	.311	.296	.283	.271	.260	.251	.235	.222	.211	.192
	Minimum Premium Ratio	.958	.927	.900	.874	.849	.829	.810	.789	.773	.756	.727	.700	.675	.632
44	Basic Premium Ratio	.414	.373	.345	.323	.304	.288	.276	.265	.254	.245	.229	.216	.205	.186
	Minimum Premium Ratio	.957	.925	.898	.871	.846	.826	.806	.785	.768	.752	.723	.695	.670	.627
43	Basic Premium Ratio	.409	.367	.337	.315	.297	.282	.269	.257	.248	.239	.223	.210	.200	.182
	Minimum Premium Ratio	.955	.923	.896	.868	.842	.822	.802	.780	.764	.748	.718	.690	.665	.622
42	Basic Premium Ratio	.405	.362	.331	.309	.291	.275	.262	.251	.240	.232	.216	.203	.193	.175
	Minimum Premium Ratio	.954	.921	.893	.865	.839	.819	.798	.776	.760	.743	.714	.685	.661	.617
41	Basic Premium Ratio	.400	.357	.326	.303	.283	.269	.256	.244	.234	.225	.210	.197	.186	.169
	Minimum Premium Ratio	.952	.919	.891	.863	.835	.815	.794	.772	.756	.739	.709	.680	.656	.612
40	Basic Premium Ratio	.395	.349	.321	.295	.277	.263	.249	.238	.227	.219	.203	.190	.179	.163
	Minimum Premium Ratio	.951	.916	.888	.860	.832	.812	.790	.768	.751	.734	.705	.676	.651	.607
39	Basic Premium Ratio	.390	.344	.312	.290	.271	.255	.242	.230	.221	.212	.196	.184	.174	.157
	Minimum Premium Ratio	.950	.914	.886	.857	.828	.808	.786	.764	.747	.730	.700	.671	.646	.603
38	Basic Premium Ratio	.385	.339	.307	.282	.263	.249	.236	.223	.214	.204	.190	.178	.167	.151
	Minimum Premium Ratio	.948	.912	.883	.854	.825	.804	.782	.760	.743	.726	.695	.666	.641	.598
37	Basic Premium Ratio	.376	.330	.298	.276	.257	.241	.228	.216	.207	.198	.183	.171	.161	.146
	Minimum Premium Ratio	.947	.910	.881	.851	.821	.801	.778	.755	.738	.721	.691	.661	.637	.593
36	Basic Premium Ratio	.371	.324	.293	.267	.249	.235	.221	.210	.201	.192	.177	.166	.155	.140
	Minimum Premium Ratio	.945	.908	.879	.848	.819	.797	.775	.751	.736	.717	.686	.658	.632	.588
35	Basic Premium Ratio	.362	.315	.284	.261	.240	.226	.214	.203	.193	.184	.171	.159	.150	.135
	Minimum Premium Ratio	.945	.906	.878	.847	.818	.796	.774	.750	.735	.716	.685	.658	.631	.587
34	Basic Premium Ratio	.353	.306	.275	.252	.234	.220	.207	.196	.187	.179	.164	.154	.144	.130
	Minimum Premium Ratio	.944	.904	.876	.846	.817	.795	.773	.749	.734	.715	.684	.657	.631	.588
33	Basic Premium Ratio	.347	.297	.268	.243	.226	.212	.199	.189	.179	.171	.158	.148	.139	.125
	Minimum Premium Ratio	.944	.904	.875	.844	.816	.794	.772	.748	.733	.715	.684	.657	.631	.588
32	Basic Premium Ratio	.338	.288	.259	.237	.219	.204	.193	.182	.173	.166	.153	.142	.134	.121
	Minimum Premium Ratio	.943	.903	.874	.843	.815	.793	.771	.747	.732	.714	.684	.657	.632	.589
31	Basic Premium Ratio	.329	.282	.251	.229	.211	.197	.185	.176	.167	.160	.148	.137	.130	.117
	Minimum Premium Ratio	.943	.903	.873	.842	.814	.792	.769	.746	.731	.714	.683	.656	.632	.590
30	Basic Premium Ratio	.319	.273	.242	.220	.205	.191	.179	.169	.160	.154	.141	.132	.125	.113
	Minimum Premium Ratio	.942	.902	.872	.840	.813	.791	.768	.745	.730	.713	.683	.656	.632	.591
29	Basic Premium Ratio	.310	.264	.235	.213	.196	.183	.172	.163	.155	.148	.136	.128	.121	.110
	Minimum Premium Ratio	.942	.902	.870	.839	.812	.790	.767	.744	.729	.713	.683	.656	.632	.591
28	Basic Premium Ratio	.301	.255	.227	.205	.188	.177	.166	.157	.148	.141	.130	.122	.115	.103
	Minimum Premium Ratio	.941	.901	.869	.838	.811	.789	.766	.743	.728	.712	.682	.655	.632	.592
27	Basic Premium Ratio	.295	.248	.218	.199	.182	.169	.157	.148	.141	.134	.123	.114	.106	.095
	Minimum Premium Ratio	.941	.900	.868	.837	.810	.788	.765	.742	.727	.712	.682	.665	.632	.593
26	Basic Premium Ratio	.286	.240	.212	.191	.174	.161	.151	.140	.134	.127	.115	.107	.099	.088
	Minimum Premium Ratio	.940	.900	.867	.835	.809	.787	.764	.741	.726	.712	.682	.655	.632	.593
25	Basic Premium Ratio	.276	.230	.203	.182	.167	.154	.143	.134	.126	.119	.109	.100	.093	.083
	Minimum Premium Ratio	.940	.899	.866	.834	.808	.786	.763	.740	.725	.711	.682	.654	.632	.594

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
24	Basic Premium Ratio	.266	.221	.194	.175	.159	.147	.137	.129	.121	.114	.105	.097	.090	.080
	Minimum Premium Ratio	.939	.899	.865	.833	.807	.785	.762	.739	.724	.711	.681	.654	.632	.595
23	Basic Premium Ratio	.253	.212	.185	.166	.153	.141	.131	.123	.116	.110	.101	.093	.087	.078
	Minimum Premium Ratio	.939	.898	.863	.831	.806	.784	.761	.738	.723	.710	.681	.654	.633	.596
22	Basic Premium Ratio	.244	.202	.176	.158	.145	.134	.124	.118	.112	.106	.097	.090	.084	.076
	Minimum Premium Ratio	.939	.898	.862	.830	.805	.783	.760	.737	.722	.710	.681	.653	.633	.596
21	Basic Premium Ratio	.230	.193	.169	.152	.139	.128	.119	.112	.107	.102	.093	.087	.082	.075
	Minimum Premium Ratio	.935	.897	.861	.829	.804	.782	.759	.736	.721	.709	.680	.653	.633	.597
20	Basic Premium Ratio	.220	.183	.160	.143	.131	.121	.113	.107	.102	.097	.089	.083	.079	.072
	Minimum Premium Ratio	.930	.896	.860	.828	.803	.781	.758	.735	.720	.709	.680	.653	.633	.598
19	Basic Premium Ratio	.215	.177	.152	.137	.124	.115	.107	.101	.096	.092	.084	.079	.075	.068
	Minimum Premium Ratio	.924	.891	.859	.826	.802	.780	.757	.734	.719	.708	.680	.652	.633	.599
18	Basic Premium Ratio	.205	.168	.145	.129	.117	.108	.100	.095	.090	.086	.079	.075	.071	.066
	Minimum Premium Ratio	.919	.887	.858	.825	.801	.779	.756	.733	.718	.708	.679	.652	.633	.599
17	Basic Premium Ratio	.196	.159	.137	.121	.111	.102	.095	.090	.085	.081	.075	.071	.068	.063
	Minimum Premium Ratio	.913	.882	.853	.824	.800	.778	.755	.732	.717	.708	.679	.652	.633	.599
16	Basic Premium Ratio	.186	.150	.128	.114	.103	.095	.090	.085	.080	.077	.072	.068	.065	.061
	Minimum Premium Ratio	.908	.877	.849	.822	.799	.777	.754	.731	.716	.707	.679	.651	.633	.599
15	Basic Premium Ratio	.176	.141	.121	.108	.098	.090	.085	.080	.077	.074	.069	.066	.063	.059
	Minimum Premium Ratio	.902	.872	.845	.820	.798	.776	.753	.730	.715	.707	.678	.651	.633	.599
14	Basic Premium Ratio	.172	.135	.113	.103	.093	.088	.082	.078	.075	.072	.068	.065	.062	.059
	Minimum Premium Ratio	.897	.868	.841	.817	.795	.774	.752	.729	.714	.706	.678	.651	.634	.598
13	Basic Premium Ratio	.164	.126	.108	.097	.091	.084	.080	.076	.073	.070	.067	.064	.062	.058
	Minimum Premium Ratio	.892	.863	.837	.813	.791	.771	.751	.728	.713	.706	.678	.650	.634	.598
12	Basic Premium Ratio	.158	.117	.102	.094	.087	.082	.077	.074	.071	.069	.066	.063	.061	.058
	Minimum Premium Ratio	.886	.858	.833	.810	.788	.769	.749	.727	.712	.705	.677	.650	.633	.597
11	Basic Premium Ratio	.149	.107	.095	.089	.083	.079	.075	.072	.069	.068	.064	.062	.060	.057
	Minimum Premium Ratio	.881	.853	.829	.806	.785	.766	.748	.726	.711	.705	.676	.650	.632	.597
10	Basic Premium Ratio	.144	.100	.091	.085	.080	.075	.073	.070	.068	.066	.063	.061	.059	.057
	Minimum Premium Ratio	.875	.849	.825	.802	.782	.763	.746	.725	.710	.704	.675	.650	.632	.597
9	Basic Premium Ratio	.134	.093	.086	.081	.077	.073	.070	.068	.066	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.870	.844	.820	.799	.779	.761	.744	.724	.709	.704	.674	.649	.631	.596
8	Basic Premium Ratio	.121	.087	.082	.077	.074	.070	.068	.066	.065	.063	.061	.059	.058	.056
	Minimum Premium Ratio	.864	.839	.816	.795	.776	.758	.741	.723	.708	.704	.673	.649	.630	.596
7	Basic Premium Ratio	.106	.082	.077	.074	.070	.068	.066	.064	.063	.062	.060	.058	.057	.056
	Minimum Premium Ratio	.859	.834	.812	.792	.773	.755	.739	.722	.707	.703	.671	.649	.630	.596
6	Basic Premium Ratio	.092	.077	.074	.070	.068	.066	.064	.063	.061	.060	.058	.057	.057	.055
	Minimum Premium Ratio	.853	.830	.808	.788	.770	.753	.737	.721	.706	.695	.670	.648	.629	.595
5	Basic Premium Ratio	.092	.073	.070	.067	.065	.064	.062	.061	.060	.059	.057	.057	.056	.055
	Minimum Premium Ratio	.848	.825	.804	.785	.767	.750	.734	.720	.705	.693	.669	.648	.629	.595

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91905 TABLE VI.

RETROSPECTIVE RATING PLAN A3
 MINIMUM PREMIUM RATIOS
 AND BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = ((-692)) .630
 Effective ((January 1, 1986)) July 1, 1988

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84 Basic Premium Ratio	.820	.813	.793	.783	.777	.766	.759	.732	.736	.727	.722	.706	.694	.673
84 Minimum Premium Ratio	.986	.973	.964	.956	.948	.942	.935	.931	.924	.919	.909	.900	.891	.874
83 Basic Premium Ratio	.820	.812	.790	.780	.772	.760	.753	.728	.730	.721	.715	.698	.685	.663
83 Minimum Premium Ratio	.985	.972	.962	.953	.944	.937	.931	.925	.919	.913	.903	.892	.883	.865
82 Basic Premium Ratio	.820	.810	.788	.776	.767	.755	.747	.724	.724	.715	.707	.690	.677	.653
82 Minimum Premium Ratio	.984	.970	.958	.949	.940	.932	.925	.920	.913	.907	.896	.885	.876	.857
81 Basic Premium Ratio	.820	.808	.786	.772	.763	.750	.742	.720	.718	.709	.699	.683	.668	.643
81 Minimum Premium Ratio	.981	.967	.954	.946	.936	.928	.920	.913	.907	.901	.889	.878	.868	.849
80 Basic Premium Ratio	.820	.806	.783	.768	.758	.745	.736	.716	.712	.703	.692	.675	.659	.633
80 Minimum Premium Ratio	.981	.964	.951	.941	.931	.923	.915	.909	.901	.895	.882	.871	.860	.839
79 Basic Premium Ratio	.820	.804	.781	.765	.753	.739	.730	.712	.706	.697	.684	.667	.651	.622
79 Minimum Premium Ratio	.979	.962	.948	.938	.927	.918	.910	.903	.895	.888	.876	.864	.852	.831
78 Basic Premium Ratio	.820	.803	.779	.761	.749	.734	.725	.708	.700	.691	.677	.659	.642	.612
78 Minimum Premium Ratio	.976	.959	.945	.934	.924	.913	.905	.897	.890	.882	.869	.856	.844	.821
77 Basic Premium Ratio	.820	.801	.776	.757	.744	.729	.719	.704	.694	.684	.669	.651	.633	.602
77 Minimum Premium Ratio	.975	.957	.942	.930	.919	.910	.900	.893	.884	.876	.862	.849	.836	.813
76 Basic Premium Ratio	.820	.799	.774	.754	.740	.724	.713	.700	.688	.678	.661	.644	.625	.592
76 Minimum Premium Ratio	.974	.956	.940	.927	.915	.905	.895	.886	.878	.870	.855	.840	.828	.804
75 Basic Premium Ratio	.820	.797	.772	.750	.735	.718	.707	.696	.682	.672	.654	.636	.616	.582
75 Minimum Premium Ratio	.974	.952	.936	.923	.911	.899	.889	.881	.872	.863	.848	.833	.820	.794
74 Basic Premium Ratio	.820	.795	.769	.746	.730	.713	.702	.692	.676	.666	.646	.628	.607	.572
74 Minimum Premium Ratio	.970	.950	.934	.918	.906	.894	.884	.875	.866	.857	.840	.825	.811	.786
73 Basic Premium Ratio	.820	.794	.767	.743	.726	.708	.696	.688	.670	.660	.638	.620	.599	.562
73 Minimum Premium Ratio	.969	.946	.929	.915	.902	.889	.879	.869	.859	.851	.833	.818	.803	.776
72 Basic Premium Ratio	.820	.792	.765	.739	.721	.703	.690	.684	.664	.654	.631	.613	.590	.552
72 Minimum Premium Ratio	.968	.944	.925	.912	.898	.886	.874	.863	.854	.844	.826	.810	.795	.767
71 Basic Premium Ratio	.820	.790	.759	.734	.715	.697	.682	.674	.655	.645	.620	.602	.578	.540
71 Minimum Premium Ratio	.965	.941	.923	.907	.893	.880	.868	.857	.847	.837	.819	.802	.786	.757
70 Basic Premium Ratio	.820	.788	.752	.729	.709	.690	.674	.665	.647	.636	.609	.591	.567	.529
70 Minimum Premium Ratio	.964	.939	.919	.903	.889	.875	.862	.852	.841	.831	.812	.793	.778	.747
69 Basic Premium Ratio	.820	.785	.746	.723	.703	.684	.666	.655	.638	.626	.598	.579	.555	.517
69 Minimum Premium Ratio	.963	.935	.914	.899	.883	.869	.857	.846	.835	.823	.804	.786	.770	.738
68 Basic Premium Ratio	.820	.783	.739	.718	.697	.677	.658	.645	.629	.617	.587	.568	.543	.505
68 Minimum Premium Ratio	.959	.931	.912	.894	.878	.864	.851	.839	.828	.817	.797	.777	.760	.729
67 Basic Premium Ratio	.820	.779	.736	.712	.690	.670	.651	.636	.621	.608	.577	.558	.533	.495
67 Minimum Premium Ratio	.957	.929	.907	.889	.873	.858	.845	.833	.821	.810	.789	.770	.752	.719
66 Basic Premium Ratio	.820	.776	.732	.707	.682	.663	.643	.628	.613	.599	.568	.548	.523	.485
66 Minimum Premium Ratio	.954	.925	.903	.885	.868	.853	.839	.826	.814	.803	.781	.761	.744	.709
65 Basic Premium Ratio	.820	.772	.729	.701	.675	.655	.636	.619	.604	.590	.558	.537	.513	.475
65 Minimum Premium Ratio	.953	.923	.900	.880	.864	.847	.833	.821	.808	.796	.773	.753	.735	.701
64 Basic Premium Ratio	.820	.768	.725	.695	.667	.648	.628	.610	.596	.581	.548	.527	.503	.465
64 Minimum Premium Ratio	.949	.919	.895	.877	.859	.841	.827	.814	.801	.788	.766	.744	.726	.691
63 Basic Premium Ratio	.820	.764	.719	.690	.661	.641	.620	.601	.586	.571	.538	.517	.492	.454
63 Minimum Premium Ratio	.948	.914	.891	.871	.853	.835	.820	.807	.794	.781	.758	.736	.718	.682
62 Basic Premium Ratio	.820	.759	.714	.684	.656	.634	.612	.592	.576	.562	.529	.507	.482	.444
62 Minimum Premium Ratio	.944	.912	.886	.867	.848	.830	.815	.801	.788	.774	.750	.727	.708	.672

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
61	Basic Premium Ratio	.820	.755	.708	.679	.650	.627	.603	.582	.566	.552	.519	.496	.471	.433
	Minimum Premium Ratio	.943	.908	.884	.861	.843	.824	.808	.794	.781	.767	.743	.719	.699	.662
60	Basic Premium Ratio	.820	.750	.702	.673	.644	.620	.595	.573	.556	.542	.509	.486	.460	.422
	Minimum Premium Ratio	.939	.904	.879	.856	.837	.818	.802	.787	.773	.758	.734	.710	.690	.652
59	Basic Premium Ratio	.813	.743	.696	.664	.635	.611	.586	.564	.546	.532	.499	.475	.449	.411
	Minimum Premium Ratio	.937	.902	.874	.851	.832	.812	.795	.780	.766	.751	.725	.701	.681	.642
58	Basic Premium Ratio	.806	.737	.690	.655	.626	.602	.577	.555	.537	.522	.489	.464	.439	.401
	Minimum Premium Ratio	.934	.898	.869	.846	.825	.806	.789	.773	.759	.743	.718	.693	.672	.633
57	Basic Premium Ratio	.798	.730	.684	.645	.617	.593	.568	.545	.527	.511	.479	.452	.428	.390
	Minimum Premium Ratio	.932	.893	.864	.840	.820	.799	.781	.766	.752	.736	.709	.684	.663	.624
56	Basic Premium Ratio	.791	.723	.678	.636	.608	.584	.559	.536	.517	.501	.469	.441	.417	.379
	Minimum Premium Ratio	.928	.890	.859	.835	.814	.793	.775	.759	.743	.727	.701	.676	.654	.614
55	Basic Premium Ratio	.788	.717	.672	.629	.600	.575	.550	.526	.507	.491	.459	.432	.408	.370
	Minimum Premium Ratio	.924	.886	.854	.829	.808	.787	.768	.753	.736	.720	.692	.667	.645	.606
54	Basic Premium Ratio	.785	.710	.665	.623	.592	.566	.541	.517	.498	.481	.449	.423	.398	.361
	Minimum Premium Ratio	.922	.881	.849	.824	.802	.781	.761	.744	.729	.713	.685	.659	.637	.597
53	Basic Premium Ratio	.782	.704	.659	.616	.584	.556	.532	.507	.488	.470	.439	.413	.389	.352
	Minimum Premium Ratio	.918	.876	.844	.818	.794	.772	.755	.737	.720	.704	.677	.651	.629	.589
52	Basic Premium Ratio	.779	.697	.652	.609	.576	.547	.523	.497	.478	.460	.429	.404	.379	.343
	Minimum Premium Ratio	.913	.871	.838	.812	.789	.766	.747	.731	.713	.697	.669	.642	.621	.581
51	Basic Premium Ratio	.774	.691	.644	.600	.566	.537	.513	.487	.467	.450	.419	.394	.369	.333
	Minimum Premium Ratio	.908	.865	.833	.806	.782	.759	.740	.722	.706	.690	.662	.635	.613	.572
50	Basic Premium Ratio	.769	.685	.636	.591	.556	.527	.502	.477	.457	.440	.408	.383	.359	.323
	Minimum Premium Ratio	.904	.861	.827	.800	.775	.753	.733	.715	.697	.681	.653	.627	.604	.564
49	Basic Premium Ratio	.763	.678	.627	.582	.546	.517	.492	.466	.446	.429	.398	.373	.349	.312
	Minimum Premium Ratio	.902	.856	.821	.795	.769	.744	.724	.708	.690	.673	.645	.619	.596	.556
48	Basic Premium Ratio	.758	.672	.619	.573	.536	.507	.481	.456	.435	.419	.387	.362	.339	.302
	Minimum Premium Ratio	.898	.850	.815	.786	.761	.737	.717	.699	.683	.665	.637	.611	.588	.548
47	Basic Premium Ratio	.749	.663	.607	.562	.525	.496	.470	.445	.424	.408	.377	.353	.330	.295
	Minimum Premium Ratio	.892	.845	.810	.780	.754	.731	.710	.692	.674	.657	.629	.603	.579	.540
46	Basic Premium Ratio	.740	.654	.595	.550	.513	.485	.459	.434	.414	.398	.367	.343	.321	.287
	Minimum Premium Ratio	.888	.839	.804	.773	.748	.723	.702	.683	.666	.650	.621	.595	.572	.533
45	Basic Premium Ratio	.731	.645	.583	.539	.502	.474	.448	.422	.403	.387	.357	.334	.312	.280
	Minimum Premium Ratio	.884	.834	.795	.765	.739	.715	.695	.676	.657	.641	.612	.587	.565	.526
44	Basic Premium Ratio	.722	.636	.571	.527	.490	.463	.437	.411	.392	.376	.347	.324	.303	.272
	Minimum Premium Ratio	.878	.826	.790	.758	.732	.706	.686	.669	.650	.633	.605	.580	.558	.519
43	Basic Premium Ratio	.714	.626	.561	.517	.479	.451	.426	.401	.382	.365	.337	.314	.293	.263
	Minimum Premium Ratio	.873	.820	.781	.750	.723	.699	.679	.659	.643	.627	.598	.572	.551	.513
42	Basic Premium Ratio	.705	.615	.551	.507	.467	.440	.414	.390	.371	.355	.327	.304	.284	.253
	Minimum Premium Ratio	.869	.814	.775	.743	.717	.691	.670	.652	.634	.618	.589	.564	.543	.504
41	Basic Premium Ratio	.697	.605	.540	.496	.456	.428	.403	.380	.361	.344	.316	.294	.274	.244
	Minimum Premium Ratio	.863	.809	.769	.737	.708	.684	.663	.644	.627	.610	.582	.557	.534	.496
40	Basic Premium Ratio	.688	.594	.530	.486	.444	.416	.391	.369	.350	.333	.306	.284	.264	.234
	Minimum Premium Ratio	.858	.800	.763	.728	.702	.677	.656	.636	.618	.603	.574	.548	.526	.489
39	Basic Premium Ratio	.677	.583	.519	.475	.434	.406	.380	.359	.340	.323	.296	.274	.255	.226
	Minimum Premium Ratio	.853	.795	.754	.722	.695	.668	.647	.628	.611	.594	.565	.541	.519	.481
38	Basic Premium Ratio	.666	.573	.508	.464	.424	.395	.370	.348	.329	.313	.286	.264	.246	.218
	Minimum Premium Ratio	.848	.790	.748	.713	.686	.661	.640	.620	.604	.585	.558	.533	.511	.473
37	Basic Premium Ratio	.654	.562	.497	.453	.413	.385	.359	.338	.319	.302	.276	.254	.237	.209
	Minimum Premium Ratio	.839	.781	.739	.707	.679	.652	.631	.611	.595	.577	.549	.525	.503	.466
36	Basic Premium Ratio	.643	.551	.486	.442	.403	.374	.348	.327	.308	.292	.266	.244	.228	.201
	Minimum Premium Ratio	.834	.774	.733	.697	.670	.645	.623	.604	.588	.570	.541	.518	.495	.458
35	Basic Premium Ratio	.631	.538	.473	.429	.392	.363	.338	.317	.299	.283	.257	.236	.220	.194
	Minimum Premium Ratio	.825	.765	.723	.690	.660	.636	.615	.596	.579	.561	.534	.510	.489	.452
34	Basic Premium Ratio	.618	.525	.461	.417	.380	.352	.328	.307	.289	.274	.249	.228	.212	.187
	Minimum Premium Ratio	.815	.755	.713	.681	.654	.629	.607	.588	.572	.555	.527	.504	.482	.447

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
33	Basic Premium Ratio	.606	.511	.448	.404	.369	.341	.317	.297	.280	.264	.240	.220	.203	.179
	Minimum Premium Ratio	.810	.746	.706	.671	.644	.620	.598	.580	.563	.546	.520	.497	.476	.441
32	Basic Premium Ratio	.593	.498	.435	.391	.357	.330	.307	.287	.270	.255	.231	.212	.195	.172
	Minimum Premium Ratio	.800	.736	.697	.664	.637	.611	.591	.572	.556	.539	.513	.490	.470	.436
31	Basic Premium Ratio	.578	.484	.422	.379	.345	.319	.296	.277	.260	.246	.222	.204	.188	.166
	Minimum Premium Ratio	.791	.730	.688	.655	.628	.604	.583	.565	.549	.532	.507	.484	.465	.431
30	Basic Premium Ratio	.563	.470	.409	.367	.333	.308	.285	.266	.251	.237	.214	.196	.181	.159
	Minimum Premium Ratio	.781	.720	.678	.646	.621	.597	.576	.557	.541	.525	.499	.478	.458	.427
29	Basic Premium Ratio	.548	.455	.396	.354	.321	.296	.274	.256	.241	.227	.205	.187	.174	.153
	Minimum Premium Ratio	.772	.711	.671	.638	.611	.588	.567	.550	.535	.518	.493	.473	.453	.422
28	Basic Premium Ratio	.533	.441	.383	.342	.309	.285	.263	.245	.231	.218	.196	.179	.167	.146
	Minimum Premium Ratio	.762	.702	.662	.629	.603	.580	.560	.543	.527	.511	.486	.466	.446	.415
27	Basic Premium Ratio	.519	.427	.369	.329	.297	.273	.251	.233	.219	.206	.185	.168	.156	.136
	Minimum Premium Ratio	.756	.695	.653	.622	.595	.572	.551	.533	.519	.503	.478	.457	.437	.406
26	Basic Premium Ratio	.504	.413	.355	.315	.284	.260	.239	.222	.208	.195	.174	.158	.145	.124
	Minimum Premium Ratio	.747	.686	.646	.614	.587	.563	.543	.525	.511	.494	.469	.449	.428	.398
25	Basic Premium Ratio	.490	.398	.341	.302	.272	.248	.227	.210	.196	.183	.162	.147	.133	.113
	Minimum Premium Ratio	.736	.676	.636	.604	.579	.555	.534	.517	.502	.485	.461	.440	.421	.392
24	Basic Premium Ratio	.475	.384	.327	.288	.259	.235	.215	.198	.184	.171	.151	.136	.123	.104
	Minimum Premium Ratio	.727	.666	.627	.597	.570	.547	.528	.511	.495	.479	.456	.436	.418	.389
23	Basic Premium Ratio	.454	.367	.312	.275	.247	.224	.205	.189	.176	.164	.145	.130	.119	.101
	Minimum Premium Ratio	.713	.657	.617	.587	.563	.540	.521	.505	.489	.474	.451	.432	.414	.386
22	Basic Premium Ratio	.434	.349	.298	.262	.235	.213	.195	.180	.167	.156	.138	.125	.114	.097
	Minimum Premium Ratio	.704	.647	.608	.578	.554	.533	.513	.499	.484	.469	.446	.427	.410	.383
21	Basic Premium Ratio	.408	.332	.283	.248	.222	.201	.184	.171	.159	.149	.132	.119	.110	.094
	Minimum Premium Ratio	.690	.637	.600	.571	.547	.526	.507	.491	.478	.464	.442	.424	.407	.381
20	Basic Premium Ratio	.388	.314	.268	.234	.209	.190	.174	.161	.150	.141	.125	.113	.105	.090
	Minimum Premium Ratio	.680	.627	.591	.562	.539	.518	.500	.485	.472	.458	.436	.419	.402	.377
19	Basic Premium Ratio	.374	.298	.251	.220	.196	.177	.162	.149	.139	.131	.116	.105	.097	.084
	Minimum Premium Ratio	.674	.620	.582	.555	.531	.511	.493	.478	.465	.451	.430	.413	.397	.372
18	Basic Premium Ratio	.355	.281	.237	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
	Minimum Premium Ratio	.664	.611	.575	.546	.523	.503	.485	.471	.458	.444	.424	.409	.392	.369
17	Basic Premium Ratio	.337	.265	.221	.189	.169	.151	.137	.127	.117	.110	.098	.090	.083	.074
	Minimum Premium Ratio	.654	.601	.566	.537	.516	.497	.479	.465	.452	.439	.419	.404	.388	.366
16	Basic Premium Ratio	.318	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
	Minimum Premium Ratio	.644	.592	.557	.530	.508	.488	.473	.459	.447	.434	.415	.399	.384	.362
15	Basic Premium Ratio	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
	Minimum Premium Ratio	.635	.583	.550	.524	.502	.484	.468	.455	.443	.430	.412	.397	.382	.361
14	Basic Premium Ratio	.291	.216	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
	Minimum Premium Ratio	.630	.577	.542	.519	.498	.481	.465	.452	.441	.428	.411	.397	.381	.360
13	Basic Premium Ratio	.275	.199	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
	Minimum Premium Ratio	.622	.568	.537	.513	.495	.478	.463	.450	.440	.427	.410	.396	.381	.360
12	Basic Premium Ratio	.263	.182	.151	.134	.121	.110	.102	.096	.089	.086	.078	.073	.069	.063
	Minimum Premium Ratio	.616	.559	.531	.510	.491	.475	.460	.449	.437	.426	.409	.394	.380	.359
11	Basic Premium Ratio	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
	Minimum Premium Ratio	.608	.549	.524	.505	.488	.472	.458	.447	.436	.424	.407	.393	.379	.359
10	Basic Premium Ratio	.229	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
	Minimum Premium Ratio	.602	.542	.520	.501	.484	.469	.456	.445	.434	.422	.406	.392	.378	.358
9	Basic Premium Ratio	.211	.133	.119	.109	.101	.094	.088	.083	.079	.077	.071	.068	.065	.061
	Minimum Premium Ratio	.593	.535	.515	.497	.481	.467	.453	.442	.432	.421	.405	.392	.378	.358
8	Basic Premium Ratio	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
	Minimum Premium Ratio	.579	.529	.511	.493	.478	.464	.451	.440	.431	.420	.404	.391	.377	.358
7	Basic Premium Ratio	.160	.112	.101	.095	.088	.083	.079	.076	.074	.071	.067	.063	.062	.059
	Minimum Premium Ratio	.565	.524	.506	.490	.475	.462	.449	.439	.430	.418	.403	.389	.376	.357

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
6	<i>Basic Premium Ratio</i>	.130	.101	.095	.088	.083	.079	.075	.072	.070	.068	.064	.062	.060	.058
	<i>Minimum Premium Ratio</i>	.550	.519	.503	.486	.472	.459	.447	.437	.428	.417	.401	.389	.376	.357
5	<i>Basic Premium Ratio</i>	.099	.092	.087	.081	.078	.074	.071	.069	.067	.065	.062	.060	.059	.057
	<i>Minimum Premium Ratio</i>	.550	.515	.499	.483	.470	.457	.445	.435	.426	.415	.400	.388	.375	.356

WSR 88-14-076

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 87-31—Filed July 1, 1988—Eff. January 1, 1989]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to revisions to WAC 296-17-350(6) Piece rate rule, requiring employers to report actual hours worked by their employees when they are subject to any federal or other state law or rule which requires the record keeping of actual hours worked and provides for penalty for non-compliance of this rule by computing worker hours using the state minimum wage divided into gross wages if records of hours worked are not maintained and reported for industrial insurance purposes.

This action is taken pursuant to Notice No. WSR 88-06-046 filed with the code reviser on March 1, 1988. These rules shall take effect at a later date, such being January 1, 1989.

This rule is promulgated pursuant to RCW 51.16.035 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 July 1, 1988.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 85-7 [88-05], filed 2/28/85 [5/31/88], effective 4/1/85)

WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) Minimum premium for elective adoption. Any employer having in their employ any person exempt from mandatory coverage whose application for coverage under the elective adoption provisions of RCW 51.12-.110 is accepted by the director, shall have a minimum premium rate for such employer's applicable class based

upon not less than 40 worker hours for each month, until such time as elective adoption coverage is cancelled: PROVIDED, That the minimum premium rate as specified above shall not apply to sole proprietors, partnerships, or executive officers obtaining coverage subject to other provisions of this chapter.

(3) Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation as provided in subsection (6) of this section.

(4) Commission personnel. Commission personnel are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered. Commission personnel are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: PROVIDED, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel. All salaried personnel must be reported in the same manner: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed

amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: **PROVIDED FURTHER**, That ~~((if the))~~ an employer who maintains ~~((books and))~~ records ~~((to show separately the hours employed for each worker in their employ engaged in piece work then such actual worker hours shall be reported))~~ but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: **PROVIDED**, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: **PROVIDED**, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: **PROVIDED FURTHER**, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

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 bracketed material preceding the section above was supplied by the code reviser's office.

WSR 88-14-077
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed July 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Building Code Council intends to adopt, amend, or repeal rules concerning amending chapter 51-16 WAC, update of the State Building Code by adoption and amendment of the 1988 edition of the following codes: Uniform Building Code and Uniform Building Code Standards; Uniform Mechanical Code; Uniform Fire Code and Uniform Fire Code Standards; and Uniform Plumbing Code and Uniform Plumbing Code Standards;

that the agency will at 9:00 a.m., Friday, August 12, 1988, in the WPPSS Auditorium, 3000 George Washington Way, Richland, WA 99352, and at 9:00 a.m., Friday, September 16, 1988, in the Angle Lake Fire Hall, 2929 South 200th, Seattle, WA 98198, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 18, 1988.

The authority under which these rules are proposed is chapter 19.27 RCW.

The specific statute these rules are intended to implement is RCW 19.27.074.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 7, 1988.

Dated: June 10, 1988

By: Lynn Carmichael
Chair

STATEMENT OF PURPOSE

Title: Chapter 51-16 WAC, State Building Code update and amendment. Adoption of the 1988 editions of the uniform codes.

Statutory Authority and Specific Statute the Rule is Intended to Implement: Chapter 19.27 RCW.

Summary of the Rule and Statement of the Reasons Supporting the Proposed Action: The proposed rules update the State Building Code by adopting the current (1988) editions of the following codes by reference: Uniform Building Code and Uniform Building Code Standards; Uniform Mechanical Code; Uniform Fire Code and Uniform Fire Code Standards; and Uniform Plumbing Code and Uniform Plumbing Code Standards.

The council is proposing to make certain amendments to the codes which it has deemed appropriate after extensive review by the council together with technical committees made up of representatives of affected agencies, associations, and professions appointed by the council.

The update of the codes and the amendments proposed are in accordance with the requirements of RCW 19.27.074 and do not conflict with other provisions of the State Building Code Act.

The codes proposed for update are national codes and are reviewed at regular intervals by the associations publishing them on the basis of the latest information

and experience, and to permit the use of new or improved methods and materials. Prior to the enactment of chapter 19.27 RCW, cities and counties had authority to adopt the new editions of the code prior to their adoption by the legislature as the state code. Chapter 19.27 RCW prohibits local governments from adopting codes for single and multifamily residential buildings which vary from the state code without approval from the State Building Code Council.

The adoption of these rules will provide for a timely update of the codes to the most recent editions and will provide uniformity in building standards throughout the state.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Lynn Carmichael, Chair, State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, WA 98504-4151, phone (206) 753-0738.

Name of the Organization Proposing the Rule: State Building Code Council.

Agency Comments or Recommendations if any Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: The rules are necessary to carry out the intent of chapter 19.27 RCW, which charges the council with the responsibility to maintain the codes of the State Building Code in a status which is consistent with the state interest as enumerated in RCW 19.27.020.

Whether the Rule is Necessary as the Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: Not applicable.

The proposed rules update existing codes and do not substantially change them or impose economic hardships on small businesses.

Chapter 51-16 WAC
STATE BUILDING CODE UPDATE AND AMENDMENT—
ADOPTION OF THE ((1985)) 1988 EDITIONS OF THE UNIFORM CODES

WAC	
51-16-010	Authority.
51-16-020	Purpose.
51-16-030	Uniform Building Code and Uniform Building Code standards.
51-16-040	Uniform Mechanical Code.
51-16-050	Uniform Fire Code and Uniform Fire Code standards.
51-16-060	Uniform Plumbing Code and Uniform Plumbing Code standards.
51-16-070	Exceptions.
51-16-080	Implementation.
51-16-090	((Timeframe for)) Submittal of proposed city or county amendments.
51-16-100	Review of city and county amendments previously approved by the council.

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-010 AUTHORITY. These rules are adopted under the authority of ((section 2, chapter 360, Laws of 1985)) chapter 19.27 RCW.

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-020 PURPOSE. The purpose of these rules is to implement the provisions of chapter ((360, Laws of 1985)) 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in ((section 6 of the act)) RCW 19.27.020. In maintaining the codes the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-030 UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS. The ((1985)) 1988 edition of the Uniform Building Code, and the ((1985)) 1988 edition of the Uniform Building Code Standards as published by the International Conference of Building Officials is hereby adopted by reference with the following additions, deletions and exceptions:

(1) The following definition shall be added to section 420, chapter 4 of the Uniform Building Code:

SINGLE FAMILY RESIDENTIAL BUILDING is a dwelling containing only one dwelling unit.

(2) The following definition shall be added to section 414, chapter 4 of the Uniform Building Code:

MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.

~~((3) The following paragraph shall be added to section 1202(b) of the Uniform Building Code:~~

~~Residential structures containing four or fewer dwelling units shall be provided with one-hour fire resistive occupancy separations between units.))~~

~~(3) Section 3802 (h) of the Uniform Building Code is hereby not adopted.~~

~~(4) Section 5103 of the Uniform Building Code is hereby not adopted in order to eliminate conflict with chapter 296-81 WAC as adopted by the Washington state department of labor and industries pursuant to chapter 70.87 RCW.~~

EXCEPTION: In the case of conflict between the ventilation requirements of sections 605, section 705, section 905 and section 1205 of this code and the ventilation requirements of chapter 51-12 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-040 UNIFORM MECHANICAL CODE. The ((1985)) 1988 edition of the Uniform Mechanical Code, including chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials is hereby adopted by reference with the following exception:

In the case of conflict between the duct insulation requirements of section 1005 of this code and the duct insulation requirements of chapter 51-12 WAC the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-050 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. The ((1985)) 1988 edition of the Uniform Fire Code and the ((1985)) 1988 edition of the Uniform Fire Code Standards published by the International Conference of Building Officials, and the Western Fire Chiefs Association is hereby adopted by reference.

AMENDATORY SECTION (Amending Order 86-19, filed 11/26/86, effective 4/27/87)

WAC 51-16-060 UNIFORM PLUMBING CODE AND UNIFORM PLUMBING CODE STANDARDS. The ((1985)) 1988 edition of the Uniform Plumbing Code and the ((1985)) 1988 Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials((f,t)) is hereby adopted by reference: PROVIDED That chapters 11 and 12 of this code are not adopted((f,t) PROVIDED FURTHER, That any pipe, pipefitting, solder, or flux used in the installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free. This prohibition shall not apply to leaded joints necessary for the repair of cast iron pipes. The term lead free:

(1) When used with respect to solders and flux refers to solders and flux containing not more than two-tenths of one percent lead; and

(2) When used with respect to pipes and pipe fittings refers to pipes and pipefittings containing not more than eight percent lead).

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-070 EXCEPTIONS. The exceptions and amendments to the uniform codes contained in the provisions of chapter 19.27 RCW ((as amended by chapter 360, Laws of 1985)) shall apply in case of conflict with any of the provisions of these rules.

In case of conflict between the codes adopted under these rules and the provisions of chapter 51-10 WAC, the Washington state regulations for barrier-free facilities, the provisions of chapter 51-10 WAC shall govern.

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-080 IMPLEMENTATION. The uniform codes adopted by WAC 51-16-030 through 51-16-060 of this chapter shall become effective in all counties and cities of this state ((ninety days following the final day of the regular legislative session of 1986)) on July 1, 1989, unless local amendments have been approved by the state building code council.

AMENDATORY SECTION (Amending Order 85-13, filed 11/26/85, effective 6/11/86)

WAC 51-16-090 ((TIMEFRAME FOR)) SUBMITTAL OF PROPOSED CITY OR COUNTY AMENDMENTS. All proposed city or county amendments to the State Building Code required to be submitted to the council under the provisions of ((section 2 (1)(b) of chapter 360, Laws of 1985)) RCW 19.27.060 and 19.27.074 shall be submitted to the council for review ((not less than 90 days prior to the proposed effective date of such amendments)) under procedures established by the council. The council shall approve or deny all local amendments based on their consistency with the minimum performance standards and objectives of chapter ((360, Laws of 1985)) 19.27 RCW.

NEW SECTION

WAC 51-16-100 REVIEW OF CITY AND COUNTY AMENDMENTS PREVIOUSLY APPROVED BY THE COUNCIL. The council will review all amendments to the 1985 editions of the codes approved by the council pursuant to RCW 19.27.074 and 19.27.060. The council will declare null and void any amendments which have become obsolete, unnecessary, or in conflict due to changes in the language of the 1988 editions of the codes as adopted under these rules.

WSR 88-14-078
PROPOSED RULES
BUILDING CODE COUNCIL
 [Filed July 1, 1988]

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

Council intends to adopt, amend, or repeal rules concerning update of state regulations for barrier-free facilities, chapter 51-10 WAC;

that the agency will at 9:00 a.m., Friday, August 12, 1988, in the WPPSS Auditorium, 3000 George Washington Way, Richland, WA 99352, and at 9:00 a.m., Friday, September 16, 1988, in the Angle Lake Fire Hall, 2929 South 200th, Seattle, WA 98198, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 18, 1988.

The authority under which these rules are proposed is chapters 19.27 and 70.92 RCW.

The specific statute these rules are intended to implement is RCW 70.92.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 7, 1988.

Dated: June 10, 1988

By: Lynn Carmichael
 Chair

STATEMENT OF PURPOSE

Title: Chapter 51-10 WAC.

Statutory Authority and Specific Statute it is Intended to Implement: Chapters 19.27 and 70.92 RCW.

Summary of the Rule and Statement of the Reasons Supporting the Proposed Action: To update the state regulations for barrier-free facilities to reflect the changes in format and standards between the 1985 edition of the Uniform Building Code and 1988 edition. The proposed update of the regulations incorporates the section numbering and organization of the Uniform Building Code to facilitate its use as part of the building permit process. It should be noted that although the format reflects the most recent changes of the 1988 Uniform Building Code, the content and intent of the regulations are essentially the same as adopted in the 1985 update.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Lynn Carmichael, Chair, State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, WA 98504-4151, phone (206) 753-0738.

Name of the Organization Proposing the Rule: State Building Code Council.

Agency Comments or Recommendations if any Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: The proposed changes are necessary to maintain the regulations for barrier-free facilities in a manner which is consistent with the 1988 edition of the Uniform Building Code which is currently proposed for adoption in an amendment to chapter 51-16 WAC. The effective date of the amendment to chapter 51-16 WAC will coincide with the effective date of this update of chapter 51-10 WAC.

Whether the Rule is Necessary as the Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: Not applicable.

The proposed rules update existing codes only and do not substantially change them or impose economic hardships on small businesses.

Reviser's note: The amendments to the state regulations for barrier-free facilities filed with this proposed order are not capable of being reproduced in the Register and are therefore omitted pursuant to RCW 34.04.050(3). Copies may be obtained from the Department of Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504.

WSR 88-14-079
PROPOSED RULES
BOARD OF HEALTH
[Filed July 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning Special diseases—Sexually transmitted diseases, WAC 248-100-206;

that the agency will at 9:30 a.m., Wednesday, August 10, 1988, in the Cascade Room, West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, 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 70.24 RCW.

The specific statute these rules are intended to implement is chapter 70.24 RCW.

Dated: June 27, 1988
By: Thelma R. Struck
Assistant Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-100-206 Special diseases—Sexually transmitted diseases.

Purpose of the Rules: To establish State Board of Health definitions and standards for authorizing interviews and investigations related to sexually transmitted diseases, issuing orders for treatment, requirements for detention settings, and definition of "substantial exposure," "conduct endangering public health," "behavior presenting imminent danger," and other definitions and standards specific to implementing chapter 70.24 RCW.

Reason Rules are Necessary: To establish serial steps associated with interviewing, investigating, ordering, and detaining individuals with sexually transmitted disease as required in chapter 70.24 RCW.

Statutory Authority: SSSB 6221, sections 903, 906, 908, 909 and 910, Laws of 1988, amending chapter 70.24 RCW.

Summary: WAC 248-100-206, Special diseases—Sexually transmitted diseases, is amended. Amendments establish definitions essential to implementing SSSB 6221 and specific to new mandates and requirements for preventive public health actions including interviews, investigations, orders, and detainment of persons known or believed to be infected with certain sexually transmitted diseases.

Person Responsible for Drafting and Implementation: Jean Ullom, Section Head, Health Information/Policy Development, ET-24, phone 753-5824.

The rules are proposed by DSHS for adoption by the State Board of Health.

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

AMENDATORY SECTION (Amending Order 302, filed 5/19/87)

WAC 248-100-206 SPECIAL DISEASES—SEXUALLY TRANSMITTED DISEASES. (1) (~~"Sexually transmitted disease (STD)"~~ means a reportable, communicable disease or condition, usually transmitted through sexual contact and including:)) **Definitions.**

(a) (~~(Chancroid)~~ "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:

- (i) Anal or vaginal intercourse without a latex condom; or
- (ii) Shared use of blood-contaminated needles; and

(iii) The following specified conditions:

(A) The infected individual received post-test counseling as described in WAC 248-100-209 prior to repeating activities in subsection (1)(a)(i) and (ii) of this section; and

(B) The infected individual did not inform the persons with whom activities described in subsection (1)(a)(i) and (ii) of this section of his or her infectious status.

(b) (~~(Chlamydia trachomatis infection;)~~ "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

- (A) Anal, oral, or vaginal intercourse excluding conjugal visits; or
- (B) Assault; or
- (C) Sharing of needles, syringes, or sharp implements; or
- (D) Throwing or smearing of blood or semen; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection (1)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

(c) (~~(Gonorrhea;)~~ "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

- (A) Anal, oral, or vaginal intercourse; and/or
- (B) Sharing of needles; and/or

(C) Donating or selling blood, blood products, or semen; and

(iii) Activities described in subsection (1)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

- (A) Mucous membranes;
- (B) Eyes;
- (C) Open cuts, wounds, lesions; or
- (D) Interruption of epidermis.

(d) (~~(Granuloma inguinale;)~~ "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into a body orifice or to a mucous membrane;

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids;

(iii) Introduction of blood, semen, and/or vaginal fluids into the eye, an open cut or wound, an open lesion, or other interruption of the epidermis.

(e) (~~(Herpes simplex—initial genital infection and neonatal;)~~ "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

- (A) Laboratory test results confirming or suggestive of a STD; or
- (B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

(f) (~~Lymphogranuloma venereum;~~

(g) Pelvic inflammatory disease—acute;

(h) Syphilis (including congenital); and

(i) Nongonococcal urethritis)) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood when the blood source meets one of the following criteria:

(A) A man engaging in unprotected sex with other men at any time since 1977;

(B) A person using intravenous substances and sharing needles at any time since 1977;

(C) A person engaging in sex for money or drugs at any time since 1977;

(D) A sexual or needle-sharing partner of a person specified in subsection (1)(f)(iii)(A), (B), and (C) of this section.

(2) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 248-100 WAC, and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit, and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

(3) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(4) Local health officers, health care providers, and others, in addition to requirements in chapter 248-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

(5) Prevention of ophthalmia neonatorum.

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(6) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 248-100-036(4) in conducting investigations.

(7) State and local health offices and their authorized representatives shall:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health;" and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in chapter 70.24 RCW.

(b) Issue written orders for treatment under chapter 70.24 RCW only after laboratory test results, or direct observation of clinical signs or assessment of clinical signs by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under chapter 70.24 RCW only after:

(i) Determining the person to be affected by the order is engaging in "conduct endangering public health" with multiple partners; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical signs by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection (7)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsections (7)(a) and (b) of this section; and

(d) Seek court orders for detention under chapter 70.24 RCW, only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection (7)(a), (b), and (c) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

(8) Conditions for detention of individuals infected with sexually transmitted disease.

(a) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for "behaviors presenting imminent danger to public health" are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection (8)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

(i) Make a recommendation to the court for placement of such individual;

(ii) Provide to the court an individualized plan for education and counseling.

(d) State board of health requirements for detention settings for individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round-the-clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and

(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and

(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling, when indicated; and

(C) Implementation of court-ordered plan for individualized counseling and education.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263(2);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(e) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection (8)(d)(i), (ii), (iii), (iv), and (v) of this section:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 248-22 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 248-25 WAC;

(D) Private adult treatment homes, per chapter 248-25 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 248-23 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

(9) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to chapter 70.24 RCW only under the following conditions:

(a) The jail administrator has written documentation of incidents related to actual or threatened "behavior presenting possible risk;" and

(b) The local health officer determines:

(i) The documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk;" and

(ii) Jail administrator documentation of the actual or threatened behavior was reviewed with the person detained to assure understanding; and

(c) The local health officer provides approval of the order prior to HIV testing.

(10) When an individual experiences a substantial exposure to another person's body fluids and requests HIV testing of that other person, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other person providing:

(a) The exposed individual is employed in one of the following employment categories:

(i) Law enforcement officer;

(ii) Firefighter;

(iii) Health care provider;

(iv) Staff of health care facilities; and

(b) The alleged substantial exposure occurred on the job; and

(c) The local health officer determines "substantial exposure" occurred; and

(d) The person to be tested, or a legal representative, received pretest counseling.

WSR 88-14-080

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed July 1, 1988]

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 Household composition—Family independence program, new WAC 388-49-191 and food assistance, amending WAC 388-77-820;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is chapter 74.21 RCW.

The specific statute these rules are intended to implement is chapter 74.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: July 1, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: Chapters 388-77 and 388-49 WAC.

Purpose of the Rule Filing: To clarify the food assistance household composition for the family independence program (FIP).

Statutory Authority: ESHB 448, chapter 434, Laws of 1987.

Summary of the Rules: WAC 388-77-820 is amended to clarify when the earnings of a child under eighteen are exempted and to specify the food assistance household composition for FIP; and WAC 388-49-191 is added to specify the food assistance household composition under FIP.

Person Responsible for Drafting, Implementation and Enforcement of this Rule Change: Dave Andersen, Division of Income Assistance, Office of Policy and Program Development, phone (206) 753-4166 or 234-4166 scan, mailstop OB-31C.

The rules are necessary, in part, as a result of federal law, 7 U.S.C. 2029, section 21 (d)(3).

NEW SECTION

WAC 388-49-191 HOUSEHOLD COMPOSITION—FAMILY INDEPENDENCE PROGRAM. (1) The department shall consider the following as separate households:

(a) Individuals receiving Family Independence Program (FIP) benefits; and

(b) Persons, not receiving FIP benefits, living with individuals receiving FIP benefits.

(2) Persons, not receiving FIP benefits, living with individuals receiving FIP benefits shall be subject to chapter 388-49 WAC.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-820 FOOD ASSISTANCE. The department shall determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC, except:

(1) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

(a) The FIP incentive and the value of child care provided under FIP;

(b) Higher education benefits;

(c) Earned income tax credit;

(d) Retroactive FIP benefits;

(e) The first fifty dollars of any child support payments received in the month;

(f) Earnings of a child under eighteen years of age if he or she is a dependent child or a minor parent and qualifies for an incentive under WAC 388-77-610 (1)(a) or 388-77-610(2); and

(g) Self-employment income used for capital expenditures which are included as part of a self-sufficiency plan.

(2) For enrollees, pay the food stamp cash equivalent as a grant;

(3) For enrollees, verify eligibility factors as in WAC 388-77-045;

(4) Consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) ~~((Determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC:~~

~~(a) FIP members will receive a prorated amount of benefits as food cash assistance;~~

~~(b) Non-FIP members will receive a prorated amount of benefits in food stamps)) The household composition for food assistance purposes shall include only those persons in the FIP assistance unit as determined by WAC 388-77-210.~~

WSR 88-14-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 1, 1988]

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 family independence program, amending chapter 388-77 WAC;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is chapter 74.21 RCW.

The specific statute these rules are intended to implement is chapter 74.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: July 1, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: Chapter 388-77 WAC.

Purpose of the Rule Filing: To amend and add eligibility rules for the family independence program.

Statutory Authority: ESHB 448, chapter 434, Laws of 1987.

Summary of the Rule Change: WAC 388-77-005(5) is amended to clarify that applications filed before the implementation of the program will be handled under prior programs; WAC 388-77-015 is amended to indicate that an applicant needs to submit a written request for benefits instead of a completed FIP application; WAC 388-77-270 is amended to set out sanctions and the treatment of income for enrollees who fail to cooperate with the office of support enforcement; WAC 388-77-500 is amended to specify that an enrollee ceases to be eligible for FIP food assistance when the household is no longer receiving FIP Title IV-A cash assistance. This is as specified in the federal enabling legislation for FIP; WAC 388-77-515 is amended to clarify when the earnings of a child under eighteen are exempted; WAC 388-77-530 is added to specify the treatment of nonrecurring lump sum payments for FIP; WAC 388-77-600 is amended to specify that the AFDC child care deduction will be allowed in the computation of the "hold harmless" for the month of conversion and the month following; WAC 388-77-610 is amended to clarify that, for purposes of incentives, teenage parent is under age twenty-two and to clarify the time frames in which incentives will be provided; and WAC 388-77-900 is amended to specify that all grant, incentive, child care, food assistance, and medical benefits provided under FIP are subject to overpayment; and to specify the sources from which a FIP overpayment can be recovered.

Person Responsible for Drafting, Implementation and Enforcement of this Rule Change: Dave Andersen, Division of Income Assistance, Office of Policy and Program Development, phone (206) 753-4166 or 234-4166 scan, mailstop OB-31C.

The rules are not necessary, in part, as a result of federal law in 7 U.S.C. 2029, section 21 (b)(2)(A)(ii).

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-005 GENERAL PROVISIONS. (1) The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.

(2) In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:

(a) The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP; and

(b) The food stamp program for the food assistance portion of FIP.

(3) The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.

(4) The department shall designate those geographic areas where FIP is to be implemented.

(5) The department shall enroll eligible households residing in a designated FIP geographic area (~~(in FIP)~~) at application ~~(;)~~ (for applications submitted after June 30, 1988) at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:

(a) An applicant who has received AFDC within ninety days prior to application shall not be converted to FIP. If eligible, the household shall be authorized AFDC;

(b) AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.

(6) FIP enrollees transferring from a FIP to a non-FIP geographic area shall have the option to retain their FIP status if there is a FIP CSO in the county to which they transferred. Such enrollees wishing to remain in FIP shall report to, have their eligibility maintained by and services provided by, the FIP CSO in the county to which they transferred.

(7) Prior to denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-015 APPLICATIONS AND ASSESSMENT. Application requirements for the Title IV-A portion of FIP shall be the same as for AFDC in WAC 388-38-030 through 388-38-200 and the same as the food stamp program for FIP food assistance except:

(1) FIP enrollees shall be asked to voluntarily cooperate in the FIP assessment at application or at conversion to FIP;

(2) FIP applicants shall submit a ~~((completed FIP application))~~ written request for benefits; and

(3) FIP enrollees may receive services at a local office outside the geographic area in which he or she lives as provided in WAC 388-77-005(6).

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-270 SUPPORT. (1) FIP applicants/enrollees shall be subject to the provisions of chapters 388-11, 388-13, and 388-14 WAC to the same extent as applicants/recipients of AFDC except as provided in subsection (2) of this section.

(2) All FIP grant and child care expenditures paid to or on behalf of a FIP enrollee, except medical, the cash value of food stamps, and child care expenditures provided under WAC 388-77-737 are covered by the assignment of support under WAC 388-14-200.

(3) An enrollee who fails to cooperate with the office of support enforcement without good cause, as provided for the AFDC program, shall be removed from the grant and a protective payee shall be established.

(a) An enrollee or enrollees not in the assistance unit, but in the household who has failed to cooperate shall have his or her gross income allocated to the assistance unit.

(b) Applicable incentives, even if attributable to the person who failed to cooperate, shall be provided to the household based on the number of persons remaining in the household.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-500 INCOME—DETERMINATION OF NEED. (1) An applicant is not eligible for FIP cash assistance if nonexempt gross monthly income less disregards, as specified in AFDC, exceeds the payment standard and authorized additional requirements for AFDC in effect at the time of application:

(a) The department shall not apply the one hundred eighty-five percent gross income test in WAC 388-28-484(7) to the income of FIP applicants; and

(b) For the purpose of subsection (1) of this section, an applicant shall not have been a recipient of AFDC or an enrollee of FIP for ninety days prior to application.

(2) For FIP enrollees, the AFDC one hundred eighty-five percent gross income test and the AFDC payment standard test shall not apply.

(3) An enrollee shall not be eligible for IV-A FIP cash assistance if nonexempt monthly income less disregards exceeds the totals of:

(a) The payment standard for AFDC for the appropriate household size;

(b) Applicable incentives; and

(c) Authorized additional requirements.

(4) An enrollee shall cease to be eligible for FIP food assistance when the household is no longer receiving a Title IV-A cash grant. The household may receive food stamps as a nonassistance household if otherwise eligible.

(5) An enrollee shall not be eligible for FIP ~~((cash assistance))~~ benefits, except as provided in WAC 388-77-737, when nonexempt income less deductions exceeds the benchmark plus applicable incentives and authorized additional requirements. For the purpose of subsection (4) of this section, the food assistance amount used in the benchmark shall be calculated at eighty percent of the thrifty food plan.

((5)) (6) The department shall determine the exempt or nonexempt status of all income.

Reviser's note: The typographical error 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 SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-515 INCOME—EXEMPT. In addition to income exempted under the AFDC program in chapter 388-28 WAC, the department shall exempt the following income from FIP:

(1) Higher education benefits;

(2) Earned income tax credit (EIC);

(3) The earnings of a child under eighteen years of age if he or she is a dependent child or a minor parent and qualifies for an incentive under WAC 388-77-610 (1)(a) or 388-77-610(2);

(4) Retroactive FIP benefits;

(5) Income tax refunds;

(6) Loans, if there is a written agreement to repay;

(7) Income in-kind; and

(8) Gifts.

NEW SECTION

WAC 388-77-530 INCOME—NONRECURRING LUMP SUM PAYMENTS. (1) For purposes of FIP food assistance, the department shall treat nonrecurring lump sums according to the food stamp program.

(2) For purposes of FIP Title IV-A cash assistance, the department shall treat nonrecurring lump sums as:

(a) Income in the month of receipt. If the income is less than one month's needs, the department shall budget against the payment month. If the income makes the household ineligible for FIP cash assistance, the department shall terminate assistance effective the first of the month the income was received; and

(b) A resource after the month of receipt.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-600 STANDARDS OF ASSISTANCE—HOLD HARMLESS. (1) The department shall ensure no applicant or enrollee of FIP receives less financial assistance than he or she would otherwise have been entitled to receive as a sum of the AFDC and food stamp programs under the rules in effect January 1, 1988, and as adjusted to reflect all increases in:

(a) The federal food stamp allotment and deductions; and

(b) The Washington state payment standard for AFDC.

(2) The department shall compare the amount the household would have received under the AFDC program (excluding the allowance for the child care) with the FIP IV-A payment. If the AFDC payment amount is greater, the department shall issue a supplement to bring the FIP IV-A payment up to the amount the household would have received on AFDC.

(3) Notwithstanding subsection (2) of this section, the department shall allow the AFDC child care deduction in the hold harmless computation for the month of conversion to FIP and the month following.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-610 STANDARDS OF ASSISTANCE—INCENTIVE STANDARDS. (1) The department shall provide enrollees who are teen parents in high school or enrollees who are employed with incentive benefits as follows:

(a) Five percent of the benchmark standard for pregnant or parenting teenage parents under twenty-two years of age who stay in:

(i) High school and progress toward graduation; and

(ii) Participate, when available, in parenting education approved by the office of the superintendent of public instruction or the department.

(b) Fifteen percent of the benchmark standard for enrollees working half time;

(c) Thirty-five percent of the benchmark standard for enrollees working full-time.

(2) The department shall provide other FIP enrollees participating in education or training programs approved by ESD or the department with incentive benefits equaling five percent of the benchmark standard.

(3) Self-employed enrollees shall be entitled to fifteen percent or thirty-five percent of the benchmark standard based on hours worked as computed by dividing the enrollee's net income by the federal minimum wage.

(4) Participation in job search skills development or job search activities shall not qualify an enrollee for an incentive under WAC 388-77-610.

(5) The department shall not allow more than one incentive per assistance unit. The incentive shall be allowed at the highest level for which the assistance unit qualifies.

(6) The department shall round incentive payments down to the nearest dollar.

(7) The department shall provide incentives for employment to correspond with the budgeting of income. Incentives for training shall be provided using prospective budgeting.

(8) For the purposes of the incentive computation, the food assistance amount used in the benchmark shall be calculated at eighty percent of the thrifty food plan. The department shall round the product of the calculation of the eighty percent of the thrifty food plan down to the nearest dollar.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-900 OVERPAYMENTS. The department shall assess and recover overpayments of FIP benefits in the same manner and under the same authority as overpayments in prior programs. All grant, incentive, child care, food assistance, and medical overpayments provided under FIP shall be subject to recovery.

(1) FIP overpayments may be recovered from non-FIP grants.

(2) Non-FIP overpayments may be recovered from FIP grants.

(3) FIP food assistance overpayments may be recovered from only food stamps or FIP food assistance. For FIP food assistance, the department shall follow procedures for a:

(i) Food stamp overpayment; and

(ii) Fraud hearing.

(4) For ineligibility resulting from increased earned income, the department shall not establish an overpayment for the month in which the increase occurred if the increase was timely reported.

WSR 88-14-082
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2647—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to family independence program, amending chapter 388-77 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 these rules are necessary to clarify program intent and to include language required by Food and Nutrition Services per 7 U.S.C. 2029, section 21 (b)(2)(A)(ii).

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 chapter 74.21 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 July 1, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-005 GENERAL PROVISIONS. (1) *The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.*

(2) *In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:*

(a) *The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP, and*

(b) *The food stamp program for the food assistance portion of FIP.*

(3) *The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.*

(4) *The department shall designate those geographic areas where FIP is to be implemented.*

(5) *The department shall enroll eligible households residing in a designated FIP geographic area (~~in FIP~~) at application(;) (for applications submitted after June 30, 1988) at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:*

(a) *An applicant who has received AFDC within ninety days prior to application shall not be converted to FIP. If eligible, the household shall be authorized AFDC;*

(b) *AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.*

(6) *FIP enrollees transferring from a FIP to a non-FIP geographic area shall have the option to retain their FIP status if there is a FIP CSO in the county to which they transferred. Such enrollees wishing to remain in FIP shall report to, have their eligibility maintained by and services provided by, the FIP CSO in the county to which they transferred.*

(7) *Prior to denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.*

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-015 APPLICATIONS AND ASSESSMENT. Application requirements for the Title IV-A portion of FIP shall be the same as for AFDC in WAC 388-38-030 through 388-38-200 and the same as the food stamp program for FIP food assistance except:

(1) FIP enrollees shall be asked to voluntarily cooperate in the FIP assessment at application or at conversion to FIP;

(2) FIP applicants shall submit a (~~completed FIP application~~) written request for benefits; and

(3) FIP enrollees may receive services at a local office outside the geographic area in which he or she lives as provided in WAC 388-77-005(6).

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-270 SUPPORT. (1) FIP applicants/enrollees shall be subject to the provisions of chapters 388-11, 388-13, and 388-14 WAC to the same extent as applicants/recipients of AFDC except as provided in subsection (2) of this section.

(2) All FIP grant and child care expenditures paid to or on behalf of a FIP enrollee, except medical, the cash value of food stamps, and child care expenditures provided under WAC 388-77-737 are covered by the assignment of support under WAC 388-14-200.

(3) An enrollee who fails to cooperate with the office of support enforcement without good cause, as provided for the AFDC program, shall be removed from the grant and a protective payee shall be established.

(a) An enrollee or enrollees not in the assistance unit, but in the household who has failed to cooperate shall have his or her gross income allocated to the assistance unit.

(b) Applicable incentives, even if attributable to the person who failed to cooperate, shall be provided to the household based on the number of persons remaining in the household.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-500 INCOME—DETERMINATION OF NEED. (1) An applicant is not eligible for FIP cash assistance if nonexempt gross monthly income less disregards, as specified in AFDC, exceeds the payment standard and authorized additional requirements for AFDC in effect at the time of application:

(a) The department shall not apply the one hundred eighty-five percent gross income test in WAC 388-28-484(7) to the income of FIP applicants; and

(b) For the purpose of subsection (1) of this section, an applicant shall not have been a recipient of AFDC or an enrollee of FIP for ninety days prior to application.

(2) For FIP enrollees, the AFDC one hundred eighty-five percent gross income test and the AFDC payment standard test shall not apply.

(3) An enrollee shall not be eligible for IV-A FIP cash assistance if nonexempt monthly income less disregards exceeds the totals of:

(a) The payment standard for AFDC for the appropriate household size;

(b) Applicable incentives; and

(c) Authorized additional requirements.

(4) An enrollee shall cease to be eligible for FIP food assistance when the household is no longer receiving a Title IV-A cash grant. The household may receive food stamps as a nonassistance household if otherwise eligible.

(5) An enrollee shall not be eligible for FIP ((cash assistance)) benefits, except as provided in WAC 388-77-737, when nonexempt income less deductions exceeds the benchmark plus applicable incentives and authorized additional requirements. For the purpose of subsection (4) of this section, the food assistance amount used in the benchmark shall be calculated at eighty percent of the thrifty food plan.

((5)) (6) The department shall determine the exempt or nonexempt status of all income.

Reviser's note: The typographical error 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 SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-515 INCOME—EXEMPT. In addition to income exempted under the AFDC program in chapter 388-28 WAC, the department shall exempt the following income from FIP:

(1) Higher education benefits;

(2) Earned income tax credit (EIC);

(3) The earnings of a child under eighteen years of age if he or she is a dependent child or a minor parent and qualifies for an incentive under WAC 388-77-610 (1)(a) or 388-77-610(2);

(4) Retroactive FIP benefits;

(5) Income tax refunds;

(6) Loans, if there is a written agreement to repay;

(7) Income in-kind; and

(8) Gifts.

NEW SECTION

WAC 388-77-530 INCOME—NONRECURRING LUMP SUM PAYMENTS. (1) For purposes of FIP food assistance, the department shall treat nonrecurring lump sums according to the food stamp program.

(2) For purposes of FIP Title IV-A cash assistance, the department shall treat nonrecurring lump sums as:

(a) Income in the month of receipt. If the income is less than one month's needs, the department shall budget against the payment month. If the income makes the household ineligible for FIP cash assistance, the department shall terminate assistance effective the first of the month the income was received; and

(b) A resource after the month of receipt.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-600 STANDARDS OF ASSISTANCE—HOLD HARMLESS. (1) The department

shall ensure no applicant or enrollee of FIP receives less financial assistance than he or she would otherwise have been entitled to receive as a sum of the AFDC and food stamp programs under the rules in effect January 1, 1988, and as adjusted to reflect all increases in:

(a) The federal food stamp allotment and deductions, and

(b) The Washington state payment standard for AFDC.

(2) The department shall compare the amount the household would have received under the AFDC program (excluding the allowance for the child care) with the FIP IV-A payment. If the AFDC payment amount is greater, the department shall issue a supplement to bring the FIP IV-A payment up to the amount the household would have received on AFDC.

(3) Notwithstanding subsection (2) of this section, the department shall allow the AFDC child care deduction in the hold harmless computation for the month of conversion to FIP and the month following.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-610 STANDARDS OF ASSISTANCE—INCENTIVE STANDARDS. (1) The department shall provide enrollees who are teen parents in high school or enrollees who are employed with incentive benefits as follows:

(a) Five percent of the benchmark standard for pregnant or parenting teenage parents under twenty-two years of age who stay in:

(i) High school and progress toward graduation; and

(ii) Participate, when available, in parenting education approved by the office of the superintendent of public instruction or the department.

(b) Fifteen percent of the benchmark standard for enrollees working half time;

(c) Thirty-five percent of the benchmark standard for enrollees working full-time.

(2) The department shall provide other FIP enrollees participating in education or training programs approved by ESD or the department with incentive benefits equaling five percent of the benchmark standard.

(3) Self-employed enrollees shall be entitled to fifteen percent or thirty-five percent of the benchmark standard based on hours worked as computed by dividing the enrollee's net income by the federal minimum wage.

(4) Participation in job search skills development or job search activities shall not qualify an enrollee for an incentive under WAC 388-77-610.

(5) The department shall not allow more than one incentive per assistance unit. The incentive shall be allowed at the highest level for which the assistance unit qualifies.

(6) The department shall round incentive payments down to the nearest dollar.

(7) The department shall provide incentives for employment to correspond with the budgeting of income. Incentives for training shall be provided using prospective budgeting.

(8) For the purposes of the incentive computation, the food assistance amount used in the benchmark shall be

calculated at eighty percent of the thrifty food plan. The department shall round the product of the calculation of the eighty percent of the thrifty food plan down to the nearest dollar.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-900 OVERPAYMENTS. The department shall assess and recover overpayments of FIP benefits in the same manner and under the same authority as overpayments in prior programs. All grant, incentive, child care, food assistance, and medical overpayments provided under FIP shall be subject to recovery.

(1) FIP overpayments may be recovered from non-FIP grants.

(2) Non-FIP overpayments may be recovered from FIP grants.

(3) FIP food assistance overpayments may be recovered from only food stamps or FIP food assistance. For FIP food assistance, the department shall follow procedures for a:

(i) Food stamp overpayment; and

(ii) Fraud hearing.

(4) For ineligibility resulting from increased earned income, the department shall not establish an overpayment for the month in which the increase occurred if the increase was timely reported.

WSR 88-14-083

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2648—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Household composition—Family independence program, new WAC 388-49-191 and food assistance, amending WAC 388-77-820.

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 7 U.S.C. 2029, section 21 (d)(3) required by Food and Nutrition Services.

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 chapter 74.21 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 July 1, 1988.

By Leslie F. James, Director
Administrative Services

WSR 88-14-084

PROPOSED RULES
UNIVERSITY OF WASHINGTON
[Filed July 1, 1988]

NEW SECTION

WAC 388-49-191 HOUSEHOLD COMPOSITION—FAMILY INDEPENDENCE PROGRAM.

(1) The department shall consider the following as separate households:

(a) Individuals receiving Family Independence Program (FIP) benefits; and

(b) Persons, not receiving FIP benefits, living with individuals receiving FIP benefits.

(2) Persons, not receiving FIP benefits, living with individuals receiving FIP benefits shall be subject to chapter 388-49 WAC.

AMENDATORY SECTION (Amending Order 2630, filed 6/1/88)

WAC 388-77-820 FOOD ASSISTANCE. The department shall determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC, except:

(1) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

(a) The FIP incentive and the value of child care provided under FIP;

(b) Higher education benefits;

(c) Earned income tax credit;

(d) Retroactive FIP benefits;

(e) The first fifty dollars of any child support payments received in the month;

(f) Earnings of a child under eighteen years of age if he or she is a dependent child or a minor parent and qualifies for an incentive under WAC 388-77-610(1)(a) or 388-77-610(2); and

(g) Self-employment income used for capital expenditures which are included as part of a self-sufficiency plan.

(2) For enrollees, pay the food stamp cash equivalent as a grant;

(3) For enrollees, verify eligibility factors as in WAC 388-77-045;

(4) Consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) ~~((Determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC.~~

~~(a) FIP members will receive a prorated amount of benefits as food cash assistance;~~

~~(b) Non-FIP members will receive a prorated amount of benefits in food stamps))~~ The household composition for food assistance purposes shall include only those persons in the FIP assistance unit as determined by WAC 388-77-210.

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning limitations on use of university facilities, amending WAC 478-136-030, adding subsection (8)(a), (b), (c) regarding items allowed to be carried into university facilities, including Husky Stadium;

that the institution will at 2:30 p.m., Thursday, August 11, in Room 309, Student Union Building (HUB), University of Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 26, 1988.

The authority under which these rules are proposed is RCW 28B.20.130(1).

The specific statute these rules are intended to implement is RCW 28B.20.130.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 11, 1988.

Dated: June 30, 1988

By: Carol S. Niccolls
Assistant Attorney General

STATEMENT OF PURPOSE

Statutory Authority: RCW 28B.20.130(1).

Purpose of the Rule(s): To establish and maintain safe conditions for persons attending football games in Husky Stadium and concerts in campus facilities.

Summary of the Rule(s): WAC 478-136-030 Limitations on use of university facilities, adding subsection (8)(a), (b) and (c) regarding items allowed to be carried into university facilities including Husky Stadium. Prohibited items include alcoholic beverages, illegal drugs, air horns, bottles, cans, picnic baskets, ice chests and thermoses. Such items must be stored temporarily or disposed of before entry. Individuals may be visually searched for prohibited items, based on reasonable suspicion.

Reasons Which Support the Proposed Action: Desire for increased safety of patrons at university events.

Name of Person or Organization Proposing the Rule(s): University of Washington, public.

Agency Personnel Responsible for Drafting and Implementation: Dr. Ernest Morris, V.P. Student Affairs, 476 Schmitz, University of Washington, phone 543-4024; and Enforcement: University of Washington, Office of Student Affairs and University Police, Bryant Building, phone 543-9331.

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 Matters Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 84-5, filed 12/14/84)

WAC 478-136-030 **LIMITATIONS ON USE.** (1) University facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities.

(2) Faculty, staff, registered or official student organizations may use university facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to university faculty, staff and students. However, state law (RCW 42.17.130) prohibits "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) The distribution of handbills, pamphlets and similar materials is not permitted in those areas of campus to which access by the public is restricted or where such distribution would significantly impinge upon the primary business being carried on. Handbills and similar printed materials may not be left in the Daily distribution boxes or left for distribution anywhere else on campus.

(5) Charitable solicitation is not permitted in those areas of the campus to which access by the public is restricted or where such solicitation would significantly impinge upon the primary business being carried on.

(6) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the student union building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the student union building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Student Union Reservation Office, 104C Student Union Building.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the student union building or in other outdoor locations. Permission should be requested through the Secretary to the Committee, 400 Administration Building (AI-10), 543-2560, sufficiently in advance of the program to allow timely consideration.

(7)(a) The parking garages on the campus of the University of Washington are open to the public for the limited purpose of parking motor vehicles. Sleeping, or remaining in the parking garages for purposes unrelated to vehicular parking is prohibited. Violators are subject to arrest and criminal prosecution under applicable statutes including RCW 9A.52.080, 9.66.030, and 7.48.220.

(b) The term "parking garages" as used in (a) of this subsection shall mean the sheltered parking areas on the University of Washington campus, and the stairwells and entrances of those covered parking areas.

(8) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium and concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of one quart capacity) are prohibited. Individuals possessing such will not be admitted to Husky Stadium or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Individuals may be visually searched if there is reasonable suspicion that they are attempting to take prohibited items into Husky Stadium or concert facilities, and refusals to be searched will result in denials of admission.

WSR 88-14-085
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2646—Filed July 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Child support—Obligations, amending chapter 388-11 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 a new child support schedule, support distribution changes and due process requirements established under chapter 275, Laws of 1988.

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

This rule is promulgated pursuant to chapter 275, Laws of 1988, 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 July 1, 1988.

By Leslie F. James, Director
 Administrative Services

Reviser's note: The material contained in this filing will appear in the 88-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 88-14-086
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—July 1, 1988]

The commissioners of the Washington State Human Rights Commission decided, at their June 30, 1988, regular commission meeting, to hold a special commission meeting to discuss agency requests legislation on July 12, 1988, at 2:00 p.m. The meeting will be held by conference call which will originate in the Olympia office of the Washington State Human Rights Commission, 402 Evergreen Plaza Building, 711 South Capitol Way.

WSR 88-14-087
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—July 1, 1988]

It was the decision of the commissioners of the Washington State Human Rights Commission to change the date of the regular commission meeting from July 28, 1988, to August 4, 1988, to assure the attendance of a quorum. The meeting will be held in Walla Walla, Washington on August 3 and 4, 1988. The meeting on August 3, will be held at the Whitman Motor Inn, Empire Room, 107 North Second Street, Walla Walla, and will be a training and work session which will begin at 7:00 p.m. The regular business meeting will be held on August 4, at the City Hall Council Chambers, 15 North Third Street, Walla Walla, beginning at 9:30 a.m. The main topic of discussion will be the commission policy on police practices and the commission policy on jail and prison practices.

WSR 88-14-088
ADOPTED RULES
HIGHER EDUCATION COORDINATING BOARD
 [Order 5-88, Resolution No. 88-13—Filed July 5, 1988]

Be it resolved by the Higher Education Coordinating Board, acting at Cavanaugh's River Inn, North 700 Division, Spokane, WA, that it does adopt the annexed rules relating to adoption of rules implementing RCW 28A.58.220 - [28A.58.]832, 28B.15.543 and SB 5558, chapter 210, Laws of 1988, the Washington scholars program.

This action is taken pursuant to Notice No. WSR 88-11-074 filed with the code reviser on May 18, 1988. 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 SB 5558, chapter 210, Laws of 1988 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 June 23, 1988.

By A. Robert Thoeny
 Executive Director

STATE OF WASHINGTON
WASHINGTON STATE SCHOLARS PROGRAM
 RCW 28A.58.820 - 28A.58.830;
 RCW 28B.15.543; RCW 28B.80

RULES AND REGULATIONS	
WAC 250-66-010	Purpose.
WAC 250-66-020	Program Definitions.
WAC 250-66-030	Nomination and Selection of Washington State Scholars.

WAC 250-66-040	Recipient Eligibility.
WAC 250-66-050	Administration.
WAC 260-66-060	Control of Funds.

The following general regulations govern the administration of the Washington State Scholars Program.

NEW SECTION

WAC 250-66-010 **PURPOSE.** The purpose of this act is to establish a consistent and uniform program which will recognize and honor the accomplishments of selected Washington high school graduates who have distinguished themselves through outstanding academic achievement; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of these outstanding students to Washington public and private colleges and universities; and allow educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of the state of Washington.

NEW SECTION

WAC 250-66-020 **PROGRAM DEFINITIONS.**
 (1) "Public institution of higher education" shall mean all Washington state-operated, public, four-year universities, the evergreen state college, and community colleges.

(2) "Independent college or university" shall mean any private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited by the northwest association of schools and colleges.

(3) "State-funded research universities" shall mean the university of Washington and Washington state university.

(4) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(5) "Washington resident" shall mean any individual who satisfies the requirements of WAC 250-18-020 through WAC 250-18-060 and any board-adopted rules and regulations pertaining to the determination of residency.

(6) "Waiver of tuition and service and activities fees." Students selected as Washington state scholars choosing to attend a public institution of higher education, as defined in subsection (1) of this section, and who meet all other eligibility requirements, shall be eligible for a full waiver of tuition and service and activities fees at any Washington public institution of higher education.

(7) "Grant(s)." Students selected as Washington state scholars choosing to attend an independent college or university, as defined in subsection (2) of this section,

and who meet all other eligibility requirements, shall be eligible to receive grants from the state of Washington, if funds are available for this purpose. Grants shall not exceed, on an annual basis, the yearly, full-time, resident undergraduate tuition and service and activities fees in effect at the state-funded research universities. These grants shall also be contingent upon the independent college or university matching, on at least a dollar-for-dollar basis, either with actual institutional monies or a waiver of tuition and fees, the amount the student receives from the state.

NEW SECTION

WAC 250-66-030 NOMINATION AND SELECTION OF WASHINGTON STATE SCHOLARS.

(1) Number of Students to be Nominated.

Each principal of a public or private approved Washington high school is encouraged to nominate one percent of the senior class (twelfth grade) based on the October 1 enrollment count of the previous year.

(2) Selection Committee. Following the receipt of all nomination forms, the higher education coordinating board shall convene a selection committee which shall have members representing public and private secondary and postsecondary education institutions, state agencies, and private sector associations. This selection committee shall review all nominations based upon selection criteria which shall include, but not be limited to, academic excellence, leadership ability, and community contributions.

(3) Selection. The Washington state scholar selection committee will then select the top three (3) graduating seniors from high schools in each legislative district to be designated as Washington state scholars.

(4) Notification. After the final selections have been made, the higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor.

(5) Certificates and Awards Ceremony. The board, in conjunction with the governor's office, shall prepare appropriate certificates of recognition to be presented to the Washington state scholars recipients. An awards ceremony at an appropriate time and place shall be planned by the board in cooperation with the Washington association of secondary school principals.

NEW SECTION

WAC 250-66-040 RECIPIENT ELIGIBILITY.

(1) Eligibility Criteria. In order to be eligible to receive a waiver of tuition and service and activities fees at public institutions of higher education or a grant at independent colleges or universities, the student must meet the following requirements. The student must:

- (a) Be a resident of the state of Washington.
- (b) Have attended high school in the state of Washington.
- (c) Be a designated and fully recognized recipient of the Washington state scholars award.
- (d) Have entered a public institution of higher education or independent college or university in the state of

Washington within three years of high school graduation.

(e) Be a student enrolled in undergraduate studies.

(f) Maintain a minimum cumulative grade point average of 3.30 on a 4.0 scale, or the equivalent, at a public institution of higher education or independent college or university.

(g) If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards. A student who has received probationary status from the higher education coordinating board shall remain eligible to receive a waiver or grant during such probationary period.

(h) Not be pursuing a degree in theology.

(2) Duration of Eligibility. Recipients of the Washington state scholars award shall be eligible to receive tuition and service and activities fees at public institutions of higher education or grants at independent colleges or universities for a maximum total of eight (8) semesters or twelve (12) quarters.

(3) Transferability. Recipients of the Washington state scholars award may transfer between public institutions of higher education and independent colleges and universities in the state of Washington provided that the maximum waivers of tuition and service and activities fees and grants do not exceed eight (8) semesters or twelve (12) quarters.

NEW SECTION

WAC 250-66-050 ADMINISTRATION. (1) Administering Agency. The higher education coordinating board, with cooperation from the Washington association of secondary school principals, shall administer the Washington state scholars program. The staff of the higher education coordinating board, under the direction of the executive director, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(a) Select students to receive the Washington state scholars award, with the assistance of the selection committee created by section 250-66-030, subsection (3) of this act.

(b) Enter into agreements with participating independent institutions.

(c) Adopt all necessary rules and guidelines.

(d) Send program information and nomination materials to the principal of each Washington public and private school that has a twelfth grade.

(e) Publish a directory of all Washington state scholars selected and distribute it to all public institutions of higher education and independent colleges and universities, legislators, and participating high schools.

(f) Maintain records on all Washington state scholar award recipients.

(g) Publicize the program.

(h) Solicit and accept grants and donations from public and private sources for the program.

(i) Authorize probationary periods for Washington state scholar recipients whose cumulative grade point average falls below the minimum grade point average under section 250-66-040, subsection (1), subsection (f).

NEW SECTION

WAC 250-66-060 CONTROL OF FUNDS. The higher education coordinating board may award grants to eligible students from the funds appropriated the board for this purpose, or from any private donations, or any other funds given to the board for this program.

WSR 88-14-089

ADOPTED RULES

HIGHER EDUCATION COORDINATING BOARD

[Order 6-88, Resolution No. 88-14-Filed July 5, 1988]

Be it resolved by the Higher Education Coordinating Board, acting at Cavanaugh's River Inn, North 700 Division, Spokane, WA, that it does adopt the annexed rules relating to adoption of rules implementing SB 6638, chapter 242, Laws of 1988, the nurses conditional scholarship program.

This action is taken pursuant to Notice No. WSR 88-11-075 filed with the code reviser on May 18, 1988. 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 SB 6638, chapter 242, Laws of 1988, 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 June 23, 1988.

By A. Robert Thoeny
Executive Director

STATE OF WASHINGTON

NURSES CONDITIONAL SCHOLARSHIP PROGRAM

Chapter 242, Laws of 1988

RULES AND REGULATIONS

WAC 250-67

- WAC 250-67-010 Purpose.
- WAC 250-67-020 Program Definitions.
- WAC 250-67-030 Student Eligibility.
- WAC 250-67-040 Selection of Recipients.
- WAC 250-67-050 Administration.
- WAC 250-67-060 Control of Funds.

The following general regulations govern the administration of conditional scholarships awarded to students planning to enter the nursing profession.

NEW SECTION

WAC 250-67-010 PURPOSE. The purpose of this act is to encourage qualified individuals with a declared intention to serve in a nurse shortage area.

NEW SECTION

WAC 250-67-020 PROGRAM DEFINITIONS.

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a nurse serving in a nurse shortage area, as defined by the state health coordinating council.

(2) "Institution of higher education" or "institution" means a community college, vocational-technical school, or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(3) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(4) "Eligible student" means a student who: (a) has been officially accepted by the school into a program leading to eligibility for licensure as a licensed practical nurse or to a program leading to an associate, baccalaureate, or higher degree in nursing; (b) continues to make satisfactory progress within the program; and (c) has a declared intention to serve in a nurse shortage area upon completion of the educational program.

(5) "Nurse shortage area" means those areas where nurses are in short supply as a result of geographic maldistribution or specialty areas of nursing as determined by the state health coordinating council.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render nursing service in a nurse shortage area in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship.

(9) "Washington resident" or "resident student" means an individual who satisfies the requirements of WAC 250-18-020 through 060 and board-adopted rules and regulations pertaining to the determination of residency.

(10) "Needy student" shall mean a post-high school student of an institution of higher education as defined in RCW 28B.10.802(1) who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(11) "Financial need" shall be the difference between the budgetary cost to the student attending an institution of higher education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(12) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his or her dependents during the period in which that student is enrolled as a student.

(13) "Total applicant resources" must be computed according to the congressional methodology system of need analysis for the academic year. Total applicant resources for a dependent student consist of the sum of the expected parent contribution and the student's contribution from income, assets, and summer savings. For an independent student, total applicant resources are the sum of the student's and spouse's contribution from income, assets, and summer savings.

(14) "Dependent student" shall mean any post-high school student attending an eligible institution of higher education who does not qualify as an independent student in accordance with subsection (15) of this section.

(15) "Independent student" shall mean any student who has either: (a) reached his or her twenty-fourth birthday before January 1 of the aid year; (b) is a veteran of the United States Armed Forces; (c) is an orphan or ward of the court; (d) has legal dependents other than a spouse; (e) is a married student or a graduate/professional student; (f) will not be claimed by parents as a U.S. income tax exemption; or (g) was not claimed by parents as an income tax exemption during the past two years and had a total income and benefits for those two years equal to or greater than \$4,000.

Reviser's note: Errors of punctuation in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 250-67-030 STUDENT ELIGIBILITY. (1) Eligibility Criteria. In order to be eligible for a conditional scholarship under this program the student must:

(a) Be officially accepted by the school into a program leading to eligibility for licensure as a licensed practical nurse or to a program leading to an associate, baccalaureate, or higher degree in nursing.

(b) Have a declared intention to serve in a nurse shortage area upon completion of the education program.

(c) Continue making satisfactory progress as determined by the institution.

(d) Be classified as a resident student of the state of Washington for tuition and fee purposes.

(2) While evidence of documented financial need is not a prerequisite for program participation, the board may include need as an element of the criteria for the screening and selection of recipients for approximately one-half of the program's recipients.

(3) Criteria for institutional determination of financial need and the making of awards:

(a) Budgetary costs will be determined by the institution subject to approval by the higher education coordinating board.

(b) Total applicant resources shall be determined according to the congressional methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, non-liquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

(c) The conditional scholarship, when offered in conjunction with other forms of governmentally provided student financial assistance, shall be designed in such a manner that the sum total of financial assistance awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education.

NEW SECTION

WAC 250-67-040 SELECTION OF RECIPIENTS. (1) Program planning and screening committee. The board shall establish a planning committee to advise the board on matters of program administration including, but not limited to, developing criteria for the screening and selection of scholarship recipients, procedures and program publicity. The planning committee shall also serve as a screening committee in assisting the board in selecting the students to receive conditional scholarships.

(2) Selection of recipients. Assuming program eligibility criteria is met, the following additional selection criteria may be employed by the board in ranking candidates and awarding conditional scholarships:

(a) Superior scholastic achievement.

(b) Nursing specialty.

(c) Geographic need.

(d) Financial need, which may be considered for approximately one-half of the scholarships.

(e) Eligibility for renewal of conditional scholarship.

(3) Renewal scholarships. As a priority in awarding conditional scholarships, the board may continue to make awards for a maximum of five years to an eligible recipient continually enrolled in an approved program.

NEW SECTION

WAC 250-67-050 ADMINISTRATION. The higher education coordinating board shall administer the conditional scholarship program for nurses. The staff of the higher education coordinating board, under the direction of the executive director, and in consultation with the state board for community college education and the superintendent of public instruction for vocational education, will manage the administrative functions relative to the program. The board shall have the following administrative responsibilities, encompassed within the board's enumerated powers and duties:

(1) Enter into agreements with participating institutions and billing and collection agencies as may be necessary.

(2) Select students to receive conditional scholarships with the assistance of a screening committee.

(3) Adopt necessary rules and guidelines.

(4) Publicize the program, including the use of existing offices established for recruitment of minorities in institutions of higher education.

(5) Collect and manage repayments from students who do not meet their nursing service obligations.

(6) Solicit and accept grants and donations from public and private sources for the program.

(7) Establish a planning committee.

(8) Develop criteria for a contract for service in a nursing shortage area in lieu of repayment over a five year repayment period.

NEW SECTION

WAC 250-67-060 CONTROL OF FUNDS. The higher education coordinating board may award conditional scholarships to eligible students from the funds appropriated to the board for this purpose, or from any private donations or funds given to the board for this program.

(1) Scholarship amounts. The amount of the conditional scholarship awarded an individual shall not exceed three thousand dollars per academic year. Students are eligible to receive conditional scholarships for a maximum of five years. The total amount of such scholarships to an eligible student shall not exceed fifteen thousand dollars (\$15,000). The duration of service obligation does not vary with the value of the scholarship(s).

(2) The scholarship recipient shall enter into a contract with the higher education coordinating board agreeing to comply with the rules, regulations, and guidelines of the conditional scholarship program. The contract shall serve as the legal document verifying the recipient's understanding of the obligation to repay the conditional scholarship if nursing service is not fulfilled.

(3) Repayment terms. Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless they serve for five years in nurse shortage areas of the state of Washington.

(4) The terms of the repayment, including deferral and rate of interest, shall be consistent with the terms of the federal guaranteed loan program.

(5) The period for repayment shall be five years, with payments accruing quarterly, commencing nine months from the date the scholarship recipient completes or discontinues the course of study.

(6) The entire principal and interest of each payment shall be forgiven for each payment period in which the scholarship recipient serves in a nurse shortage area, as determined by the state health coordinating council, until the entire repayment obligation is satisfied or the recipient ceases to so serve. Should the recipient cease to serve in this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the repayment obligation is satisfied.

(7) Collection of repayments. The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made.

(a) The board is responsible to forgive all or parts of such repayments under the criteria established by the board and shall maintain all necessary records of forgiven payments.

(8) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are aid by or on behalf of participants under this section, shall be deposited with the higher education coordinating board and shall be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections. All receipts beyond those necessary to pay such costs shall be used to grant conditional scholarships to eligible students.

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

WSR 88-14-090
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—July 5, 1988]

The Washington Forest Practices Board has rescheduled the regular quarterly meeting from August 10, 1988, to August 24, 1988, to be held beginning at 2:00 p.m. at the House Office Building, Hearing Room E, Olympia, Washington.

Additional information may be obtained from the Division of Forest Regulation and Assistance, 1007 South Washington Street, EL-03, Olympia, WA 98504, (206) 753-5315.

WSR 88-14-091
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed July 6, 1988]

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

Amd	WAC 173-19-220	Grays Harbor County.
Amd	WAC 173-19-2201	Aberdeen, City of.
Amd	WAC 173-19-2202	Cosmopolis, City of.
Amd	WAC 173-19-2204	Hoquiam, City of.
Amd	WAC 173-19-2207	Ocean Shores, City of.
Amd	WAC 173-19-2208	Westport, City of.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 6, 1988.

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 Nos. WSR 88-08-063, 88-08-064, 88-08-065, 88-08-066, 88-08-067 and 88-08-068, filed with the code reviser's office on April 6, 1988.

Dated: July 5, 1988
By: Phillip C. Johnson
Deputy Director

WSR 88-14-092
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed July 6, 1988]

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, August 11, 1988, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 August 9, 1988.

Dated: July 5, 1988
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amending WAC 356-10-050.

Title: Employee appointment status—Upward reallocation.

Purpose: This rule addresses the treatment of incumbents in reallocated positions (promotions, demotions, lateral movements and class studies).

Statutory Authority: RCW 41.06.150(4).

Summary and Reasons: This amendment is being proposed to facilitate the implementation of a major class study (caseworker/social worker) where the cost impact necessitates salary computations on a promotional basis.

Responsibility for Drafting: Fred Richardson, Department of Personnel, 521 South Capitol Way, FE-11, Olympia, WA 98504, phone (206) 753-1003; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Social and Health Services and the Washington Federation of State Employees.

Rule Proposal a Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-10-050 EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION. Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have

their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within sixty days the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range. However, the personnel board may, by resolution, determine that salaries will be adjusted in accordance with the rules governing promotion (WAC 356-14-140) when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) The effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

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 88-14-093
PROPOSED RULES
DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Banking)
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Banking, Department of General Administration, intends to adopt, amend, or repeal rules concerning contents of statement to borrower, amending WAC 50-20-040; and restrictions as to charges, amending WAC 50-20-050.

Because of a request, this office is holding a public hearing on the proposed adoption of these rules;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Office of the Supervisor of Banking, Room

219, General Administration 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 RCW 31.04.150(2).

The specific statute these rules are intended to implement is chapter 31.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-14-002 filed with the code reviser's office on June 23, 1988.

Dated: July 6, 1988
 By: Thomas H. Oldfield
 Supervisor of Banking

WSR 88-14-094
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation of health care assistants and the repeal of WAC 308-175-080 Minimum training and demonstrated proficiency of health care assistants; that the agency will at 9:30 a.m., Tuesday, August 9, 1988, in the Second Floor Conference Room, Quince Street Office Building, 1300 Quince Street S.E., 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 after August 9, 1988.

The authority under which these rules are proposed is RCW 18.135.040.

The specific statute these rules are intended to implement is RCW 18.135.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: July 5, 1988
 By: John H. Keith
 Assistant Attorney General
 Agency Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose and Summary of Rule: The purpose of chapter 308-175 WAC is to implement the provisions of chapter 18.135 RCW dealing with the functions authorized to be performed by health care assistants; the delegation and supervision of these functions, and mechanism for certification of the health care assistants. WAC 308-175-080 Minimum training and demonstrated proficiency of health care assistants is set for repeal.

Statutory Authority: RCW 18.135.040.

Reasons Proposed: It has been superseded by other training requirement rules.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores Spice, Program Manager, 1300 Quince Street, Olympia, WA 98504, (206) 753-1761 comm, 234-1761 scan.

Proponents: The director [of the] state of Washington Department of Licensing with the advice of designees of the Board of Medical Examiners, the Board of Osteopathic Medicine and Surgery, the Podiatry Board and the Board of Nursing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term was defined by RCW 43.31.920.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 308-175-080 MINIMUM TRAINING AND DEMONSTRATED PROFICIENCY OF HEALTH CARE ASSISTANTS.

Reviser's note: The repealer appears as filed by the agency pursuant to RCW 34.08.040, however the reference to the word chapter is probably intended to be section.

WSR 88-14-095
PROPOSED RULES
BOARD OF CHIROPRACTIC EXAMINERS
 [Filed July 6, 1988]

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;

that the agency will at 9:30 a.m., Thursday, August 11, 1988, in the Double Tree Suite, Scottsdale Room, 16500 South Center Parkway, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.25.017.

The specific statute these rules are intended to implement is RCW 18.25.017.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 11, 1988.

Dated: July 5, 1988
 By: John H. Keith
 Assistant Attorney General
 Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Examining Board.

Rule Title, Summary, Purpose and Reason Proposed: WAC 114-12-160 Continuing chiropractic education,

would be amended to provide for the audit of board approved continuing education programs to evaluate compliance with program standards; and WAC 114-12-170 License renewal—Affidavit of compliance with continuing education requirements, would be amended to provide for the random audit of renewal applicants.

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) 753-3129 comm, 234-3129 scan.

Proponents: 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 451, filed 12/7/83)

WAC 114-12-160 CONTINUING CHIROPRACTIC EDUCATION—GUIDELINES FOR SYMPOSIUM APPROVAL. (1) In order to be used by a licensee to satisfy the continuing chiropractic education requirements of RCW 18.25.070(1) an educational symposium must be approved by the Washington board of chiropractic examiners.

(2) In order to qualify for board approval, the subject matter of an educational symposium must relate to matters appropriate to the practice of chiropractic as provided in Washington state law.

(3) In order to qualify for board approval an educational symposium must offer instruction by a lecturer or lecturers who have demonstrated competency through knowledge, experience and reputation in the subject area to be presented.

(4) The board will conduct a random compliance audit of continuing education programs. If based upon the audit the board determines that the educational program does not comply with the subject matter requirements of WAC 114-12-155 or the symposium approval standards set forth in subsections (2) and (3) of this section, then the symposium approval is subject to withdrawal or reduction of hours.

(5) As a condition of approval, all chiropractic continuing education programs shall permit one or more members or representatives of the board to attend without charge all portions of any approved symposium to audit the program content and presentation.

AMENDATORY SECTION (Amending Order PL 355, filed 8/20/80)

WAC 114-12-170 LICENSE RENEWAL—AFFIDAVIT OF COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS. (1) In conjunction with his or her annual application for renewal of license, a licensee shall submit, on a form provided by the board, an affidavit of compliance with the continuing education requirement of RCW 18.25.070.

(2) In addition to the affidavit of compliance, the licensee shall submit such further and other evidence and documentation to substantiate the affidavit of compliance as the board may request in any individual case. It shall be the responsibility of the licensee to maintain and provide such evidence and/or documentation on request of the board.

(3) The board will conduct a random compliance audit of renewal applicants. If the board determines that the applicant has not obtained continuing chiropractic education that reasonably falls within the subject matter defined in WAC 114-12-155 and the guidelines for symposium approval in WAC 114-12-160 then the application for renewal will be subject to denial.

WSR 88-14-096

ADOPTED RULES BOARD OF PHARMACY [Order 218—Filed July 6, 1988]

Be it resolved by the Washington State Board of Pharmacy, acting at Yakima, Washington, that it does adopt the annexed rules relating to precursor substance control, chapter 360-38 WAC.

This action is taken pursuant to Notice No. WSR 88-11-082 filed with the code reviser on May 18, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 5, chapter 147, Laws of 1988 which directs that the Board of Pharmacy has authority to implement the provisions of chapter 147, Laws of 1988.

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 June 23, 1988.

By Joseph M. Honda
Chairman

Chapter 360-38 WAC PRECURSOR SUBSTANCE CONTROL

WAC

- | | |
|------------|-------------------------------|
| 360-38-010 | Precursor substance defined. |
| 360-38-020 | Reports of precursor receipt. |
| 360-38-030 | Monthly reporting option. |

NEW SECTION

WAC 360-38-010 PRECURSOR SUBSTANCE DEFINED. (1) For the purpose of this chapter a precursor substance is any of the following substances or their salts or isomers:

- (a) Anthranilic acid;
- (b) Barbituric acid;
- (c) Chlorophedrine;
- (d) Diethyl malonate;
- (e) D-lysergic acid;
- (f) Ephedrine;
- (g) Ergotamine tartrate;
- (h) Ethylamine;
- (i) Ethyl malonate;
- (j) Ethylephedrine;
- (k) Lead acetate;
- (l) Malonic acid;
- (m) Methylamine;
- (n) Methylformamide;
- (o) Methylephedrine;
- (p) Methylpseudoephedrine;
- (q) N-acetylanthranilic acid;
- (r) Norpseudoephedrine;
- (s) Phenylacetic acid;
- (t) Phenylpropanolamine;
- (u) Piperidine;

- (v) Pseudoephedrine; and
- (w) Pyrrolidine.

Provided; that this definition shall not include any drug that contains ephedrine, phenylpropanolamine, or pseudoephedrine or any cosmetic if that drug or cosmetic can be lawfully sold, transferred, or furnished over-the-counter without a prescription or by a prescription under chapter 69.04 or 69.41 RCW.

(2) The board finds that the reference to methylformamide in section 1, chapter 147, Laws of 1988, was intended to refer to methylformamide and corrects that reference by deleting "methylformamide" and adding "methylformamide." This change is based upon the finding that this revision conforms to the tests set forth in section 1(2), chapter 147, Laws of 1988.

(3) Registrants should be aware that precursor substances in subsection (1)(a), (f), (k), (m), (n), (s), and (v) of this section are also regulated as schedule II immediate precursors pursuant to WAC 360-36-425 and all applicable rules and laws governing the distribution of schedule II controlled substances must also be complied with.

NEW SECTION

WAC 360-38-020 REPORTS OF PRECURSOR RECEIPT. (1) Any manufacturer, wholesaler, retailer, or any other person who receives from any source outside the state of Washington any precursor substance listed in WAC 360-38-010 shall submit a report of such transaction within fourteen days of the receipt of that substance.

- (2) The report shall contain the following information:
 - (a) Name of substance;
 - (b) Quantity received;
 - (c) Date received;
 - (d) Name and address of firm or person receiving substance; and
 - (e) Name and address of the source selling, transferring, or furnishing the substance.

(3) The report shall be on a form approved by the board: PROVIDED, That in lieu of an approved form the board will accept a copy of an invoice, packing list, or other shipping document which contains the information set forth in subsection (2) of this section. Under this option purchase price information appearing on the document can be deleted.

NEW SECTION

WAC 360-38-030 MONTHLY REPORTING OPTION. (1) Permit holders who regularly transfer the same precursor substance to the same recipient can apply to the board for authorization to submit the report of said transactions on a monthly basis. Requests for monthly reporting authorization must be received at the board office at least thirty days prior to the board meeting at which the request will be considered. The board will review each request to determine if the requirements of section 1(5), chapter 147, Laws of 1988, are met and will notify the permit holder of its decision and the reporting format that will be authorized.

(2) Permit holders may also petition the board to accept the monthly report on a computer-generated basis. The report can be furnished in hard copy, on board-approved data storage methods or by computer interface with a board-operated computer. The permit holder will be responsible for the accuracy of the report and the prompt correction of any data entry or transmission errors.

(3) The authorization to use monthly reports or computer-generated monthly reports can be rescinded at the board's discretion and with thirty days notice.

**WSR 88-14-097
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Massage)
[Order PM 743—Filed July 6, 1988]**

Be it resolved by the Washington State Board of Massage, acting at Seattle, Washington, that it does adopt the annexed rules relating to the repealing of WAC 308-51-070.

This action is taken pursuant to Notice No. WSR 88-11-055 filed with the code reviser on May 17, 1988. 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 18.108-.025 which directs that the Board of Massage has authority to implement the provisions of RCW 18.108.025.

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 June 29, 1988.
By Karen H. Kressling
Acting Chairperson

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-51-070 COMMUNICABLE DISEASES.

**WSR 88-14-098
ATTORNEY GENERAL OPINION
Cite as: AGO 1988 No. 15
[July 1, 1988]**

PUBLIC HOSPITAL DISTRICTS—MUNICIPAL CORPORATIONS—EXTRATERRITORIAL OPERATIONS

1. A public hospital district organized under chapter 70.44 RCW has the authority to construct and operate a drug and alcohol treatment center located outside the boundaries of the district, where the primary purpose is to provide services for the residents

of the district, but a district may not operate inside the boundaries of another public hospital district without the second district's agreement.

Requested by:

Honorable Clyde Ballard
House Minority Leader
418 Legislative Building
Olympia, Washington 98504

WSR 88-14-099
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—June 30, 1988]

The board of trustees of the Seattle Community College District has scheduled a special meeting for 4:00 p.m., Tuesday, July 12, 1988, in the District Office Meeting Room, 1500 Harvard, Seattle, WA 98122.

WSR 88-14-100
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-49—Filed July 6, 1988]

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 these regulations are adopted pursuant to the decision of the Columbia River Compact.

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 July 6, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100E COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, effective immediately, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F,*

1G or 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may:

(a) *fish from 12:00 noon July 6, to 6:00 p.m. July 9, 1988.*

(b) *only use gill net gear with a 4-1/2 inch maximum mesh size.*

(c) *sell sockeye salmon, shad, sturgeon and chinook salmon taken in this fishery.*

(2) *During the seasons specified in subsection 1, it is unlawful:*

(a) *To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.*

(b) *To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.*

(c) *To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300*

(3) *Notwithstanding the provisions of WAC 220-32-058, 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 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) *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.*

(g) *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.*

(h) *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.

(4) 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 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 88-14-101

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning:

- | | | |
|-----|-----------------|--|
| Rep | ch. 174-107 WAC | Governance and decision making. |
| Rep | ch. 174-124 WAC | Social contract among members of the community of The Evergreen State College—Community code of conduct. |
| New | ch. 174-130 WAC | Social contract—Student conduct code—Grievance and appeals process; |

that the institution will at 1:30 p.m., Wednesday, August 17, 1988, in The Evergreen State College Library, Room 3112, 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.40.120(12).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 17, 1988.

Dated: July 6, 1988
 By: Shawn T. Newman
 College Legal Counsel

STATEMENT OF PURPOSE

Title: Chapter 174-130 WAC, Social contract—Student conduct code—Grievance and appeal process.

Statutory Authority and Specific Statute the Rule is Intended to Implement: RCW 28B.40.120.

Reason Supporting Proposed Action: Current rules do not adequately protect individual due-process rights.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Shawn

Newman, College Legal Counsel, The Evergreen State College, Lib 3103, Olympia, WA 98505, 866-6000 ext. 6363.

Name of the Person or Organization, Whether Private, Public, or Governmental, Proposing the Rule: Shawn Newman.

Agency Comments or Recommendation, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: The proposed code is intended to provide notice of prohibitive conduct and set forth a fair administrative procedure.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Not applicable.

Small Business Economic Impact Statement: Not applicable.

REPEALER

The following chapters of the Washington Administrative Code are repealed:

- (1) Ch. 174-107: GOVERNANCE AND DECISION MAKING
- (2) Ch. 174-124: SOCIAL CONTRACT AMONG THE MEMBERS OF THE COMMUNITY OF THE EVERGREEN STATE COLLEGE — COMMUNITY CODE OF CONDUCT.

NEW CHAPTER

CHAPTER 174-130

SOCIAL CONTRACT - STUDENT CONDUCT CODE - GRIEVANCE AND APPEAL PROCESS

NEW SECTION

WAC 174-130-010 DEFINITIONS: (1) COMMUNITY: Enrolled students and employees of the College.

(2) COLLEGE FACILITIES/PREMISES: Property owned, leased, operated, controlled, or supervised by the College.

(3) HEARING BOARD POOL (HBP): The Vice-President for Student Affairs shall solicit and maintain annually a pool of at least twelve (12) community members, four (4) from each group: students, faculty and staff. Students shall be matriculated not on academic warning or under the provisions of a disciplinary sanction; faculty shall be full-time on a continuing appointment (i.e. regular faculty status) and not under a warning from the Academic Deans; staff shall be continuing members of the staff not under a disciplinary procedure from his/her supervisor.

(4) HEARING BOARD: Six (6) community members chosen at random from the HBP, two people from each group. The College Legal Counsel or, in cases of conflict, an assistant attorney general, administrative law judge or another qualified community member shall serve as a non-voting advisor to the Board.

(5) PREPONDERANCE OF THE EVIDENCE: The greater weight of evidence; evidence more convincing to the mind than not.

(6) SPONSORED EVENT OR ACTIVITY: Activities scheduled by the College and supervised and controlled by College employees.

(7) APPEALS BOARD: Three community members chosen at random from the HBP, one (1) person from each group. The College Legal Counsel or, in cases of conflict, an assistant attorney general, administrative law judge or another qualified community member shall serve as a non-voting advisor to the Board.

(8) GRIEVANCE OFFICER: Person(s) who shall be continuing community members and who are appointed by and accountable to the Vice-President for Student Affairs. The Vice-President may designate a housing official as Grievance Officer for cases arising in Housing.

NEW SECTION

WAC 174-130-020 PREAMBLE: THE SOCIAL CONTRACT (1) COLLEGE COMMUNITY: The Evergreen State College is an academic community sustained by society at large with such means as place, time, faculty, equipment, and the academic freedom necessary for the pursuit of learning. As members of the Evergreen community we understand that in addition to being bound by the laws of the larger society we acknowledge our mutual responsibility for

maintaining conditions under which learning may flourish, conditions characterized by openness, honesty, civility and fairness.

(2) **RIGHTS AND RESPONSIBILITIES:** These conditions carry with them certain rights and responsibilities that apply to us as groups and as individuals. These rights and responsibilities also require more explicit understanding between each of us and the College, the learning community that we have chosen to join. Evergreen does not stand in loco parentis for its members.

(3) **OPENNESS:** We commit ourselves to openness in decision making within the College according to understanding and procedures laid down by our Committee on Governance.

(4) **SUPPORT OF EXPERIMENTATION TO ACHIEVE GOALS:** The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

(5) **FREEDOM OF EXPRESSION:** We acknowledge our right to organize formally or informally, to hold public meetings free from disruption, to hold peaceful demonstrations so long as they do not interfere with others of us in pursuit of learning or those of us in support of learning. We acknowledge our right to invite expression of ideas from outside our community, ideas that may not be sympathetic with those of our majority, at the same time as we agree to prevent financial or political exploitation of the College by any individuals or groups.

(6) **RIGHT OF ACCESS AND PRIVACY:** In order to foster learning, we encourage the maximum possible use of all College facilities. As individuals in pursuit of learning we have the right of open access to books, equipment and space, subject to their availability, and of access to information, subject to the privacy laws. We also expect certain freedoms essential to the pursuit of learning: freedom from censorship of our ideas, freedom from reprisal owing to our expression of unpopular views or to our associations; freedom from physical or verbal abuse. We also have the right to appropriate privacy and quiet in our individual work spaces and residences. All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.

(7) **HONESTY AND CIVILITY:** We understand that these freedoms depend upon two important responsibilities for how we treat other people: honesty and civility. In addition to honesty as it is ordinarily understood, academic honesty requires scrupulous care that every word or idea presented in our name, when not part of the general wisdom, is our own. Honesty also requires that we recognize and acknowledge our own biases and prejudices. Civility requires that we accord others the freedoms we ourselves expect: of privacy and quiet; from abuse, reprisal, and censorship; of access to information and to the College's resources. Civility requires also that we respect those resources, that we save our surroundings and our wherewithal for learning so that those who come after us may enjoy what we have enjoyed.

(8) **COVERAGE:** This Social Contract applies to every member of the Evergreen community: students, faculty, staff, and administrators. However, the Social Contract shall not conflict with statutory, regulatory and/or contractual commitments to college employees (e.g. classified staff union contract procedures, Higher Education Personal Board procedures, faculty reappointment procedures, and faculty contracts). Grievances against college employees should be taken to the employee first, then to the employee's immediate supervisor or, in cases of conflict, to the Director of Employee Relations.

(9) **ACADEMIC ISSUES:** Academic issues relating to credit, content of evaluations, and academic dishonesty are appealed to the academic deans.

(10) **VOLUNTARY MEDIATION/ARBITRATION ENCOURAGED:** Community members who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves. To facilitate this objective, the College encourages voluntary mediation and/or arbitration through the Campus Mediator or any mutually agreed upon third party.

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

NEW SECTION

WAC 174-130-030 STUDENT CONDUCT CODE - MINIMUM EXPECTATIONS AND SOCIAL CONTRACT VIOLATIONS: The community wishes all of its members to fulfill the responsibilities in the Social Contract, and it requires its student members to meet minimum expectations of civic responsibility. Students must abide by the rules below in order to maintain community membership. Students may be accountable to both civil/criminal authorities and the college for acts which constitute violations of law occurring on or off campus. The following violations are not designed to define prohibited conduct in exhaustive terms:

(1) **HARASSMENT/PHYSICAL HARM:** Threatening, intimidating or harassing another with intent to harm the person threatened or any other person with respect to his or her physical or mental health or safety. This includes causing physical harm to any person or property or causing reasonable apprehension of such harm to another person.

(2) **WEAPONS, FIREARMS, EXPLOSIVES AND DANGEROUS CHEMICALS:** Unauthorized use, possession, or storage firearms, as defined by state law (other than storage with the Campus Security Office); unauthorized use, possession, or storage of explosives of greater force than common fireworks, as defined by state law; or unauthorized use, possession, or storage of dangerous chemicals, as defined by state law (excluding those chemicals stored under the supervision of College staff for instruction, research, and maintenance).

(3) **POSSESSION FOR DISTRIBUTION OR DISTRIBUTION OF CONTROLLED SUBSTANCES:** Distributing in an unauthorized manner or possession for purposes of unauthorized distribution any controlled substance, as defined by law (i.e., illegal drugs or alcohol).

(4) **THEFT OR DESTRUCTION OF PROPERTY:** Stealing, destroying or damaging private or College property or services.

(5) **TRESPASS:** Unauthorized presence in or use of college premises, facilities, services or property.

(6) **FALSE ALARMS:** Intentionally causing a false police or fire alarm on College property.

(7) **FALSE INFORMATION:** Intentionally providing false information to the College for the purpose of gaining admission or employment or to avoid determination of facts in accordance with any campus hearing on investigation.

(8) **DISRUPTING COLLEGE FUNCTIONS:** Intentionally and/or recklessly interfering with normal college or college sponsored activities, including, but not limited to, studying, teaching, research, college administration, fire, police, campus security or emergency services.

(9) **HOUSING VIOLATIONS:** Housing contract or Social Contract violations occurring in campus housing.

(10) **ALCOHOL USE:** Using alcohol illegally on College property.

(11) **DRUG POSSESSION:** Using or possessing for personal use any illegal drug, as defined by law, on College premises or at College-sponsored activities.

(12) **SMOKING:** Smoking in a prohibited area on College property as defined by College rules, WAC 174-136-160 to 170, as amended.

NEW SECTION

WAC 174-130-040 STUDENT CONDUCT CODE - SANCTIONS: Violations of WAC 174-130-030 (1) through (9) and (11), inclusive, may result in expulsion or suspension unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the student, as well as the nature of the violation and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any section of these rules or failure to comply with a sanction previously imposed under this procedure may result in expulsion or suspension or in the imposition of such lesser corrective measures as may be appropriate. A student's off-campus criminal conduct may also be considered in determining what discipline is warranted for similar on-campus conduct. Sanctions that may be imposed are:

(1) **EXPULSION:** Disenrollment from the College and termination of community membership.

(2) **EMERGENCY SUSPENSION:** The Vice President for Student Affairs or his/her designee may impose an emergency suspension from residence, academic status, or presence on campus when such action appears necessary to protect the safety and well being of college members or college property, or to guarantee the free movement of college members and the unobstructed continuance of college activity. An emergency suspension shall not exceed ten (10) days. At the time of suspension, the student shall be notified in writing, if possible,

otherwise orally of the circumstances constituting prohibitive conduct and of the right to petition for a formal hearing. If oral notification is given at the time of the summary suspension, written notification shall be personally delivered or sent to the student's last known address within 24 hours. A case of emergency suspension shall be referred immediately to a Hearing Board, which shall take action as soon as possible, but in no case later than ten (10) calendar days after the emergency suspension ends. The Vice-President for Student Affairs or his/her designee may cancel the emergency suspension at an earlier time.

(3) **SUSPENSION:** Temporary dismissal from the College and temporary termination of community membership, including residence, for a finite period of time, not to exceed one calendar year.

(4) **COMMUNITY SERVICE:** Work done for the community.

(5) **RESTRICTIONS:** The loss of certain specified privileges which must be appropriate to the violation, and not to exceed one calendar year.

(6) **RESTITUTION:** Payment to the College or to other persons, groups or organizations for damages incurred as a result of a violation.

(7) **REPRIMAND:** Warning(s) that further misconduct within one calendar year may result in more severe sanctions.

(8) **OTHER:** Other sanctions may be imposed if related to the violation.

NEW SECTION

WAC 174-130-050 STUDENT CONDUCT CODE - PROCEDURAL DUE PROCESS (1) **TIMELY HEARING, ERRORS AND FAIRNESS:** Every student charged with a violation of these rules may expect a timely formal or informal hearing. Harmless procedural errors shall not invalidate a decision or proceeding. Errors that significantly prejudice the rights of the student shall lead to a dismissal of the case. Errors that significantly prejudice the rights of the College shall lead to a new hearing by a new Hearing Board. Fairness to the student and to the College as a learning community, shall be the ultimate guide to all actions taken.

(2) **NOTICE OF RULES AND RIGHT TO REPRESENTATION:** Students shall be informed in writing of the contents of this section, prior to any discussion concerning complaints. The student has the right to have a representative present, but representatives may not appear in lieu of the student.

(3) **CONCURRENT JURISDICTION:** Students shall not be subjected to a campus hearing twice for the same offence, except if a case is returned to a Hearing Board by the Appeals Board. However, when a violation of local, state, or federal laws may have occurred, the issue may be referred to the appropriate legal authorities, including campus security, for action. College procedures operate independently of outside criminal and civil procedures.

(4) **SANCTIONS PENDING DECISION:** No action, other than emergency suspension, may be imposed upon a student until a violation is agreed in writing, or the Hearing Board makes a decision, and all appeal rights under this procedure have been exhausted or forfeited.

NEW SECTION

WAC 174-130-060 STUDENT CONDUCT CODE - COMPLAINT PROCEDURE (1) **VOLUNTARY MEDIATION/ARBITRATION:** Any student who has a complaint or charge should first attempt voluntary mediation and/or arbitration. If that does not succeed, they should contact the Grievance Officer.

(2) **CONTACT GRIEVANCE OFFICER:** Any student who has a complaint or charge should contact the Grievance Officer.

(3) **FORM OF THE COMPLAINT:** The complaint must be filed in writing to the Grievance Officer including:

(a) Names of the disputing parties;

(b) Clear and concise description of incident(s) involved in complaint;

(c) The remedy requested; and

(d) State any alleged violations of the Social Contract if known.

(4) **STUDENT RIGHTS AND MEETING WITH GRIEVANCE OFFICER:** Immediately upon receiving a complaint, the Grievance Officer shall send a copy of the complaint to the student requesting a meeting and informing the student of the right to be accompanied by a representative. The Grievance Officer will, after conferring with the student, ask for more information, dismiss the case, or propose a case against the student in the name of the College. The Grievance Officer shall decide to dismiss the case or bring it to a Hearing Board within

30 working days of the initial receipt of a complaint. Multiple complaints against a student shall generally be consolidated by the Grievance Officer to a single hearing.

NEW SECTION

WAC 174-130-070 STUDENT CONDUCT CODE - SETTLEMENT PROCEDURES (1) **SETTLEMENT:** If the Grievance Officer decides to pursue a case in the name of the College, the student may accept or deny responsibility for the violation. If the student accepts responsibility, in writing, she or he may propose a sanction to resolve the case. The Grievance Officer may propose a sanction. If agreement on responsibility and sanction are reached, the agreement shall be made in writing and signed by the student and Grievance Officer. The agreement may be withdrawn in writing, within one work day. If the agreement is not withdrawn within one work day, the student waives her or his access to the Hearing Board and Appeals Board.

(2) **SETTLEMENT AGREEMENT:** An agreement on responsibility and sanctions shall be written and contain:

(a) a description of the violation for which responsibility is accepted;

(b) the agreed sanction;

(c) signatures of the student and the Grievance Officer.

(3) **FAILURE TO REACH AN AGREEMENT:** If no agreement is reached on responsibility or sanction, the Grievance Officer shall bring the case before the Hearing Board or shall dismiss the case.

NEW SECTION

WAC 174-130-080 STUDENT CONDUCT CODE - HEARING BOARD PROCEDURE (1) **NOTICE:** The Vice President for Student Affairs shall submit a written notice to the student if a Hearing Board is to be called. Any such hearing shall be conducted pursuant to the State Higher Education Administrative Procedures Act, RCW 28B.19.110 - 150, as amended or superseded.

(2) **CONVENING THE HEARING BOARD:** The Vice President for Student Affairs shall convene a Hearing Board from the Hearing Board Pool as soon as possible and in no case more than thirty (30) days of the decision to take the case to a board.

(3) **CHALLENGES:** Each party (the Grievance Officer and the student) has the right to one (1) peremptory challenge. Either party may challenge any board member based on cause, such as personal bias. Except for peremptory challenges, Hearing Board members may be disqualified upon majority vote of the remaining board members. Any Board member may disqualify herself or himself.

(4) **EVIDENCE:** The members of the Hearing Board shall not discuss any aspect of the complaint outside of the hearing. The findings of the Hearing Board shall be based only upon the evidence and matters officially noticed. The Board shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Any decision to admit evidence shall be dependent upon whether there are circumstances indicating the reliability of the evidence and whether it is the best evidence reasonably available. Undue repetitious or irrelevant evidence may be excluded. Illegally obtained evidence cannot be used.

(5) **EVIDENCE EXCHANGE:** At least three (3) working days before the hearing, the Grievance Officer and the student shall provide each other with the names of all witnesses, documents, records, recordings to be used. If the majority of the board agree, late evidence may be introduced at the time of the hearing.

(6) **SUBPOENAS:** The student and the Grievance Officer have the right to have administrative subpoena(s) issued by the Vice-President for Student Affairs or the Hearing Board subject to a convincing showing of the general relevance and reasonable scope of the evidence sought.

(7) **DETERMINATION OF RESPONSIBILITY AND SANCTIONS:** If responsibility is established, either by agreement of the student or by majority vote of the Hearing Board, the Hearing Board may ask the student and the Grievance Officer each to propose and justify sanctions for consideration. The Board will determine the appropriate sanction by majority vote.

(8) **BOARD DELIBERATIONS - TIME FRAME:** The Hearing Board should ordinarily reach its decisions within ten (10) working days of its convening.

(9) **RECORD:** The case record, as defined by state law (RCW 28B.19.120(6), as amended or superceded) including tape recordings or transcripts, for six years or as otherwise required by state law (RCW 40.14.060, as amended).

(10) **BOARD DECISION - NOTICE:** Within ten (10) working days, the Board shall deliver its written decision, by hand or certified mail, to the student, the Grievance Officer and the Vice President for Student Affairs.

(11) **IMPLEMENTATION:** The Grievance Officer is expected to impose the Hearing Board's sanction.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 174-130-090 STUDENT CONDUCT CODE -APPEALS

(1) **JURISDICTION:** The Appeals Board may hear and act on appeals from either the student or the grievance officer but shall only overturn a decision if it is clearly erroneous.

(2) **TIME LIMIT AND CONTENT:** Either party may send an appeal to the President within ten (10) days of the Hearing Board's decision, stating explicitly why the decision is erroneous.

(3) **CONVENING THE APPEALS BOARD:** The President shall convene an Appeals Board within ten (10) working days of receipt of an appeal.

(4) **RECORD REVIEW:** The Appeals Board shall base its decision on the appeal document and all written documents and tapes of the Hearing Board. The Appeals Board is not limited to the errors identified in the appeal document. At the option of a majority of the Appeals Board, both the student and Grievance Officer may be invited to answer questions from the Appeals Board.

(5) **TIME FRAME FOR DECISION:** The Appeals Board shall reach its decision by majority vote within ten (10) working days from the time they are convened. The Board's written findings and conclusions shall be delivered to the Grievance Officer and the student by hand or certified mail to his/her last known address.

(6) **EFFECT OF DECISION:** If the Appeals Board rules for a student's appeal, the case is dismissed and closed. If the Appeals Board rules against a student's appeal, the sanction is imposed. If the Appeals Board rules for a Grievance Officer's appeal, the case is returned to a new hearing board for a rehearing. If the Appeals Board rules against a Grievance Officer's appeal, the case is closed. The decision of the Appeals Board is final.

WSR 88-14-102

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning:

Rep	ch. 174-107 WAC	Governance and decision making.
Rep	ch. 174-124 WAC	Social contract among members of the community of The Evergreen State College—Community code of conduct.
New	ch. 174-120 WAC	Social contract—Student conduct code—Grievance and appeals process;

that the institution will at 1:30 p.m., Wednesday, August 17, 1988, in The Evergreen State College Library, Room 3112, 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.40.120(12).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 17, 1988.

Dated: July 6, 1988
By: Shawn T. Newman
College Legal Counsel

STATEMENT OF PURPOSE

Title: Chapter 174-120 WAC, Social contract—Student conduct code—Grievance and appeal process.

Statutory Authority and Specific Statute the Rule is Intended to Implement: RCW 28B.40.120.

Reason Supporting Proposed Action: Current rules do not adequately protect individual due-process rights.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Shawn Newman, College Legal Counsel, The Evergreen State College, Lib 3103, Olympia, WA 98505, 866-6000 ext. 6363.

Name of the Person or Organization, Whether Private, Public, or Governmental, Proposing the Rule: Shawn Newman.

Agency Comments or Recommendation, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: The proposed code is intended to provide notice of prohibitive conduct and set forth a fair administrative procedure.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Not applicable.

Small Business Economic Impact Statement: Not applicable.

REPEALER

The following chapters of the Washington Administrative Code are repealed:

(1) Ch. 174-107 WAC: GOVERNANCE AND DECISION MAKING.

(2) Ch. 174-124 WAC: SOCIAL CONTRACT AMONG THE MEMBERS OF THE COMMUNITY OF THE EVERGREEN STATE COLLEGE—COMMUNITY CODE OF CONDUCT.

NEW CHAPTER

CHAPTER 174-120

SOCIAL CONTRACT - STUDENT CONDUCT CODE - GRIEVANCE AND APPEAL PROCESS

NEW SECTION

WAC 174-120-010 **DEFINITIONS:** (1) **COLLEGE COMMUNITY:** Current students and employees while present on college property or at a college sponsored event.

(2) **COLLEGE FACILITIES/PREMISES:** Property owned, leased, operated, controlled, or supervised by the college.

(3) **HEARING BOARD:** Three community members appointed by and from the different sectors of the college community (i.e. 1 faculty; 1 classified or exempt staff; 1 student). The Vice-President shall be responsible for ensuring Hearing Board members and their alternates are appointed. The Hearing Board members will select a chairperson who, with the assistance of the Vice-President's Office, is responsible for providing notice to the parties. The College Legal Counsel or, in cases of conflict, the attorney general, an administrative law judge or any other qualified community member shall serve as a non-voting advisor to the Hearing Board.

(4) **GRIEVANCE OFFICER:** Person(s) who shall be appointed by and accountable to the Vice President. The Grievance Officer is responsible for investigating and initiating formal disciplinary action on behalf of the College and for keeping all records specified in these hearings procedures. In cases involving violations of the Social Contract in Housing, the Director of Housing or designee shall act as the Grievance Officer.

(5) **PREPONDERANCE OF THE EVIDENCE:** The greater weight of evidence or evidence more convincing to the mind than not.

(6) **SPONSORED EVENT OR ACTIVITY:** Activities scheduled by the college and supervised and controlled by college employees.

(7) **TRIER OF FACT:** The Hearing Board, administrative law judge, or any other individual(s) [e.g. Campus Mediator; Affirmative Action Officer] designated by the vice-president and responsible for determining the facts relevant to decide a controversy.

(8) **VICE-PRESIDENT:** The Vice-President for Student Affairs or his/her designee.

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

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.

NEW SECTION

WAC 174-120-020 **THE SOCIAL CONTRACT-COLLEGE PHILOSOPHY (1) GENERAL:** Evergreen is an institution and a community that continues to organize itself so that it can clear away obstacles to learning. In order that both creative and routine work can be focused on education, and so that the mutual and reciprocal roles of campus community members can best reflect the goals and purposes of the College, a system of governance and decision-making consonant with those goals and purposes is required.

(2) **PURPOSE:**

(a) Evergreen can thrive only if members respect the rights of others while enjoying their own rights. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degree and kinds of experiences they bring to Evergreen, and in the functions which they have agreed to perform. All must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.

(b) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

(3) **FREEDOM AND CIVILITY:** The individual members of the Evergreen community are responsible for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Civility is not just a word; it must be present in all our interactions. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. Members of the community must exercise the rights accorded them to voice their opinions with respect to basic matters of policy and other issues. The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make statements in their own names and not as expressions on behalf of the College. The board of trustees or the president speaks on behalf of the college and may at times share or delegate the responsibility to others within the college. Among the basic rights of individuals are freedom of speech, freedom of peaceful assembly and association, freedom of belief, and freedom from intimidation, violence, and abuse.

(4) **INDIVIDUAL AND INSTITUTIONAL RIGHTS:** Each member of the community must protect:

(a) The fundamental rights of others in the community as citizens;

(b) The right of each member in the community to pursue different learning objectives within the limits defined by Evergreen's curriculum or resources of people, materials, equipment and money;

(c) The rights and obligations of Evergreen as an institution established by the state of Washington; and

(d) Individual rights to fair and equitable procedures when the institution acts to protect the safety of its members.

(5) **SOCIETY AND THE COLLEGE:**

(a) Members of the Evergreen community recognize that the college is part of the larger society as represented by the state of Washington, which funds it, and by the community of greater Olympia, in which it is located. Because the Evergreen community is part of the larger society, the campus is not a sanctuary from the general law or invulnerable to general public opinion.

(b) All members of the Evergreen community should strive to prevent the financial, political, or other exploitation of the campus by any individual or group.

(c) Evergreen has the right to prohibit individuals and groups from using its name, its financial or other resources, and its facilities for commercial, or political activities.

(6) **PROHIBITION AGAINST DISCRIMINATION:** There may be no discrimination at Evergreen with respect to race, sex, age, handicap, sexual orientation, religious or political belief, or national origin in considering individuals' admission, employment, or promotion. To this end the college has adopted an affirmative action policy approved by the state Human Rights Commission and the Higher Education Personnel Board. Affirmative action complaints shall be handled in accordance with state law, as amended (e.g. Ch. 49.74 WAC; RCW 28B.16.100; Ch. 251-23 WAC).

(7) **RIGHT TO PRIVACY:**

(a) All members of the college community have the right to organize their personal lives and conduct according to their own values and preferences, with an appropriate respect for the rights of others to organize their lives differently.

(b) All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.

(c) Evergreen does not stand in loco parentis for its members.

(8) **INTELLECTUAL FREEDOM AND HONESTY:**

(a) Evergreen's members live under a special set of rights and responsibilities, foremost among which is that of enjoying the freedom to explore ideas and to discuss their explorations in both speech and print. Both institutional and individual censorship are at variance with this basic freedom. Research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, violate the principle of free inquiry.

(b) An essential condition for learning is the freedom and right on the part of an individual or group to express minority, unpopular, or controversial points of view. Only if minority and unpopular points are view are listened to, and are given opportunity for expression will Evergreen provide bona fide opportunities for significant learning.

(c) Honesty is an essential condition of learning, teaching or working. It includes the presentation of one's own work in one's own name, the necessity to claim only those honors earned, and the recognition of one's own biases and prejudices.

(9) **OPEN FORUM AND ACCESS TO INFORMATION:**

(a) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. Reasonable and impartially applied rules may be set with respect to time, place and use of Evergreen facilities in these activities.

(b) As an institution, Evergreen has the obligation to provide open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the larger community.

(c) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.

(d) In the Evergreen community, individuals should not feel intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.

(e) Decision making processes must provide equal opportunity to initiate and participate in policy making, and Evergreen policies apply equally regardless of job description, status or role in the community. However, College policies and rules shall not conflict with state law or statutory, regulatory and/or contractual commitments to college employees.

(10) **POLITICAL ACTIVITIES:** The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to recognize and support its community's members' rights to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.

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 174-120-030 STUDENT CONDUCT CODE - SPECIFIC EXAMPLES OF SOCIAL CONTRACT VIOLATIONS: In addition to the Social Contract, students must abide by the rules below in order to maintain community membership. Specific violations are set forth in writing in order to provide notice to students. They are not designed to define violations in exhaustive terms. Students may be accountable to both civil/criminal authorities and the college for acts which constitute violations of law occurring on or off campus.

(1) **DESTROYING OR DAMAGING PROPERTY:** Intentionally and/or recklessly destroying or damaging college property or the property of others on college premises or at college-sponsored events.

(2) **DISRUPTING COLLEGE FUNCTIONS:** Intentionally and/or recklessly interfering with normal college or college sponsored activities, including, but not limited to, studying, teaching, research, college administration, fire, police, campus security or emergency services.

(3) **DRUGS:** Use, possession or distribution of any controlled substance or illegal drug on college premises or at college sponsored activities.

(4) **FALSE ALARMS:** Intentionally causing a false police or fire alarm that involves College property or a College sponsored event.

(5) **FALSE INFORMATION:** Intentionally providing false information to the College for the purpose of gaining admission or employment or to avoid determination of facts in accordance with any college investigation or hearing.

(6) **HARASSMENT/PHYSICAL HARM:** Threatening, intimidating or harassing another with intent to harm the person threatened or any other person with respect to his or her physical or mental health or safety. This includes causing physical harm to any person or property on college premises or at any college sponsored activity, or causing reasonable apprehension of such harm to another person.

(7) **HOUSING CONTRACT VIOLATIONS:** Violation of residence hall contracts.

(8) **LIQUOR:** Use, possession or distribution of liquor on college property. This is not intended to apply to use by students of legal age in a residence or at a college sponsored event provided the event has an approved alcoholic beverage banquet permit (Ch. 174-157 WAC, as amended). However, public appearance on campus or at any college-sponsored event while intoxicated, as defined by state law, will be considered a violation.

(9) **SMOKING:** Smoking in a prohibited area on College property as defined by College rules (WAC 174-136-160 to 170, as amended).

(10) **THEFT OR CONVERSION:** Deprivation of another's property, including college property or services, without that individual's or the college's authorization.

(11) **TRESPASS:** Unauthorized presence in or use of College premises, facilities, services or property.

(12) **WEAPONS, FIREARMS, EXPLOSIVES AND DANGEROUS CHEMICALS:** Unauthorized use, possession or storage (other than storage with the campus security office) of any weapon, explosives, dangerous chemicals, substances or instruments or other weapons, as defined by state law, which may be used to inflict bodily harm on another individual or damage upon college premises or college-sponsored event.

NEW SECTION

WAC 174-120-040 STUDENT CONDUCT CODE - CORRECTIVE ACTION: The primary purpose for imposing corrective measures is to protect the college community. Notification of corrective action shall be in writing, indicating the terms of any suspension or termination and any special conditions which must be met before readmission. Violations of WAC 174-120-030 (1) through (5), (6), (8), (10) through (12), inclusive, may result in expulsion or suspension, unless specific and significant mitigating factors are present. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the student, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any rule may also result in expulsion or suspension or in the imposition of such lesser corrective measures as may be appropriate. A student's off-campus criminal conduct may also be considered in determining what discipline is warranted for similar on-campus conduct.

(1) **EXPULSION:** Permanent separation from the college and termination of community membership. The student may also be barred from college premises and/or college sponsored events.

(2) **REPRIMAND:** Warning(s) that further misconduct may result in more severe sanctions.

(3) **RESTITUTION:** Payment to the college or to other persons, groups, or organizations for damages incurred as a result of prohibited conduct.

(4) **SUMMARY SUSPENSION:** Students presenting imminent danger to themselves, others, college property and/or the educational process may be immediately suspended from the college by the president, vice president, or their designee(s) for a period of time not to exceed ten (10) days. At the time of the suspension, the student shall be notified in writing, if possible, otherwise orally of the circumstances constituting prohibited conduct and of their right to petition for a formal hearing. If oral notification is given at the time of the summary suspension, written notification shall be personally delivered or sent to the student's last known address within 24 hours.

(5) **SUSPENSION:** Temporary dismissal from the college and temporary termination of community membership for a stated period of time, but no longer than one year. The student shall not participate in any college-sponsored activity and may be barred from college premises. Suspension implies that the student may eventually return if evidence or other assurances are presented that prohibited conduct will not be repeated.

(6) **OTHER SANCTIONS:** Other sanctions may be imposed if related to the violation. For example, extracurricular activities may be limited; registration of motor vehicles may be restricted; and/or community service may be assigned. Students may also be removed from college housing for social contract violations.

NEW SECTION

WAC 174-120-050 STUDENT CONDUCT CODE - INFORMAL CONFLICT RESOLUTION: (1) **VOLUNTARY MEDIATION/ARBITRATION:** Community members who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves. To facilitate this objective, the College encourages voluntary mediation and/or arbitration through the Campus Mediator or any mutually agreed upon third party.

(2) **SETTLEMENT:** If the Grievance Officer decides to pursue a case in the name of the College, the student may accept or deny responsibility for the violation. If the student accepts responsibility, in writing, she or he may propose a sanction to resolve the case. The Grievance Officer may also propose a sanction. If agreement on responsibility and sanction are reached, the agreement shall be made in writing and signed by the student and Grievance Officer. The agreement may be withdrawn in writing, within one working day. If the agreement is not withdrawn within one working day, the student waives her or his right to a formal hearing.

(3) **SETTLEMENT AGREEMENT:** An agreement on responsibility and sanctions shall be written and contain:

(a) A description of the violation for which responsibility is accepted;

(b) The agreed sanction;

(c) Signatures of the student and the Grievance Officer.

(4) **FAILURE TO REACH AN AGREEMENT:** If no agreement is reached on responsibility or sanction, the Grievance Officer shall bring the case before the trier of fact or shall dismiss the case.

NEW SECTION

WAC 174-120-060 STUDENT CONDUCT CODE - GRIEVANCE OFFICER (1) PURPOSE: The basic role of the Grievance Officer is to seek justice and not convictions. The Grievance Officer receives and investigates complaints and proposes corrective action, if warranted. The Grievance Officer has the responsibility of making a decision of who and when to charge with a violation.

(2) **PROCEDURE:** If the Grievance Officer is satisfied that sufficient evidence exists to substantiate a violation and if a settlement has not been reached, he/she shall send a notice of the formal charges, recommended corrective action and the right to a hearing to the student. If the student is charged with a violation potentially punishable by suspension or termination, the vice-president shall institute formal hearing procedures unless otherwise waived by the student. If a student is not charged with a violation potentially punishable by suspension or termination, he/she must petition the vice-president for a formal hearing within 10 days after receipt of the Grievance Officer's charges. If the student fails to petition the vice-president for a formal hearing,

the recommended disciplinary action shall go into effect unless summary suspension has already occurred.

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

NEW SECTION

WAC 174-120-070: STUDENT CONDUCT CODE - FORMAL HEARING NOTICE AND RIGHTS: Notice of the hearing, including a statement of the particular rules involved and matters asserted, shall be provided at least ten (10) days before any hearing, as called for by RCW 28B.19.120(1), as amended or superseded. Both parties may submit to the designated trier of fact brief written position statements. Both parties have:

(1) The right to question witnesses; have someone appear on their behalf to defend them; and that they may have a maximum of three character (3) witnesses appear on their behalf. The parties shall inform each other of their witnesses and representatives at least three days before the hearing. Representatives may not appear in lieu of the student charged.

(2) The right to have subpoena(s) issued by the vice-president and/or trier of fact, subject to a convincing showing of the general relevance and reasonable scope of the evidence sought;

(3) That failure to appear will result in a default judgment. Failure to provide a list of witnesses or/and the name(s) of their representatives at least three days before the hearing will result in disqualification of those witnesses and/or representatives.

NEW SECTION

WAC 174-120-080 STUDENT CONDUCT CODE - FORMAL PROCEDURES: (1) **GENERAL:** Students have a right to a fair and impartial hearing on any charge of prohibited conduct potentially punishable by suspension or termination. Pursuant to state law, the college president authorizes the vice president to determine the trier of fact. Unless the vice president determines otherwise, the formal hearing shall be conducted by the Hearing Board. Any such hearing shall be conducted pursuant to state law, RCW 28B.19.110-150, as amended or superseded. Hearings will be closed to the public, except for the immediately members of the student's family and his/her representative. An open hearing may be held, in the discretion of the trier of fact, if requested by the student.

(2) **CHALLENGES:** Each party has the right to one (1) peremptory challenge. Any party may challenge any trier of fact based on cause, such as personal bias. The Hearing Board advisor may also challenge a Hearing Board committee member. Except for peremptory challenges, Hearing Board members may be disqualified upon majority vote of the remaining board members. The trier(s) of fact should not discuss the case outside of the hearing, and shall base their decision upon the evidence presented at the hearing.

(3) **BURDEN OF PROOF:** The burden of proof shall be on the college which must establish, by a preponderance of the evidence, that the student is responsible for a violation of these rules.

(4) **FORMAL RULES OF EVIDENCE DO NOT APPLY:** Formal procedural rules of evidence shall not be applicable nor shall harmless procedural errors necessarily invalidate a decision or proceeding, unless significant prejudice to the rights of the student or the college would result. The trier of fact shall recognize rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Undue repetitious or irrelevant evidence may be excluded. Illegally obtained evidence cannot be used.

(5) **FINAL DECISION:** The trier of fact shall reach a final decision within 30 days of receipt of the petition or within 15 days of the close of the hearing, whichever is greater. Final decisions of the Hearing Board shall be by majority vote of the members present and voting. The trier of fact's written findings and conclusions shall be delivered to the student by hand or certified mail to his/her last known address.

(6) **STATUS PENDING FINAL ACTION:** Except in cases of summary suspension, the student's status shall not be altered pending final decision by the trier of fact.

NEW SECTION

WAC 174-120-090 ACADEMIC APPEALS: Academic issues relating to credit, the content of evaluations, and academic dishonesty

are appealed to the Academic Deans who have authority to make final determinations.

WSR 88-14-103

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning pet policy, adopting WAC 174-136-300 to 174-136-330;

that the institution will at 1:30 p.m., Wednesday, August 17, 1988, in The Evergreen State Library, Room 3112, 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.40.120(12).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 17, 1988.

Dated: July 6, 1988

By: Shawn T. Newman
College Legal Counsel

STATEMENT OF PURPOSE

Title: WAC 174-136-300 to 174-136-330, pet policy. Statutory Authority and Specific Statute the Rule is Intended to Implement: RCW 28B.40.120.

Reason Supporting Proposed Action: The current pet policy is out of date and inconsistent with ordinances.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Shawn Newman, College Legal Counsel, The Evergreen State College, Lib 3103, Olympia, WA 98505, 866-6000 ext. 6363.

Name of the Person or Organization, Whether Private, Public, or Governmental, Proposing the Rule: Shawn Newman.

Agency Comments or Recommendation, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: The proposed pet policy is intended to update current policies and incorporate current and amended Thurston County Code provisions concerning pets. The policy allows for a pet-owner initiated formation of a Pet Owner's Association which could provide for: Complaint resolution about enforcement; support for enforcement activities, fund raising and advocacy for the renovation/expansion of kennels and/or a large enclosed dog run subject to facilities approval. This policy expects that pets and other animals must at all times be treated with due care and consideration for their well being.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Not applicable.

Small Business Economic Impact Statement: Not applicable.

PET POLICY

NEW SECTION

WAC 174-136-300 PET POLICY—PURPOSE. This policy and its implementation procedures intend to govern the control and treatment of pets and other animals on and in The Evergreen State College's campus and buildings. This policy expects that pets and other animals must at all times be treated with due care and consideration for their well being. This policy allows for a pet-owner initiated formation of a pet owner's association which could in its charter provide for:

- (1) Complaint resolution about enforcement;
- (2) Support for enforcement activities;
- (3) Fund-raising and advocacy for the renovation/expansion of kennels and/or a large enclosed dog run subject to facilities approval.

NEW SECTION

WAC 174-136-310 PET POLICY—DEFINITIONS. (1) "Pets and other pet animals" means any animal other than:

- (a) A human being;
 - (b) A caged bird; and
 - (c) A fish in an aquarium.
- (2) "Physical control" means control by means of a leash, cage, bridle, bowl, or other restraining device held by or leading from the pet animal to the owner or keeper. Voice control or indirect control by, for example, tying a leash to a railing, shall not constitute physical control.
- (3) "Owner or keeper" means the person the pet or other animal is accompanying.

NEW SECTION

WAC 174-136-320 PET POLICY—ANIMAL CONTROL. All persons bringing animals onto college property shall be subject to Thurston County Code 9.10.050 et seq., as amended, relating to the keeping and control of pet animals. Pets and other animals will not be allowed in campus buildings except for: Guide animals accompanying disabled persons; shows or other similar approved events; or research or other study of animals sponsored as part of the instructional program. Pets and other animals may be on campus only when under the physical control of their owners or keepers. No animal shall be permitted to run at large; animals left tied up in the absence of the owner shall not be considered under direct control but, rather, to be running at large. Any pet animal found in a college building, or on campus not under direct physical control is subject to impounding according to provisions of the Thurston County Code, as amended, attached to and made a part of this policy.

NEW SECTION

WAC 174-136-330 PET POLICY—ENFORCEMENT. Any pet or other animal in a college building, or on the campus, not under the direct physical control of its owner or keeper, is subject to impounding by the campus police chief or his/her designee. Owners or keepers may be subject to disciplinary action. Although principal responsibility rests with campus security, community support is urged in reminding pet owners of their obligation if a violation is observed by a community member. Impounded animals may be turned over to the Thurston County Animal Control if left unclaimed, and fines may be imposed by county animal control.

WSR 88-14-104**PROPOSED RULES****DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed July 6, 1988]

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:

Amd	ch. 296-150B WAC	Requirements for mobile home set-up.
Amd	WAC 296-150B-015	Definitions.
Amd	WAC 296-150B-220	Inspection by local jurisdictions.
Amd	WAC 296-150B-225	Building site preparation.
Amd	WAC 296-150B-245	Foundation facia;

that the agency will at 9:00 a.m., Tuesday, August 9, 1988, in the General Administration Building, 1st Floor Conference Room, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 9, 1988.

The authority under which these rules are proposed is RCW 43.22.340 through 43.22.445.

The specific statute these rules are intended to implement is RCW 43.22.340 through 43.22.445.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: July 6, 1988

By: Joseph A. Dear
Director**STATEMENT OF PURPOSE**

Title and Number of Rule: Chapter 296-150B WAC, Construction standards for mobile homes, commercial coaches, and recreational vehicles, which includes: WAC 296-150B-015 Definitions; 296-150B-220 Inspection by local jurisdiction of other agents; 296-150B-225 Building site preparation; and 296-150B-245 Foundation facia.

Statutory Authority: Chapter 43.22 RCW.

Specific Statutes that Rules are Intended to Implement: Chapter 43.22 RCW.

Summary of the Rule: This rule defines general language used in mobile home industry. Chapter 296-150B WAC provides requirements for mobile home set-up.

Reasons Supporting the Proposed Rule: This modification to the rules will provide the department with more explicit procedures for the setting up of mobile homes. These requirements were at the request and concurrence of the Factory Assembled Structures Advisory Board.

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: James E. Arvan, Chief of Construction Compliance, 805 Plum Street S.E., P.O. Box 9689, Olympia, WA 98504-9689, phone (206) 586-0215.

Name of the Person or Organization Whether Private, Public, or Governmental that is Proposing the Rules: Department of Labor and Industries.

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

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purpose: None.

A small business impact statement is not required since these rules do not impose any fiscal requirements as it is a direct pass through to the purchaser.

AMENDATORY SECTION (Amending Order 86-32, filed 10/22/86)

WAC 296-150B-015 DEFINITIONS. For the purposes of this chapter:

(1) "Alteration" means the replacement, addition, modification, or removal of any equipment or installations that affect the construction,

structural members, fire safety, or occupancy classification, or the plumbing, heating, or electrical systems, of a structure or component.

The following are not alterations unless they are made to repair damage caused by fires, floods, or damage in transit or during installation.

- (a) Repairs with approved parts;
- (b) Modification of a listed fuel-burning appliance in accordance with the terms of its listing;
- (c) Replacement of equipment with similar equipment; and
- (d) Adjustment and maintenance of equipment.
- (2) "Approved" means approved by the department.
- (3) "Anchoring system" means a system of straps, cables, turnbuckles, bolts, fasteners, or other approved components that secures a mobile home to ground anchors or to other approved fastening devices.
- (4) "Audit" means an inspection to examine for compliance a manufacturer's production and quality control procedures.
- (5) "Building site" means a tract, parcel, or subdivision of land, including a mobile home park, on which a structure other than a recreational vehicle is or will be installed.
- (6) "Component" means a discrete element that is:
 - (a) Designed to be installed in a structure;
 - (b) Manufactured as a unit; and
 - (c) Designed for a particular function or group of functions. "Component" includes service cores.
- (7) "Consumer" means a person, firm, corporation, agency, or governmental body, other than a manufacturer or dealer, that buys or leases a structure for his, her, or its own use.
- (8) "Custom structure" means a one-of-a-kind structure.
- (9) "Dealer" means a person, company, or corporation authorized to engage in the business of leasing, selling, offering for sale or lease, buying, or trading structures.
- (10) "Department" means the department of labor and industries.
- (11) "Design option" means a design that a manufacturer may use as an option to its design plan.
- (12) "Design plan" means a plan for construction of a structure or component.
- (13) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of structures and components.
- (14) "Footing" means the portion of a foundation system that transmits loads from a mobile home to the soil.
- (15) "Foundation fascia" means the materials that enclose the entire perimeter of a mobile home and form a plane between the exterior wall of the mobile home and the ground.
- (16) "Foundation system" means the footings, piers, caps, and shims that support a mobile home.
- (17) "HUD" means the federal Department of Housing and Urban Development.
- (18) "Independent inspection agency" means an organization that is in the business of inspecting structures, components, or equipment.
- (19) "Insignia" means a label, stamp, or tag issued by the department to indicate that the structure or component bearing the insignia complies with this chapter or the HUD mobile home standards.
- (20) "Install" means to erect, construct, assemble, or set in place a structure, component, or piece of equipment at a building site or in another structure or building.
- (21) "Labeled" means bearing the department's insignia, HUD's insignia, or a label of approval from a testing or listing agency.
- (22) "Lease" means an oral or written contract for the use, possession, or occupancy of property. It includes rent.
- (23) "Listed" means that a piece of equipment, a component, or an installation appears in a list published by an approved testing or listing agency.
- (24) "Listing agency" means an organization that is in the business of approving equipment or installations.
- (25) "Local enforcement agency" means a city or county agency that enforces laws or ordinances governing the construction and installation of structures and components.
- (26) "Main frame" means the structural component on which the structure may be mounted.
- (27) "Manufacturing" means making, fabricating, forming, or assembling a structure, service core, component, equipment, or installation.
- (28) "Mobile home" means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or thirty-two body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and that is built on a

permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. "Mobile home" shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by HUD and complies with the standards established by HUD.

(29) "Ordinance" means the part of a code adopted by this chapter that prescribes an item other than a method of construction, such as room sizes, floor plans, lighting, ventilation, ceiling heights, and exits.

(30) "Pier" means the part of the mobile home foundation system between the footing and the floor frame or floor joist, excluding caps and shims.

(31) "Quality control" means the plan and method for ensuring that the manufacture, fabrication, assembly, or erection of structures, components, and installations, and the storing, handling, and use of materials, complies with this chapter.

(32) "Recreational vehicle" means a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: Travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicles.

(33) "Structure" means a mobile home, commercial coach, or recreational vehicle that is entirely or substantially prefabricated or assembled at a factory or a place other than the building site on which the structure will be installed.

(34) "System" means a part of a structure or component that is designed to serve a particular function, such as a structural, plumbing, electrical, heating, or mechanical system.

(35) "Testing agency" means an organization that is in the business of testing equipment, installations, or systems.

(36) "Commercial coach" means a structure transportable in one or more sections that is built on permanent chassis and designed to be used for commercial purposes with or without a permanent foundation when connected to the required outlets and may include plumbing, heating, air conditioning, and electrical systems contained therein. A commercial coach shall not be used as a single family dwelling.

(37) "Park trailer" means a vehicular unit which meets the following criteria:

- (a) Built on a single chassis, mounted on wheels.
 - (b) Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances.
 - (c) A gross trailer area not exceeding four hundred square feet when measurements are made to the exterior edge of the framing members or in the setup mode.
 - (d) Of such a construction as to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices.
 - (e) Exceeds the size restrictions specified in ANSI 119.2.
- (38) "Uniform standards" as used in RCW 43.22.440 means those set-up instructions provided by the manufacturer, or specified in this chapter under WAC 296-150B-225 through 296-150B-255. No other requirements may be imposed.

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-220 INSPECTION BY LOCAL JURISDICTIONS ((OR OTHER AGENTS)). (1) RCW 43.22.440 ((authorizes the department to inspect installations and to enforce the law to the extent necessary. RCW 43.22.440 also authorizes the department to appoint agents to inspect and enforce the law. The department believes that local jurisdictions best know the level of inspections and enforcement necessary in their jurisdictions. Accordingly, upon written notice from a local jurisdiction that the local jurisdiction will inspect and enforce the mobile home installation requirements, the department will authorize the local jurisdiction to do so. If the local jurisdiction does not want to inspect and enforce the installation requirements itself, but believes that inspection and enforcement are necessary in its jurisdiction, the department will upon a petition from the local jurisdiction appoint another agent to inspect and enforce the requirements in that jurisdiction. The department will not itself inspect installations of mobile homes or enforce the installation requirements.)). The legislature finds that inspections of mobile home installation are not done on a consistent basis. Mobile homes provide housing for many people in the state, and improperly installed mobile homes are a serious health and safety risk. Where possible and practical, mobile homes should be

treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the factory assembled structures advisory board for mobile homes, the director of labor and industries shall by rule establish uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the Federal National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050.

If a dispute concerning an installation requirement of this chapter arises between any person or business and a local jurisdiction or other agent of the department, the dispute may be submitted to the ((mobile home, commercial coach, and recreational vehicle)) factory assembled structures advisory board for its opinion as to the proper interpretation of the requirement.

(3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the Consumer Protection Act, chapter 19.86 RCW and subject to the remedies provided in that chapter.

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-225 BUILDING SITE PREPARATION. (1) A mobile home may not be installed at a building site unless the ground at the site has adequate compaction and load-bearing ability to meet the support requirements of WAC 296-150B-230. The installer or, if the building site is in a mobile home park, the park owner must ensure that the ground on which a mobile home is to be installed has been improved as necessary to provide a proper base for the mobile home and that the area beneath the mobile home has adequate drainage.

(2) A 6 mil black polyethylene vapor barrier shall be installed on the ground under the manufactured home. The entire area under the home shall be covered with no voids and all tears or cuts shall be sealed. The vapor barrier shall be lapped at the joints a minimum of two feet. The vapor barrier shall extend up the sides of the footings and exterior skirting a minimum of six inches.

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-245 FOUNDATION FACIA. (1) A mobile home shall have an approved foundation facia around its entire perimeter. The wood of the facia shall be at least 3 inches from the ground unless it is pressure-treated wood. Metal fasteners shall be galvanized, stainless steel, or other corrosion-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, shall be coated with an asphaltic emulsion.

((A mobile home that is installed on a nonrecessed site and that has a metal foundation facia shall have ventilation openings with a net area of at least 1-1/2 square inches per linear foot. A mobile home that has been installed on a recessed site or that has a foundation facia that is not made of metal shall have ventilation openings in the foundation facia with a net area of at least 1-1/2 square feet for each 25 linear feet of facia. The openings shall be designed to provide cross ventilation on at least two approximately opposite sides of the mobile home. The installer shall locate the openings as close to the corners of the mobile home as practical, and shall cover the openings)) (2) The skirting of a manufactured home shall be vented a minimum of one square foot for every one hundred fifty square feet of floor space equally spaced on the sides and ends of the home. The vents shall be located a minimum of two feet from each corner and evenly spaced thereafter with a maximum spacing of fourteen feet on center. Vent openings shall be covered with corrosion-resistant wire mesh or louvers.

(3) Dryer vents and hot water tank pressure relief valves shall exhaust on the exterior of the foundation facia. The facia for each section of a mobile home shall have an opening of at least 18 inches by 24 inches, with a cover of metal or pressure treated wood, to allow access to the crawl space. The foundation facia must be installed within thirty days after the mobile home is occupied.

WSR 88-14-105

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 6, 1988]

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 family leave, chapter 296-130 WAC. The 1988 legislature, in chapter 236, Laws of 1988, amended chapter 49.12 RCW in an effort to establish minimum standards for family leave. The legislature gave the department the authority and responsibility to enforce the statute and required it to adopt rules. The proposed rules are intended to implement the new law. WAC 296-130-010 states a declaration of purpose; WAC 296-130-020 defines terms used in the chapter; WAC 296-130-030 provides a statement of employee rights; WAC 296-130-040 outlines prohibited actions; WAC 296-130-050 provides for poster requirements for the department and employers; WAC 296-130-060 through 296-130-070 set out the procedures for issuance of notices of infraction, appeal notices and hearing on appeal; WAC 296-130-080 establishes penalty amounts; and WAC 296-130-500 provides that collective bargaining may create leave benefits in excess of the applicable minimum under the provisions of the chapter;

that the agency will at 1:00 p.m., Wednesday, August 10, 1988, in the Spokane Falls Community College Student Union, Building #17, Lounge A and B, and at 9:00 a.m., Friday, August 12, 1988, in the Ground Floor Conference Room, General Administration Building, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 26, 1988.

The authority under which these rules are proposed is RCW 43.22.270 and chapter 236, Laws of 1988 (RCW 49.12.____).

The specific statute these rules are intended to implement is chapter 236, Laws of 1988 (RCW 49.12.____).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: July 6, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: WAC 296-130-010 Declaration of purpose; 296-130-020 Definitions; 296-130-030 Employee rights; 296-130-040 Prohibited action; 296-130-050 Posting; 296-130-060 Notices of infraction; 296-130-065 Appeal of infraction notice; 296-130-070 Service on employers; 296-130-080 Penalty assessment; and 296-130-500 Collective bargaining not impaired.

Statutory Authority: RCW 43.22.270 and chapter 236, Laws of 1988 (RCW 49.12.____).

Specific Statutes that Rules are Intended to Implement: Chapter 236, Laws of 1988 (RCW 49.12.____).

Summary of the Rules: WAC 296-130-010 states a declaration of purpose providing for reasonable leave

from work for employees for family reasons and establishing minimum standards which allow employees to use accrued sick leave to care for a child of the employee; WAC 296-130-020 provides definitions of terms used in the chapter including the terms: Employer, employee, employ, accrued sick leave, child, health condition, infraction, administrative law judge and the department, meaning Department of Labor and Industries; WAC 296-130-030 provides a statement of employee rights to use accrued sick leave to care for a child of the employee when the child's condition warrants treatment or supervision; WAC 296-130-040 prohibits action against employees who file a complaint alleging a violation of the statute; WAC 296-130-050 requires the department to furnish employers with posters which describe employer and employee rights and responsibilities under the statute and state that posters are to be displayed where they can be viewed by employees; WAC 296-130-060 provides for the process of issuing notices of infraction to employers who violate the law and describes the specific information which must be in the notices including: The specific violation, statement of penalty, statement of rights to a hearing and other general information; WAC 296-130-065 describes how the department may issue a notice of infraction to any supervisor or managerial employee and that if the department does serve a notice of infraction to someone other than an officer or partner of the company, then the firm will be mailed a certified copy of the notice of infraction; WAC 296-130-070 provides for the formal appeal process of an employer who has been found to have violated the statute. The department will be obligated to conduct a hearing in accordance with chapter 34.04 RCW and chapter 10-08 WAC. The rule outlines: The employers rights to counsel, the admission of relative evidence, the appeal process to findings of fact, conclusions of law and legal penalties proposed by administrative law judges who will hear appeals, the specific process the director will use in reviewing the proposed decision and findings of fact and sets forth the right of any aggrieved party to appeal a final decision made by the director to superior court; WAC 296-130-080 provides that employers found to have committed an infraction under the law, may be issued a maximum penalty of \$200 for the first violation and be subject to a maximum fine of \$1,000 for continued violations; and WAC 296-130-500 provides that nothing in the chapter shall be deemed to interfere with, impede, or in any way diminish the rights of employees to bargain collectively with employers, through representatives of their own choosing, in order to establish leave benefits in excess of the applicable minimum under the provisions of this chapter.

Reasons Supporting the Proposed Rule: The adoption of WAC 296-130-010 - 296-130-500 address the 1988 legislative decision to amend chapter 49.12 RCW and establish a minimum standard for family care. The rules provide for the definition of terms, employees rights, prohibited actions, posting requirements, notices of infraction, legal service on employers, appeal rights, penalty assessment and the right to collective bargaining for better conditions.

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: Mark M. McDermott, Assistant Director, Employment Standards, Apprenticeship, Crime Victims Division, 925 Plum Street, Olympia, WA 98504, (206) 753-3487.

Name of the Person or Organization, Whether Private, Public or Governmental that is Proposing the Rules: Department of Labor and Industries.

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

The rules are not necessary to comply with a federal law or federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purpose: None.

Small Business Economic Impact Statement: The Washington Regulatory Fairness Act, chapter 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. With respect to WAC 296-130-010 through 296-130-500 the findings of the agency are as follows:

The 1988 legislature in chapter 236, Laws of 1988 amended chapter 49.12 RCW in an effort to establish minimum standards for family leave. The legislature gave the department the responsibility to enforce the statute and requested the department to adopt rules. The proposed rules are intended to implement new law.

The statute and rules do not require an employer to provide sick leave nor do they impact any benefits provided pursuant to any "employee benefit plan" as defined under 29 U.S.C. 1002. Therefore, there is no significant, adverse impact on small business.

Chapter 296-130 WAC
FAMILY LEAVE

WAC

- 296-130-010 Declaration of purpose.
- 296-130-020 Definitions.
- 296-130-030 Employee rights.
- 296-130-040 Prohibited action.
- 296-130-050 Posting.
- 296-130-060 Notices of infraction.
- 296-130-065 Service on employers.
- 296-130-070 Appeal of infraction notice.
- 296-130-080 Penalty assessment.
- 296-130-500 Collective bargaining not impaired.

NEW SECTION

WAC 296-130-010 DECLARATION OF PURPOSE. It is in the public interest for employers to accommodate employees by providing reasonable leaves from work for family reasons. This chapter serves to establish a minimum standard allowing an employee to use the employee's accrued sick leave to care for a child of the employee.

NEW SECTION

WAC 296-130-020 DEFINITIONS. (1) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry,

profession, or activity in this state and employs one or more employees. Employer also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(2) "Employee" means a worker who is employed in the business of an employer. "Employee," for the purposes of this chapter, also includes workers performing in an executive, administrative, professional, or outside sales capacity.

(3) "Employ" means to engage, suffer, or permit to work.

(4) "Accrued sick leave" means leave which the employee has earned, is entitled to use, is provided by a collective bargaining agreement, employer/employee agreement, employer policy, ordinance or civil service rule, and which may be used as paid time away from the job because of the employee's illness. It does not include any benefits provided pursuant to any Employee Benefit Plan as defined under 29 U.S.C. 1002.

(5) "Child of the employee" shall include:

(a) Any child under the age of eighteen who is related by blood, marriage, or is under the employee's legal guardianship or legal custody including foster care.

(b) Any child with significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior as established by the division of developmental disabilities of the department of social and health services under WAC 275-27-020.

(6) "Health condition that requires treatment or supervision" shall include:

(a) Any condition requiring medication that the child cannot self medicate; or

(b) Any condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or

(c) Any emotional condition resulting from injury or illness; or

(d) Any condition warranting preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.

(7) "Infraction" means an alleged violation of RCW 49.12.____ (chapter 236, Laws of 1988) as cited by the department.

(8) "Administrative law judge" means any person appointed by the chief administrative law judge, as defined in RCW 34.12.020(2) to preside at contested cases convened under RCW 49.12.____ (chapter 236, Laws of 1988).

(9) "Department" means the department of labor and industries.

NEW SECTION

WAC 296-130-030 **EMPLOYEE RIGHTS.** An employer shall allow an employee to use the employee's accrued sick leave, when such benefit exists, to care for the child of the employee when the child's condition of health warrants treatment or supervision. The same benefits and requirements that would govern the employee's personal use of accrued sick leave shall apply to the time needed for the child's treatment or supervision, shall also apply to the use of such sick leave for the child's treatment or supervision. Nothing in this section requires an employer to provide sick leave.

NEW SECTION

WAC 296-130-040 **PROHIBITED ACTION.** No employer shall discharge or in any other way discriminate against or penalize any employee who seeks information about family leave provisions, has filed a complaint alleging a violation of this chapter or exercises any right granted in this chapter.

NEW SECTION

WAC 296-130-050 **POSTING.** (1) The department shall furnish each employer a poster describing an employee's rights and an employer's obligations provided in this chapter.

(2) The employer shall keep posted a current edition department poster stipulating the provisions of this chapter. The employer shall display this poster in a conspicuous place.

(3) The employer shall post its leave policies, if any, in a conspicuous place in plain view of all employees at a work place.

NEW SECTION

WAC 296-130-060 **NOTICES OF INFRACTION.** The department may issue a notice of infraction to an employer who violates

RCW 49.12.____ (chapter 236, Laws of 1988). The employment standards supervisor shall direct that notices of infraction contain the following when issued.

(1) A statement that the notice represents a determination that the infraction has been committed by the employer named in the notice and that the determination shall be final unless contested;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of the penalty involved if the infraction is established;

(5) A statement informing the employer of the right to a hearing conducted pursuant to chapter 34.04 RCW if requested within twenty days of issuance of the infraction;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the employer may subpoena witnesses including the agent that issued the notice of infraction;

(7) If a notice of infraction is personally served upon a supervisory or managerial employee of a firm or corporation, the department shall within ten days of service send a copy of the notice by certified mail to the employer;

(8) Constructive service may be made by certified mail directed to the employer named in the notice of infraction.

NEW SECTION

WAC 296-130-065 **SERVICE ON EMPLOYERS.** (1) If an employer is a corporation or a partnership, the department need not serve the employer personally. In such a case, if no officer or partner of a violating employer is present, the department may issue a notice of infraction to any supervisor or managerial employee.

(2) If the department serves a notice of infraction on a supervisory or managerial employee, and not on an officer, or partner of the employer, the department shall mail by certified mail a copy of the notice of infraction to the employer. The department shall mail a second copy by ordinary mail.

NEW SECTION

WAC 296-130-070 **APPEAL OF INFRACTION NOTICE.** (1) If an employer desires to contest the notice of infraction issued, the employer shall file two copies of a notice of appeal with the department at the office designated on the notice of infraction, within twenty days of issuance of the infraction.

(2) The department shall conduct a hearing in accordance with chapter 34.04 RCW and chapter 10-08 WAC.

(3) Employers may appear before the administrative law judge through counsel, or may represent themselves. The department shall be represented by the attorney general.

(4) All relevant evidence shall be admissible in a hearing convened pursuant to RCW 49.12.____ (chapter 236, Laws of 1988). Admission of evidence is subject to RCW 34.04.100 and 34.04.105 of the Administrative Procedure Act of Washington.

(5) The administrative law judge shall issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate, any legal penalty. The proposed decision shall be served by certified mail or personally on the employer and the department. The employer or department may appeal to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

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

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

(7) The director shall review the proposed decision in accordance with the Administrative Procedure Act, chapter 34.04 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the

administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

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

NEW SECTION

WAC 296-130-080 PENALTY ASSESSMENT. An employer found to have committed an infraction under RCW 49.12.____ (chapter 236, Laws of 1988) may be assessed the maximum penalty of a fine of two hundred dollars for the first noncompliance violation. A cited employer that continues to violate the terms of the statute may be subject to a fine not to exceed one thousand dollars.

NEW SECTION

WAC 296-130-500 COLLECTIVE BARGAINING NOT IMPAIRED. Nothing in this chapter shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish leave benefits in excess of the applicable minimum under the provisions of this chapter.

WSR 88-14-106

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 6, 1988]

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 prevailing wages, chapter 296-127 WAC. The 1988 legislature amended chapter 49.28 RCW which addresses hours of work and conditions of labor on public work projects. The proposed rule is intended to implement the amended law;

that the agency will at 1:00 p.m., Friday, August 12, 1988, in the Auditorium, Ground Floor, General Administration 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 August 26, 1988.

The authority under which these rules are proposed is RCW 43.22.270 and chapter 49.28 RCW.

The specific statute these rules are intended to implement is chapter 49.28 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 12, 1988.

Dated: July 6, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: WAC 296-127-022 Overtime according to chapter 49.28 RCW.

Statutory Authority: Chapters 43.22 and 49.28 RCW.

Specific Statutes that Rules are Intended to Implement: Chapter 49.28 RCW.

Summary of the Rules: WAC 296-127-022, allowing work to be performed on public work contracts with bid due dates of June 9, 1988, and thereafter which will not require the payment of overtime for the first 2 hours worked in excess of 8 hours per day.

Reasons Supporting the Proposed Rule: The adoption of WAC 296-127-022 addresses the 1988 legislative amendment to chapter 49.28 RCW. The rule provides for an explanation when work may be performed on a public works contract in excess of 8 hours in one day without the requirement that overtime be paid.

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: Mark M. McDermott, Assistant Director, Employment Standards, Apprenticeship, Crime Victims Division, 925 Plum Street, Olympia, WA 98504, (206) 753-3487.

Name of the Person or Organization, Whether Private, Public or Governmental that is Proposing the Rules: Department of Labor and Industries.

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

The rules are not necessary to comply with a federal law or federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purpose: None.

There is no small business impact statement as there is no adverse impact to small business.

NEW SECTION

WAC 296-127-022 OVERTIME ACCORDING TO CHAPTER 49.28 RCW. (1) Work performed on public works contracts will not require the payment of overtime rates for the first two hours worked in excess of eight hours per day when:

(a) The industrial statistician has determined that the prevailing wage rates are those which are stipulated in a collective bargaining agreement that permits a 4-10 work week without the payment of overtime rates for the two hours worked in excess of eight hours per day; and

(i) The workers are covered under a collective bargaining agreement; or

(ii) The workers are not members of the collective bargaining organization which is signatory to the collective bargaining agreement, but they have signed an agreement to work under the specified conditions.

(b) The industrial statistician has determined that the prevailing rate of wage does not require the payment of overtime for the first two hours in excess of eight hours per day and the workers have signed an agreement to work under that condition.

(2) For the purpose of this section an agreement must:

(a) Have been authorized by employees who bargained collectively with their employers through representatives of their own choosing; or

(b) Be obtained in writing; and

(c) Be obtained individually from each employee; and

(d) Obtained separately for each public works project; and

(e) Obtained from each employee before he or she starts work on a public works project with bid due dates of June 9, 1988 and thereafter and;

(f) Obtained voluntarily.

(3) It is prohibited to work more than ten hours in any calendar day on a public works project except in cases or extraordinary emergency, such as danger to life or property.

WSR 88-14-107
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 88-10—Filed July 6, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this order revises the basic premium ratio, loss conversion factors and size group tables to reflect the most current insurance changes, administrative expense and investment earnings to be used in adjusting premium payments for possible refunds or penalties.

This action is taken pursuant to Notice No. WSR 88-09-070 filed with the code reviser on April 20, 1988.

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 51.04.020(1) and 51.16.035 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 July 6, 1988.

By Joseph A. Dear
 Director

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A
 BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = ~~((.692))~~ .630
 Effective ~~((January 1, 1986))~~ July 1, 1988

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.975	.955	.942	.929	.918	.910	.901	.895	.887	.881	.869	.858	.848	.829
83	.973	.954	.938	.924	.912	.902	.894	.886	.879	.872	.860	.848	.838	.817
82	.972	.950	.932	.918	.906	.895	.886	.879	.870	.863	.850	.838	.827	.806
81	.967	.946	.925	.913	.899	.889	.878	.869	.862	.854	.840	.828	.816	.795
80	.966	.940	.921	.906	.891	.881	.870	.862	.853	.845	.830	.818	.806	.781
79	.964	.937	.915	.900	.884	.873	.863	.853	.844	.836	.821	.808	.794	.770
78	.958	.932	.911	.895	.880	.866	.856	.845	.836	.827	.811	.797	.783	.757
77	.957	.929	.905	.888	.873	.862	.848	.839	.827	.819	.802	.787	.772	.746
76	.955	.927	.902	.884	.865	.853	.840	.829	.818	.809	.792	.774	.760	.733
75	.954	.920	.896	.877	.860	.845	.830	.820	.809	.799	.781	.764	.749	.720
74	.948	.918	.892	.869	.852	.837	.823	.811	.800	.790	.770	.754	.737	.708
73	.946	.911	.885	.863	.845	.829	.816	.803	.790	.781	.760	.743	.726	.695
72	.944	.908	.878	.858	.840	.824	.809	.794	.783	.772	.750	.732	.714	.682
71	.938	.901	.874	.850	.831	.814	.799	.785	.772	.761	.739	.721	.701	.667
70	.936	.899	.867	.843	.824	.807	.790	.776	.762	.751	.729	.707	.690	.654
69	.935	.892	.859	.838	.815	.797	.782	.767	.753	.740	.717	.697	.678	.642
68	.928	.884	.855	.829	.807	.789	.772	.756	.742	.731	.707	.684	.664	.628
67	.925	.882	.847	.821	.797	.779	.763	.747	.732	.720	.694	.673	.652	.615
66	.918	.873	.839	.813	.789	.771	.753	.737	.721	.710	.682	.661	.640	.601
65	.917	.870	.835	.805	.783	.762	.744	.728	.712	.698	.671	.648	.628	.589
64	.910	.863	.827	.800	.775	.753	.735	.717	.701	.686	.661	.636	.614	.576
63	.907	.855	.819	.790	.766	.743	.724	.707	.691	.676	.649	.623	.603	.562
62	.900	.851	.810	.783	.756	.734	.715	.697	.681	.665	.636	.610	.589	.549
61	.898	.844	.807	.773	.748	.724	.704	.687	.670	.654	.625	.599	.575	.535
60	.890	.836	.798	.765	.738	.714	.695	.674	.657	.641	.612	.585	.562	.520
59	.888	.833	.790	.756	.730	.705	.684	.663	.646	.629	.598	.572	.549	.506
58	.881	.826	.781	.747	.719	.695	.674	.652	.635	.617	.587	.560	.536	.493
57	.879	.817	.772	.737	.710	.684	.661	.641	.624	.607	.574	.546	.522	.480
56	.871	.813	.763	.729	.700	.674	.650	.631	.609	.592	.561	.534	.509	.466
55	.863	.805	.754	.718	.690	.663	.639	.620	.598	.580	.548	.521	.495	.454
54	.860	.795	.745	.709	.680	.653	.628	.606	.587	.570	.536	.507	.482	.440
53	.851	.786	.736	.699	.665	.639	.617	.594	.572	.554	.522	.495	.470	.427
52	.842	.777	.725	.688	.656	.628	.603	.583	.561	.543	.510	.480	.457	.416
51	.833	.767	.716	.678	.645	.617	.591	.568	.549	.531	.498	.468	.444	.402
50	.825	.758	.706	.667	.633	.606	.580	.556	.534	.517	.483	.456	.429	.389
49	.822	.749	.696	.658	.623	.591	.565	.544	.522	.503	.470	.442	.417	.377
48	.813	.739	.685	.643	.608	.579	.553	.530	.510	.489	.457	.429	.405	.364
47	.803	.729	.675	.631	.596	.568	.541	.517	.495	.477	.444	.417	.390	.352
46	.795	.719	.664	.620	.585	.553	.526	.502	.482	.464	.432	.404	.379	.341
45	.786	.709	.648	.605	.569	.540	.514	.490	.467	.449	.417	.391	.369	.331

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
44	.775	.694	.638	.593	.556	.524	.499	.478	.455	.437	.406	.380	.357	.320
43	.766	.682	.621	.577	.541	.512	.486	.462	.443	.426	.394	.367	.347	.311
42	.757	.672	.610	.565	.530	.497	.471	.450	.428	.411	.379	.354	.333	.298
41	.747	.662	.600	.554	.514	.485	.459	.435	.415	.398	.367	.342	.320	.285
40	.737	.645	.589	.538	.502	.473	.446	.423	.401	.386	.354	.328	.306	.274
39	.727	.635	.572	.527	.490	.457	.431	.408	.389	.371	.340	.316	.295	.262
38	.717	.625	.561	.511	.474	.445	.419	.394	.376	.356	.328	.303	.282	.250
37	.700	.608	.544	.499	.462	.429	.403	.379	.361	.343	.314	.290	.270	.239
36	.689	.596	.533	.481	.445	.417	.390	.367	.349	.332	.301	.279	.258	.227
35	.671	.578	.515	.469	.428	.400	.375	.354	.334	.316	.289	.266	.247	.217
34	.653	.560	.497	.452	.416	.388	.362	.339	.321	.305	.276	.256	.236	.207
33	.642	.542	.484	.434	.399	.371	.346	.326	.306	.290	.264	.243	.225	.198
32	.623	.523	.466	.422	.386	.355	.334	.312	.294	.279	.253	.232	.215	.189
31	.605	.511	.449	.405	.370	.342	.318	.299	.282	.267	.243	.222	.207	.181
30	.586	.493	.431	.388	.357	.330	.306	.285	.268	.255	.230	.212	.197	.174
29	.568	.475	.418	.374	.340	.314	.291	.273	.257	.243	.220	.203	.189	.167
28	.549	.457	.401	.357	.324	.301	.279	.261	.244	.230	.207	.191	.177	.154
27	.537	.444	.384	.345	.311	.285	.262	.244	.229	.216	.193	.176	.160	.138
26	.519	.427	.371	.329	.295	.269	.249	.228	.215	.201	.178	.161	.145	.124
25	.499	.408	.353	.311	.281	.256	.233	.215	.200	.186	.165	.147	.133	.113
24	.480	.390	.335	.298	.265	.241	.222	.205	.189	.176	.157	.141	.128	.108
23	.454	.371	.317	.280	.253	.229	.210	.194	.179	.168	.149	.134	.122	.104
22	.435	.352	.299	.263	.237	.216	.196	.184	.171	.160	.141	.127	.116	.100
21	.408	.333	.285	.251	.225	.203	.186	.171	.161	.152	.134	.122	.112	.097
20	.388	.314	.268	.234	.209	.190	.174	.161	.151	.141	.125	.114	.105	.091
19	.377	.301	.251	.222	.196	.178	.162	.149	.139	.131	.116	.105	.097	.084
18	.358	.283	.238	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
17	.339	.265	.221	.189	.169	.152	.137	.127	.117	.110	.098	.090	.083	.074
16	.319	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
15	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
14	.291	.217	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
13	.275	.200	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
12	.263	.182	.152	.135	.121	.111	.102	.096	.089	.086	.079	.073	.069	.063
11	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
10	.235	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
9	.216	.133	.119	.109	.101	.094	.088	.083	.079	.077	.072	.068	.065	.061
8	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
7	.160	.112	.101	.095	.088	.084	.079	.076	.074	.071	.067	.063	.062	.059
6	.131	.101	.095	.088	.083	.079	.076	.073	.070	.068	.064	.062	.061	.058
5	.131	.093	.087	.081	.078	.075	.071	.069	.067	.065	.062	.061	.059	.057

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91902 TABLE III.

((RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective January 1, 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84 Basic Premium Ratio	.998	.997	.995	.993	.992	.990	.988	.987	.985	.983	.980	.977	.974	.967
84 Loss Conversion Factor	.002	.003	.005	.007	.008	.010	.012	.013	.015	.017	.020	.023	.026	.033
83 Basic Premium Ratio	.998	.996	.995	.993	.991	.989	.987	.986	.984	.982	.978	.975	.971	.964
83 Loss Conversion Factor	.002	.004	.005	.007	.009	.011	.013	.014	.016	.018	.022	.025	.029	.036
82 Basic Premium Ratio	.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.977	.973	.969	.961
82 Loss Conversion Factor	.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.023	.027	.031	.039
81 Basic Premium Ratio	.998	.996	.994	.991	.989	.987	.985	.983	.981	.979	.974	.970	.966	.957
81 Loss Conversion Factor	.002	.004	.006	.009	.011	.013	.015	.017	.019	.021	.026	.030	.034	.043

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
80	Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
	Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045
79	Basic Premium Ratio	.998	.995	.993	.990	.988	.986	.983	.981	.978	.976	.971	.966	.961	.952
	Loss Conversion Factor	.002	.005	.007	.010	.012	.014	.017	.019	.022	.024	.029	.034	.039	.048
78	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.982	.979	.976	.974	.968	.963	.958	.947
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.018	.021	.024	.026	.032	.037	.042	.053
77	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.973	.971	.965	.959	.953	.941
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.029	.035	.041	.047	.059
76	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.975	.972	.969	.963	.957	.951	.939
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.025	.028	.031	.037	.043	.049	.061
75	Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.978	.975	.971	.968	.962	.956	.949	.937
	Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.022	.025	.029	.032	.038	.044	.051	.063
74	Basic Premium Ratio	.997	.993	.990	.986	.983	.979	.976	.972	.969	.965	.959	.952	.945	.931
	Loss Conversion Factor	.003	.007	.010	.014	.017	.021	.024	.028	.031	.035	.041	.048	.055	.069
73	Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
	Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
72	Basic Premium Ratio	.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917
	Loss Conversion Factor	.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083
71	Basic Premium Ratio	.995	.991	.986	.982	.977	.972	.968	.963	.958	.954	.945	.935	.926	.908
	Loss Conversion Factor	.005	.009	.014	.018	.023	.028	.032	.037	.042	.046	.055	.065	.074	.092
70	Basic Premium Ratio	.995	.990	.985	.980	.974	.969	.964	.959	.954	.949	.939	.928	.918	.898
	Loss Conversion Factor	.005	.010	.015	.020	.026	.031	.036	.041	.046	.051	.061	.072	.082	.102
69	Basic Premium Ratio	.994	.989	.983	.978	.972	.967	.961	.956	.950	.945	.933	.922	.911	.889
	Loss Conversion Factor	.006	.011	.017	.022	.028	.033	.039	.044	.050	.055	.067	.078	.089	.111
68	Basic Premium Ratio	.994	.988	.982	.977	.971	.965	.959	.953	.947	.941	.930	.918	.906	.883
	Loss Conversion Factor	.006	.012	.018	.023	.029	.035	.041	.047	.053	.059	.070	.082	.094	.117
67	Basic Premium Ratio	.994	.988	.981	.975	.969	.963	.957	.950	.944	.938	.926	.913	.901	.876
	Loss Conversion Factor	.006	.012	.019	.025	.031	.037	.043	.050	.056	.062	.074	.087	.099	.124
66	Basic Premium Ratio	.993	.987	.980	.973	.966	.960	.953	.946	.939	.933	.919	.906	.892	.865
	Loss Conversion Factor	.007	.013	.020	.027	.034	.040	.047	.054	.061	.067	.081	.094	.108	.135
65	Basic Premium Ratio	.993	.985	.978	.971	.964	.956	.949	.942	.935	.927	.913	.898	.884	.855
	Loss Conversion Factor	.007	.015	.022	.029	.036	.044	.051	.058	.065	.073	.087	.102	.116	.145
64	Basic Premium Ratio	.992	.984	.977	.969	.961	.953	.946	.938	.930	.922	.907	.891	.875	.844
	Loss Conversion Factor	.008	.016	.023	.031	.039	.047	.054	.062	.070	.078	.093	.109	.125	.156
63	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.925	.917	.900	.884	.867	.834
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.075	.083	.100	.116	.133	.166
62	Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
	Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
61	Basic Premium Ratio	.990	.981	.971	.962	.952	.943	.933	.923	.914	.904	.885	.866	.847	.808
	Loss Conversion Factor	.010	.019	.029	.038	.048	.057	.067	.077	.086	.096	.115	.134	.153	.192
60	Basic Premium Ratio	.990	.979	.969	.958	.948	.937	.927	.917	.906	.896	.875	.854	.833	.791
	Loss Conversion Factor	.010	.021	.031	.042	.052	.063	.073	.083	.094	.104	.125	.146	.167	.209
59	Basic Premium Ratio	.989	.977	.966	.955	.943	.932	.920	.909	.898	.886	.864	.841	.818	.773
	Loss Conversion Factor	.011	.023	.034	.045	.057	.068	.080	.091	.102	.114	.136	.159	.182	.227
58	Basic Premium Ratio	.988	.975	.963	.951	.938	.926	.914	.901	.889	.877	.852	.827	.803	.753
	Loss Conversion Factor	.012	.025	.037	.049	.062	.074	.086	.099	.111	.123	.148	.173	.197	.247
57	Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.893	.879	.866	.839	.812	.785	.732
	Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.107	.121	.134	.161	.188	.215	.268
56	Basic Premium Ratio	.986	.971	.957	.942	.928	.913	.899	.884	.870	.855	.826	.797	.768	.710
	Loss Conversion Factor	.014	.029	.043	.058	.072	.087	.101	.116	.130	.145	.174	.203	.232	.290
55	Basic Premium Ratio	.984	.969	.953	.938	.922	.906	.891	.875	.860	.844	.813	.782	.750	.688
	Loss Conversion Factor	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.218	.250	.312
54	Basic Premium Ratio	.983	.967	.950	.933	.917	.900	.883	.867	.850	.833	.800	.767	.733	.667
	Loss Conversion Factor	.017	.033	.050	.067	.083	.100	.117	.133	.150	.167	.200	.233	.267	.333
53	Basic Premium Ratio	.982	.964	.947	.929	.911	.893	.876	.858	.840	.822	.787	.751	.717	.646
	Loss Conversion Factor	.018	.036	.053	.071	.089	.107	.124	.142	.160	.178	.213	.249	.283	.354

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
52	Basic Premium Ratio	.981	.962	.943	.924	.905	.887	.868	.849	.830	.811	.773	.735	.697	.622
	Loss Conversion Factor	.019	.038	.057	.076	.095	.113	.132	.151	.170	.189	.227	.265	.303	.378
51	Basic Premium Ratio	.980	.960	.940	.919	.899	.879	.859	.839	.819	.798	.758	.718	.677	.597
	Loss Conversion Factor	.020	.040	.060	.081	.101	.121	.141	.161	.181	.202	.242	.282	.323	.403
50	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.804	.783	.739	.696	.652	.565
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.196	.217	.261	.304	.348	.435
49	Basic Premium Ratio	.977	.954	.930	.907	.884	.861	.837	.814	.791	.768	.721	.675	.628	.535
	Loss Conversion Factor	.023	.046	.070	.093	.116	.139	.163	.186	.209	.232	.279	.325	.372	.465
48	Basic Premium Ratio	.975	.950	.926	.901	.876	.851	.826	.801	.777	.752	.702	.652	.603	.503
	Loss Conversion Factor	.025	.050	.074	.099	.124	.149	.174	.199	.223	.248	.298	.348	.397	.497
47	Basic Premium Ratio	.973	.947	.920	.893	.867	.840	.814	.787	.760	.734	.680	.627	.574	.467
	Loss Conversion Factor	.027	.053	.080	.107	.133	.160	.186	.213	.240	.266	.320	.373	.426	.533
46	Basic Premium Ratio	.972	.943	.915	.887	.859	.830	.802	.774	.745	.717	.660	.604	.547	.434
	Loss Conversion Factor	.028	.057	.085	.113	.141	.170	.198	.226	.255	.283	.340	.396	.453	.566
45	Basic Premium Ratio	.970	.940	.910	.880	.850	.820	.790	.760	.730	.700	.640	.579	.519	.399
	Loss Conversion Factor	.030	.060	.090	.120	.150	.180	.210	.240	.270	.300	.360	.421	.481	.601
44	Basic Premium Ratio	.968	.936	.904	.872	.840	.808	.776	.744	.712	.680	.616	.552	.488	.360
	Loss Conversion Factor	.032	.064	.096	.128	.160	.192	.224	.256	.288	.320	.384	.448	.512	.640
43	Basic Premium Ratio	.966	.932	.898	.864	.829	.795	.761	.727	.693	.659	.591	.522	.454	.318
	Loss Conversion Factor	.034	.068	.102	.136	.171	.205	.239	.273	.307	.341	.409	.478	.546	.682
42	Basic Premium Ratio	.963	.926	.889	.853	.816	.779	.742	.705	.668	.631	.558	.484	.410	.263
	Loss Conversion Factor	.037	.074	.111	.147	.184	.221	.258	.295	.332	.369	.442	.516	.590	.737
41	Basic Premium Ratio	.960	.920	.880	.840	.799	.759	.719	.679	.639	.599	.519	.438	.358	.198
	Loss Conversion Factor	.040	.080	.120	.160	.201	.241	.281	.321	.361	.401	.481	.562	.642	.802
40	Basic Premium Ratio	.957	.913	.870	.826	.783	.739	.696	.652	.609	.565	.479	.392	.305	.131
	Loss Conversion Factor	.043	.087	.130	.174	.217	.261	.304	.348	.391	.435	.521	.608	.695	.869
39	Basic Premium Ratio	.953	.906	.859	.812	.765	.717	.670	.623	.576	.529	.435	.341	.246	.058
	Loss Conversion Factor	.047	.094	.141	.188	.235	.283	.330	.377	.424	.471	.565	.659	.754	.942
38	Basic Premium Ratio	.949	.898	.847	.796	.745	.694	.643	.592	.541	.490	.387	.285	.183	.000
	Loss Conversion Factor	.051	.102	.153	.204	.255	.306	.357	.408	.459	.510	.613	.715	.817	.993
37	Basic Premium Ratio	.944	.889	.833	.777	.721	.666	.610	.554	.498	.443	.331	.220	.108	.000
	Loss Conversion Factor	.056	.111	.167	.223	.279	.334	.390	.446	.502	.557	.669	.780	.892	.971
36	Basic Premium Ratio	.940	.880	.820	.761	.701	.641	.581	.521	.461	.402	.282	.162	.043	.000
	Loss Conversion Factor	.060	.120	.180	.239	.299	.359	.419	.479	.539	.598	.718	.838	.957	.951
35	Basic Premium Ratio	.935	.870	.804	.739	.674	.609	.544	.479	.413	.348	.218	.087	.000	.000
	Loss Conversion Factor	.065	.130	.196	.261	.326	.391	.456	.521	.587	.652	.782	.913	.988	.933
34	Basic Premium Ratio	.929	.858	.787	.717	.646	.575	.504	.433	.362	.291	.150	.008	.000	.000
	Loss Conversion Factor	.071	.142	.213	.283	.354	.425	.496	.567	.638	.709	.850	.992	.968	.916
33	Basic Premium Ratio	.922	.845	.767	.689	.612	.534	.456	.379	.301	.223	.068	.000	.000	.000
	Loss Conversion Factor	.078	.155	.233	.311	.388	.466	.544	.621	.699	.777	.932	.977	.945	.900
32	Basic Premium Ratio	.916	.832	.747	.663	.579	.495	.410	.326	.242	.158	.000	.000	.000	.000
	Loss Conversion Factor	.084	.168	.253	.337	.421	.505	.590	.674	.758	.842	.997	.958	.927	.885
31	Basic Premium Ratio	.908	.816	.724	.632	.540	.448	.356	.264	.172	.080	.000	.000	.000	.000
	Loss Conversion Factor	.092	.184	.276	.368	.460	.552	.644	.736	.828	.920	.972	.937	.911	.873
30	Basic Premium Ratio	.900	.799	.699	.598	.498	.397	.297	.196	.096	.000	.000	.000	.000	.000
	Loss Conversion Factor	.100	.201	.301	.402	.502	.603	.703	.804	.904	.999	.953	.920	.895	.862
29	Basic Premium Ratio	.889	.779	.668	.558	.447	.336	.226	.115	.005	.000	.000	.000	.000	.000
	Loss Conversion Factor	.111	.221	.332	.442	.553	.664	.774	.885	.995	.974	.934	.906	.882	.851
28	Basic Premium Ratio	.878	.757	.635	.513	.392	.270	.148	.027	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.122	.243	.365	.487	.608	.730	.852	.973	.977	.952	.915	.887	.865	.838
27	Basic Premium Ratio	.865	.730	.594	.459	.324	.189	.054	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.135	.270	.406	.541	.676	.811	.946	.981	.952	.929	.893	.866	.847	.819
26	Basic Premium Ratio	.849	.699	.548	.398	.247	.097	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.151	.301	.452	.602	.753	.903	.988	.954	.929	.906	.873	.849	.829	.802
25	Basic Premium Ratio	.832	.664	.497	.329	.161	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.168	.336	.503	.671	.839	.999	.961	.930	.906	.885	.855	.832	.814	.790

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
24	Basic Premium Ratio	.812	.624	.436	.247	.059	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.753	.941	.971	.938	.911	.889	.874	.843	.822	.807	.785
23	Basic Premium Ratio	.788	.576	.363	.151	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.212	.424	.637	.849	.986	.947	.915	.892	.873	.856	.832	.814	.800	.781
22	Basic Premium Ratio	.757	.513	.270	.027	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.243	.487	.730	.973	.958	.924	.898	.875	.858	.844	.822	.806	.793	.777
21	Basic Premium Ratio	.719	.438	.158	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.281	.562	.842	.976	.933	.904	.880	.861	.844	.832	.813	.799	.788	.771
20	Basic Premium Ratio	.674	.348	.022	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.326	.652	.978	.952	.913	.884	.862	.846	.831	.820	.803	.790	.780	.766
19	Basic Premium Ratio	.622	.245	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.378	.755	.979	.926	.891	.865	.845	.831	.818	.807	.792	.780	.772	.760
18	Basic Premium Ratio	.562	.124	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.438	.876	.951	.904	.871	.849	.830	.816	.805	.796	.782	.772	.764	.755
17	Basic Premium Ratio	.479	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.521	.995	.926	.883	.853	.832	.816	.803	.794	.786	.773	.765	.759	.750
16	Basic Premium Ratio	.374	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.626	.962	.902	.863	.837	.818	.803	.793	.784	.777	.767	.759	.753	.746
15	Basic Premium Ratio	.226	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.774	.943	.879	.844	.822	.806	.793	.783	.775	.770	.760	.755	.749	.743
14	Basic Premium Ratio	.148	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.852	.918	.859	.830	.812	.798	.787	.779	.771	.766	.757	.752	.748	.742
13	Basic Premium Ratio	.058	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.942	.899	.839	.818	.803	.791	.782	.775	.767	.764	.755	.750	.746	.741
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.992	.877	.825	.808	.795	.784	.776	.770	.764	.760	.753	.748	.745	.740
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.972	.861	.811	.798	.787	.778	.771	.766	.761	.757	.751	.747	.743	.739
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.950	.831	.799	.789	.780	.773	.766	.761	.757	.754	.749	.745	.742	.738
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.930	.802	.791	.782	.773	.767	.762	.758	.754	.752	.747	.743	.741	.737
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.899	.791	.781	.774	.767	.762	.758	.754	.751	.749	.744	.742	.740	.736
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.865	.780	.773	.767	.762	.757	.754	.751	.748	.747	.743	.740	.739	.736
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.829	.773	.766	.760	.757	.752	.750	.747	.745	.744	.741	.739	.737	.735
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.779	.763	.758	.755	.751	.749	.747	.744	.742	.741	.738	.737	.736	.735))

**RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective July 1, 1988**

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
84	Basic Premium Ratio	.998	.996	.994	.992	.991	.989	.987	.985	.983	.981	.977	.973	.970	.962
	Loss Conversion Factor	.002	.004	.006	.008	.009	.011	.013	.015	.017	.019	.023	.027	.030	.038
83	Basic Premium Ratio	.998	.996	.994	.992	.990	.987	.985	.983	.981	.979	.975	.971	.967	.958
	Loss Conversion Factor	.002	.004	.006	.008	.010	.013	.015	.017	.019	.021	.025	.029	.033	.042
82	Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
	Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
81	Basic Premium Ratio	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.965	.960	.951
	Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.035	.040	.049
80	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.981	.979	.976	.973	.968	.963	.957	.947
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.019	.021	.024	.027	.032	.037	.043	.053
79	Basic Premium Ratio	.997	.994	.991	.989	.986	.983	.980	.977	.974	.972	.966	.960	.954	.943
	Loss Conversion Factor	.003	.006	.009	.011	.014	.017	.020	.023	.026	.028	.034	.040	.046	.057
78	Basic Premium Ratio	.997	.994	.991	.987	.984	.981	.978	.975	.972	.969	.962	.956	.950	.937
	Loss Conversion Factor	.003	.006	.009	.013	.016	.019	.022	.025	.028	.031	.038	.044	.050	.063
77	Basic Premium Ratio	.996	.993	.989	.986	.982	.979	.975	.972	.968	.965	.957	.950	.943	.929
	Loss Conversion Factor	.004	.007	.011	.014	.018	.021	.025	.028	.032	.035	.043	.050	.057	.071
76	Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
	Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
75	Basic Premium Ratio	.996	.992	.988	.984	.980	.977	.973	.969	.965	.961	.953	.945	.937	.922
	Loss Conversion Factor	.004	.008	.012	.016	.020	.023	.027	.031	.035	.039	.047	.055	.063	.078
74	Basic Premium Ratio	.996	.991	.987	.983	.978	.974	.970	.965	.961	.957	.948	.940	.931	.914
	Loss Conversion Factor	.004	.009	.013	.017	.022	.026	.030	.035	.039	.043	.052	.060	.069	.086
73	Basic Premium Ratio	.995	.991	.986	.981	.976	.972	.967	.962	.957	.953	.943	.934	.924	.905
	Loss Conversion Factor	.005	.009	.014	.019	.024	.028	.033	.038	.043	.047	.057	.066	.076	.095
72	Basic Premium Ratio	.995	.989	.984	.979	.973	.968	.963	.958	.952	.947	.936	.926	.915	.894
	Loss Conversion Factor	.005	.011	.016	.021	.027	.032	.037	.042	.048	.053	.064	.074	.085	.106
71	Basic Premium Ratio	.994	.988	.982	.976	.970	.964	.958	.952	.946	.940	.928	.916	.904	.881
	Loss Conversion Factor	.006	.012	.018	.024	.030	.036	.042	.048	.054	.060	.072	.084	.096	.119
70	Basic Premium Ratio	.993	.987	.980	.973	.967	.960	.953	.947	.940	.933	.920	.906	.893	.866
	Loss Conversion Factor	.007	.013	.020	.027	.033	.040	.047	.053	.060	.067	.080	.094	.107	.134
69	Basic Premium Ratio	.993	.986	.978	.971	.964	.957	.949	.942	.935	.928	.913	.899	.884	.855
	Loss Conversion Factor	.007	.014	.022	.029	.036	.043	.051	.058	.065	.072	.087	.101	.116	.145
68	Basic Premium Ratio	.992	.985	.977	.969	.961	.954	.946	.938	.931	.923	.907	.892	.876	.846
	Loss Conversion Factor	.008	.015	.023	.031	.039	.046	.054	.062	.069	.077	.093	.108	.124	.154
67	Basic Premium Ratio	.992	.984	.975	.967	.959	.951	.942	.934	.926	.918	.901	.885	.869	.836
	Loss Conversion Factor	.008	.016	.025	.033	.041	.049	.058	.066	.074	.082	.099	.115	.131	.164
66	Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
	Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
65	Basic Premium Ratio	.990	.981	.971	.962	.952	.942	.933	.923	.913	.904	.885	.865	.846	.808
	Loss Conversion Factor	.010	.019	.029	.038	.048	.058	.067	.077	.087	.096	.115	.135	.154	.192
64	Basic Premium Ratio	.990	.979	.969	.958	.948	.938	.927	.917	.907	.896	.875	.855	.834	.792
	Loss Conversion Factor	.010	.021	.031	.042	.052	.062	.073	.083	.093	.104	.125	.145	.166	.208
63	Basic Premium Ratio	.989	.978	.966	.955	.944	.933	.922	.910	.899	.888	.866	.843	.821	.776
	Loss Conversion Factor	.011	.022	.034	.045	.056	.067	.078	.090	.101	.112	.134	.157	.179	.224
62	Basic Premium Ratio	.988	.976	.964	.952	.940	.928	.916	.904	.892	.880	.856	.832	.808	.759
	Loss Conversion Factor	.012	.024	.036	.048	.060	.072	.084	.096	.108	.120	.144	.168	.192	.241
61	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.740
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.260
60	Basic Premium Ratio	.986	.972	.958	.944	.929	.915	.901	.887	.873	.859	.831	.803	.774	.718
	Loss Conversion Factor	.014	.028	.042	.056	.071	.085	.099	.113	.127	.141	.169	.197	.226	.282
59	Basic Premium Ratio	.985	.970	.954	.939	.924	.909	.893	.878	.863	.848	.817	.787	.757	.696
	Loss Conversion Factor	.015	.030	.046	.061	.076	.091	.107	.122	.137	.152	.183	.213	.243	.304
58	Basic Premium Ratio	.984	.967	.951	.934	.918	.901	.885	.869	.852	.836	.803	.770	.737	.672
	Loss Conversion Factor	.016	.033	.049	.066	.082	.099	.115	.131	.148	.164	.197	.230	.263	.328
57	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.840	.823	.787	.752	.716	.645
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.160	.177	.213	.248	.284	.355
56	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.809	.771	.733	.695	.619
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.191	.229	.267	.305	.381
55	Basic Premium Ratio	.980	.960	.939	.919	.899	.879	.859	.838	.818	.798	.757	.717	.677	.596
	Loss Conversion Factor	.020	.040	.061	.081	.101	.121	.141	.162	.182	.202	.243	.283	.323	.404
54	Basic Premium Ratio	.978	.957	.935	.914	.892	.871	.849	.828	.806	.785	.742	.699	.656	.570
	Loss Conversion Factor	.022	.043	.065	.086	.108	.129	.151	.172	.194	.215	.258	.301	.344	.430

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
53	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.678	.632	.540
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.322	.368	.460
52	Basic Premium Ratio	.975	.951	.926	.902	.877	.853	.828	.804	.779	.755	.706	.656	.607	.509
	Loss Conversion Factor	.025	.049	.074	.098	.123	.147	.172	.196	.221	.245	.294	.344	.393	.491
51	Basic Premium Ratio	.974	.947	.921	.895	.869	.842	.816	.790	.763	.737	.685	.632	.579	.474
	Loss Conversion Factor	.026	.053	.079	.105	.131	.158	.184	.210	.237	.263	.315	.368	.421	.526
50	Basic Premium Ratio	.972	.944	.915	.887	.859	.831	.803	.775	.746	.718	.662	.606	.549	.436
	Loss Conversion Factor	.028	.056	.085	.113	.141	.169	.197	.225	.254	.282	.338	.394	.451	.564
49	Basic Premium Ratio	.970	.939	.909	.879	.848	.818	.787	.757	.727	.696	.636	.575	.514	.393
	Loss Conversion Factor	.030	.061	.091	.121	.152	.182	.213	.243	.273	.304	.364	.425	.486	.607
48	Basic Premium Ratio	.968	.935	.903	.870	.838	.805	.773	.740	.708	.676	.611	.546	.481	.351
	Loss Conversion Factor	.032	.065	.097	.130	.162	.195	.227	.260	.292	.324	.389	.454	.519	.649
47	Basic Premium Ratio	.965	.930	.896	.861	.826	.791	.756	.721	.687	.652	.582	.513	.443	.304
	Loss Conversion Factor	.035	.070	.104	.139	.174	.209	.244	.279	.313	.348	.418	.487	.557	.696
46	Basic Premium Ratio	.963	.926	.889	.851	.814	.777	.740	.703	.666	.628	.554	.480	.406	.257
	Loss Conversion Factor	.037	.074	.111	.149	.186	.223	.260	.297	.334	.372	.446	.520	.594	.743
45	Basic Premium Ratio	.960	.921	.881	.842	.802	.762	.723	.683	.644	.604	.525	.446	.367	.208
	Loss Conversion Factor	.040	.079	.119	.158	.198	.238	.277	.317	.356	.396	.475	.554	.633	.792
44	Basic Premium Ratio	.958	.915	.873	.831	.788	.746	.704	.661	.619	.576	.492	.407	.322	.153
	Loss Conversion Factor	.042	.085	.127	.169	.212	.254	.296	.339	.381	.424	.508	.593	.678	.847
43	Basic Premium Ratio	.954	.909	.863	.818	.772	.727	.681	.636	.590	.545	.453	.362	.271	.089
	Loss Conversion Factor	.046	.091	.137	.182	.228	.273	.319	.364	.410	.455	.547	.638	.729	.911
42	Basic Premium Ratio	.951	.901	.852	.803	.754	.704	.655	.606	.557	.507	.409	.310	.212	.015
	Loss Conversion Factor	.049	.099	.148	.197	.246	.296	.345	.394	.443	.493	.591	.690	.788	.985
41	Basic Premium Ratio	.946	.893	.839	.785	.732	.678	.625	.571	.517	.464	.356	.249	.142	.000
	Loss Conversion Factor	.054	.107	.161	.215	.268	.322	.375	.429	.483	.536	.644	.751	.858	.974
40	Basic Premium Ratio	.942	.884	.827	.769	.711	.653	.595	.537	.480	.422	.306	.190	.075	.000
	Loss Conversion Factor	.058	.116	.173	.231	.289	.347	.405	.463	.520	.578	.694	.810	.925	.948
39	Basic Premium Ratio	.937	.875	.812	.749	.686	.624	.561	.498	.435	.373	.247	.122	.000	.000
	Loss Conversion Factor	.063	.125	.188	.251	.314	.376	.439	.502	.565	.627	.753	.878	.995	.924
38	Basic Premium Ratio	.932	.865	.797	.729	.662	.594	.527	.459	.391	.324	.188	.053	.000	.000
	Loss Conversion Factor	.068	.135	.203	.271	.338	.406	.473	.541	.609	.676	.812	.947	.968	.903
37	Basic Premium Ratio	.926	.853	.779	.706	.632	.558	.485	.411	.337	.264	.117	.000	.000	.000
	Loss Conversion Factor	.074	.147	.221	.294	.368	.442	.515	.589	.663	.736	.883	.988	.944	.884
36	Basic Premium Ratio	.920	.840	.760	.680	.599	.519	.439	.359	.279	.199	.039	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.401	.481	.561	.641	.721	.801	.961	.961	.921	.866
35	Basic Premium Ratio	.913	.826	.739	.652	.564	.477	.390	.303	.216	.129	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.348	.436	.523	.610	.697	.784	.871	.983	.935	.899	.848
34	Basic Premium Ratio	.905	.809	.714	.618	.523	.427	.332	.236	.141	.045	.000	.000	.000	.000
	Loss Conversion Factor	.095	.191	.286	.382	.477	.573	.668	.764	.859	.955	.955	.911	.879	.833
33	Basic Premium Ratio	.896	.791	.687	.582	.478	.373	.269	.164	.060	.000	.000	.000	.000	.000
	Loss Conversion Factor	.104	.209	.313	.418	.522	.627	.731	.836	.940	.985	.930	.891	.861	.819
32	Basic Premium Ratio	.886	.772	.658	.544	.430	.316	.202	.088	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.114	.228	.342	.456	.570	.684	.798	.912	.991	.958	.908	.872	.844	.806
31	Basic Premium Ratio	.875	.749	.624	.498	.373	.247	.122	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.125	.251	.376	.502	.627	.753	.878	.997	.961	.931	.886	.854	.829	.794
30	Basic Premium Ratio	.861	.723	.584	.446	.307	.169	.030	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.139	.277	.416	.554	.693	.831	.970	.967	.935	.908	.867	.838	.815	.784
29	Basic Premium Ratio	.847	.694	.541	.389	.236	.083	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.153	.306	.459	.611	.764	.917	.978	.941	.911	.887	.850	.823	.803	.775
28	Basic Premium Ratio	.831	.662	.494	.325	.156	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.169	.338	.506	.675	.844	.993	.950	.916	.889	.866	.832	.807	.789	.762
27	Basic Premium Ratio	.812	.624	.436	.249	.061	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.751	.939	.963	.922	.891	.865	.844	.812	.789	.771	.745
26	Basic Premium Ratio	.791	.582	.373	.164	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.209	.418	.627	.836	.985	.935	.898	.868	.844	.825	.794	.772	.755	.731

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group	25 Basic Premium Ratio	.764	.528	.293	.057	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.236	.472	.707	.943	.955	.910	.875	.847	.825	.807	.779	.758	.742	.720
24	Basic Premium Ratio	.730	.461	.191	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.270	.539	.809	.978	.923	.883	.852	.828	.808	.792	.767	.749	.735	.715
23	Basic Premium Ratio	.689	.379	.068	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.311	.621	.932	.944	.895	.859	.832	.811	.793	.779	.757	.741	.728	.711
22	Basic Premium Ratio	.637	.275	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.363	.725	.977	.914	.871	.839	.815	.796	.780	.768	.748	.734	.722	.707
21	Basic Premium Ratio	.566	.133	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.434	.867	.943	.888	.850	.822	.800	.783	.769	.758	.740	.727	.717	.703
20	Basic Premium Ratio	.488	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.512	.992	.913	.864	.829	.804	.784	.769	.756	.746	.730	.719	.710	.698
19	Basic Premium Ratio	.411	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.589	.960	.887	.840	.809	.785	.768	.754	.743	.734	.720	.710	.702	.691
18	Basic Premium Ratio	.305	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.695	.930	.862	.819	.790	.769	.753	.741	.731	.723	.711	.702	.695	.686
17	Basic Premium Ratio	.154	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.846	.901	.839	.801	.775	.756	.741	.730	.721	.714	.703	.696	.690	.682
16	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.984	.875	.819	.784	.761	.744	.731	.721	.713	.707	.697	.691	.686	.679
15	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.952	.852	.801	.770	.749	.734	.722	.714	.707	.701	.693	.687	.683	.677
14	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.938	.836	.783	.757	.740	.727	.717	.709	.703	.698	.691	.685	.681	.676
13	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.922	.819	.764	.745	.731	.720	.712	.705	.700	.695	.688	.684	.680	.675
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.905	.800	.751	.735	.724	.714	.707	.701	.696	.692	.686	.682	.679	.674
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.887	.779	.739	.727	.717	.709	.703	.697	.693	.690	.684	.680	.678	.673
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.866	.755	.729	.719	.710	.704	.698	.694	.690	.687	.682	.679	.676	.673
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.844	.731	.720	.711	.704	.699	.694	.690	.687	.685	.680	.677	.675	.672
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.818	.720	.712	.705	.699	.694	.690	.687	.684	.682	.679	.676	.674	.671
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.788	.711	.704	.699	.694	.690	.687	.684	.682	.680	.677	.674	.673	.670
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.753	.703	.697	.693	.689	.686	.683	.681	.679	.677	.675	.673	.672	.669
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.710	.695	.691	.687	.684	.682	.680	.678	.677	.675	.673	.672	.670	.669

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91903 TABLE IV.

RETROSPECTIVE RATING PLAN A1
 MINIMUM PREMIUM RATIOS
 BASIC PREMIUM RATIO = .052
 LOSS CONVERSION FACTOR = ((-692)) .630
 Effective ((January 1, 1986)) July 1, 1988

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.996	.990	.986	.982	.978	.973	.969	.966	.961	.957	.949	.941	.933	.919
83	.996	.989	.985	.981	.976	.971	.967	.963	.958	.954	.945	.936	.928	.913
82	.995	.989	.984	.979	.974	.969	.964	.960	.955	.950	.941	.932	.924	.908
81	.995	.988	.983	.978	.973	.966	.962	.957	.952	.947	.937	.927	.919	.902
80	.995	.987	.981	.976	.971	.964	.959	.955	.949	.944	.934	.923	.914	.896
79	.994	.986	.980	.975	.969	.962	.957	.952	.946	.940	.930	.919	.909	.891
78	.994	.985	.979	.973	.967	.960	.954	.949	.943	.937	.926	.914	.904	.885
77	.993	.984	.978	.972	.965	.958	.952	.946	.940	.933	.922	.910	.900	.880
76	.993	.984	.977	.970	.964	.956	.949	.943	.937	.930	.918	.905	.895	.874
75	.993	.983	.976	.969	.962	.953	.947	.941	.934	.927	.914	.901	.890	.868
74	.992	.982	.975	.967	.960	.951	.944	.938	.931	.923	.910	.896	.885	.863
73	.992	.981	.973	.966	.958	.949	.942	.935	.928	.920	.906	.892	.880	.857
72	.991	.980	.972	.965	.956	.947	.939	.932	.925	.916	.902	.888	.876	.851
71	.991	.980	.971	.963	.955	.945	.937	.929	.922	.913	.899	.883	.871	.846
70	.991	.979	.970	.962	.953	.942	.934	.927	.919	.910	.895	.879	.866	.840
69	.990	.978	.969	.960	.951	.940	.932	.924	.916	.906	.891	.874	.861	.834
68	.990	.977	.968	.959	.949	.938	.929	.921	.913	.903	.887	.870	.856	.829
67	.989	.976	.967	.957	.948	.936	.927	.918	.910	.899	.883	.866	.851	.823
66	.989	.976	.966	.956	.946	.934	.924	.915	.907	.896	.879	.861	.847	.817
65	.989	.975	.964	.954	.944	.932	.921	.913	.903	.893	.875	.857	.842	.812
64	.988	.974	.963	.953	.942	.929	.919	.910	.900	.889	.871	.852	.837	.806
63	.988	.973	.962	.951	.940	.927	.916	.907	.897	.886	.867	.848	.832	.801
62	.987	.972	.961	.950	.939	.925	.914	.904	.894	.882	.864	.844	.827	.795
61	.987	.971	.960	.948	.937	.923	.911	.901	.891	.879	.860	.839	.823	.789
60	.987	.971	.959	.947	.935	.921	.909	.899	.888	.875	.856	.835	.818	.784
59	.986	.970	.958	.945	.933	.918	.906	.896	.885	.872	.852	.830	.813	.778
58	.986	.969	.957	.944	.931	.916	.904	.893	.882	.869	.848	.826	.808	.772
57	.985	.968	.955	.942	.930	.914	.901	.890	.879	.865	.844	.821	.803	.767
56	.985	.967	.954	.941	.928	.912	.899	.887	.876	.862	.840	.817	.798	.761
55	.985	.967	.953	.940	.926	.910	.896	.885	.873	.859	.836	.813	.794	.757
54	.984	.966	.952	.938	.924	.908	.894	.882	.870	.856	.834	.810	.791	.753
53	.984	.965	.951	.937	.922	.905	.892	.880	.867	.853	.831	.807	.787	.750
52	.983	.964	.950	.935	.921	.903	.890	.878	.864	.851	.828	.804	.784	.746
51	.983	.963	.949	.934	.919	.901	.888	.875	.862	.848	.825	.801	.781	.742
50	.983	.963	.948	.932	.917	.899	.886	.873	.859	.845	.822	.798	.778	.739
49	.982	.962	.946	.931	.915	.897	.883	.871	.857	.843	.819	.795	.774	.735
48	.982	.961	.945	.929	.913	.895	.881	.868	.855	.840	.816	.792	.771	.732
47	.981	.960	.944	.928	.912	.894	.879	.866	.852	.837	.813	.789	.768	.728
46	.981	.959	.943	.926	.910	.892	.877	.863	.850	.835	.810	.786	.765	.725
45	.981	.958	.942	.925	.909	.890	.875	.861	.847	.832	.807	.783	.761	.721
44	.980	.958	.941	.923	.907	.888	.873	.859	.845	.829	.804	.780	.758	.718
43	.980	.957	.940	.922	.905	.886	.871	.856	.843	.827	.801	.777	.755	.714
42	.980	.956	.939	.921	.904	.884	.869	.854	.840	.824	.798	.774	.752	.710
41	.979	.956	.937	.919	.902	.882	.867	.852	.838	.821	.796	.771	.748	.707
40	.979	.955	.936	.918	.901	.881	.865	.849	.835	.819	.793	.768	.745	.703
39	.979	.954	.935	.916	.899	.879	.863	.847	.833	.816	.790	.765	.742	.700
38	.978	.954	.934	.915	.897	.877	.860	.845	.831	.813	.787	.762	.739	.696
37	.978	.953	.933	.914	.896	.875	.858	.842	.828	.811	.784	.759	.735	.693
36	.978	.952	.932	.912	.894	.873	.856	.840	.826	.808	.781	.756	.732	.689
35	.978	.951	.930	.911	.892	.871	.854	.838	.824	.806	.779	.754	.730	.687
34	.977	.950	.929	.909	.891	.870	.852	.836	.822	.804	.777	.752	.728	.686
33	.977	.950	.928	.908	.889	.868	.850	.834	.820	.802	.775	.750	.726	.684
32	.976	.949	.927	.906	.887	.866	.848	.832	.818	.799	.772	.748	.724	.682
31	.976	.948	.926	.905	.886	.865	.847	.830	.816	.797	.770	.746	.722	.681
30	.975	.947	.925	.904	.884	.863	.845	.828	.814	.795	.768	.744	.719	.679
29	.975	.946	.924	.902	.882	.861	.843	.826	.812	.793	.766	.742	.717	.677
28	.974	.946	.923	.901	.881	.859	.841	.824	.810	.791	.764	.740	.715	.675

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
27	.974	.945	.922	.899	.879	.858	.839	.822	.808	.789	.762	.738	.713	.674
26	.974	.944	.921	.898	.878	.856	.837	.821	.806	.787	.760	.736	.711	.672
25	.973	.943	.919	.897	.876	.854	.835	.819	.803	.784	.757	.733	.709	.670
24	.973	.942	.918	.895	.874	.853	.833	.817	.801	.782	.755	.731	.707	.669
23	.972	.942	.917	.894	.873	.851	.831	.815	.799	.780	.753	.729	.705	.667
22	.972	.941	.916	.892	.871	.849	.829	.813	.797	.778	.751	.727	.703	.665
21	.971	.940	.915	.891	.869	.848	.828	.811	.795	.776	.749	.725	.701	.664
20	.971	.939	.914	.890	.868	.846	.826	.809	.793	.774	.747	.723	.698	.662
19	.970	.938	.913	.888	.866	.844	.824	.807	.791	.771	.744	.721	.696	.660
18	.970	.938	.912	.887	.864	.842	.822	.805	.789	.769	.742	.719	.694	.658
17	.969	.937	.911	.885	.863	.841	.820	.803	.787	.767	.740	.717	.692	.657
16	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
15	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
14	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
13	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
12	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
11	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
10	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
9	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
8	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
7	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
6	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
5	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91904 TABLE V.

**RETROSPECTIVE RATING PLAN A2
MINIMUM PREMIUM RATIOS
AND BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = ~~((.692))~~ .630
Effective ~~((January 1, 1986))~~ July 1, 1988**

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
84	Basic Premium Ratio	.514	.504	.497	.491	.485	.481	.477	.474	.470	.467	.461	.455	.450	.441
	Minimum Premium Ratio	.994	.986	.981	.975	.969	.964	.960	.955	.951	.944	.936	.927	.918	.902
83	Basic Premium Ratio	.513	.503	.495	.488	.482	.477	.473	.469	.466	.462	.456	.450	.445	.435
	Minimum Premium Ratio	.993	.985	.979	.973	.967	.962	.957	.951	.947	.940	.931	.921	.912	.894
82	Basic Premium Ratio	.512	.501	.492	.485	.479	.474	.469	.466	.461	.458	.451	.445	.440	.429
	Minimum Premium Ratio	.993	.984	.978	.971	.964	.959	.953	.947	.943	.936	.926	.916	.906	.887
81	Basic Premium Ratio	.510	.499	.489	.483	.476	.471	.465	.461	.457	.453	.446	.440	.434	.424
	Minimum Premium Ratio	.992	.983	.976	.969	.962	.956	.950	.944	.939	.931	.921	.910	.899	.880
80	Basic Premium Ratio	.509	.496	.487	.479	.472	.467	.461	.457	.453	.449	.441	.435	.429	.417
	Minimum Premium Ratio	.991	.982	.975	.967	.959	.953	.947	.940	.935	.927	.916	.904	.893	.873
79	Basic Premium Ratio	.508	.495	.484	.476	.468	.463	.458	.453	.448	.444	.437	.430	.423	.411
	Minimum Premium Ratio	.990	.981	.973	.965	.957	.950	.943	.936	.930	.923	.911	.898	.887	.865
78	Basic Premium Ratio	.505	.492	.482	.474	.466	.459	.454	.449	.444	.440	.432	.425	.418	.405
	Minimum Premium Ratio	.990	.980	.972	.963	.955	.947	.940	.933	.926	.919	.906	.893	.881	.858
77	Basic Premium Ratio	.505	.491	.479	.470	.463	.457	.450	.446	.440	.436	.427	.420	.412	.399
	Minimum Premium Ratio	.989	.979	.970	.960	.952	.944	.936	.929	.922	.914	.901	.887	.875	.851
76	Basic Premium Ratio	.504	.490	.477	.468	.459	.453	.446	.441	.435	.431	.422	.413	.406	.393
	Minimum Premium Ratio	.988	.978	.969	.958	.950	.941	.933	.926	.918	.910	.896	.881	.869	.844
75	Basic Premium Ratio	.503	.486	.474	.465	.456	.449	.441	.436	.431	.426	.417	.408	.401	.386
	Minimum Premium Ratio	.988	.977	.967	.956	.947	.938	.929	.922	.914	.906	.891	.876	.865	.836

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
74	Basic Premium Ratio	.500	.485	.472	.461	.452	.445	.438	.432	.426	.421	.411	.403	.395	.380
	Minimum Premium Ratio	.987	.976	.966	.954	.945	.935	.926	.918	.910	.901	.886	.870	.856	.829
73	Basic Premium Ratio	.499	.482	.469	.458	.449	.441	.434	.428	.421	.417	.406	.398	.389	.374
	Minimum Premium Ratio	.986	.975	.964	.952	.942	.933	.923	.915	.906	.897	.881	.864	.850	.822
72	Basic Premium Ratio	.498	.480	.465	.455	.446	.438	.431	.423	.418	.412	.401	.392	.383	.367
	Minimum Premium Ratio	.985	.974	.963	.950	.940	.930	.919	.911	.901	.893	.875	.858	.844	.814
71	Basic Premium Ratio	.495	.477	.463	.451	.442	.433	.426	.419	.412	.407	.396	.387	.377	.360
	Minimum Premium Ratio	.985	.972	.961	.948	.937	.927	.915	.907	.896	.888	.869	.852	.837	.806
70	Basic Premium Ratio	.494	.476	.460	.448	.438	.430	.421	.414	.407	.402	.391	.380	.371	.353
	Minimum Premium Ratio	.984	.971	.959	.945	.934	.923	.911	.903	.891	.882	.863	.845	.830	.799
69	Basic Premium Ratio	.494	.472	.456	.445	.434	.425	.417	.410	.403	.396	.385	.375	.365	.347
	Minimum Premium Ratio	.983	.969	.956	.943	.931	.919	.907	.898	.886	.877	.857	.839	.823	.791
68	Basic Premium Ratio	.490	.468	.454	.441	.430	.421	.412	.404	.397	.392	.380	.368	.358	.340
	Minimum Premium Ratio	.983	.968	.954	.940	.928	.916	.903	.893	.881	.872	.851	.833	.816	.783
67	Basic Premium Ratio	.489	.467	.450	.437	.425	.416	.408	.400	.392	.386	.373	.363	.352	.334
	Minimum Premium Ratio	.982	.966	.952	.937	.924	.912	.899	.889	.876	.866	.845	.826	.809	.775
66	Basic Premium Ratio	.485	.463	.446	.433	.421	.412	.403	.395	.387	.381	.367	.357	.346	.327
	Minimum Premium Ratio	.981	.965	.950	.934	.921	.908	.895	.884	.871	.861	.840	.820	.802	.767
65	Basic Premium Ratio	.485	.461	.444	.429	.418	.407	.398	.390	.382	.375	.362	.350	.340	.321
	Minimum Premium Ratio	.980	.963	.948	.931	.918	.904	.891	.879	.866	.856	.834	.814	.795	.759
64	Basic Premium Ratio	.481	.458	.440	.426	.414	.403	.394	.385	.377	.369	.357	.344	.333	.314
	Minimum Premium Ratio	.979	.961	.946	.928	.915	.900	.887	.874	.861	.850	.828	.807	.788	.751
63	Basic Premium Ratio	.480	.454	.436	.421	.409	.398	.388	.380	.372	.364	.351	.338	.328	.307
	Minimum Premium Ratio	.979	.960	.943	.926	.912	.896	.883	.870	.856	.845	.822	.801	.781	.744
62	Basic Premium Ratio	.476	.452	.431	.418	.404	.393	.384	.375	.367	.359	.344	.331	.321	.301
	Minimum Premium Ratio	.978	.958	.941	.923	.908	.893	.879	.865	.851	.840	.816	.795	.774	.736
61	Basic Premium Ratio	.475	.448	.430	.413	.400	.388	.378	.370	.361	.353	.339	.326	.314	.294
	Minimum Premium Ratio	.977	.957	.939	.920	.905	.889	.875	.860	.846	.834	.810	.788	.767	.728
60	Basic Premium Ratio	.471	.444	.425	.409	.395	.383	.374	.363	.355	.347	.332	.319	.307	.286
	Minimum Premium Ratio	.976	.955	.937	.917	.902	.885	.871	.856	.841	.829	.804	.782	.760	.720
59	Basic Premium Ratio	.470	.443	.421	.404	.391	.379	.368	.358	.349	.341	.325	.312	.301	.279
	Minimum Premium Ratio	.975	.954	.935	.914	.899	.881	.867	.851	.836	.823	.798	.775	.753	.712
58	Basic Premium Ratio	.467	.439	.417	.400	.386	.374	.363	.352	.344	.335	.320	.306	.294	.273
	Minimum Premium Ratio	.974	.952	.933	.911	.895	.877	.863	.846	.831	.818	.793	.769	.746	.704
57	Basic Premium Ratio	.466	.435	.412	.395	.381	.368	.357	.347	.338	.330	.313	.299	.287	.266
	Minimum Premium Ratio	.973	.951	.930	.908	.892	.873	.859	.842	.826	.813	.787	.763	.739	.696
56	Basic Premium Ratio	.462	.433	.408	.391	.376	.363	.351	.342	.331	.322	.307	.293	.281	.259
	Minimum Premium Ratio	.972	.949	.928	.905	.888	.869	.855	.837	.821	.807	.781	.756	.732	.689
55	Basic Premium Ratio	.458	.429	.403	.385	.371	.358	.346	.336	.325	.316	.300	.287	.274	.253
	Minimum Premium Ratio	.972	.947	.925	.903	.885	.866	.851	.832	.816	.802	.775	.750	.725	.681
54	Basic Premium Ratio	.456	.424	.399	.381	.366	.353	.340	.329	.320	.311	.294	.280	.267	.246
	Minimum Premium Ratio	.971	.946	.923	.900	.881	.862	.847	.827	.811	.797	.769	.744	.718	.676
53	Basic Premium Ratio	.452	.419	.394	.376	.359	.346	.335	.323	.312	.303	.287	.274	.261	.240
	Minimum Premium Ratio	.969	.944	.920	.897	.878	.858	.843	.823	.807	.792	.764	.739	.713	.671
52	Basic Premium Ratio	.447	.415	.389	.370	.354	.340	.328	.318	.307	.298	.281	.266	.255	.234
	Minimum Premium Ratio	.968	.942	.918	.894	.874	.855	.839	.818	.803	.787	.759	.734	.708	.666
51	Basic Premium Ratio	.443	.410	.384	.365	.349	.335	.322	.310	.301	.292	.275	.260	.248	.227
	Minimum Premium Ratio	.966	.940	.915	.891	.871	.851	.834	.814	.798	.783	.755	.729	.704	.662
50	Basic Premium Ratio	.439	.405	.379	.360	.343	.329	.316	.304	.293	.285	.268	.254	.241	.221
	Minimum Premium Ratio	.965	.938	.913	.888	.867	.847	.830	.810	.794	.778	.750	.724	.699	.657
49	Basic Premium Ratio	.437	.401	.374	.355	.338	.322	.309	.298	.287	.278	.261	.247	.235	.215
	Minimum Premium Ratio	.964	.935	.910	.885	.863	.844	.826	.805	.790	.774	.745	.719	.694	.652
48	Basic Premium Ratio	.433	.396	.369	.348	.330	.316	.303	.291	.281	.271	.255	.241	.229	.208
	Minimum Premium Ratio	.962	.933	.908	.883	.860	.840	.822	.801	.786	.770	.741	.714	.689	.647
47	Basic Premium Ratio	.428	.391	.364	.342	.324	.310	.297	.285	.274	.265	.248	.235	.221	.202
	Minimum Premium Ratio	.961	.931	.905	.880	.856	.837	.818	.797	.781	.765	.736	.710	.684	.642

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
46	Basic Premium Ratio	.424	.386	.358	.336	.319	.303	.289	.277	.267	.258	.242	.228	.216	.197
	Minimum Premium Ratio	.959	.929	.903	.877	.853	.833	.814	.793	.777	.761	.732	.705	.680	.637
45	Basic Premium Ratio	.419	.381	.350	.329	.311	.296	.283	.271	.260	.251	.235	.222	.211	.192
	Minimum Premium Ratio	.958	.927	.900	.874	.849	.829	.810	.789	.773	.756	.727	.700	.675	.632
44	Basic Premium Ratio	.414	.373	.345	.323	.304	.288	.276	.265	.254	.245	.229	.216	.205	.186
	Minimum Premium Ratio	.957	.925	.898	.871	.846	.826	.806	.785	.768	.752	.723	.695	.670	.627
43	Basic Premium Ratio	.409	.367	.337	.315	.297	.282	.269	.257	.248	.239	.223	.210	.200	.182
	Minimum Premium Ratio	.955	.923	.896	.868	.842	.822	.802	.780	.764	.748	.718	.690	.665	.622
42	Basic Premium Ratio	.405	.362	.331	.309	.291	.275	.262	.251	.240	.232	.216	.203	.193	.175
	Minimum Premium Ratio	.954	.921	.893	.865	.839	.819	.798	.776	.760	.743	.714	.685	.661	.617
41	Basic Premium Ratio	.400	.357	.326	.303	.283	.269	.256	.244	.234	.225	.210	.197	.186	.169
	Minimum Premium Ratio	.952	.919	.891	.863	.835	.815	.794	.772	.756	.739	.709	.680	.656	.612
40	Basic Premium Ratio	.395	.349	.321	.295	.277	.263	.249	.238	.227	.219	.203	.190	.179	.163
	Minimum Premium Ratio	.951	.916	.888	.860	.832	.812	.790	.768	.751	.734	.705	.676	.651	.607
39	Basic Premium Ratio	.390	.344	.312	.290	.271	.255	.242	.230	.221	.212	.196	.184	.174	.157
	Minimum Premium Ratio	.950	.914	.886	.857	.828	.808	.786	.764	.747	.730	.700	.671	.646	.603
38	Basic Premium Ratio	.385	.339	.307	.282	.263	.249	.236	.223	.214	.204	.190	.178	.167	.151
	Minimum Premium Ratio	.948	.912	.883	.854	.825	.804	.782	.760	.743	.726	.695	.666	.641	.598
37	Basic Premium Ratio	.376	.330	.298	.276	.257	.241	.228	.216	.207	.198	.183	.171	.161	.146
	Minimum Premium Ratio	.947	.910	.881	.851	.821	.801	.778	.755	.738	.721	.691	.661	.637	.593
36	Basic Premium Ratio	.371	.324	.293	.267	.249	.235	.221	.210	.201	.192	.177	.166	.155	.140
	Minimum Premium Ratio	.945	.908	.879	.848	.819	.797	.775	.751	.736	.717	.686	.658	.632	.588
35	Basic Premium Ratio	.362	.315	.284	.261	.240	.226	.214	.203	.193	.184	.171	.159	.150	.135
	Minimum Premium Ratio	.945	.906	.878	.847	.818	.796	.774	.750	.735	.716	.685	.658	.631	.587
34	Basic Premium Ratio	.353	.306	.275	.252	.234	.220	.207	.196	.187	.179	.164	.154	.144	.130
	Minimum Premium Ratio	.944	.904	.876	.846	.817	.795	.773	.749	.734	.715	.684	.657	.631	.588
33	Basic Premium Ratio	.347	.297	.268	.243	.226	.212	.199	.189	.179	.171	.158	.148	.139	.125
	Minimum Premium Ratio	.944	.904	.875	.844	.816	.794	.772	.748	.733	.715	.684	.657	.631	.588
32	Basic Premium Ratio	.338	.288	.259	.237	.219	.204	.193	.182	.173	.166	.153	.142	.134	.121
	Minimum Premium Ratio	.943	.903	.874	.843	.815	.793	.771	.747	.732	.714	.684	.657	.632	.589
31	Basic Premium Ratio	.329	.282	.251	.229	.211	.197	.185	.176	.167	.160	.148	.137	.130	.117
	Minimum Premium Ratio	.943	.903	.873	.842	.814	.792	.769	.746	.731	.714	.683	.656	.632	.590
30	Basic Premium Ratio	.319	.273	.242	.220	.205	.191	.179	.169	.160	.154	.141	.132	.125	.113
	Minimum Premium Ratio	.942	.902	.872	.840	.813	.791	.768	.745	.730	.713	.683	.656	.632	.591
29	Basic Premium Ratio	.310	.264	.235	.213	.196	.183	.172	.163	.155	.148	.136	.128	.121	.110
	Minimum Premium Ratio	.942	.902	.870	.839	.812	.790	.767	.744	.729	.713	.683	.656	.632	.591
28	Basic Premium Ratio	.301	.255	.227	.205	.188	.177	.166	.157	.148	.141	.130	.122	.115	.103
	Minimum Premium Ratio	.941	.901	.869	.838	.811	.789	.766	.743	.728	.712	.682	.655	.632	.592
27	Basic Premium Ratio	.295	.248	.218	.199	.182	.169	.157	.148	.141	.134	.123	.114	.106	.095
	Minimum Premium Ratio	.941	.900	.868	.837	.810	.788	.765	.742	.727	.712	.682	.665	.632	.593
26	Basic Premium Ratio	.286	.240	.212	.191	.174	.161	.151	.140	.134	.127	.115	.107	.099	.088
	Minimum Premium Ratio	.940	.900	.867	.835	.809	.787	.764	.741	.726	.712	.682	.665	.632	.593
25	Basic Premium Ratio	.276	.230	.203	.182	.167	.154	.143	.134	.126	.119	.109	.100	.093	.083
	Minimum Premium Ratio	.940	.899	.866	.834	.808	.786	.763	.740	.725	.711	.682	.654	.632	.594
24	Basic Premium Ratio	.266	.221	.194	.175	.159	.147	.137	.129	.121	.114	.105	.097	.090	.080
	Minimum Premium Ratio	.939	.899	.865	.833	.807	.785	.762	.739	.724	.711	.681	.654	.632	.595
23	Basic Premium Ratio	.253	.212	.185	.166	.153	.141	.131	.123	.116	.110	.101	.093	.087	.078
	Minimum Premium Ratio	.939	.898	.863	.831	.806	.784	.761	.738	.723	.710	.681	.654	.633	.596
22	Basic Premium Ratio	.244	.202	.176	.158	.145	.134	.124	.118	.112	.106	.097	.090	.084	.076
	Minimum Premium Ratio	.939	.898	.862	.830	.805	.783	.760	.737	.722	.710	.681	.653	.633	.596
21	Basic Premium Ratio	.230	.193	.169	.152	.139	.128	.119	.112	.107	.102	.093	.087	.082	.075
	Minimum Premium Ratio	.935	.897	.861	.829	.804	.782	.759	.736	.721	.709	.680	.653	.633	.597
20	Basic Premium Ratio	.220	.183	.160	.143	.131	.121	.113	.107	.102	.097	.089	.083	.079	.072
	Minimum Premium Ratio	.930	.896	.860	.828	.803	.781	.758	.735	.720	.709	.680	.653	.633	.598
19	Basic Premium Ratio	.215	.177	.152	.137	.124	.115	.107	.101	.096	.092	.084	.079	.075	.068
	Minimum Premium Ratio	.924	.891	.859	.826	.802	.780	.757	.734	.719	.708	.680	.652	.633	.599

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
18	Basic Premium Ratio	.205	.168	.145	.129	.117	.108	.100	.095	.090	.086	.079	.075	.071	.066
	Minimum Premium Ratio	.919	.887	.858	.825	.801	.779	.756	.733	.718	.708	.679	.652	.633	.599
17	Basic Premium Ratio	.196	.159	.137	.121	.111	.102	.095	.090	.085	.081	.075	.071	.068	.063
	Minimum Premium Ratio	.913	.882	.853	.824	.800	.778	.755	.732	.717	.708	.679	.652	.633	.599
16	Basic Premium Ratio	.186	.150	.128	.114	.103	.095	.090	.085	.080	.077	.072	.068	.065	.061
	Minimum Premium Ratio	.908	.877	.849	.822	.799	.777	.754	.731	.716	.707	.679	.651	.633	.599
15	Basic Premium Ratio	.176	.141	.121	.108	.098	.090	.085	.080	.077	.074	.069	.066	.063	.059
	Minimum Premium Ratio	.902	.872	.845	.820	.798	.776	.753	.730	.715	.707	.678	.651	.633	.599
14	Basic Premium Ratio	.172	.135	.113	.103	.093	.088	.082	.078	.075	.072	.068	.065	.062	.059
	Minimum Premium Ratio	.897	.868	.841	.817	.795	.774	.752	.729	.714	.706	.678	.651	.634	.598
13	Basic Premium Ratio	.164	.126	.108	.097	.091	.084	.080	.076	.073	.070	.067	.064	.062	.058
	Minimum Premium Ratio	.892	.863	.837	.813	.791	.771	.751	.728	.713	.706	.678	.650	.634	.598
12	Basic Premium Ratio	.158	.117	.102	.094	.087	.082	.077	.074	.071	.069	.066	.063	.061	.058
	Minimum Premium Ratio	.886	.858	.833	.810	.788	.769	.749	.727	.712	.705	.677	.650	.633	.597
11	Basic Premium Ratio	.149	.107	.095	.089	.083	.079	.075	.072	.069	.068	.064	.062	.060	.057
	Minimum Premium Ratio	.881	.853	.829	.806	.785	.766	.748	.726	.711	.705	.676	.650	.632	.597
10	Basic Premium Ratio	.144	.100	.091	.085	.080	.075	.073	.070	.068	.066	.063	.061	.059	.057
	Minimum Premium Ratio	.875	.849	.825	.802	.782	.763	.746	.725	.710	.704	.675	.650	.632	.597
9	Basic Premium Ratio	.134	.093	.086	.081	.077	.073	.070	.068	.066	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.870	.844	.820	.799	.779	.761	.744	.724	.709	.704	.674	.649	.631	.596
8	Basic Premium Ratio	.121	.087	.082	.077	.074	.070	.068	.066	.065	.063	.061	.059	.058	.056
	Minimum Premium Ratio	.864	.839	.816	.795	.776	.758	.741	.723	.708	.704	.673	.649	.630	.596
7	Basic Premium Ratio	.106	.082	.077	.074	.070	.068	.066	.064	.063	.062	.060	.058	.057	.056
	Minimum Premium Ratio	.859	.834	.812	.792	.773	.755	.739	.722	.707	.703	.671	.649	.630	.596
6	Basic Premium Ratio	.092	.077	.074	.070	.068	.066	.064	.063	.061	.060	.058	.057	.057	.055
	Minimum Premium Ratio	.853	.830	.808	.788	.770	.753	.737	.721	.706	.695	.670	.648	.629	.595
5	Basic Premium Ratio	.092	.073	.070	.067	.065	.064	.062	.061	.060	.059	.057	.057	.056	.055
	Minimum Premium Ratio	.848	.825	.804	.785	.767	.750	.734	.720	.705	.693	.669	.648	.629	.595

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91905 TABLE VI.

RETROSPECTIVE RATING PLAN A3
 MINIMUM PREMIUM RATIOS
 AND BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = ((.692)) .630
 Effective ((January 1, 1986)) July 1, 1988

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
84	Basic Premium Ratio	.820	.813	.793	.783	.777	.766	.759	.732	.736	.727	.722	.706	.694	.673
	Minimum Premium Ratio	.986	.973	.964	.956	.948	.942	.935	.931	.924	.919	.909	.900	.891	.874
83	Basic Premium Ratio	.820	.812	.790	.780	.772	.760	.753	.728	.730	.721	.715	.698	.685	.663
	Minimum Premium Ratio	.985	.972	.962	.953	.944	.937	.931	.925	.919	.913	.903	.892	.883	.865
82	Basic Premium Ratio	.820	.810	.788	.776	.767	.755	.747	.724	.724	.715	.707	.690	.677	.653
	Minimum Premium Ratio	.984	.970	.958	.949	.940	.932	.925	.920	.913	.907	.896	.885	.876	.857
81	Basic Premium Ratio	.820	.808	.786	.772	.763	.750	.742	.720	.718	.709	.699	.683	.668	.643
	Minimum Premium Ratio	.981	.967	.954	.946	.936	.928	.920	.913	.907	.901	.889	.878	.868	.849
80	Basic Premium Ratio	.820	.806	.783	.768	.758	.745	.736	.716	.712	.703	.692	.675	.659	.633
	Minimum Premium Ratio	.981	.964	.951	.941	.931	.923	.915	.909	.901	.895	.882	.871	.860	.839
79	Basic Premium Ratio	.820	.804	.781	.765	.753	.739	.730	.712	.706	.697	.684	.667	.651	.622
	Minimum Premium Ratio	.979	.962	.948	.938	.927	.918	.910	.903	.895	.888	.876	.864	.852	.831

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
78	Basic Premium Ratio	.820	.803	.779	.761	.749	.734	.725	.708	.700	.691	.677	.659	.642	.612
	Minimum Premium Ratio	.976	.959	.945	.934	.924	.913	.905	.897	.890	.882	.869	.856	.844	.821
77	Basic Premium Ratio	.820	.801	.776	.757	.744	.729	.719	.704	.694	.684	.669	.651	.633	.602
	Minimum Premium Ratio	.975	.957	.942	.930	.919	.910	.900	.893	.884	.876	.862	.849	.836	.813
76	Basic Premium Ratio	.820	.799	.774	.754	.740	.724	.713	.700	.688	.678	.661	.644	.625	.592
	Minimum Premium Ratio	.974	.956	.940	.927	.915	.905	.895	.886	.878	.870	.855	.840	.828	.804
75	Basic Premium Ratio	.820	.797	.772	.750	.735	.718	.707	.696	.682	.672	.654	.636	.616	.582
	Minimum Premium Ratio	.974	.952	.936	.923	.911	.899	.889	.881	.872	.863	.848	.833	.820	.794
74	Basic Premium Ratio	.820	.795	.769	.746	.730	.713	.702	.692	.676	.666	.646	.628	.607	.572
	Minimum Premium Ratio	.970	.950	.934	.918	.906	.894	.884	.875	.866	.857	.840	.825	.811	.786
73	Basic Premium Ratio	.820	.794	.767	.743	.726	.708	.696	.688	.670	.660	.638	.620	.599	.562
	Minimum Premium Ratio	.969	.946	.929	.915	.902	.889	.879	.869	.859	.851	.833	.818	.803	.776
72	Basic Premium Ratio	.820	.792	.765	.739	.721	.703	.690	.684	.664	.654	.631	.613	.590	.552
	Minimum Premium Ratio	.968	.944	.925	.912	.898	.886	.874	.863	.854	.844	.826	.810	.795	.767
71	Basic Premium Ratio	.820	.790	.759	.734	.715	.697	.682	.674	.655	.645	.620	.602	.578	.540
	Minimum Premium Ratio	.965	.941	.923	.907	.893	.880	.868	.857	.847	.837	.819	.802	.786	.757
70	Basic Premium Ratio	.820	.788	.752	.729	.709	.690	.674	.665	.647	.636	.609	.591	.567	.529
	Minimum Premium Ratio	.964	.939	.919	.903	.889	.875	.862	.852	.841	.831	.812	.793	.778	.747
69	Basic Premium Ratio	.820	.785	.746	.723	.703	.684	.666	.655	.638	.626	.598	.579	.555	.517
	Minimum Premium Ratio	.963	.935	.914	.899	.883	.869	.857	.846	.835	.823	.804	.786	.770	.738
68	Basic Premium Ratio	.820	.783	.739	.718	.697	.677	.658	.645	.629	.617	.587	.568	.543	.505
	Minimum Premium Ratio	.959	.931	.912	.894	.878	.864	.851	.839	.828	.817	.797	.777	.760	.729
67	Basic Premium Ratio	.820	.779	.736	.712	.690	.670	.651	.636	.621	.608	.577	.558	.533	.495
	Minimum Premium Ratio	.957	.929	.907	.889	.873	.858	.845	.833	.821	.810	.789	.770	.752	.719
66	Basic Premium Ratio	.820	.776	.732	.707	.682	.663	.643	.628	.613	.599	.568	.548	.523	.485
	Minimum Premium Ratio	.954	.925	.903	.885	.868	.853	.839	.826	.814	.803	.781	.761	.744	.709
65	Basic Premium Ratio	.820	.772	.729	.701	.675	.655	.636	.619	.604	.590	.558	.537	.513	.475
	Minimum Premium Ratio	.953	.923	.900	.880	.864	.847	.833	.821	.808	.796	.773	.753	.735	.701
64	Basic Premium Ratio	.820	.768	.725	.695	.667	.648	.628	.610	.596	.581	.548	.527	.503	.465
	Minimum Premium Ratio	.949	.919	.895	.877	.859	.841	.827	.814	.801	.788	.766	.744	.726	.691
63	Basic Premium Ratio	.820	.764	.719	.690	.661	.641	.620	.601	.586	.571	.538	.517	.492	.454
	Minimum Premium Ratio	.948	.914	.891	.871	.853	.835	.820	.807	.794	.781	.758	.736	.718	.682
62	Basic Premium Ratio	.820	.759	.714	.684	.656	.634	.612	.592	.576	.562	.529	.507	.482	.444
	Minimum Premium Ratio	.944	.912	.886	.867	.848	.830	.815	.801	.788	.774	.750	.727	.708	.672
61	Basic Premium Ratio	.820	.755	.708	.679	.650	.627	.603	.582	.566	.552	.519	.496	.471	.433
	Minimum Premium Ratio	.943	.908	.884	.861	.843	.824	.808	.794	.781	.767	.743	.719	.699	.662
60	Basic Premium Ratio	.820	.750	.702	.673	.644	.620	.595	.573	.556	.542	.509	.486	.460	.422
	Minimum Premium Ratio	.939	.904	.879	.856	.837	.818	.802	.787	.773	.758	.734	.710	.690	.652
59	Basic Premium Ratio	.813	.743	.696	.664	.635	.611	.586	.564	.546	.532	.499	.475	.449	.411
	Minimum Premium Ratio	.937	.902	.874	.851	.832	.812	.795	.780	.766	.751	.725	.701	.681	.642
58	Basic Premium Ratio	.806	.737	.690	.655	.626	.602	.577	.555	.537	.522	.489	.464	.439	.401
	Minimum Premium Ratio	.934	.898	.869	.846	.825	.806	.789	.773	.759	.743	.718	.693	.672	.633
57	Basic Premium Ratio	.798	.730	.684	.645	.617	.593	.568	.545	.527	.511	.479	.452	.428	.390
	Minimum Premium Ratio	.932	.893	.864	.840	.820	.799	.781	.766	.752	.736	.709	.684	.663	.624
56	Basic Premium Ratio	.791	.723	.678	.636	.608	.584	.559	.536	.517	.501	.469	.441	.417	.379
	Minimum Premium Ratio	.928	.890	.859	.835	.814	.793	.775	.759	.743	.727	.701	.676	.654	.614
55	Basic Premium Ratio	.788	.717	.672	.629	.600	.575	.550	.526	.507	.491	.459	.432	.408	.370
	Minimum Premium Ratio	.924	.886	.854	.829	.808	.787	.768	.753	.736	.720	.692	.667	.645	.606
54	Basic Premium Ratio	.785	.710	.665	.623	.592	.566	.541	.517	.498	.481	.449	.423	.398	.361
	Minimum Premium Ratio	.922	.881	.849	.824	.802	.781	.761	.744	.729	.713	.685	.659	.637	.597
53	Basic Premium Ratio	.782	.704	.659	.616	.584	.556	.532	.507	.488	.470	.439	.413	.389	.352
	Minimum Premium Ratio	.918	.876	.844	.818	.794	.772	.755	.737	.720	.704	.677	.651	.629	.589
52	Basic Premium Ratio	.779	.697	.652	.609	.576	.547	.523	.497	.478	.460	.429	.404	.379	.343
	Minimum Premium Ratio	.913	.871	.838	.812	.789	.766	.747	.731	.713	.697	.669	.642	.621	.581
51	Basic Premium Ratio	.774	.691	.644	.600	.566	.537	.513	.487	.467	.450	.419	.394	.369	.333
	Minimum Premium Ratio	.908	.865	.833	.806	.782	.759	.740	.722	.706	.690	.662	.635	.613	.572

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
50	Basic Premium Ratio	.769	.685	.636	.591	.556	.527	.502	.477	.457	.440	.408	.383	.359	.323
	Minimum Premium Ratio	.904	.861	.827	.800	.775	.753	.733	.715	.697	.681	.653	.627	.604	.564
49	Basic Premium Ratio	.763	.678	.627	.582	.546	.517	.492	.466	.446	.429	.398	.373	.349	.312
	Minimum Premium Ratio	.902	.856	.821	.795	.769	.744	.724	.708	.690	.673	.645	.619	.596	.556
48	Basic Premium Ratio	.758	.672	.619	.573	.536	.507	.481	.456	.435	.419	.387	.362	.339	.302
	Minimum Premium Ratio	.898	.850	.815	.786	.761	.737	.717	.699	.683	.665	.637	.611	.588	.548
47	Basic Premium Ratio	.749	.663	.607	.562	.525	.496	.470	.445	.424	.408	.377	.353	.330	.295
	Minimum Premium Ratio	.892	.845	.810	.780	.754	.731	.710	.692	.674	.657	.629	.603	.579	.540
46	Basic Premium Ratio	.740	.654	.595	.550	.513	.485	.459	.434	.414	.398	.367	.343	.321	.287
	Minimum Premium Ratio	.888	.839	.804	.773	.748	.723	.702	.683	.666	.650	.621	.595	.572	.533
45	Basic Premium Ratio	.731	.645	.583	.539	.502	.474	.448	.422	.403	.387	.357	.334	.312	.280
	Minimum Premium Ratio	.884	.834	.795	.765	.739	.715	.695	.676	.657	.641	.612	.587	.565	.526
44	Basic Premium Ratio	.722	.636	.571	.527	.490	.463	.437	.411	.392	.376	.347	.324	.303	.272
	Minimum Premium Ratio	.878	.826	.790	.758	.732	.706	.686	.669	.650	.633	.605	.580	.558	.519
43	Basic Premium Ratio	.714	.626	.561	.517	.479	.451	.426	.401	.382	.365	.337	.314	.293	.263
	Minimum Premium Ratio	.873	.820	.781	.750	.723	.699	.679	.659	.643	.627	.598	.572	.551	.513
42	Basic Premium Ratio	.705	.615	.551	.507	.467	.440	.414	.390	.371	.355	.327	.304	.284	.253
	Minimum Premium Ratio	.869	.814	.775	.743	.717	.691	.670	.652	.634	.618	.589	.564	.543	.504
41	Basic Premium Ratio	.697	.605	.540	.496	.456	.428	.403	.380	.361	.344	.316	.294	.274	.244
	Minimum Premium Ratio	.863	.809	.769	.737	.708	.684	.663	.644	.627	.610	.582	.557	.534	.496
40	Basic Premium Ratio	.688	.594	.530	.486	.444	.416	.391	.369	.350	.333	.306	.284	.264	.234
	Minimum Premium Ratio	.858	.800	.763	.728	.702	.677	.656	.636	.618	.603	.574	.548	.526	.489
39	Basic Premium Ratio	.677	.583	.519	.475	.434	.406	.380	.359	.340	.323	.296	.274	.255	.226
	Minimum Premium Ratio	.853	.795	.754	.722	.695	.668	.647	.628	.611	.594	.565	.541	.519	.481
38	Basic Premium Ratio	.666	.573	.508	.464	.424	.395	.370	.348	.329	.313	.286	.264	.246	.218
	Minimum Premium Ratio	.848	.790	.748	.713	.686	.661	.640	.620	.604	.585	.558	.533	.511	.473
37	Basic Premium Ratio	.654	.562	.497	.453	.413	.385	.359	.338	.319	.302	.276	.254	.237	.209
	Minimum Premium Ratio	.839	.781	.739	.707	.679	.652	.631	.611	.595	.577	.549	.525	.503	.466
36	Basic Premium Ratio	.643	.551	.486	.442	.403	.374	.348	.327	.308	.292	.266	.244	.228	.201
	Minimum Premium Ratio	.834	.774	.733	.697	.670	.645	.623	.604	.588	.570	.541	.518	.495	.458
35	Basic Premium Ratio	.631	.538	.473	.429	.392	.363	.338	.317	.299	.283	.257	.236	.220	.194
	Minimum Premium Ratio	.825	.765	.723	.690	.660	.636	.615	.596	.579	.561	.534	.510	.489	.452
34	Basic Premium Ratio	.618	.525	.461	.417	.380	.352	.328	.307	.289	.274	.249	.228	.212	.187
	Minimum Premium Ratio	.815	.755	.713	.681	.654	.629	.607	.588	.572	.555	.527	.504	.482	.447
33	Basic Premium Ratio	.606	.511	.448	.404	.369	.341	.317	.297	.280	.264	.240	.220	.203	.179
	Minimum Premium Ratio	.810	.746	.706	.671	.644	.620	.598	.580	.563	.546	.520	.497	.476	.441
32	Basic Premium Ratio	.593	.498	.435	.391	.357	.330	.307	.287	.270	.255	.231	.212	.195	.172
	Minimum Premium Ratio	.800	.736	.697	.664	.637	.611	.591	.572	.556	.539	.513	.490	.470	.436
31	Basic Premium Ratio	.578	.484	.422	.379	.345	.319	.296	.277	.260	.246	.222	.204	.188	.166
	Minimum Premium Ratio	.791	.730	.688	.655	.628	.604	.583	.565	.549	.532	.507	.484	.465	.431
30	Basic Premium Ratio	.563	.470	.409	.367	.333	.308	.285	.266	.251	.237	.214	.196	.181	.159
	Minimum Premium Ratio	.781	.720	.678	.646	.621	.597	.576	.557	.541	.525	.499	.478	.458	.427
29	Basic Premium Ratio	.548	.455	.396	.354	.321	.296	.274	.256	.241	.227	.205	.187	.174	.153
	Minimum Premium Ratio	.772	.711	.671	.638	.611	.588	.567	.550	.535	.518	.493	.473	.453	.422
28	Basic Premium Ratio	.533	.441	.383	.342	.309	.285	.263	.245	.231	.218	.196	.179	.167	.146
	Minimum Premium Ratio	.762	.702	.662	.629	.603	.580	.560	.543	.527	.511	.486	.466	.446	.415
27	Basic Premium Ratio	.519	.427	.369	.329	.297	.273	.251	.233	.219	.206	.185	.168	.156	.136
	Minimum Premium Ratio	.756	.695	.653	.622	.595	.572	.551	.533	.519	.503	.478	.457	.437	.406
26	Basic Premium Ratio	.504	.413	.355	.315	.284	.260	.239	.222	.208	.195	.174	.158	.145	.124
	Minimum Premium Ratio	.747	.686	.646	.614	.587	.563	.543	.525	.511	.494	.469	.449	.428	.398
25	Basic Premium Ratio	.490	.398	.341	.302	.272	.248	.227	.210	.196	.183	.162	.147	.133	.113
	Minimum Premium Ratio	.736	.676	.636	.604	.579	.555	.534	.517	.502	.485	.461	.440	.421	.392
24	Basic Premium Ratio	.475	.384	.327	.288	.259	.235	.215	.198	.184	.171	.151	.136	.123	.104
	Minimum Premium Ratio	.727	.666	.627	.597	.570	.547	.528	.511	.495	.479	.456	.436	.418	.389
23	Basic Premium Ratio	.454	.367	.312	.275	.247	.224	.205	.189	.176	.164	.145	.130	.119	.101
	Minimum Premium Ratio	.713	.657	.617	.587	.563	.540	.521	.505	.489	.474	.451	.432	.414	.386

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
22	Basic Premium Ratio	.434	.349	.298	.262	.235	.213	.195	.180	.167	.156	.138	.125	.114	.097
	Minimum Premium Ratio	.704	.647	.608	.578	.554	.533	.513	.499	.484	.469	.446	.427	.410	.383
21	Basic Premium Ratio	.408	.332	.283	.248	.222	.201	.184	.171	.159	.149	.132	.119	.110	.094
	Minimum Premium Ratio	.690	.637	.600	.571	.547	.526	.507	.491	.478	.464	.442	.424	.407	.381
20	Basic Premium Ratio	.388	.314	.268	.234	.209	.190	.174	.161	.150	.141	.125	.113	.105	.090
	Minimum Premium Ratio	.680	.627	.591	.562	.539	.518	.500	.485	.472	.458	.436	.419	.402	.377
19	Basic Premium Ratio	.374	.298	.251	.220	.196	.177	.162	.149	.139	.131	.116	.105	.097	.084
	Minimum Premium Ratio	.674	.620	.582	.555	.531	.511	.493	.478	.465	.451	.430	.413	.397	.372
18	Basic Premium Ratio	.355	.281	.237	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
	Minimum Premium Ratio	.664	.611	.575	.546	.523	.503	.485	.471	.458	.444	.424	.409	.392	.369
17	Basic Premium Ratio	.337	.265	.221	.189	.169	.151	.137	.127	.117	.110	.098	.090	.083	.074
	Minimum Premium Ratio	.654	.601	.566	.537	.516	.497	.479	.465	.452	.439	.419	.404	.388	.366
16	Basic Premium Ratio	.318	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
	Minimum Premium Ratio	.644	.592	.557	.530	.508	.488	.473	.459	.447	.434	.415	.399	.384	.362
15	Basic Premium Ratio	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
	Minimum Premium Ratio	.635	.583	.550	.524	.502	.484	.468	.455	.443	.430	.412	.397	.382	.361
14	Basic Premium Ratio	.291	.216	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
	Minimum Premium Ratio	.630	.577	.542	.519	.498	.481	.465	.452	.441	.428	.411	.397	.381	.360
13	Basic Premium Ratio	.275	.199	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
	Minimum Premium Ratio	.622	.568	.537	.513	.495	.478	.463	.450	.440	.427	.410	.396	.381	.360
12	Basic Premium Ratio	.263	.182	.151	.134	.121	.110	.102	.096	.089	.086	.078	.073	.069	.063
	Minimum Premium Ratio	.616	.559	.531	.510	.491	.475	.460	.449	.437	.426	.409	.394	.380	.359
11	Basic Premium Ratio	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
	Minimum Premium Ratio	.608	.549	.524	.505	.488	.472	.458	.447	.436	.424	.407	.393	.379	.359
10	Basic Premium Ratio	.229	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
	Minimum Premium Ratio	.602	.542	.520	.501	.484	.469	.456	.445	.434	.422	.406	.392	.378	.358
9	Basic Premium Ratio	.211	.133	.119	.109	.101	.094	.088	.083	.079	.077	.071	.068	.065	.061
	Minimum Premium Ratio	.593	.535	.515	.497	.481	.467	.453	.442	.432	.421	.405	.392	.378	.358
8	Basic Premium Ratio	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
	Minimum Premium Ratio	.579	.529	.511	.493	.478	.464	.451	.440	.431	.420	.404	.391	.377	.358
7	Basic Premium Ratio	.160	.112	.101	.095	.088	.083	.079	.076	.074	.071	.067	.063	.062	.059
	Minimum Premium Ratio	.565	.524	.506	.490	.475	.462	.449	.439	.430	.418	.403	.389	.376	.357
6	Basic Premium Ratio	.130	.101	.095	.088	.083	.079	.075	.072	.070	.068	.064	.062	.060	.058
	Minimum Premium Ratio	.550	.519	.503	.486	.472	.459	.447	.437	.428	.417	.401	.389	.376	.357
5	Basic Premium Ratio	.099	.092	.087	.081	.078	.074	.071	.069	.067	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.550	.515	.499	.483	.470	.457	.445	.435	.426	.415	.400	.388	.375	.356

WSR 88-14-108

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-11—Filed July 6, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington, the annexed rules relating to chapter 296-24 WAC, General safety and health standards, is being amended with state-initiated housekeeping changes (re-numbering) in WAC 296-24-58513 and 296-24-63399. A federal-initiated change being made in WAC 296-24-21701, to make WISHA at-least-as-effective-as Federal Register Vol. 52, No. 186 requirements of September 25, 1987, addresses the applicability of single-piece and multi-piece rim wheel requirements to chapter 296-56 WAC. WAC 296-24-19515 Reports of point of

operation injuries—Mechanical power presses, is obsolete and is being repealed (it is no longer applicable). There are no substantial new compliance requirements as a result of these changes.

Chapter 296-27 WAC, Recordkeeping and reporting, is being amended with a state-initiated address correction in WAC 296-27-15501. There are no new compliance requirements.

Chapter 296-56 WAC, Safety standards for long-shore, stevedore, and related waterfront operations, is being amended by a federal-initiated change to WAC 296-56-60081 to make single-piece and multi-piece rim wheel requirements of the general safety and health standards apply to marine terminal operations. WAC 296-56-60001 is amended to reference the hazard communications, standard applicable to marine terminals to make WISHA at-least-as-effective-as Federal Registers Vol. 52, No. 163 dated August 24, 1987, and Vol. 52, No. 186 dated September 25, 1987. A state-initiated

change is made to the narrative of WAC 296-56-60249 to include instruction from WRD 86-7 into the standard. There are no substantial new compliance requirements as a result of these changes.

Chapter 296-59 WAC, Safety standards for ski area facilities and operations, is a new state-initiated standard being adopted to regulate the unique ski area operating conditions in Washington state during ski season. It establishes minimum compliance requirements for design, construction, operation, inspection, and maintenance of equipment and facilities in ski areas; and describes minimum employer and employee obligations, employee qualifications, and requirements for training, supervising and recordkeeping. It also establishes safety criteria for avalanche control operations and explosive handcharge makeup and use. This is a new standard establishing safety rules for hazards that are not currently covered by any other standard.

Chapter 296-62 WAC, General occupational health standards, is being amended with the incorporation of state-initiated housekeeping changes in WAC 296-62-07113 and 296-62-07115 Respiratory protection; WAC 296-62-07383, 296-62-07385, 296-62-07387 and 296-62-07389 Ethylene oxide; WAC 296-62-07521 Lead; and WAC 296-62-14541 Cotton dust. Tables in WAC 296-62-07113 Respiratory protection, are being formatted differently; no changes exist in the actual wording. No new compliance requirements are established with these changes. Other changes are being made to adopt federal program changes to ensure that WISHA is at least as effective as OSHA: WAC 296-62-054 through 296-62-05425, Hazard communication, to comply with Federal Register Vol. 52, NO. 163 dated August 24, 1987. WAC 296-62-07515 Control of chemical agents, is amended to include limits for the new federal standards adopted. No significant new compliance requirements result from this rule change.

Chapter 296-155 WAC, Safety standards for construction work, is being amended with a state-initiated revision to include a reference in WAC 296-155-160 concerning formaldehyde requirements. There are no new compliance requirements.

Chapter 296-304 WAC, Safety standards for ship repairing, ship building, and ship breaking, is being amended to make hazard communication requirements applicable by a change in WAC 296-304-06013 to be at least as effective as OSHA according to Federal Register Vol. 52, No. 163 dated August 24, 1987. This federal-initiated change does not impose any new compliance requirements.

Chapter 296-305 WAC, Safety standards for firefighters, is being revised by state-initiated changes to add new sections, clarify and update definitions, and incorporate parts of the National Fire Protection Association (NFPA) Code. WAC 296-305-007 is being amended to correct spelling errors, redefine the term "tail board," and include a definition for HEPA filtration. WAC 296-305-060, 296-305-06003, 296-305-06005, 296-305-06011 and 296-305-063, Personal protective clothing and equipment is being amended to provide a greater measure of protection for the worker. WAC 296-305-06505, 296-305-06507 and 296-305-

07001 are being amended to clarify effective dates. WAC 296-305-06509 amendments update wording to current uniform fire code. WAC 296-305-064 Fire overhaul, is a new section addressing asbestos identification and handling during a fire response. WAC 296-305-07003 Automotive fire apparatus, is being amended to add requirements to furnish a safer workplace. WAC 296-305-100 is being amended to update the ladder testing requirements to meet NFPA standards. WAC 296-305-06301 through 296-305-06313 are being repealed, as they are covered in chapter 296-62 WAC. WAC 296-305-9901 through 296-305-9906 are being repealed, as they are no longer applicable.

Chapter 296-306 WAC, Safety standards for agriculture, is being amended by a state-initiated change to WAC 296-306-085 and 296-306-090 to properly relocate an illustration with applicable text. WAC 296-306-010 is being amended to correct a reference. There are no new compliance requirements as a result of these changes.

Amd	WAC 296-24-21701	Scope.
Amd	WAC 296-24-58513	Protective clothing.
Amd	WAC 296-24-63399	Appendix C—Fire protection references for further information.
Amd	WAC 296-27-15501	Division of industrial safety and health, public records.
Amd	WAC 296-56-60001	Scope and applicability.
Amd	WAC 296-56-60081	Multipiece rim wheels.
Amd	WAC 296-56-60249	Petroleum docks.
Amd	WAC 296-62-054	Hazard communication purpose.
Amd	WAC 296-62-05403	Scope and application.
Amd	WAC 296-62-05405	Definitions applicable to this chapter.
Amd	WAC 296-62-05407	Hazard determination.
Amd	WAC 296-62-05409	Written hazard communication program.
Amd	WAC 296-62-05411	Labels and other forms of warning.
Amd	WAC 296-62-05413	Material safety data sheets.
Amd	WAC 296-62-05417	Trade secrets.
Amd	WAC 296-62-05421	Appendix A—Health hazard definitions (mandatory).
Amd	WAC 296-62-05423	Appendix B—Hazard determination (mandatory).
Amd	WAC 296-62-05425	Appendix C—Information sources (advisory).
Amd	WAC 296-62-07113	Selection of respirators.
Amd	WAC 296-62-07115	Use of respirators.
Amd	WAC 296-62-07383	Appendix A—Substance safety data sheet for ethylene oxide (nonmandatory).
Amd	WAC 296-62-07385	Appendix B—Substance technical guidelines for ethylene oxide (nonmandatory).
Amd	WAC 296-62-07387	Appendix C—Medical surveillance guidelines for ethylene oxide (nonmandatory).
Amd	WAC 296-62-07389	Appendix D—Sampling and analytical methods for ethylene oxide (nonmandatory).
Amd	WAC 296-62-07515	Control of chemical agents.
Amd	WAC 296-62-07521	Lead.
Amd	WAC 296-62-14541	Appendix D—Pulmonary function standards for cotton dust standard.
Amd	WAC 296-155-160	Gases, vapors, fumes, dusts and mists.
Amd	WAC 296-304-06013	Health and sanitation.
Amd	WAC 296-305-007	Definitions.
Amd	WAC 296-305-060	Personal protective equipment and clothing.
Amd	WAC 296-305-06003	Hearing protection.
Amd	WAC 296-305-06005	Hand protection.
Amd	WAC 296-305-06011	Head protection.
Amd	WAC 296-305-063	Respiratory equipment.

Amd	WAC 296-305-06505	Sleeping areas.
Amd	WAC 296-305-06507	Apparatus area.
Amd	WAC 296-305-06509	Refueling areas.
Amd	WAC 296-305-07001	Design and construction.
Amd	WAC 296-305-07003	Automotive fire apparatus equipment.
Amd	WAC 296-305-100	Ladders.
Amd	WAC 296-306-010	Purpose and scope.
Amd	WAC 296-306-085	Fire protection and ignition sources.
Amd	WAC 296-306-090	Storage and handling of anhydrous ammonia.
New	WAC 296-59-001	Foreword.
New	WAC 296-59-003	Scope and application.
New	WAC 296-59-005	Incorporation of other standards.
New	WAC 296-59-007	Definitions.
New	WAC 296-59-010	Safe place standards.
New	WAC 296-59-015	General requirements.
New	WAC 296-59-020	Management's responsibility.
New	WAC 296-59-025	Employee's responsibility.
New	WAC 296-59-027	Work activities which include skiing.
New	WAC 296-59-030	Safety bulletin board.
New	WAC 296-59-035	First-aid training and certification.
New	WAC 296-59-040	First-aid kits and supplies.
New	WAC 296-59-050	Personal protective equipment, general requirements.
New	WAC 296-59-055	Lockout requirements.
New	WAC 296-59-060	Vessel of confined area requirements.
New	WAC 296-59-065	Fire protection and ignition sources.
New	WAC 296-59-070	Illumination.
New	WAC 296-59-075	Electrical equipment and distribution.
New	WAC 296-59-080	Installation, inspection, and maintenance of pipes, piping systems, and hoses.
New	WAC 296-59-085	Scaffolds, construction, use and maintenance.
New	WAC 296-59-090	Mobile equipment and lift trucks.
New	WAC 296-59-095	Requirements for cranes and hoists—General safety and health requirements prevail.
New	WAC 296-59-100	Avalanche control.
New	WAC 296-59-102	Acceptable warning signs for typical avalanche control explosive device(s) duds.
New	WAC 296-59-103	Storage, makeup, and use of explosives for avalanche control blasting.
New	WAC 296-59-105	Handcharge makeup methods.
New	WAC 296-59-107	Avalanche control blasting.
New	WAC 296-59-109	Retrieving misfires or duds.
New	WAC 296-59-115	Ski lift facilities and structures.
New	WAC 296-59-120	Ski lift operations.
New	WAC 296-59-125	Ski lift aerial work platforms.
New	WAC 296-59-130	Ski lift machinery guarding.
New	WAC 296-305-064	Fire overhaul.
Rep	WAC 296-24-19515	Reports of point of operation injuries—Mechanical power presses.
Rep	WAC 296-305-06301	Respiratory equipment effective dates.
Rep	WAC 296-305-06303	Respiratory equipment removals.
Rep	WAC 296-305-06305	Respiratory equipment inspection.
Rep	WAC 296-305-06307	Respiratory equipment testing.
Rep	WAC 296-305-06309	Respiratory protection equipment maintenance.
Rep	WAC 296-305-06311	Respiratory equipment training.
Rep	WAC 296-305-06313	Filling air cylinders.
Rep	WAC 296-305-9901	Testing extension ladders, Figure 14.
Rep	WAC 296-305-9902	Testing extension ladders, Figure 15.
Rep	WAC 296-305-9903	Testing extension ladders, Illustration.
Rep	WAC 296-305-9904	Testing extension ladders, Illustration.
Rep	WAC 296-305-9905	Testing extension ladders, Illustration.
Rep	WAC 296-305-9906	Testing extension ladders, Illustration.

This action is taken pursuant to Notice No. WSR 88-09-074 filed with the code reviser on April 20, 1988. 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 34.04 and 49.17 RCW and chapter 1-12 WAC 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 administration Procedure Act (chapter 34.04 RCW) and the register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 6, 1988.

By Joseph A. Dear
Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-24-19515 REPORTS OF POINT OF OPERATION INJURIES—MECHANICAL POWER PRESSES.

AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

WAC 296-24-21701 SCOPE. (1) This section applies to the servicing of multi-piece and single-piece rim wheels used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. It does not apply to the servicing of rim wheels used on automobiles, or on pickup trucks and vans utilizing automobile tires or truck tires designated "LT."

(2) This section does not apply to employers and places of employment regulated under the Construction safety standards, chapter 296-155 WAC (~~(; Agriculture standards, chapter 296-306 WAC, or the Maritime standards, chapter 296-56 WAC)~~).

(3) All provisions of this section apply to the servicing of both single-piece rim wheels and multi-piece rim wheels unless designated otherwise.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

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 (b) and (c) of this 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 ((d)) 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 (b) of this subsection, in combination with fully extended boots meeting the requirements of subsection (2)(b) and (c) of this section; or

(ii) Wearing of fire-resistant coat in combination with protective trousers both of which meet the requirements of (b) of this 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))) .001 inch (.0025 cm.) radius, under an applied force of (((16 pounds) 72N,)) 16 lbf (72N) and at a slicing velocity of greater or equal to ((2.5 cm/sec (60 in/min))) 60 in/min. (2.5 cm/sec);

(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 (((13.2 pounds) 60N,)) 13.2 lbf (60N) and at a velocity greater or equal to ((.85 cm/sec (20 in/min))) 20 in/min. (.85 cm/sec); and

(iii) The temperature inside the palm and gripping surface of the fingers of gloves shall not exceed ((57°C (135°F))) 135°F (57°C) when gloves or glove system are exposed to ((500°C (932°F))) 932°F (500°C) for five seconds at ((28 kPa (4 psi))) 4 psi (28 kPa) 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 (b) of this subsection.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-24-63399 APPENDIX C—FIRE PROTECTION REFERENCES FOR FURTHER INFORMATION. ((H)) (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 E)) Part G:

((A)) (a) Fire Protection Handbook, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((B)) (b) Accident Prevention Manual for Industrial Operations, National Safety Council, 425 North Michigan Avenue, Chicago, IL 60611.

((C)) (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.

((H)) (2) Appendix references applicable to individual sections. The following references are grouped according to individual sections contained in ((Subpart E)) Part G. These references provide information which may be helpful in understanding and implementing the standards of each section of ((Subpart E)) Part G.

((A)) (a) WAC 296-24-58505 - Fire brigades:

((1)) (i) Private Fire Brigades, NFPA 27; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((2)) (ii) Initial Fire Attack, Training Standard On, NFPA 197; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((3)) (iii) Fire Fighter Professional Qualifications, NFPA 1001; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((4)) (iv) Organization for Fire Services, NFPA 1201; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((5)) (v) Organization of a Fire Department, NFPA 1202; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((6)) (vi) Protective Clothing for Structural Fire Fighting, ANSI/NFPA 1971; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((7)) (vii) American National Standard for Men's Safety-Toe Footwear, ANSI Z41.1; American National Standards Institute, New York, NY 10018.

((8)) (viii) American National Standard for Occupational and Educational Eye and Face Protection, ANSI Z87.1; American National Standards Institute, New York, NY 10018.

((9)) (ix) American National Standard, Safety Requirements for Industrial Head Protection, ANSI Z89.1; American National Standards Institute, New York, NY 10018.

((10)) (x) Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1; American National Standards Institute, New York, NY 10018.

((11)) (xi) Testing Physical Fitness; Davis and Santa Maria, Fire Command, April 1975.

((12)) (xii) 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)) (xiii) Proposed Sample Standards for Fire Fighters' Protective Clothing and Equipment; International Association of Fire Fighters, Washington, D.C.

((14)) (xiv) A Study of Facepiece Leakage of Self-Contained Breathing Apparatus by DOP Man Tests; Los Alamos Scientific Laboratory, Los Alamos, N.M.

((15)) (xv) 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)~~ (xvi) Model Performance Criteria for Structural Fire Fighters' Helmets; National Fire Prevention and Control Administration, Washington, D.C., 1977.

((17)) (xvii) Firefighters; Job Safety and Health Magazine, Occupational Safety and Health Administration, Washington, D.C., June 1978.

((18)) (xviii) Eating Smoke—The Dispensable Diet; Utech, H.P. The Fire Independent, 1975.

((19)) (xix) Project Monoxide—A Medical Study of an Occupational Hazard of Fire Fighters; International Association of Fire Fighters, Washington, D.C.

((20)) (xx) Occupational Exposures to Carbon Monoxide in Baltimore Firefighters; Radford Baltimore, MD. Journal of Occupational Medicine, September, 1976.

((21)) (xxi) Fire Brigades; National Safety Council, Chicago, IL, 1966.

((22)) (xxii) American National Standard, Practice for Respiratory Protection for the Fire Service, ANSI Z88.5; American National Standards Institute, New York, NY 10018.

((23)) (xxiii) 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)) (b) WAC 296-24-592 - Portable fire extinguishers:

((1)) (i) Standard for Portable Fire Extinguishers, ANSI/NFPA 10; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((2)) (ii) Methods for Hydrostatic Testing of Compressed-Gas Cylinders, C-1; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

((3)) (iii) Recommendations for the Disposition of Unserviceable Compressed-Gas Cylinders, C-2; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

((4)) (iv) Standard for Visual Inspection of Compressed-Gas Cylinders, C-6; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

((5)) (v) Portable Fire Extinguisher Selection Guide, National Association of Fire Equipment Distributors; 111 East Wacker Drive, Chicago, IL 60601.

~~((C))~~ (c) WAC 296-24-602 – Standpipe and hose systems:

~~((H))~~ (i) Standard for the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((Z))~~ (ii) Standard of the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((S))~~ (iii) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((4))~~ (iv) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((5))~~ (v) Standard for Screw Threads and Gaskets for Fire Hose Connections, ANSI/NFPA 194; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((6))~~ (vi) Standard for Fire Hose, NFPA 196; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((7))~~ (vii) Standard for the Care of Fire Hose, NFPA 198; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((D))~~ (d) WAC 296-24-607 – Automatic sprinkler systems:

~~((H))~~ (i) Standard of the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((Z))~~ (ii) Standard for the Care and Maintenance of Sprinkler Systems, ANSI/NFPA 13A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((S))~~ (iii) Standard for the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((4))~~ (iv) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((5))~~ (v) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((6))~~ (vi) Standard for Indoor General Storage, ANSI/NFPA 231; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((7))~~ (vii) Standard for Rack Storage of Materials, ANSI/NFPA 231C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((E))~~ (e) WAC 296-24-617 – Fixed extinguishing systems, general information:

~~((H))~~ (i) Standard for Foam Extinguishing Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((Z))~~ (ii) Standard for Hi-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((S))~~ (iii) Standard on Synthetic Foam and Combined Agent Systems, ANSI/NFPA 11B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((4))~~ (iv) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((5))~~ (v) Standard on Halon 1301, ANSI/NFPA 12A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((6))~~ (vi) Standard on Halon 1211, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((7))~~ (vii) Standard for Water Spray Systems, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((8))~~ (viii) 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))~~ (ix) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((F))~~ (f) WAC 296-24-622 – Fixed extinguishing systems, dry chemical:

~~((H))~~ (i) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((Z))~~ (ii) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((S))~~ (iii) 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))~~ (g) WAC 296-24-623 – Fixed extinguishing systems, gaseous agents:

~~((H))~~ (i) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((Z))~~ (ii) Standard on Halon 1301, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((S))~~ (iii) Standard on Halon 1211, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((4))~~ (iv) Standard on Explosion Prevention Systems, ANSI/NFPA 69; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((5))~~ (v) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((6))~~ (vi) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

~~((7))~~ (vii) Determination of Halon 1301/1211 Threshold Extinguishing Concentrations Using the Cup Burner Method, Riley and Olson, Ansul Report AL-530-A.

~~((H))~~ (h) WAC 296-24-627 – Fixed extinguishing systems, water spray and foam agents:

((+)) (i) Standard for Foam Extinguisher Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (ii) Standard for High-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (iii) Standard for Water Spray Fixed Systems for Fire Protection, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (iv) 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:

((+)) (i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (iii) 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:

((+)) (i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (iii) Standard for Local Protective Signaling Systems, ANSI/NFPA 72A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (iv) Standard for Auxiliary Protective Signaling Systems, ANSI/NFPA 72B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (v) Standard for Remote Station Protective Signaling Systems, ANSI/NFPA 72C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (vi) Standard for Proprietary Protective Signaling Systems, ANSI/NFPA 72D; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+)) (vii) Vocal Emergency Alarms in Hospitals and Nursing Facilities: Practice and Potential, National Bureau of Standards, Washington, D.C., July, 1977.

((+)) (viii) Fire Alarm and Communication Systems, National Bureau of Standards, Washington, D.C., April, 1976.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-27-15501 DIVISION OF INDUSTRIAL SAFETY AND HEALTH, PUBLIC RECORDS. Requests for inspection or copies of records and documents in the custody of the division of industrial safety and health should be made to the division's designated

records officer. The division's records are maintained at ~~((814 East Fourth Ave.))~~ 805 Plum Street Southeast, P.O. Box 207, Olympia, WA 98504. General information can be obtained at service locations and field offices throughout the state.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60001 SCOPE AND APPLICABILITY. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries, division of industrial safety and health.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 and 296-62 WAC are applicable to all long-shore, stevedore and related waterfront operations: PROVIDED, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 and 296-62 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—WAC 296-24-956 through 296-24-960.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) Hearing conservation—WAC 296-62-09015 through 296-62-09055.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—WAC 296-24-825 through 296-24-82545.

(f) Safe practices of abrasive blasting operations, ventilation—WAC 296-24-675 through 296-24-67519.

(g) Access to employee exposure and medical records—WAC 296-62-052 through 296-62-05221.

(h) Respiratory protection—WAC 296-62-071 through 296-62-07121.

(i) Safety rules for grain elevator operations—Chapter 296-88 WAC.

(j) Hazard communication—WAC 296-62-054 through ~~((296-62-05425))~~ 296-62-05427.

(k) Asbestos—WAC 296-62-07517.

(l) Confined space—WAC 296-62-145 through 296-62-14529.

(4) The provisions of this chapter do not apply to the following:

- (a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.
- (b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60081 MULTIPIECE AND SINGLE PIECE RIM WHEELS. ~~((+)) Scope. This section applies to the servicing of vehicle wheels containing tube-type tires mounted on multipiece rims.~~

~~(2) Definition. "Multipiece rim" means a vehicle wheel rim consisting of two or more parts, one of which is a (side) locking ring designed to hold the tire on the rim by tension on interlocking components when the tire is inflated, regardless of the relative sizes of the component parts.~~

~~(3) Employee training:~~

~~(a) The employer shall ensure that only employees trained in the procedures required in subsection (4) of this section who have demonstrated their ability to service multipiece rim wheels shall be assigned such duties.~~

~~(b) The employer shall ensure that each employee demonstrates his ability to service multipiece rim wheels, including performance of the following tasks:~~

- ~~(i) Tire demounting (including deflation);~~
- ~~(ii) Inspection of wheel components;~~
- ~~(iii) Mounting of tires;~~
- ~~(iv) Inflation of tires, including use of a restraining device;~~
- ~~(v) Handling of wheels;~~
- ~~(vi) Inflation of tires when a wheel is mounted on the vehicle; and~~
- ~~(vii) Installation and removal of wheels.~~

~~(4) Servicing procedures. The employer shall ensure that the following procedures are followed:~~

~~(a) Tires shall be completely deflated by removal of the valve core before demounting;~~

~~(b) The valve core shall be removed before the wheel is removed from the axle when:~~

- ~~(i) The tire has been operated underinflated at eighty percent or less of its recommended pressure; or~~
- ~~(ii) There is discernible or suspected damage to the tire or wheel components;~~

~~(c) Mating surfaces shall be free of dirt, surface rust, scale and rubber build up before mounting;~~

~~(d) Rubber lubricant shall be applied to bead and rim mating surfaces upon wheel assembly and inflation of the tire;~~

~~(e) Air pressure shall not exceed 3 psig (0.21 kg/cm²) when seating the locking ring or rounding out the tube when a tire is being partially inflated without a restraining device;~~

~~(f) While the tire is pressurized, components shall not be struck or forced to correct the seating of side or lock rings;~~

~~(g) There shall not be any contact between an employee or unit of equipment and a restraining device during tire inflation;~~

~~(h) After inflation, tires, rims, and rings shall be inspected while within the restraining device to ensure seating and locking. If adjustment is necessary the tire shall first be deflated by valve core removal; and~~

~~(i) Before assembly, wheel components shall be inspected, and damaged rim components shall not be re-used.~~

~~(5) Charts and manuals:~~

~~(a) The employer shall provide a chart containing, at a minimum, the instructions and information provided in the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publication "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multipiece Rim Wheel Matching Chart," and pertinent to the type of multipiece rim wheels being serviced. The chart shall be available in the terminal's service area.~~

~~(b) A current rim manual containing the manufacturer's instructions for mounting, demounting, maintenance and safety precautions relating to the multipiece rim wheels being serviced shall be available in the terminal's service area.~~

~~(6) Restraining devices:~~

~~(a) Except as otherwise noted, inflation shall be done within a restraining device such as a cage, rack or other device capable of withstanding the maximum force that would be transferred to it during an explosive wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the wheels being serviced. The restraining device shall be capable of preventing rim components from being thrown outside the frame of the device for any wheel position within the device. When the wheel assembly is mounted on a vehicle, tires may be inflated without a restraining device only if they have more than eighty percent of the recommended pressure and if remote control inflation equipment is used and employees are clear of the danger area.~~

~~(b) Restraining devices shall be kept in good repair and be capable of preventing rim components from being thrown outside the device.~~

~~(7) Inflation hoses. Inflation hoses shall have a manual clip-on chuck with sufficient hose to permit an employee to be clear of the danger zone. An in-line, manually operated valve with gauge or a preset pressure regulator shall be used to inflate tires.~~

~~(8) Other equipment:~~

~~(a) Only tools recommended in the rim manual for the type of wheel being serviced shall be used to service multipiece rim wheels.~~

~~(b) Wheel components shall not be interchanged except as provided in the applicable chart or manual.))~~
Servicing of multipiece and single-piece rim wheels in marine terminal and other maritime work locations on large vehicles is regulated by requirements of WAC 296-24-21701.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60249 PETROLEUM DOCKS. (1) Pipe lines which transport petroleum liquids from or to a wharf shall be equipped with valves on shore, so located as to be readily accessible and not endangered by fire on the wharf.

(2) Drip pans, buckets, or other means shall be provided and shall be used to prevent oil spillage upon wharves during loading, disconnecting and draining hoses. After transfer is completed the contents of drip pans and buckets shall be removed and taken to a place of disposal.

(3) Package goods, freight or ship stores shall not be swing-loaded or ((discharged)) unloaded during the bulk handling of oils or other flammable liquids in such a manner that the swing-loads will endanger the hose.

(4) Water lights for use at petroleum wharves shall be a type which does not create a source of ignition.

Chapter 296-59 WAC
SAFETY STANDARDS FOR SKI AREA FACILITIES AND OPERATIONS

WAC

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- 296-59-120 Ski lift operations.
- 296-59-125 Ski lift aerial work platforms.
- 296-59-130 Ski lift machinery guarding.

NEW SECTION

WAC 296-59-001 FOREWORD. (1) This vertical standard is promulgated in accordance with applicable provisions of the Washington state Administrative Procedure Act, chapter 34.04 RCW, and the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

(2) The requirements of this chapter shall be applied through the department of labor and industries, division of industrial safety and health, in accordance with administrative procedures provided for in chapter 49.17 RCW, and chapters 296-27, 296-350, and 296-360 WAC.

NEW SECTION

WAC 296-59-003 SCOPE AND APPLICATION.

(1) The rules of this chapter are applicable to all persons, firms, corporations, or others engaged in the operation of organized ski areas and facilities within the jurisdiction of the department of labor and industries. These rules shall augment the WAC general horizontal standards, specifically referenced WAC vertical standards, and specifically referenced national standards or manuals.

(2) In the event that specific provisions of this chapter may conflict with any other WAC chapter, national standard, or manual, the provisions of this chapter shall prevail.

(3) The rules of this chapter shall not be applied to rescue crews during the time that rescue procedures are in process provided that reasonably prudent methods, equipment, and processes are employed. Personnel directly engaged in rescue operations shall not be subjected to the immediate restraint provisions of RCW 49.17.130.

(4) Nothing herein contained shall prevent the use of existing ski lift and tow equipment during its lifetime unless specific requirements of this chapter require retrofitting or modifications, provided that it shall be in conformance with applicable national or state code requirements at the time of manufacture and be maintained in good condition to conform with safety factors for the materials and method of manufacture used.

(5) Severability. If any provision of this chapter, or its application to any person, firm, corporation, or circumstance is held invalid under state (RCW) or national (Public Law) laws, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected.

(6) Variance and procedure. Recognizing that conditions may exist which do not exactly meet the literal requirements of this or other applicable Title 296 WAC standards, pursuant to RCW 49.17.080 and 49.17.090, the director of the department of labor and industries or his/her authorized representative may permit a variance when other means of providing an equivalent measure of protection are afforded. The specific requirements and

procedures for variance application are contained in chapters 296-350 and 296-360 WAC. Application forms may be obtained from the assistant director for safety and health or from regional departmental offices.

NEW SECTION

WAC 296-59-005 INCORPORATION OF OTHER STANDARDS. (1) Lifts and tows shall be designed, installed, operated, and maintained in accordance with American National Standard Institute (ANSI) B77.1-1982, Standards for Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows—Safety Requirements.

(2) Future revised editions of ANSI B77.1-1982 may be used for new installations or major modifications of existing installations, as recommended or approved by the equipment manufacturer or a qualified design engineer, except that, where specific provisions exist, variances shall be requested from the department.

(3) Commercial explosives shall be transported, stored, and used in compliance with chapter 296-52 WAC, Safety standards for the possession and handling of explosives, and chapter 70.74 RCW, Washington State Explosives Act, except that avalanche control blasting shall comply with the special provisions of this chapter.

(4) The use of military type weapons for avalanche control shall comply with all requirements of the United States government and/or the military branch having jurisdiction. Compliance shall include qualification of employees, security requirements, and storage and handling of ammunition.

(5) When employees perform activities such as construction work or logging, the WAC chapter governing the specific activity shall apply, e.g., chapter 296-155 or 296-54 WAC, et seq.

NEW SECTION

WAC 296-59-007 DEFINITIONS. (1) "Act" means the Washington Industrial Safety and Health Act of 1973, RCW 49.17.010 et seq.

(2) "Aerial work platform" means any form of work platform, work chair, or workbasket designed to lift or carry workmen to an elevated work position.

(3) "ANSI" means the American National Standards Institute.

(4) "Approved" means approved by the director of the department of labor and industries except where this code requires approval by another specific body or jurisdiction authority.

(5) "ASME" means the American society of mechanical engineers.

(6) "Attended," as attending explosives, means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert, and not engaged in activities which may divert their attention so that in case of an emergency the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

(7) "Authorized person" means a person approved or assigned by the employer to perform specific duties or to be at specific restricted locations.

(8) "Avalanche" means the sliding or falling of a large amount of snow down a steep slope which has a destructive force due to its mass.

(9) "Avalanche control pack" means a specially designed and constructed pack for carrying explosives.

(10) "Avalanche control route" means a route or specific path which is used by authorized persons in order to control the occurrence of avalanches.

(11) "Avalancher" means a device like a cannon which is used for avalanche control blasting. It has a rotating base calibrated for pointing and the barrel is mounted on an elevating mechanism. It uses a compressed gas to propel a projectile containing an explosive charge and detonating means. The gas source is connected to the gun by high pressure hose with in-line control valves and pressure gauges ahead of the trigger mechanism.

(12) "Belay" means to provide an anchor for a safety line when a person is working in a position exposed to falling or sliding, the mountaineering term.

(13) "Blaster's license" means an individual license issued by the department under the provisions of chapter 296-52 WAC.

(14) "Blasting cap" or "cap" when used in connection with the subject of explosives shall mean detonator.

(15) "Buildings that are not inhabited" means a building(s) which has no one in it while explosives are being made up in an adjacent explosives makeup room or while explosives are being held in an adjacent day box or hand charge storage facility.

(16) "Designated" means appointed or authorized by the highest management authority available at the site.

(17) "Department" means the department of labor and industries, division of industrial safety and health, unless the context clearly indicates otherwise.

(18) "Director" means the director of the department of labor and industries or his/her designated representative.

(19) "Dud" or "misfire" means an explosive charge with a detonating means which does not explode when detonation is attempted.

(20) "Fuse igniter" means a special pyrotechnic device intended to be used to ignite safety fuses.

(21) "Handcharge" means an explosive charge with a cap and fuse assembly inserted in place.

(22) "Hazard" means that condition, potential or inherent, which might cause injury, death, or occupational disease.

(23) "Lift certificate to operate" means an operating certificate issued by the Washington state parks and recreation commission pursuant to chapter 70.88 RCW subsequent to annual inspections as required by chapter 352-44 WAC.

(24) "N.E.C." means the National Electric Code, as published by either the National Fire Protection Association or ANSI.

(25) "Occupied building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station,

store, or other building where people are accustomed to assemble.

(26) "Qualified" means one who, by possession of a recognized degree, certificate, license, or professional standing, has successfully demonstrated the personal ability to solve or resolve problems relating to the subject matter, the work, or the project.

(27) "RCW" means the Revised Code of Washington, legislative law.

(28) "ROPS" means rollover protective structure.

(29) "S.A.E." means the society of automotive engineers.

(30) "Safety factor" means the ratio of ultimate breaking strength of any member or piece of material or equipment to the actual working stress or safe load when in use.

(31) "Shall" indicates a mandatory requirement.

(32) "Should" indicates a recommended practice.

(33) "WAC" means the Washington Administrative Code.

(34) "WISHA" means Washington industrial safety and health administration.

NEW SECTION

WAC 296-59-010 SAFE PLACE STANDARDS. The safe place requirements of the general safety and health standards, WAC 296-24-073, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-015 GENERAL REQUIREMENTS. (1) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this chapter is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(2) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

(3) Employees shall use safeguards provided for their protection.

(4) Loose or ragged clothing, scarfs, or ties shall not be worn while working around moving machinery.

(5) Workers should not be assigned or permitted to occupy work locations directly under other workers. When such practice is unavoidable, all parties shall be made aware of the potential hazard and adequate protective measures shall be taken. When adequate protective measures are not available, one party shall be moved to eliminate the potential exposure.

(6) Employees shall report to their employers the existence of any unsafe equipment or method, or any other hazard which, to their knowledge, is unsafe. Where such unsafe equipment or method or other hazard exists in violation of this chapter it shall be corrected.

(7) Housekeeping.

(a) All places of employment shall be kept clean to the extent that the nature of the work allows.

(b) The floor of every workroom shall be maintained so far as practicable in a dry condition. Where wet processes are used, drainage shall be maintained. Where necessary or appropriate, waterproof footwear shall be worn.

(c) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, loose boards, unnecessary holes and openings or other tripping hazards.

(d) Cleaning and sweeping shall be done in such a manner as to minimize the contamination of the air with dust and so far as is practical, shall be done outside of working hours.

NEW SECTION

WAC 296-59-020 MANAGEMENT'S RESPONSIBILITY. The "management's responsibility" section of the general safety and health standards, WAC 296-24-020, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-025 EMPLOYEE'S RESPONSIBILITY. The "employee's responsibility" section of the general safety and health standards, WAC 296-24-025, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-027 WORK ACTIVITIES WHICH INCLUDE SKIING. Management shall develop a written safety program for all employees whose job duties include skiing. The program shall include but is not limited to the following:

(1) The skiing ability and physical condition of individuals shall be considered when determining individual job assignments;

(2) The ski equipment used shall be appropriate for the individual when performing any given job assignment;

(3) The condition of all ski equipment shall be checked by a qualified individual at the beginning of each ski season;

(4) Employees shall be instructed not to use ski equipment until it has been checked and approved;

(5) Employees shall be instructed to ski within their ability and in control at all times;

(6) Employees shall be required to check all ski equipment, including adjustments, before starting work each day;

(7) Employees shall be instructed not to use ski equipment which is defective or out of adjustment.

NEW SECTION

WAC 296-59-030 SAFETY BULLETIN BOARD. The "safety bulletin board" requirements of the general safety and health standards, WAC 296-25-055, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-035 FIRST-AID TRAINING AND CERTIFICATION. The "first-aid training and certification" requirements of the general safety and health standards, WAC 296-24-060, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-040 FIRST-AID KITS AND SUPPLIES. The "first-aid kits and supplies" requirements of the general safety and health standards, WAC 296-24-065, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-050 PERSONAL PROTECTIVE EQUIPMENT, GENERAL REQUIREMENTS. (1) Application.

(a) Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is indicated by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

(b) Employee-owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) Design, construction, testing, and use of personal protective equipment shall comply with the requirements of the General safety and health standards, chapter 296-24 WAC; the Occupational health standards—Safety standards for carcinogens, chapter 296-62 WAC; or the currently applicable ANSI standard.

(2) Eye and face protection. Eye and face protective equipment shall be provided and worn where there is exposure in the work process or environment to hazard of injury, which can be prevented by such equipment.

(3) Occupational head protection. Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets, i.e., a lift operator would not be required to use a hardhat while operating the lift. However, if that same person is assisting with maintenance operations and is working under a tower where overhead work is being done, that operator would now be required to wear an approved helmet.

(a) Helmets for the protection of employees against impact and/or penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1986, Safety Requirements for Industrial Head Protection.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National

Standards Institute, Z89.2-1971, Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B.

(c) Approved head protection shall be worn by operators of snowmobiles and other mobile oversnow equipment which is not equipped with a rigid metal operator's cab.

(4) Occupational foot protection.

(a) Substantial footwear appropriate for the work conditions encountered shall be worn by all employees.

(b) Where the job assignment includes exposure to slipping hazards, soles and heels of footwear shall be of such material and design as to reduce the hazard of slipping.

(5) Safety belts, lifelines, lanyards, and nets.

(a) Safety belts, lifelines, and lanyards which meet the requirements of ANSI A10.14 shall be provided and used whenever employees are working in locations which expose them to a fall of more than ten feet. The particular work location and application shall dictate which type of belt or harness and length of lanyard is used.

(b) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of five thousand four hundred pounds.

(c) Lifelines used on rock scaling applications or in areas where the lifeline may be subjected to cutting or abrasion shall be a minimum of seven-eighths inch wire core manila rope or equivalent. For all other lifeline applications, three-fourths inch manila rope or equivalent with a minimum break strength of five thousand four hundred pounds may be used.

(d) Each safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a minimum of five thousand four hundred pounds breaking strength.

(e) Employees will not be required to wear a safety belt and lanyard while riding on a standard lift chair while seated in the normal riding position.

(f) Safety nets meeting the requirements of ANSI A10.11 shall be used when other acceptable forms of fall protection are not useable. When used, safety nets shall extend a minimum of eight feet beyond the edge offering exposure, shall be hung with sufficient clearance to prevent user's contact with surfaces or objects below, and shall not be more than twenty-five feet below the fall exposure edge.

NEW SECTION

WAC 296-59-055 LOCKOUT REQUIREMENTS. (1) Each employer shall develop a formal written policy and procedure for lockout requirements. The policy shall embody the principles of subsection (2) of this section and shall clearly state that the procedures must be applied in all instances.

(a) The lockout policy shall be posted on all required employee bulletin boards.

(b) The lockout policy and procedures shall be made a part of new employee orientation and employee training programs.

(c) Supervisors and crew leadpersons shall assure compliance with the published policy and procedures in all instances.

(2) Whenever the unexpected start-up of machinery, the energizing of electrical circuits, the flow of material in piping systems, or the removal of guards would endanger workers, such exposure shall be prevented by deactivating and locking out the controls as required by this section.

(3) Equipment requirements.

(a) The employer shall provide and each employee shall use as many padlocks, tags, chains, or devices as are necessary to implement these requirements.

(b) Provisions shall be made whereby the source of power or exposure can be locked out in accordance with the requirements of this section.

(c) On electrically powered equipment, "stop/start" control switches shall not be used as lockout switches. Lockout switches must be the primary circuit disconnects and must adequately separate both the power source and any auxiliary power unit from the prime mover so that accidental start-up of the equipment being locked out is precluded.

(d) Keyed-alike locks, which all open with identical keys, shall not be issued as personal lockout locks.

(4) Training requirements.

(a) Each person who will be given authority to implement these requirements shall first be thoroughly trained in the requirements and procedures.

(b) Before being given authority to deactivate and lockout a particular system or piece of equipment, authorized personnel shall be made fully aware of all power sources and/or material entry sources which may offer exposure.

(c) Checklists shall be used to implement effective lockout procedures for complex systems or equipment.

(i) Complex is identified as those systems or equipment which require the locking out of four or more controls to assure isolation or which have controls remote from the immediate work area.

(ii) Checklists shall identify all controls necessary to achieve isolation at the intended worksite(s).

(iii) Checklists shall provide a space after each listed control to be used for the identity of the person(s) who performed the lockout and required post-lockout tests of each control.

(iv) Checklists shall be prepared by qualified personnel and approved by the responsible area supervisor before each use.

(5) Control procedure.

(a) Each person who could be exposed to the hazard shall apply a personal padlock on each control mechanism. Padlocks shall be applied in such a manner as to physically block the controls from being moved into the operating position. Each lock shall be personally identified or an information tag identifying the owner shall be attached to the lock.

(b) Padlocks used in lockout procedures may only be removed by the person identified on the lock, except, when it is positively determined that the owner/user of the lock has left the premises without removing a lock, the job supervisor may remove the lock in accordance with a specific procedure formulated by the local plant labor management safety committee or approved by the department.

(6) Testing after lockout or tagout. After tagging or locking out equipment, a test shall be conducted to ascertain that the equipment has been made inoperative or the flow of material has been positively stopped. Precautions shall be taken to ascertain that persons will not be subjected to any hazard while conducting the test if the power source or flow of material is not shut off.

(7) Temporary or alternate power to be avoided. Whenever possible, temporary or alternate sources of power to the equipment being worked on shall be avoided. If the use of such power is necessary, all affected employees shall be informed and the source of temporary or alternate power shall be identified.

(8) Where tags or signs are required to implement the lockout and control procedures, the tag and attachment device shall be constructed of such material that it will not be likely to deteriorate in the environment that it will be subjected to.

(9) Provisional exception. Electrical lighting and instrument circuits of two hundred forty volts or less on single phase systems or two hundred seventy-seven volts on three-phase systems may be exempted from the lockout requirements of subsection (5)(a) of this section provided that:

(a) An information tag meeting the requirements of subsection (8) of this section is used in lieu of a padlock.

(b) The information tag shall be placed on the switch or switch cover handle in such a manner as to easily identify the deactivated switchgear.

(10) Deactivating piping systems.

(a) Hazardous material systems are defined as: Gaseous systems that are operated at more than two hundred psig; systems containing any liquid at more than five hundred psig; systems containing any material at more than 130°F; systems containing material which is chemically hazardous as defined by NFPA 704 M Class 3 and 4; systems containing material classified as flammable or explosive as defined in NFPA Class I.

(b) Lockout of piping systems shall provide isolation to the worksite, including backflow where such potential exists and where the system is classified as a hazardous material system. The required method shall be applied based on the content of the system as specified below:

(i) Nonhazardous systems shall be deactivated by locking out either the pump or a single valve.

(ii) Hazardous material systems shall be deactivated by one of the following methods:

(A) Locking out both the pump and one valve between the pump and the worksite;

(B) Locking out two valves between the hazard source and the worksite;

(C) Installing and locking out a blank flange between the hazard source and worksite.

Exception: Aerial tramways and lifts, surface lifts and tows. It is recognized that some inspection, testing, running adjustments, and maintenance tasks cannot be accomplished on this equipment while using standard lockout procedures, particularly when using a work platform suspended from the haulrope. Management of each ski area shall therefore develop a specific written procedure to be used in any instance where any potentially exposed personnel cannot personally lock the controls. The procedure for each area shall meet the following minimum requirements:

(I) The controls shall be attended by a qualified operator at all times when personnel are in potentially exposed work positions and the controls are not padlocked out.

(II) Direct communication capability between the control operator and remote work crew shall be maintained at all times.

(III) All personnel involved shall be thoroughly trained in the exact procedures to be followed.

(IV) Extension tools which minimize personnel exposure shall be used where possible.

(V) The equipment shall be operated at the slowest speed possible consistent with the task at hand.

(VI) This exception shall not be used by more than one workcrew at more than one remote location on any single piece of equipment or system.

(VII) This exception is limited to work on the haulrope, towers, and replacing bullwheel liners. For all other work on the bullwheels or drive operations, the master disconnect shall be deactivated and locked out.

Note: See Appendix 1 for illustrative example.

NEW SECTION

WAC 296-59-060 VESSEL OR CONFINED AREA REQUIREMENTS. The requirements of WAC 296-62-145, general occupational health standards, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-065 FIRE PROTECTION AND IGNITION SOURCES. The requirements of WAC 296-24-585, et seq., relating to fire protection requirements, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-070 ILLUMINATION. (1) Sufficient illumination required. All areas shall be sufficiently illuminated in order that persons in the area can safely perform their assigned duties. The recommended levels of illumination specified in chapter 296-62 WAC, general occupational health standards, shall be followed. When areas are not specifically referred to in chapter 296-62 WAC and the adequacy of illumination for the area or task performed is questionable, a determination of the amount of illumination needed may be made by the division of industrial safety and health.

(2) Emergency or secondary lighting system required.

(a) There shall be an emergency or secondary lighting system which can be actuated immediately upon failure of the normal power supply system. The emergency or secondary lighting system shall provide illumination in the following areas:

(i) Wherever it is necessary for workers to remain at their machine or station to shut down equipment in case of power failure;

(ii) At stairways and passageways or aiseways used by workers as an emergency exit in case of power failure;

(iii) In all plant first-aid and/or medical facilities;

(iv) In emergency power and control room, i.e., in emergency generator rooms unless arranged to start automatically in the event of power failure, or on ski lift motor drive rooms where it would be necessary for employees to switch on the emergency drive system during night skiing.

(b) Emergency lighting facilities shall be checked at least every thirty days for mechanical defects. Defective equipment shall be given priority for repair schedule.

(3) Extension cord type lights. All extension cord type lights shall be provided with proper guards.

NEW SECTION

WAC 296-59-075 ELECTRICAL EQUIPMENT AND DISTRIBUTION. (1) National Electrical Code to prevail. All electrical installations and electrical utilization equipment shall comply with the National Electrical Code requirements.

Exception: In instances where (N.E.C.) conflicts with ANSI B77.1 with respect to tramways, surface lifts, or tows, ANSI B77.1 shall prevail.

(2) Authorized personnel to do electrical work. Only those persons who are qualified to do the work assigned and are authorized by the employer shall be allowed to perform electrical work on any electrical equipment or wiring installations.

(3) High voltage areas to be guarded. Motor rooms, switch panel rooms, or other areas where persons may come in contact with high voltages shall be fenced off or be enclosed in a separate area. The gate, door, or access to such area shall be posted with a notice stating that only authorized persons are allowed in the area.

(4) Control panels. In areas where mobile equipment operates, floor stand panels shall be protected from being struck by moving equipment. Start or run handles and buttons shall be protected from accidental actuation.

(5) Switches or control devices. Switches, circuit breakers, or other control devices shall be so located that they are readily accessible for activation or deactivation and shall be marked to indicate their function or machine which they control. The positions of ON and OFF shall be marked or indicated and provision shall be made for locking out the circuit.

(6) Starting requirements for electrically driven equipment after power failure. Electrically driven equipment shall be so designed that it will not automatically start upon restoration of power after a power failure if it will create a hazard to personnel.

(7) Posting equipment automatically activated or remotely controlled. Equipment which is automatically activated or remotely controlled shall be posted, warning persons that machine may start automatically if it will create a hazard to personnel.

NEW SECTION

WAC 296-59-080 INSTALLATION, INSPECTION, AND MAINTENANCE OF PIPES, PIPING SYSTEMS, AND HOSES. (1) Definitions applicable to this section.

(a) "Hazardous material system" is any system within the following classifications:

(i) "Flammable or explosive" - any system containing materials which are hazardous because they are easily ignited and create a fire or explosion hazard, defined by NFPA as Class I liquids;

(ii) "Chemically active or toxic" - any system containing material which offers corrosion or toxic hazard in itself or can be productive of harmful gases upon release, defined by NFPA 704M as Class 3 and 4 materials;

(iii) "Thermally hazardous" - any system above 130°F which exposes persons to potential thermal burns;

(iv) "Pressurized" - any gaseous system above two hundred psig or liquid system above five hundred psig.

(b) "Piping system" - any fixed piping, either rigid pipe or flexible hose, including all fittings and valves, in either permanent or temporary application.

(2) Design and installation. All new piping systems intended to be used in hazardous material service shall be designed and installed in accordance with applicable provisions of the ASME Code for Pressure Piping or in accordance with applicable provisions of ANSI B31.1 through B31.8. The referenced edition in effect at the time of installation shall be utilized.

Note: Both referenced standard have identical requirements.

(3) Inspection and maintenance.

(a) Management shall develop a formal program of inspections for all hazardous material piping systems. The program shall be based on sound maintenance engineering principles and shall demonstrate due consideration for the manufacturing specifications of the pipe, hose, valves, and fittings, the ambient environment of the installation and the corrosive or abrasive effect of the material handled within the system.

(b) Type and frequency of tests and/or inspections and selection of inspection sites shall be adequate to give indications that minimum safe design operating tolerances are maintained. The tests may include visual and nondestructive methods.

(c) All employers shall submit their formal program of initial and ongoing inspections to the department for approval within one year after the effective date of this requirement.

(d) All existing hazardous material systems shall be inspected to the criteria of this section prior to two years after effective date, or in accordance with a schedule approved by the department.

(4) Inspection records.

(a) Results of inspections and/or tests shall be maintained as a record for each system.

(b) Past records may be discarded provided the current inspection report and the immediate preceding two reports are maintained.

(c) When a system is replaced, a new record shall be established and all past records may be discarded.

(d) The records for each system shall be made available for review by the department upon request.

(e) The employer may omit the inspection requirements for portions of existing systems that are buried or

enclosed in permanent structures in such a manner as to prevent exposure to employees even in the event of a failure.

(5) Systems or sections of systems found to be below the minimum design criteria requirements for the current service shall be repaired or replaced with component parts and methods which equal the requirements for new installations.

(6) Identification of piping systems.

(a) Pipes containing hazardous materials shall be identified. It is recommended that USAS A13.1 "Scheme for Identification of Piping Systems" be followed.

(b) Positive identification of piping system content shall be identified by lettered legend giving the name of the content in full or abbreviated form, or a commonly used identification system. Such identification shall be made and maintained at suitable intervals and at valves, fittings, and on both sides of walls or floors. Arrows may be used to indicate the direction of flow. Where it is desirable or necessary to give supplementary information such as hazard of use of the piping system content, this may be done by additional legend or by color applied to the entire piping system or as colored bands. Legends may be placed on colored bands.

Examples of legends which may give both positive identification and supplementary information regarding hazards or use are:

- Ammonia Hazardous liquid or gas
- Chlorine Hazardous liquid or gas
- Liquid caustic . . . Hazardous liquid
- Sulphuric acid . . Hazardous liquid
- Natural gas Flammable/explosive gas

Note: Manual L-1, published by Chemical Manufacturers Association, Inc., is a valuable guide in respect to supplementary legend.

(c) When color, applied to the entire piping system or as colored bands, is used to give supplementary information it should conform to the following:

CLASSIFICATION	PREDOMINANT COLOR
F-Fire-protection equipment	Red
D-Dangerous materials	Yellow (or orange)
S-Safe materials	Green (or the achromatic colors, white, black, gray, or aluminum)
And, when required, P-Protective materials	Bright blue

(d) Legend boards showing the color and identification scheme in use shall be prominently displayed at each plant. They shall be located so that employees who may be exposed to hazardous material piping systems will have a frequent reminder of the identification program.

(e) All employees who work in the area of hazardous material piping systems shall be given training in the color and identification scheme in use.

NEW SECTION

WAC 296-59-085 SCAFFOLDS, CONSTRUCTION, USE, AND MAINTENANCE. (1) Whenever work must be performed at a height which cannot be reached from the floor or permanent platform and where it would not be a safe practice to use a ladder, a properly constructed scaffold shall be provided and used.

(2) Scaffolds shall be constructed and used in compliance with WAC 296-24-825 through 296-24-84013.

NEW SECTION

WAC 296-59-090 MOBILE EQUIPMENT AND LIFT TRUCKS. (1) Mobile equipment shall be designed, constructed, maintained, and used in accordance with this section and appropriate ANSI and/or SAE requirements.

(2) Operator training.

(a) Methods shall be devised by management to train personnel in the safe operation of mobile equipment.

(b) Training programs for all mobile equipment shall include the manufacturer's operating instructions when such instructions are available.

(c) Only trained and authorized operators shall be permitted to operate such vehicles.

(3) Special duties of operator. Special duties of the operator of a power-driven vehicle shall include the following:

(a) Test brakes, steering gear, lights, horns, warning devices, clutches, etc., before operating vehicle;

(b) Not move a vehicle while an unauthorized rider is on the vehicle;

(c) Slow down and sound horn upon approaching blind corners or other places where vision or clearance is limited;

(d) Comply with all speed and traffic regulations and other applicable rules;

(e) Have the vehicle being operated under control at all times so that he can safely stop the vehicle in case of emergency; and

(f) Keep the load on the uphill side when driving a forklift vehicle on a grade.

(4) Operator to be in proper position. Control levers of lift trucks, front end loaders, or similar types of equipment shall not be operated except when the operator is in his proper operating position.

(5) Raised equipment to be blocked. Employees shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall be used in conjunction with the jack.

(6) Precautions to be taken while inflating tire. Unmounted split rim wheels shall be placed in a safety cage or other device shall be used which will prevent a split rim from striking the worker if it should dislodge while the tire is being inflated.

(7) Reporting suspected defects. If, in the opinion of the operator, a power-driven vehicle is unsafe, the operator shall report the suspected defect immediately to the

person in charge. Any defect which would make the vehicle unsafe to operate under existing conditions shall be cause for immediate removal from service. The vehicle shall not be put back into use until it has been made safe.

(8) Safe speed. Vehicles shall not be driven faster than a safe speed compatible with existing conditions.

(9) Unobstructed view.

(a) Vehicle operators shall have a reasonably unobstructed view of the direction of travel. Where this is not possible, the operator shall be directed by a person or by a safe guidance means or device.

(b) Where practical, mirrors shall be installed at blind corners or intersections which will allow operators to observe oncoming traffic.

(c) It is recommended that vehicles operating in congested areas be provided with an automatic audible or visual alarm system.

(10) Passengers to ride properly.

(a) Passengers shall not be permitted to ride with legs or arms extending outside the running lines of the cab, FOPS, or ROPS of any vehicle.

(b) Passengers on mobile oversnow equipment shall ride within the cab unless exterior seating is provided. The exterior seating may include the cargo bed provided that the bed is equipped with sideboards and a tailgate at least ten inches high. If passengers are permitted to stand in the bed, adequate handholds shall be provided.

(c) The number of passengers and seating arrangements within the cab on any mobile equipment shall not interfere with the operator's ability to safely operate the equipment.

(d) Exterior passengers shall not be permitted on mobile oversnow equipment which has snow grooming equipment mounted on the bed or when the machine is towing any kind of equipment, sleds, etc.

(e) Operators shall use good judgment with respect to speed and terrain when carrying exterior passengers.

(11) Horns and lights.

(a) Every vehicle shall be provided with an operable horn distinguishable above the surrounding noise level.

(b) Any vehicle required to travel away from an illuminated area shall be equipped with a light or lights which adequately illuminate the direction of travel.

(12) Brakes on power-driven vehicles. Vehicles shall be equipped with brakes and devices which will hold a parked vehicle with load on any grade on which it may be used. The brakes and parking devices shall be kept in proper operating condition at all times.

(13) Cleaning vehicles. All vehicles shall be kept free of excessive accumulations of dust and grease which may present a hazard.

(14) Lifting capacity of vehicle to be observed. At no time shall a load in excess of the manufacturer's maximum lifting capacity rating be lifted or carried. Such lifting capacity may only be altered with the approval of the equipment manufacturer or a qualified design engineer.

(15) Posting rated capacity. The maximum rated lifting capacity of all lift trucks shall at all times be posted on the vehicle in such a manner that it is readily visible to the operator.

(16) Carrying loose material. Lift trucks shall not be used to carry loose loads of pipe, steel, iron, lumber, palletized material, rolls of paper, or barrels unless adequate clearance is provided and the loads are stabilized.

(17) Position of lift forks or clamps. The forks or clamps of lift trucks shall be kept as low as possible while the vehicle is moving. They shall be lowered to the ground or floor when the vehicle is parked.

(18) Walking under loads prohibited. No person shall be allowed under the raised load of a lift truck, backhoe, or front end loader.

(19) Hoisting of personnel on vehicle forks prohibited. Personnel shall not be hoisted by standing directly on the forks of vehicles.

(20) Using forklifts as elevated work platforms. A platform or structure built specifically for hoisting persons may be used providing the following requirements are met:

(a) The structure must be securely attached to the forks and shall have standard guardrails and toeboards installed on all sides;

(b) The hydraulic system shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms shall be identified that they are so designed;

(c) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting;

(d) An operator shall attend the lift equipment while workers are on the platform;

(e) The operator shall be in the normal operating position while raising or lowering the platform. A qualified operator shall remain in attendance whenever an employee is on the work platform;

(f) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible; and

(g) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(21) Overhead guards on lift trucks. All lift trucks shall be equipped with an overhead guard constructed and installed to conform to USAS B56.1-1969 "Safety Code for Powered Industrial Trucks." This guard may be removed only when it cannot be used due to the nature of the work being performed in which case loads shall be maintained so as not to create a hazard to the operator.

(22) Protection from exhaust system. Any exhaust system which might be exposed to contact shall be properly insulated or isolated to protect personnel. Exhaust systems on lift trucks and jitneys shall be constructed to discharge either within twenty inches from the floor or eighty-four inches or more above the floor. The exhausted gases shall be directed away from the operator. The equipment shall be designed in such a manner that the operator will not be exposed to the fumes.

(23) Emergency exit from mobile equipment. Mobile equipment with an enclosed cab shall be provided with an escape hatch or other method of exit in case the regular exit cannot be used.

(24) Vehicle wheels chocked. When driving mobile equipment onto the bed of a vehicle, the wheels of the vehicle shall be chocked.

(25) Prevent trailer from tipping. Suitable methods shall be used or devices installed which will prevent the trailer from tipping while being loaded or unloaded.

(26) Refueling. Gasoline or LPG engines shall be shut off during refueling.

(27) Close valve on LPG container. Whenever vehicles using LP gas as a fuel are parked overnight or stored for extended periods of time indoors, with the fuel container in place, the service valve of the fuel container shall be closed.

(28) LPG tanks. LPG vehicle fuel tanks shall be installed and protected in a manner which will minimize the possibility of damage to the tank.

(29) Inspecting and testing of LPG containers. LPG containers shall be inspected and tested as required by chapter 296-24 WAC.

(30) Spinners on steering wheels. The use of spinners on steering wheels shall be prohibited unless an antikick device is installed or the equipment has a hydraulic steering system.

(31) The hearing conservation requirements of the general occupational health standards, WAC 296-62-09015, shall be applicable for mobile equipment operation.

NEW SECTION

WAC 296-59-095 REQUIREMENTS FOR CRANES AND HOISTS—GENERAL SAFETY AND HEALTH STANDARDS TO PREVAIL. All applicable rules for design, construction, maintenance, operation, and testing of cranes and hoists contained in the General safety and health standards, chapter 296-24 WAC, shall be met.

NEW SECTION

WAC 296-59-100 AVALANCHE CONTROL.
(1) General.

(a) During periods of high avalanche danger, slopes and trails in avalanche paths shall not be opened for use until trained personnel have evaluated conditions and determined whether avalanche control work is necessary.

(b) When avalanche control work is deemed necessary, slopes and trails in the potential avalanche path shall not be opened until the work is completed.

(c) An avalanche shall not be purposely released until the avalanche path and potential runout zone are clear of personnel.

(d) Avalanche guards, signs, and/or barricades shall be positioned at normal entrances to the avalanche path if there is any chance that personnel will enter the danger zone during intentional release activities.

(e) During very unstable snow conditions, release of one avalanche may trigger sympathetic releases over a wide area. Avalanche workers shall consider such possibility and clear the appropriate areas of personnel.

(2) Personnel and equipment.

(a) The avalanche control crew shall be adequately trained and physically capable for tasks which can be anticipated in their individual job assignments.

(b) No person shall accept or be given a job assignment which is beyond the individual's physical ability or training.

(c) On-slope assignments which include potential exposure to avalanche hazards shall only be conducted by fully qualified and fully equipped control crew members.

(d) The control crew may be split up into smaller groups (teams) to work on multiple areas simultaneously provided that each team consists of at least two qualified members.

(e) Each avalanche control crew or team shall have one or more designated rescue coordinators as is deemed necessary to maintain communications. Compliance with this requirement may be achieved by designating control crew teams to serve as each others' rescue coordinator provided that the teams are reasonably proximate to each other and do in fact maintain frequent communications.

(f) Each avalanche control crew member shall be equipped for continuous two-way communications to the avalanche crew coordinators.

(g) The avalanche crew or teams shall not be assigned to on-slope areas where they cannot maintain communications with their designated coordinator. This requirement may be met by the use of a relay person, however, if any team completely loses communications they shall return directly to base via the safest route available.

(h) Each person on an avalanche control team shall be equipped with a shovel and an electronic transceiver before commencing on-slope control work. The transceiver shall be in the transmit position whenever personnel are performing on-slope job assignments.

(3) Avalanche rescue plan. Each ski area shall have a written avalanche rescue plan. The plan shall require:

(a) All rescue personnel who will be assigned to on-slope activities shall:

- (i) Be competent skiers;
- (ii) Have a current first-aid card;
- (iii) Be thoroughly trained in the rescue plan details;

(b) A specific list of required equipment for rescue crew personnel including:

- (i) Probes;
- (ii) Belaying rope;
- (iii) Shovels;
- (iv) Two-way communication radios;
- (v) Electronic transceivers;
- (c) A list of rescue equipment locations;
- (d) Specific rescue procedures to be followed.

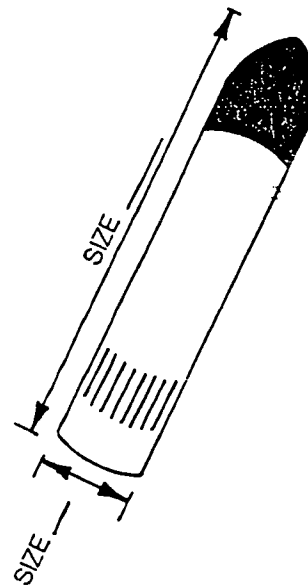
NEW SECTION

WAC 296-59-102 ACCEPTABLE WARNING SIGNS FOR TYPICAL AVALANCHE CONTROL EXPLOSIVE DEVICE(S) DUDS.

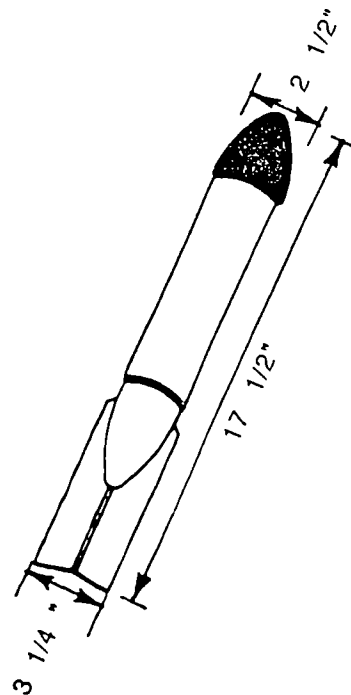
DANGER

EXPLOSIVES ON THE MOUNTAIN

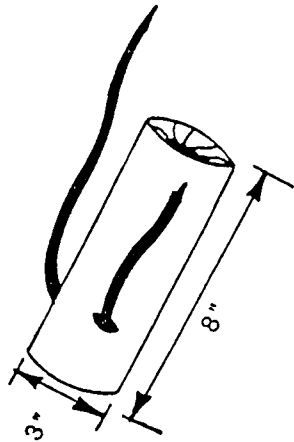
Unexploded warheads, projectiles, or handcharges used in avalanche control may be found in target areas or in avalanche runout zones.



UNEXPLODED WARHEADS
WARHEAD MAY BE DISTORTED
FROM IMPACT.



AVALANCHE PROJECTILE
RED OPAQUE BODY,
RED TRANSLUCENT FINS.



DYNAMITE HANDCHARGE
Brown color wrapping,
will usually have fuse.

If you find an unexploded (dud) charge, do the following:

1. Do not disturb or touch!
2. Mark the location within 5 to 10 feet.
3. Immediately report the location to the nearest lift operator, ski patrolman or U.S. Forest Service employee.

NEW SECTION

WAC 296-59-103 STORAGE, MAKEUP, AND USE OF EXPLOSIVES FOR AVALANCHE CONTROL BLASTING. (1) General.

(a) The storage, handling, and use of explosives and blasting agents used in avalanche control practices shall comply with this chapter unless stored, handled, and used in compliance with chapter 70.74 RCW and chapter 296-52 WAC.

(b) The minimum requirements published in WAC 296-59-103 through 296-59-111 (inclusive) shall only be applicable to the storage, handling, and use of explosives and blasting agents in the endeavor of avalanche control. The use of explosives for conventional purposes such as but not limited to demolition, site clearing, or construction shall be regulated by chapter 70.74 RCW and chapter 296-52 WAC.

(2) Management responsibility.

(a) Explosives and blasting agents shall not be stored, kept, or had in any regularly occupied areas or buildings except in compliance with either chapter 296-52 WAC or this chapter.

(b) Explosives and blasting agents shall not be assembled or combined to form armed charges in any regularly occupied area or building except in compliance with this chapter.

(3) Personnel.

(a) Only fully qualified and licensed blasters shall be permitted to assemble or arm explosives components.

(b) Training shall include avalanche blasting experience so that the problems encountered in cold weather blasting are known factors.

(c) All training activities shall be conducted under the attended supervision of a fully qualified and licensed blaster.

(4) General requirements.

(a) Detonating systems for hand-placed or hand-thrown charges.

(i) The ignition system on single-unit handcharges shall consist of a nonelectrical cap, safety fuse, and a fuse igniter.

(ii) Multiple units combined to form a single handcharge may use the above system or an approved detonating cord system. No other ignition system shall be permissible without specific approval by the department.

(b) Multiple charge blasts.

(i) Detonating cord shall be used in lieu of blasting wire to connect multiple charge blasts.

(ii) After all charges are placed, connected to the detonating cord, and the charges are ready to be ignited, a safety fuse and cap shall be attached to the detonating cord. A fuse igniter may then be attached to ignite the safety fuse.

(c) Blasting caps shall be no larger than No. 8 except when recommended by the explosives manufacturer for a particular explosive used within a specific application.

(d) Electric blasting caps are not permitted.

(e) Only the highest quality safety fuse with excellent water resistance and flexibility shall be used.

(f) Fuse length.

(i) Safety fuse length shall be selected to permit the control team adequate escapement time from the blast area under all reasonable contingencies (falls, release of bindings, etc.)

(ii) In no instance shall a fuse length with less than seventy seconds burn time be permitted.

(iii) The burn time of each roll of safety fuse shall be checked prior to use.

(iv) Checked rolls shall be marked with the tested burn time.

(v) It is recommended that all handcharges be prepared for ignition with one safety fuse and igniter.

Note: Standard safety fuse burns at a rate of 0.5 meters (± 10%) per seventy seconds at two thousand five hundred meters elevation. This rate equates to approximately nineteen and three-quarter inches fuse length for seventy second handcharge fuses at normal ski area elevations.

(5) Explosives.

(a) Explosives chosen shall have a safe shelf life of at least one operating season in the storage facilities in which it will be stored.

(b) Explosives chosen shall have excellent water and freezing resistance.

(c) Industrial primers (or boosters) that consist mainly of TNT or gelatin are the recommended explosives.

(6) Transporting explosives and handcharges.

(a) Handcharges or explosives components shall be transported in approved type avalanche control packs, in United States Department of Transportation approved shipping containers or in licensed magazines.

(b) Criteria for avalanche control packs.

(i) The pack shall be constructed of water resistant material.

(ii) Packs shall be constructed with sufficient individual compartments to separate handcharges or explosives components from tools or other equipment or supplies which may be carried in the pack.

(iii) Each compartment used for handcharges or explosives components shall have an independent closure means.

(iv) If fuse igniters will be permitted to be carried on the avalanche control pack, a separate compartment with individual closure means shall be attached to the outside of the exterior of the pack.

(c) Use of avalanche control packs.

(i) Packs shall be inspected daily, prior to loading, for holes or faulty compartment closures. Defective packs shall not be used until adequately repaired.

(ii) Tools or other materials shall not be placed in any compartment which contains handcharges or explosives components.

(iii) Fuse igniters shall never be placed anywhere inside the pack when the pack contains handcharges or other explosives components.

(iv) Fuse igniters may be carried in a separate compartment attached to the outside of the pack exterior but preferably in a compartment attached to the front of the carrying harness. Another acceptable alternative is to carry the igniters in a jacket pocket completely separate from the pack.

(v) Handcharges or explosives components shall not be stored or left unattended in avalanche control packs. Unused handcharges shall be promptly disassembled at the end of individual control routes and all components returned to approved storage.

(vi) Individual control team members shall not carry more than thirty-five pounds of handcharges in avalanche control packs.

(vii) A handcharge or cap and fuse assembly which has a fuse igniter attached shall never be placed in an avalanche control pack for any reason.

(d) Whenever explosives or explosives components are transported in or on any vehicle powered by an internal combustion engine, provisions shall be made to ensure that said explosives or containers cannot come into contact with the hot exhaust system.

(e) Handcharges or explosives components shall not be transported in spark-producing metal containers.

(f) Handcharges shall not be transported on public roads and highways when such roads or highways are open to the public. Explosives components shall only be transported on public roads or highways in compliance with United States Department of Transportation regulations.

NEW SECTION

WAC 296-59-105 HANDCHARGE MAKEUP METHODS. General. The department shall recognize two permissible methods concerning handcharges for avalanche control blasting. The descriptions and requirements for each method are contained in this section. Every ski area operation which conducts avalanche control

blasting should use Method II "Hand charge makeup room." A well designed and constructed handcharge makeup room can enhance the correct assembly of components which will maintain the best possible control over explosives and components, reduce the probability of an explosives incident, and reduce the incidence of misfires from incorrect makeup or moisture.

(1) Method I. Makeup at the blast site.

(a) The ignition system shall consist of a nonelectrical blasting cap and highest quality water resistant safety fuse, or detonating cord, assembled as recommended by the manufacturer.

(b) Detonating cord (i.e., primacord) shall be used to connect separated multiple-charge blasts.

(c) No other ignition system shall be permissible on hand-placed or hand-thrown avalanche control charges unless variance is granted by the department.

(d) Caps shall be installed on correct length fuses prior to being transported out onto control routes.

(e) Caps shall only be crimped with a crimper tool approved for that purpose.

(f) Assembling caps and fuses shall be done in a warm, dry, well-lighted environment. The location used for assembly shall not have flammable fuels, flammable gases, or explosives present where accidental detonation of the caps could create a secondary ignition or detonation hazard.

(g) Each cap shall be protected by a styrofoam shield or the equivalent before being placed in an avalanche control pack for transportation.

(h) A fuse igniter shall never be attached to a fuse until the fuse and cap assembly is installed in the handcharge at the blast site and the control crew is fully prepared to ignite the charge.

(i) All class A explosives shall be attended as defined in WAC 296-59-007 at all times when the explosive is out of the class 1 storage magazine.

(j) Disbursement of explosive charges from the class 1 storage magazine into avalanche control packs shall be done outside the storage magazine. Records shall be maintained for all explosives disbursed.

(k) Caps, cap and fuse assemblies, armed handcharges, or fuse igniters shall not be carried into or stored in a class 1 magazine which contains class A explosives.

(2) Method II. Handcharge makeup room. This method is different from method I primarily in that the fuse and cap assembly is installed in the explosive charge while inside a special makeup room. The assembly procedure shall be as follows:

(a) Install caps on correct length fuses with an approved crimper tool before explosives are brought into the makeup room.

(b) The cap and fuse assemblies shall not be combined with explosives to form handcharges until just before the intended time of distribution.

(c) Only nonsparking skewers shall be used to punch holes in an explosives cartridge.

(d) The fuse shall be laced or taped in position after inserting the cap in the charge.

(e) Each handcharge shall be placed in an explosives box or avalanche control pack immediately after assembly is completed.

(f) No spark-producing metal tools shall be used to open explosives containers.

(g) Fuse igniters shall never be attached to a fuse or a handcharge until the handcharge is at the blast site and the control crew is fully prepared to ignite the charge.

(3) Makeup room requirements, procedures.

(a) Construction requirements.

(i) Makeup rooms located in accordance with the American Standard Quantity and Distance Tables for storage shall not require construction of reinforced concrete walls, floors, and doors. All other requirements of this chapter shall be applicable for such facilities.

(ii) Floors and walls. The floor and walls shall be constructed of reinforced concrete not less than eight inches thick. The rebar shall be not less than one-half inch diameter and shall be spaced on twelve-inch vertical and horizontal centers. The rebar shall be bent at a ninety degree angle and extend a minimum of twenty-four inches into the adjoining floor or wall to secure each floor and wall joint.

(iii) Roof. The roof is not limited to specific materials but shall provide both weather protection and standard snow loading protection for the region.

(iv) Access door(s).

(A) If a hinged door mounting is utilized, the hinge shall be mounted on the inside so that the door opens into the makeup room. In the fully closed position, in position to be locked, the door shall be a minimum of two inches larger than the access opening on all sides.

(B) If a flush door mounting is utilized, the door shall be mounted with a two-inch decreasing taper on all sides of both the door and the concrete access opening to form a wedge seal.

(C) If a sliding door mounting is utilized, the mounting apparatus shall be on the inside of the makeup room and the door shall be a minimum of two inches larger than the access opening when the door is fully closed.

(D) Makeup room door may be either:

(I) Constructed to the same structural integrity and mounting requirements of (a)(iii)(A) through (C) of this subsection; or

(II) Constructed of plywood not less than two inches thick and overlaid on the outside with a steel plate not less than one-eighth inch thick.

(III) If a door which complies with (iii)(D)(II) of this subsection is used, a berm or barricade shall be installed within six feet of the door. The berm or barricade shall extend at least as high as the top of the door and shall be a minimum of two feet wider than the door on both sides of the door.

(E) For security purposes, one steel padlock having at least five tumblers and a case hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. Hinges and hasps shall be attached so that they cannot be removed from the outside when in the closed position and with the lock in place.

(v) Interior finish. The inside of all makeup rooms shall be finished and equipped to the following minimum requirements:

(A) Construction shall be fire resistant and nonsparking up to the top of the walls. Nails or screws shall be countersunk, blind nailed, or covered.

(B) Lighting shall be by N.E.C. explosion-proof rated fixtures and all wiring shall be in sealed conduit.

(C) Control switches shall be outside the makeup room.

(D) No electrical outlet boxes are permissible inside the room.

(b) Restrictions.

(i) Smoking, matches, open flames, or flame or spark-producing devices shall not be permitted inside the makeup room.

(ii) Flammable liquids or flammable compressed gases shall not be stored in the makeup room.

(iii) Signs limiting entry to authorized personnel shall be posted on the door(s).

(iv) A sign stating the occupancy rules shall be posted inside the makeup room where it is clearly legible upon entering the room. The sign shall post the following rules:

(A) Occupancy shall be restricted to specifically authorized personnel;

(B) Smoking, matches, flame or spark-producing devices, tools or equipment shall not be permitted in the room at any time when explosives or explosive components are present; and

(C) Flammable fuels or compressed gases shall not be permitted inside the room nor stored within fifty feet of the room.

(v) Heating units shall be limited to:

(A) Forced air systems with the heating unit located outside the room.

(B) Steam systems of 15 psig or less.

(C) Hot water systems of 130°F or less.

(D) The radiant heating coils and piping for steam or hot water systems shall be protected so that explosives cannot come into contact with them.

(E) Heating ducts shall be installed so that the hot air does not discharge directly on explosives.

(F) The heating system used in a makeup room shall have controls which prevent the ambient room temperature from exceeding 130°F.

(vi) The makeup room shall be equipped with a portable fire extinguisher of at least 2A-20BC rating.

(vii) Ventilation.

(A) The makeup room shall be equipped with a ventilation system capable of maintaining a minimum rate of three air exchanges per hour during all times when explosives are present in the room.

(B) Fans and controls shall be located outside the makeup room and shall be of a type approved for this service.

(C) The lighting circuit control shall also activate the ventilation fan and the ventilation fan shall be operated whenever personnel are in the room.

(D) Exhaust ventilation shall be arranged to discharge into outside air, not into an enclosed structure.

(viii) The floor or exterior walls may be constructed with duct openings for heating and ventilation purposes provided that:

(A) Each duct opening is not greater in volume than seventy-two square inches;

(B) The combined number of duct openings shall not exceed three;

(C) Duct openings shall be located within twelve inches of the floor or ceiling;

(D) The exhaust duct opening shall not be located on the wall above the makeup workbench.

(c) Practices and procedures.

(i) When explosives are present in the makeup room, entry into the makeup room shall be restricted to trained and authorized personnel.

(ii) The access door(s) to the makeup room shall be kept locked or bolted from the inside while employees are assembling explosives.

(iii) The entire makeup room shall be kept clean, orderly, and free of burnable rubbish.

(iv) Brooms and other cleaning utensils shall not have any spark-producing metal parts if used when explosives are present.

(v) Sweepings and empty explosives containers shall be disposed of as recommended by the explosives supplier.

(vi) Repair activities which utilize spark-producing tools shall not be conducted on any part of the makeup room while explosives are present.

(d) Storage of explosives.

(i) A makeup room shall not be used for the unattended storage of class A explosives.

(ii) A makeup room which meets all requirements of this chapter may contain a class 3 storage facility, for one thousand or less blasting caps.

(iii) A class 3 storage facility shall be constructed to meet the following minimum requirements:

(A) A class 3 storage facility shall be fire resistant and theft resistant. It does not need to be bullet resistant and weather resistant if the locked makeup room provides protection from weather and bullet penetration.

(B) Sides, bottoms, and covers shall be constructed of not less than number twelve gauge metal and lined with a nonsparking material.

(C) Hinges and hasps shall be attached so that they cannot be removed from the outside.

(D) One steel padlock having at least five tumblers and a case-hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. The lock and hasp is not required to be equipped with a steel hood.

(e) Location.

(i) The makeup room shall be located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW "Washington State Explosives Act" and chapter 296-52 WAC "Safety standards for the possession and handling of explosives," except under conditions as indicated in this section.

(ii) Where locating the makeup room in accordance with the quantity and distance separation table is impractical because of bad weather accessibility, rough terrain, or space availability:

(A) Upon application the department will issue a variance enabling location of the makeup room, by mutual agreement, at the safest possible location within the limitation of the individual base area.

(B) The safest possible location will be the location most isolated from assembly areas and buildings that are inhabited with application of additional protection measures such as:

(I) Berming.

(II) Locating natural obstructions or buildings that are not inhabited between the makeup room and assembly areas and buildings that are inhabited.

(III) Limitations on the total quantity of explosives in the makeup room at any one time.

(iii) Makeup rooms designed to hold the boxes of explosives awaiting makeup and the madeup explosives in avalanche control packs awaiting distribution may be located using the total quantity of explosives allowed at the makeup table at any one time as the referenced quantity of explosives provided.

(A) The makeup room is located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW "Washington State Explosives Act" and chapter 296-52 WAC "Safety standards for the possession and handling of explosives" for the referenced quantity of explosives at the makeup table.

(I) This separation shall apply only to human proximity to the makeup room and only at such time as there are explosives in the makeup room.

(II) When the makeup room does not contain explosives the separation tables shall not apply.

(B) The concrete walls of the room are designed to withstand the explosion of the total amount of the referenced explosives.

(I) The concrete walls must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete walls must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" designed to produce walls which will withstand explosion of the referenced quantity explosives.

(C) The boxes of explosives awaiting makeup and the madeup explosives in avalanche control packs awaiting distribution are located behind separate concrete debris barrier walls which will ensure that detonation of these explosives will not occur if the explosives at the makeup table detonate.

(I) The concrete debris barrier wall must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete debris barrier wall must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" to produce a barrier which will not allow detonation of the explosives awaiting makeup and distribution should the referenced quantity of explosives detonate.

(III) Access from the makeup table to the area behind the concrete debris barrier walls shall not be doored. The concrete debris barrier walls will be designed so that the

access way from the makeup table to the area behind the concrete debris barrier wall will deflect debris from an explosive blast by inherent design.

(D) The roof shall be designed so that the resistance to an interior explosive blast will be negligible.

(iv) A full containment makeup room may be located anywhere and must meet the following requirements:

(A) The makeup room must be constructed in accordance with a licensed explosive engineer's approved design.

(B) The total amount of explosives in the room at anytime must not exceed the design limit of the room.

(C) The makeup room cannot be used for storage.

(v) This section shall become effective December 1, 1989.

Note: Explosives shall be stored in licensed magazines only. All magazines must be located in compliance with the American Quantity and Distance Separation Tables until the United States Treasury Department Bureau of Alcohol, Tobacco and Firearms approves full containment class I magazines for storage at distances less than those specified in the American Standard Quantity and Distance Separation Tables and the Washington state department of labor and industries adopts corresponding amendments.

NEW SECTION

WAC 296-59-107 AVALANCHE CONTROL BLASTING. (1) The employer shall ensure that all members of avalanche control blasting crews are competent ski mountaineers in good physical and mental condition.

(2) Each avalanche control blasting crew or team shall consist of a qualified and licensed blaster and at least one trained assistant.

(3) Untrained personnel may accompany blasting crews for training purposes but shall not participate in actual firing of charges until trained and authorized.

(4) The blaster in charge of each crew or team shall be responsible for all phases of preparation and placement of charges.

(5) Avalanche control blasting should be conducted during daylight hours whenever possible.

(6) Escape route.

(a) The avalanche control crew or team shall preplan the escape route before igniting any charge.

(b) The escape route shall be as safe and foolproof as possible and shall culminate behind a terrain barrier or at least one hundred feet from the blast site by the time of detonation.

(7) Hand-thrown charges.

(a) A blaster shall only work with one charge at a time.

(b) Before attaching the igniter, the blaster must:

- (i) Be at the start of the escape route;
- (ii) Check the runout zone for personnel;
- (iii) Check the blast area for personnel.

(c) After the blaster attaches and activates the igniter:

- (i) The blaster shall check to see that the fuse is ignited;
- (ii) If the fuse did not ignite, the blaster may reclip the fuse and attempt to light the fuse again with another igniter;

(iii) As soon as the fuse is ignited, the blaster shall promptly throw the charge into the target area;

(iv) All personnel shall proceed immediately along the escape route as soon as an ignited charge is thrown.

(d) Where hand-thrown charges will slide down the hill on hard frozen snow or ice surface, charges shall be belayed with light cord.

(8) Handcharges thrown from ski lifts or trams.

(a) The number of charges thrown from ski lifts or trams shall be kept to a minimum.

(b) The lift operating crew shall be informed of the blasting plans.

(c) The lift crew shall stand by for emergency procedures such as transfer of lift onto auxiliary power, evacuation, etc.

(d) The lift crew and the blaster in charge shall be in direct radio contact at all times during the blasting operations.

(e) Only the avalanche control blasting crew and the essential lift operating personnel shall be on a lift or tram during blasting operations.

(f) The avalanche control blasting crew shall be traveling up-slope when a charge is thrown.

(g) A charge shall always be thrown down slope and to the side, away from towers, haulropes and other equipment or facilities.

(h) The minimum distance from the blast target to the closest point of the lift shall be sixty feet.

(i) Handcharges shall not exceed 4.5 pounds of TNT equivalent.

(j) Fuses shall be timed and cut to such length that all personnel on the lift will have moved a minimum of three hundred feet from the blast target by the time of detonation.

(k) Precautions shall be taken to avoid tossing charges into any of the lift equipment, moving chairs, cables, towers, etc.

(9) Handcharges thrown from aircraft.

(a) Blasting from aircraft shall require a written program approved by the Federal Aviation Administration and the director of the department of labor and industries.

(b) A written program shall include the following:

(i) Written procedures to be followed including provisions for safety in the avalanche runout zone and emergency rescue plans.

(ii) Handcharge makeup and handling procedures.

(iii) The type of explosives to be used.

(iv) The qualifications of all personnel involved.

(v) The specific locations where aircraft blasting is to take place.

Note: Requests for blasting from aircraft will not be granted unless it is determined that conventional methods are not feasible or are more hazardous.

(10) Avalancher requirements.

(a) Management shall develop a written training program and ensure that every person who will be authorized to work on an avalancher firing team is thoroughly trained. Training shall include:

- (i) All operating instructions;
- (ii) Safety precautions;
- (iii) Emergency procedures;

- (iv) Securing requirements for the equipment.
- (b) Authorized operators shall be listed on a posted operator's list.
- (c) Only trained and authorized personnel shall be permitted to point and fire an avalancher with explosive rounds.
- (d) During firing of explosive loaded rounds, the firing team shall consist of two qualified operators and not more than one adequately trained helper.
- (e) Operators must have a current state blasting license.
- (f) Each operator shall individually check the elevation, pointing and pressure settings of the gun before each shot is fired.
- (g) Operators shall attempt to determine and record whether or not each round which is fired actually explodes on contact.
- (h) The approximate location of all known duds shall be recorded.
- (i) Initial shooting coordinates for each avalancher mount shall be made during periods of good visibility.
- (j) Testing shall include test firing in various wind conditions.
- (k) The correct coordinates for the various conditions encountered shall be carefully recorded.
- (l) When spotter personnel are used in the target area, shooting shall be conducted with nonexplosive projectiles.
- (m) Firing of explosive avalancher rounds shall only be conducted when personnel are not in the target area.
- (n) The avalancher apparatus shall be stored in a nonfunctional condition when not in use. This shall be accomplished by:
 - (i) Locking out the firing mechanism or gas source in accordance with the lockout requirements of this chapter; or
 - (ii) Disassembly of functional components rendering the gun inoperable and separate storage of components removed; or
 - (iii) Removal of the entire gun to secure storage.
- (o) With established avalancher mounts, each autumn when reinstalling guns, the following procedures shall be accomplished before the gun is considered operable:
 - (i) All components shall be carefully inspected by qualified personnel;
 - (ii) After assembly and installation, the gun shall first be test fired using a nonexplosive projectile;
 - (iii) The established firing coordinates shall be checked by test firing.
- (11) Cornice control requirements.
 - (a) Cornice buildup hazards shall be evaluated regularly by qualified personnel, particularly after heavy snowfall periods which are accompanied by high wind or other snow transport weather conditions.
 - (b) Cornice hazards shall be controlled whenever the buildup appears to offer potential hazard to areas accessible by personnel.
 - (c) The control team shall establish the tension breakline of the cornice roof as accurately as conditions permit before starting any other control work on the cornice.

(d) The tension breakline shall be marked when necessary.

(e) Small lightly packed cornices may be kicked off with a ski, ski pole, or shovel by an unbelayed control team member if the ridgeline can be clearly established and all work can be done from the safe side of the ridgeline.

(f) When working along an anticipated cornice breakline, control team members shall retreat back from the breakline to change work positions rather than traverse along the breakline.

(g) The following factors shall be given careful consideration before commencing control activities on any relatively larger cornice:

(i) The older and larger a cornice becomes the more densely it compacts. Densely packed cornices release into larger blocks offering a higher level of danger to an extended runout zone. The control team leader shall therefore take highest level of precautions to assure that the runout zone is clear of personnel;

(ii) Larger size cornices result in increased suspended weight and leverage which may cause the breakline release fracture to occur behind the actual ridgeline. The actual ridgeline may also be obscured by the simple mass of larger cornices. Control team members shall stay off the cornice roof and must be protected by a secure belay when working near the suspected breakline;

(iii) All large cornices shall be released by explosives. Explosives shall be transported, made up and fired in accordance with the following requirements:

(A) The ignition system for single charge blasts shall be safety fuse and cap.

(B) Detonating cord shall be used to connect multiple charge blasts.

(C) When detonating cord is used, one end shall be securely anchored where premature cornice collapse will not disturb the anchor. The fuse and cap shall be attached to the free end of the detonating cord after all charges are connected to the detonating cord.

(D) Safety fuse length shall be sufficient to permit adequate escapement time for all personnel from the area influenced by the blast. Safety fuse shall be not less than three feet long, approximately two minutes and twenty seconds, in all instances.

(h) Cornice control work on large cornices shall be conducted during daylight hours and preferably during favorable weather conditions. As a minimum, clear visibility shall exist across the full length of any cornice which the control team is attempting to release.

(12) Belaying practices.

(a) Belay rope shall be standard 11 mm mountaineering rope or the equivalent.

(i) Belay rope shall be inspected at not less than thirty day intervals and maintained in excellent condition.

(ii) Defective belay rope shall not be used for belaying purposes.

(b) Adequate trees or other suitable natural belay anchors shall be used in preference to a human belay anchor when such natural anchors are available.

(c) The belay anchor position shall be as near to ninety degrees from the tension breakline as the terrain conditions will permit.

(d) With either a natural belay anchor or human belay anchor, the belay line shall be tended to keep slack out of the line.

(e) When either the belayed person or belay anchor needs to change position, the belayed person shall retreat back from the cornice to a safe position until the belay anchor is reestablished.

(f) When a human belay anchor is used:

(i) The belay anchor person shall establish the anchor position as far back away from the cornice as conditions permit;

(ii) The anchor person shall remain in a seated position with their legs pointed toward the belayed person until such time as the belayed person has retreated back from the cornice to a position considered to be safe.

NEW SECTION

WAC 296-59-109 RETRIEVING MISFIRES OR DUDS. (1) The following requirements shall apply to all kinds of avalanche control blasting:

(a) Each person who ignites a charge or propels a charged projectile with any kind of apparatus shall note whether or not the charge actually detonates.

(b) A conscientious effort shall be made to promptly retrieve any misfire or dud.

(i) If conditions make it impractical or dangerous to promptly retrieve a dud, a search shall be conducted as soon as conditions permit.

(ii) Any area which contains a dud shall be closed to entry to all personnel except the search team until such time as the area has been searched and pronounced safe by the designated search leader.

(c) When searching for a dud on an uncontrolled avalanche slope (a slope which has not released), the procedures used shall be consistent with good mountaineering practices.

(d) A handcharge dud shall not be approached for at least fifteen minutes.

(e) Any dud which is aflame or emitting smoke shall not be approached for at least one hour after evidence of combustion ceases.

(f) A handcharge or avalancher dud may be blown up with a secondary charge where they are found or may be disarmed at that location by fully trained and qualified personnel.

(g) Military warhead duds shall not be moved. They shall be blown up where they are found by secondary charges except that trained military personnel may disarm and transport such duds when approved by the governmental branch having jurisdiction.

(2) Records.

(a) Accurate records shall be maintained for every explosive device which does not detonate.

(b) Dud records shall include the following information:

- (i) The suspected location;
- (ii) A description of the dud;
- (iii) The date the dud was lost;
- (iv) The date the dud was found and disposed of.

(3) Dud frequency.

(a) Dud frequency should be maintained below one dud for every five hundred detonating attempts.

(b) Any employer who does not maintain a dud frequency below one dud per five hundred detonation attempts shall investigate all aspects of the blasting program and take prompt corrective actions as indicated.

(4) Dud warning signs.

(a) Ski area operations which use any form of explosive device for avalanche control shall display warning and information placards and/or signs.

(b) Signs shall be posted at readily visible locations and in such a manner as to give both employees and the public ample opportunity to be informed of the potential existence of dud avalanche charges. Locations may include but are not limited to:

- (i) Ticket sales and lift loading areas;
- (ii) Food and beverage service facilities;
- (iii) Restrooms and locker rooms;
- (iv) Safety bulletin boards;
- (v) Along general access routes.

(c) Signs shall be distinctive in appearance from the surrounding background where they are posted.

(d) Signs shall be maintained in legible condition.

(e) Signs shall include the following information:

(i) The word "WARNING" or "DANGER" at the top of the sign in the largest lettering on the sign;

(ii) The words "Explosives on the mountain";

(iii) A colored pictorial illustration which also provides information on dimensions of each type of explosive device used in the area;

(iv) The sign wording shall conclude with specific instructions to be followed by anyone who locates an unexploded explosive device.

Note: An example dud warning sign is illustrated in Appendix 1.

NEW SECTION

WAC 296-59-115 SKI LIFT FACILITIES AND STRUCTURES. (1) Existing ski lift facilities and structures shall not be required to be retrofitted with standard construction work platforms, walkways, stairs or guardrails on exterior surfaces when such features would add significantly to snow loading considerations. When such standard protective features are omitted, alternative personal protective measures shall be used where possible. Examples include but are not limited to: Safety belt and lanyard, ladder climbing safety devices, temporary work platforms or scaffolds, temporary or removable handrails, guardrails, or walkways.

(2) Snow removal.

(a) During the operating season, standard guardrails which would interfere with snow removal may be omitted in areas where it can be anticipated that frequent snow removal will be necessary to maintain operability of ski lift apparatus. Examples could include but are not limited to the motor house roof or loading and unloading areas.

(b) Personnel barricades, signs, or other devices shall be used to deflect traffic or warn personnel of existing fall hazards.

(3) All ski lift towers installed after the effective date of this standard shall be equipped with permanent ladders or steps which meet the following minimum requirements:

(a) The minimum design live load shall be a single concentrated load of two hundred pounds.

(b) The number and position of additional concentrated live load units of two hundred pounds each as determined from anticipated usage of the ladder shall be considered in the design.

(c) The live loads imposed by persons occupying the ladder shall be considered to be concentrated at such points as will cause the maximum stress in the structural member being considered.

(d) The weight of the ladder and attached appurtenances together with the live load shall be considered in the design of rails and fastenings.

(e) All rungs shall have a minimum diameter of three-fourths inch.

(f) The distance between rungs on steps shall not exceed twelve inches and shall be uniform throughout the ladder length. The top rung shall be located at the level of the landing or equipment served by the ladder.

(g) The minimum clear length of rungs or steps shall be sixteen inches on new installations.

(h) Rungs, cleats, and steps shall be free of sharp edges, burrs, or projections which may be a hazard.

(i) The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end. (A suggested design is shown in Figure D-1, at the end of this section.)

(j) Side rails which might be used as a climbing aid shall be of such cross sections as to afford adequate gripping surface without sharp edges or burrs.

(k) Fastenings. Fastenings shall be an integral part of fixed ladder design.

(l) All splices made by whatever means shall meet design requirements as noted in (a) of this subsection. All splices and connections shall have smooth transition with original members and with no sharp or extensive projections.

(m) Adequate means shall be employed to protect dissimilar metals from electrolytic action when such metals are joined.

(n) Welding. All welding shall be in accordance with the "Code for Welding in Building Construction" (AWS D1.0-1966).

(o) Protection from deterioration. Metal ladders and appurtenances shall be painted or otherwise treated to resist corrosion and rusting when location demands.

(4) Installation and clearance.

(a) Pitch.

(i) The preferred pitch of fixed ladders is between the range of seventy-five degrees and ninety degrees with the horizontal (Figure D-4).

(ii) Substandard pitch. Fixed ladders shall be considered as substandard if they are installed within the substandard pitch range of forty-five and seventy-five degrees with the horizontal. Substandard fixed ladders are permitted only where it is found necessary to meet conditions of installation. This substandard pitch range is considered as a critical range to be avoided, if possible.

(iii) Pitch greater than ninety degrees. Ladders having a pitch in excess of ninety degrees with the horizontal are prohibited.

(b) Clearances.

(i) The perpendicular distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be thirty-six inches for a pitch of seventy-six degrees, and thirty inches for a pitch of ninety degrees (Figure D-2), with minimum clearances for intermediate pitches varying between these two limits in proportion to the slope.

(ii) A clear width of at least fifteen inches shall be provided each way from the centerline of the ladder in the climbing space.

(iii) The side rails of through or side-step ladder extensions shall extend three and one-half feet above parapets and landings.

(A) For through ladder extensions, the rungs shall be omitted from the extension and shall have not less than eighteen nor more than twenty-four inches clearance between rails.

(B) For side-step or offset fixed ladder sections, at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the three and one-half feet minimum.

(iv) Grab bars shall be spaced by a continuation of the rung spacing when they are located in the horizontal position. Vertical grab bars shall have the same spacing as the ladder side rails. Grab bar diameters shall be the equivalent of the round-rung diameters.

(v) Clearance in back of ladder. The distance from the centerline of rungs, cleats, or steps to the nearest permanent object in back of the ladder shall be not less than seven inches, except that when unavoidable obstructions are encountered, minimum clearances as shown in Figure D-3 shall be provided.

(vi) Clearance in back of grab bar. The distance from the centerline of the grab bar to the nearest permanent object in back of the grab bars shall be not less than four inches. Grab bars shall not protrude on the climbing side beyond the rungs of the ladder which they serve.

(c) The step-across distance from the nearest edge of a ladder to the nearest edge of the equipment or structure shall be not more than twelve inches, or less than two and one-half inches. However, the step-across distance may be as much as twenty inches provided:

(i) The climber is wearing a safety belt and lanyard; and

(ii) The lanyard is attached to the tower structure before the climber steps off the ladder.

(5) Ski lift towers are not required to be equipped with ladder cages, platforms or landings.

(6) Maintenance and use.

(a) All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure.

(b) When ascending or descending, the climber must face the ladder.

(c) Personnel shall not ascend or descend ladders while carrying tools or materials which could interfere with the free use of both hands.

(7) Personnel shall be provided with and shall use ladder safety devices or safety belt and lanyard whenever feasible.

(8) Personnel shall not place mobile equipment or personal equipment such as skis, ski poles, or large tools within the falling radius of the lift tower while climbing or working on the lift tower.

(9) Ski lift towers and terminals are not required to be equipped with sheave guards on the haulrope wheels.

(10) Ski lift towers are not required to be equipped with work platforms.

(11) Personnel shall use personal protective equipment such as a safety belt and lanyard when working at unprotected elevated locations. Exception to this requirement shall only be permitted for emergency rescue or emergency inspection if a safety belt and lanyard is not immediately available. Required personal protective equipment shall be made available as quickly as possible.

(12) When fixed ladders on towers do not reach all the way down to the ground or snow level, a specifically designed and constructed portable ladder shall be used for access to and from the fixed ladder. Portable ladders shall be constructed and maintained to the following requirements:

(a) The portable ladder shall be constructed in accordance with applicable provisions of subsection (3) of this section.

(b) The portable ladder shall be constructed with a minimum of two attachment hooks near the top to be utilized for securing the portable ladder onto the fixed ladder.

(c) The attachment hooks shall be installed to support the portable ladder near the fixed ladder siderails.

(d) Rungs or steps on the portable ladder shall be spaced to be identical with rungs or steps on the fixed ladder when the portable ladder is attached for use. The design criteria shall be to achieve a horizontal plane relationship on the top (walking surface) portion of both steps when overlapping is necessary.

(e) The portable ladder shall be equipped with a hold-out device near the bottom to assure clearance behind the steps as required by subsection (4)(b)(v) of this section.

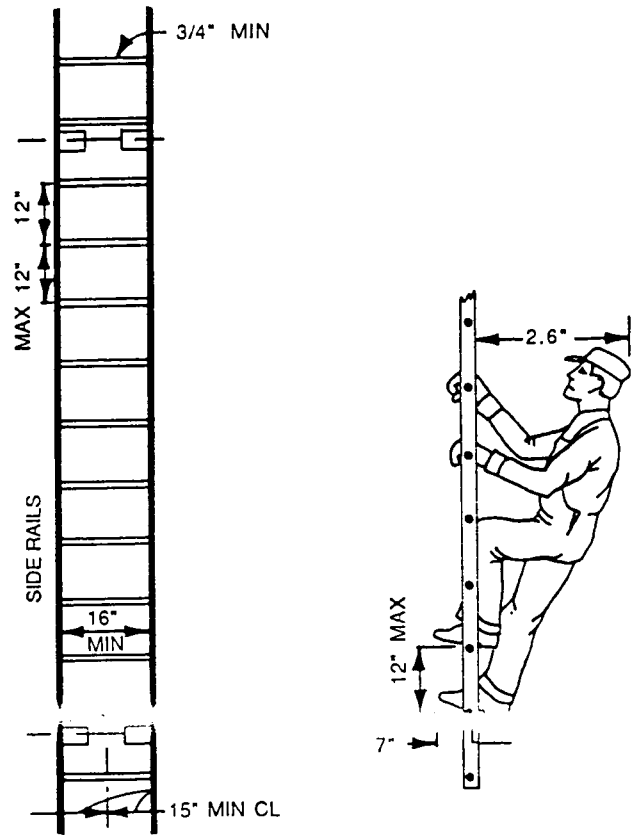


FIGURE D-2
Minimum Ladder Clearance

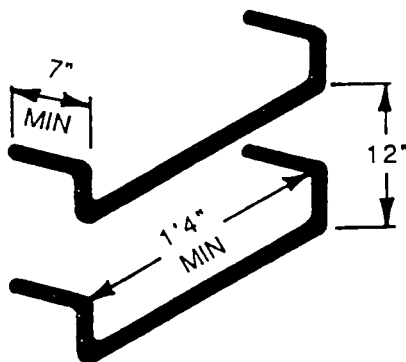


FIGURE D-1

NEW SECTION

WAC 296-59-120 SKI LIFT OPERATIONS. (1) Operators.

(a) Only trained and qualified lift operators shall be permitted to operate any lift while it is carrying passengers.

(b) Management designated trainees shall only be permitted to operate a lift while under the direct supervision of a qualified operator or trainer.

(c) Initial training of operators shall be accomplished when the lift is not carrying passengers.

(d) Operator training shall include:

- (i) Standard and emergency start-up procedures;
- (ii) Standard and emergency stopping procedures;
- (iii) Lockout procedures;
- (iv) Corrective actions for operating malfunctions;
- (v) Specific instructions on who to contact for different kinds of rescue emergencies;

(vi) Specific instructions on standard operating procedures with respect to the hazard of loading or unloading passengers proximate to the moving lift chairs.

(2) Operators and helpers shall prepare and maintain the loading and unloading work stations in a leveled condition and, to the extent possible, free from slipping hazards caused by ice, ruts, excessive snow accumulation, tools, etc.

(3) Daily start-up procedure.

(a) Loading station operators shall test all operating controls and stopping controls before permitting any personnel or passengers to load on the lift.

(b) The lift must travel a distance of two times the longest tower span before any employee can load on a chair to go to the remote station.

(c) A qualified operator shall be the first passenger on each lift each day.

Exception: The avalanche control team and the emergency rescue team may use any operable lift at anytime for that work. They may use lifts without a remote operator provided that direct communications are maintained to the operator and the operator has successfully completed normal daily safety and operating control checks at the operating station in use.

(d) Enroute to the remote station, the remote operator shall visually inspect each tower as the chair or gondola proceeds to the remote station.

(e) The remote operator shall stop the system when he/she has reached the remote control station. The operator shall then conduct the daily safety and operating control checks on the remote station.

(f) The remote operator shall ensure that the unloading area is groomed to adequately accommodate normal unloading.

(g) When all controls are checked and functioning correctly and the unloading area is prepared, the remote operator shall communicate to the operator that the system can be placed in normal operation.

(4) Operators shall report to their work station wearing adequate clothing for inclement weather which may be encountered. This requirement shall include reasonably water resistant footwear which shall have a slip resistant sole tread.

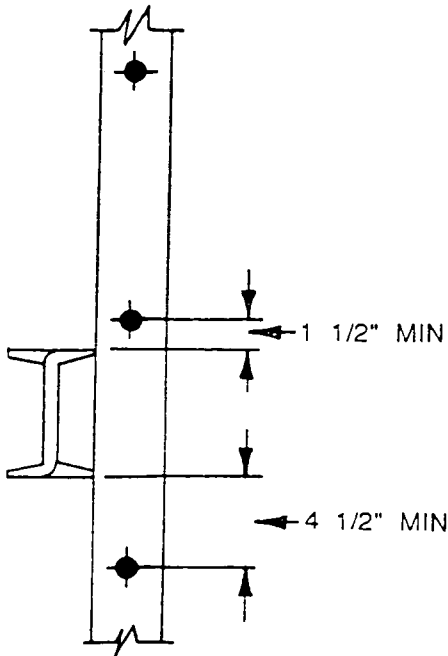


FIGURE D-3

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder.

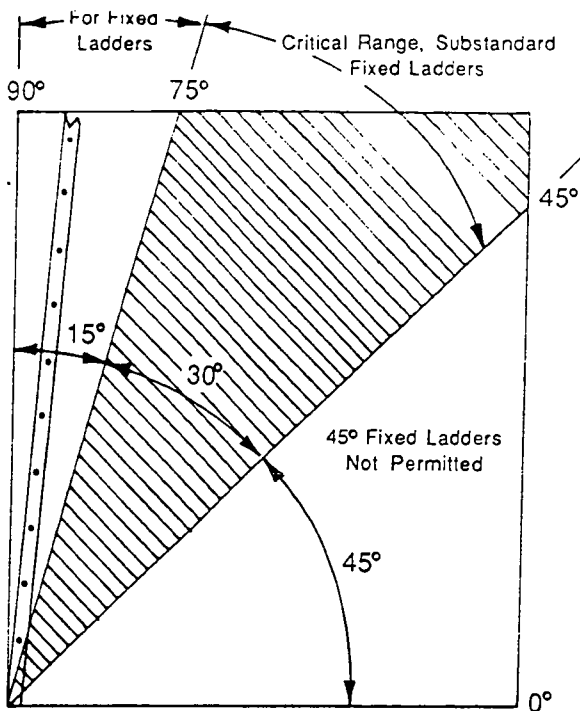


FIGURE D-4
Fixed Ladder Range

(5) While the lift is in operation and carrying passengers, operators shall not permit any activity in the loading/unloading areas which could distract their attention from the principle duty of safely loading or unloading passengers.

(6) Means of communication shall be maintained between the top operator and bottom operator stations.

NEW SECTION

WAC 296-59-125 SKI LIFT AERIAL WORK PLATFORMS. (1) Construction and loading.

(a) All aerial work platforms shall be constructed to sustain the permissible loading with a safety factor of four. The load permitted shall be calculated to include:

(i) The weight of the platform and all suspension components;

(ii) The weight of each permitted occupant calculated at two hundred fifty pounds per person including limited handtools;

(iii) The weight of any additional heavy tools, equipment, or supplies for tasks commonly accomplished from the work platform.

(b) The floor of the platform shall not have openings larger than two inches in the greatest dimension.

(c) The platform shall be equipped with toeboards at least four inches high on all sides.

(d) Guardrails.

(i) The platform shall be equipped with standard height and strength guardrails where such guardrails will pass through the configuration of all lifts on which it is intended to be used.

(ii) Where guardrails must be less than thirty-six inches high in order to clear carriages, guideage, etc., guardrails shall be as high as will clear the obstructions but never less than twelve inches high.

(iii) If the work platform is equipped with an upper work level, the upper level platform shall be equipped with a toeboard at least four inches high.

(iv) Each platform shall be equipped with a lanyard attachment ring for each permissible occupant to attach a safety belt lanyard.

(v) Each lanyard attachment ring shall be of such strength as to sustain five thousand four hundred pounds of static loading for each occupant permitted to be attached to a specific ring.

(vi) Attachment rings shall be permanently located as close to the center balance point of the platform as is practical.

(vii) The rings may be movable, for instance, up and down a central suspension rod, but shall not be completely removable.

(e) Platform attachment.

(i) The platform shall be suspended by either a standard wire rope four part bridle or by solid metal rods, bars, or pipe.

(ii) The attachment means chosen shall be of a type which will prevent accidental displacement.

(iii) The attachment means shall be adjusted so that the platform rides level when empty.

(f) Maintenance.

(i) Every aerial work platform shall be subjected to a complete annual inspection by qualified personnel.

(ii) The inspection shall include all structural members, welding, bolted or treaded fittings, and the suspension components.

(iii) Any defect noted shall be repaired before the platform is placed back in service.

(iv) A written record shall be kept for each annual inspection. The record shall include:

(A) The inspector identification;

(B) All defects found;

(C) The identity of repair personnel;

(D) Identity of the post-repair inspector who accepted the platform for use.

(g) The platform shall be clearly identified as to the number of permissible passengers and the weight limit of additional cargo permitted.

(i) Signs shall be applied on the outside of each side panel.

(ii) Signs shall be maintained in clearly legible condition.

(h) Unless the side guardrail assembly is at least thirty-six inches high on all sides, signs shall be placed on the inside floor or walls to clearly inform all passengers that they must use a safety belt and lanyard at all times when using the platform.

(2) Work platform use.

(a) Platforms shall be attached to the haulrope with an attachment means which develops a four to one strength factor for the combined weight of the platform and all permissible loading.

(b) The haulrope attachment means shall be designed to prevent accidental displacement.

(c) Trained and competent personnel shall attach and inspect the platform before each use.

(d) Passengers shall be provided with and shall use the correct safety harness and lanyard for the intended work.

(e) Any time a passenger's position is not protected by a standard guardrail at least thirty-six inches high, the individual shall be protected by a short lanyard which will not permit free-fall over the platform edge.

(f) When personnel are passengers on a work platform and their work position requires the use of a safety harness and lanyard, the lanyard shall be attached to the work platform, not to the haulrope or tower.

(g) Work platform passengers shall face in the direction of travel when the lift is moving.

(h) Tools, equipment and supplies shall be loaded on the platform in such a fashion that the loaded platform can safely pass all towers and appurtenances.

(i) Heavy tools, equipment or supplies shall be secured in place if they could fall over or roll within the platform and create a hazard for passengers.

(j) When the work crew is traveling on the work platform, the lift shall be operated at a speed which is safe for that particular system and the conditions present.

Note: See Appendix 2 for operating procedure requirements.

NEW SECTION

WAC 296-59-130 SKI LIFT MACHINERY GUARDING. (1) Moving machine parts that are located within normal reach shall be fitted with safety guards

in compliance with WAC 296-24-150 through 296-24-20533, Machinery and machine guarding.

(a) The coupling apparatus for the ski lift emergency drive may be provided with a removable or swing guard.

(b) When removable or swing guards are used, the guard and mounting means shall be so designed and constructed as to sustain a two hundred fifty pound weight loading without displacement.

(2) All guards shall be maintained in good condition and shall be secured in place when the equipment is in operation except for inspection and adjustment purposes.

(3) The drive machinery and primary control apparatus shall be installed in a facility which can prevent access by unauthorized personnel. The access door shall have a sign which states that entry is restricted to authorized personnel.

AMENDATORY SECTION (Amending Order 84-22, filed 10/30/84)

WAC 296-62-054 HAZARD COMMUNICATION PURPOSE. (1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported (~~by chemical manufacturers or importers~~) are evaluated, and that information concerning their hazards is transmitted to (~~affected~~) employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.

(2) This occupational safety and health standard is intended to address comprehensively the issue of evaluating (~~and communicating chemical hazards to employees~~) the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees. Evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, but is not limited to, provisions for: Developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of material safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-05403 SCOPE AND APPLICATION. (1) This ((part)) section 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(~~(:))~~ which includes; labels and other forms of warning, material safety data sheets, and information and training. In addition, this

((part)) section requires distributors to transmit the required information to employers.

(2) This ((part)) section 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 ((part)) section 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,

(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 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))~~ In work operations where employees only handle

chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this section applies to these operations only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and

(c) Employers shall ensure that employees are provided with information and training in accordance with WAC 296-62-05415 to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(5) This ((part)) section 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, or medical or veterinary device, 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 ((part)) section 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;

(e) Food, drugs, cosmetics, or alcoholic beverages in a retail establishment which are packaged for sale to consumers;

(f) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace;

~~((ff))~~ (g) 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))~~ (h) 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~~((:)); and~~

~~((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.~~

~~(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.)~~

(i) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (i.e., tablets or pills.)

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-05405 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Article ~~((=))~~ means 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 ~~((=))~~ means any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer ~~((=))~~ means an employer with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name ~~((=))~~ means 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 ~~((=))~~ means 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 ((=)) means 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 means:

(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 ((=)) means 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 ((=)) means 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 ((=)) means the director of the department of labor and industries or his/her designee.

(11) Distributor ((=)) means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to ((purchasers)) employers.

(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)) section, 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 ((=)) means 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 ((=)) means that an employee ((that)) is was 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 ((=)) means 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 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 ((=)) means 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)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified ((above)) in (a), (b), or (c) of this subsection.

(18) Foreseeable emergency ((=)) means 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 ((=)) means any chemical which is a physical hazard or a health hazard.

(20) Hazard warning ((=)) means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazard(s) of the chemical(s) in the container(s).

(21) Health hazard ((=)) means 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 ((=)) means 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 ((=)) means 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 ((=)) means 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 ((=)) means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(26) Material safety data sheet (MSDS) ((=)) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(27) Mixture ((=)) means 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 ((=)) means an organic compound that contains the bivalent-0-0-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 ((=)) means a chemical other than a blasting agent or explosive as defined in WAC ((296-52-030)) 296-52-417, 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 ((=)) means 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 ((=)) means to manufacture, process, formulate, or repackage.

(32) Purchaser ((=)) means an employer with a workplace who purchases a hazardous chemical for use within that workplace.

(33) Pyrophoric ((=)) means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(34) Responsible party ((=)) means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(35) Specific chemical identity ((=)) means 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 ((=)) means 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, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.

(37) Unstable (reactive) ((=)) means 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 ((=)) means to package, handle, react, or transfer.

(39) Water-reactive ((=)) means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(40) Work area ((=)) means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(41) Workplace ((=)) means an establishment at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05407 HAZARD DETERMINATION. (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning ((such)) physical and health hazards. For health hazards, evidence which is statistically significant and which is based on at least

one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definition(s) of health hazard(s) in this section. WAC 296-62-05421, Appendix A, shall be consulted for the scope of health hazards covered, and WAC 296-62-05423, Appendix B, shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(a) Chapter 296-62 WAC, ~~((General))~~ Occupational health standards—Safety standards for carcinogens; or,

(b) Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

Note: The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with the requirements of the standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(a) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(b) International Agency for Research on Cancer (IARC) Monographs (latest editions); or

(c) Chapter 296-62 WAC, ~~((General))~~ Occupational health standards—Safety standards for carcinogens — Part F—Carcinogens.

Note: The Registry of Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemicals as follows:

(a) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(b) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under WAC 296-62-05407(4);

(c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and,

(d) If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent)

could be released in concentrations which would exceed an established WISHA permissible exposure limit or ACGIH threshold limit value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the director or his/her designee. The written description may be incorporated into the written hazard communication program required under WAC 296-62-05409.

AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

WAC 296-62-05409 WRITTEN HAZARD COMMUNICATION PROGRAM. (1) Employers shall develop ~~((and))~~, implement, and maintain at the workplace a written hazard communication program for their workplaces which at least describes how the criteria specified in WAC 296-62-05411, 296-62-05413 and 296-62-05415, for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

(a) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas);

(b) The methods the employer will use to inform employees of the hazards of nonroutine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas ~~((; and))~~.

~~((c) The methods the employer will use to inform any contractor employers with employees working at the employer's workplace of the hazardous chemicals their employees may be exposed to while performing their work, and any suggestions for appropriate protective measures.))~~ (2) Multi-employer workplaces. Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on site) shall additionally ensure that the hazard communication programs developed and implemented under this section include the following:

(a) The methods the employer will use to provide the other employer(s) with a copy of the material safety data sheet, or to make it available at a central location in the workplace, for each hazardous chemical the other employer(s)' employees may be exposed to while working;

(b) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and

(c) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

~~((2))~~ (3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this section.

~~((3))~~ (4) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, and the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-62-05411 LABELS AND OTHER FORMS OF WARNING. (1) The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

- (a) Identity of the hazardous chemical(s);
- (b) Appropriate hazard warnings; and
- (c) Name and address of the chemical manufacturer, importer, or other responsible party.

(2) For solid metal (such as a steel beam or a metal casting) that is not exempted as an article due to its downstream use, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes. The label may be transmitted with the initial shipment itself, or with the material safety data sheet that is to be provided prior to or at the time of the first shipment. This exception to requiring labels on every container of hazardous chemicals is only for the solid metal itself and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the metal and to which employees handling the metal may be exposed (for example, cutting fluids or lubricants.)

(3) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (18 U.S.C. 1801 et seq.) and regulations issued under that act by the department of transportation.

~~((3))~~ (4) If the hazardous chemical is regulated by WISHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

~~((4))~~ (5) Except as provided in subsection ~~((5))~~ (6) and ~~((6))~~ (7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

- (a) Identity of the hazardous chemical(s) contained therein; and

(b) Appropriate hazard warnings.

~~((5))~~ (6) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection ~~((4))~~ (5) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

~~((6))~~ (7) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

~~((7))~~ (8) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

~~((8))~~ (9) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

~~((9))~~ (10) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this section if existing labels already convey the required information.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05413 MATERIAL SAFETY DATA SHEETS. (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers shall have a material safety data sheet for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or,

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and,

(B) The chemical and common name(s) of all ingredients which have been determined to be health hazards,

and which comprise less than one percent (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established WISHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees; and,

(C) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The acute and chronic health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and,

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or

employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6) Chemical manufacturers or importers shall ensure that distributors and (~~((purchasers of hazardous chemicals))~~) employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the (~~((purchaser))~~) employer prior to or at the time of the shipment. If the material safety data sheet is not provided with (~~((the))~~) a shipment that has been labeled as a hazardous chemical, the (~~((purchaser))~~) employer shall obtain one from the chemical manufacturer, importer, or distributor as soon as possible.

(7) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and (~~((purchasers of hazardous chemicals))~~) employers. Retail distributors which sell hazardous chemicals to commercial customers shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material safety data sheet is available. Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors which have informed them that the retail distributor does not sell the product to commercial customers or open the sealed container to use it in their own workplaces.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at a central location at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(10) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during

each work shift to employees when they are in their work area(s).

~~((10))~~ (11) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

~~((11))~~ (12) If a purchaser has not received a material safety data sheet within thirty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, Industrial Hygiene Section, P.O. Box 207, Olympia, Washington 98504. Such written request shall include:

- (a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;
- (b) The name of the product suspected of containing a hazardous chemical;
- (c) The identification number of the product if available;
- (d) A copy of the product label if available; and
- (e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05417 TRADE SECRETS. (1) The chemical manufacturer, importer or employer may withhold the specific chemical identity including the chemical name and other specific identification of a hazardous chemical, from the material safety data sheet, provided that:

- (a) The claim that the information withheld is a trade secret can be supported;
- (b) Information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;
- (c) The material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and,
- (d) The specific chemical identity is made available to health professionals, employees, and designated representatives, in accordance with the applicable provisions of this section.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless

of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of subsections (3) and (4) of this section, as soon as circumstances permit.

(3) In nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under subsection (1) of this section, to a health professional (i.e. physician, registered nurse, industrial hygienist, toxicologist, or epidemiologist) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

- (a) The request is in writing;
- (b) The request describes with reasonable detail one or more of the following occupational health needs for the information:
 - (i) To assess the hazards of the chemicals to which employees will be exposed;
 - (ii) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;
 - (iii) To conduct preassignment or periodic medical surveillance of exposed employees;
 - (iv) To provide medical treatment to exposed employees;
 - (v) To select or assess appropriate personal protective equipment for exposed employees;
 - (vi) To design or assess engineering controls or other protective measures for exposed employees; and,
 - (vii) To conduct studies to determine the health effects of exposure.

(c) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information to the health professional, employee, or designated representatives, would not satisfy the purposes described in ~~((subdivision (3)))~~(b) of this ~~((section))~~ subsection:

- (i) The properties and effects of the chemical;
 - (ii) Measures for controlling workers' exposure to the chemical;
 - (iii) Methods of monitoring and analyzing worker exposure to the chemical; and,
 - (iv) Methods of diagnosing and treating harmful exposures to the chemical;
- (d) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and,

(e) The health professional, and the employer or contractor of the services of the health professional (i.e., downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a written confidentiality agreement that the health professional employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to the department, as provided in subsection (6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

(4) The confidentiality agreement authorized by ~~((subdivision (3)(d)))~~ subsection (3)(e) of this section:

(a) May restrict the use of the information to the health purposes indicated in the written statement of need;

(b) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable preestimate of likely damages; and,

(c) May not include requirements for the posting of a penalty bond.

(5) Nothing in this ~~((standard))~~ section is meant to preclude the parties from pursuing noncontractual remedies to the extent permitted by law.

(6) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to the department, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional, employee, or designated representative prior to, or at the same time as, such disclosure.

(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(a) Be provided to the health professional, employee, or designated representative, within thirty days of the request;

(b) Be in writing;

(c) Include evidence to support the claim that the specific chemical identity is a trade secret;

(d) State the specific reasons why the request is being denied; and,

(e) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

(8) The health professional, employee, or designated representative, whose request for information is denied under subsection (3) of this section may refer the request and the written denial of the request to the department for consideration.

(9) When a health professional, employee, or designated representative refers the denial to the department under subsection (8) of this section, the director or his/her designee shall consider the evidence to determine if:

(a) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity is a trade secret;

(b) The health professional, employee, or designated representative, has supported the claim that there is a medical or occupational health need for the information; and,

(c) The health professional, employee, or designated representative, has demonstrated adequate means to protect the confidentiality.

(10)~~((a))~~ If the director or his/her designee determines that the specific chemical identity requested under subsection (3) of this section is not a bona fide trade secret, or that it is a trade secret but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect

the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by the department.

~~((b))~~ (11) If a chemical manufacturer, importer, or employer demonstrates to the department that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the director or his/her designee may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

~~((t))~~ (12) If, following the issuance of a citation and any protective orders, the chemical manufacturer, importer, or employer continues to withhold the information, further action may be taken by the department in accordance with chapter 49.17 RCW.

~~((t2))~~ (13) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the director or his/her designee any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the director or his/her designee so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

~~((t3))~~ (14) Nothing in this section shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is trade secret.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-62-05421 APPENDIX A—HEALTH HAZARD DEFINITIONS (MANDATORY). Although safety hazards related to the physical characteristics of a chemical can be objectively defined in terms of testing requirements (e.g., flammability), health hazard definitions are less precise and more subjective. Health hazards may cause measurable changes in the body—such as decreased pulmonary function. These changes are generally indicated by the occurrence of signs and symptoms in the exposed employees—such as shortness of breath, a nonmeasurable, subjective feeling. Employees exposed to such hazards must be apprised of both the change in body function and the signs and symptoms that may occur to signal that change.

The determination of occupational health hazards is complicated by the fact that many of the effects or signs and symptoms occur commonly in nonoccupationally exposed populations, so that effects of exposure are difficult to separate from normally occurring illnesses. Occasionally, a substance causes an effect that is rarely seen in the population at large, such as angiosarcomas caused by vinyl chloride exposure, thus making it easier to ascertain that the occupational exposure was the primary causative factor. More often, however, the effects are

common, such as lung cancer. The situation is further complicated by the fact that most chemicals have not been adequately tested to determine their health hazard potential, and data do not exist to substantiate these effects.

There have been many attempts to categorize effects and to define them in various ways. Generally, the terms "acute" and "chronic" are used to delineate between effects on the basis of severity or duration. "Acute" effects usually occur rapidly as a result of short-term exposures, and are of short duration. "Chronic" effects generally occur as a result of long-term exposure, and are of long duration.

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-1982) — irritation, corrosivity, sensitization and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects which may occur as a result of occupational exposure, such as, for example, narcosis.

Similarly, the term chronic effect is often used to cover only carcinogenicity, teratogenicity, and mutagenicity. These effects are obviously a concern in the workplace, but again, do not adequately cover the area of chronic effects, excluding, for example, blood dyscrasias (such as anemia), chronic bronchitis and liver atrophy.

The goal of defining precisely, in measurable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them.

Appendix B, which is also mandatory, outlines the principles and procedures of hazard assessment.

For purposes of this section, health hazards include but are not limited to any chemicals which meet any of the following definitions, as determined by the criteria set forth in Appendix B (~~are health hazards~~):

(1) Carcinogen. A chemical is considered to be a carcinogen if:

(a) It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or

(b) It is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or,

(c) It is regulated by WISHA as a carcinogen.

(2) Corrosive. A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. For example, a chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described by the U.S. Department of Transportation in Appendix A to 49 CFR Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

(3) Highly toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD_{50}) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD_{50}) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC_{50}) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(4) Irritant. A chemical, which is not corrosive, but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A chemical is a skin irritant if, when tested on the intact skin of albino rabbits by the methods of 16 CFR 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques.

(5) Sensitizer. A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

(6) Toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD_{50}) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD_{50}) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC_{50}) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(7) Target organ effects. The following is a target organ categorization of effects which may occur, including examples of signs and symptoms and chemicals which have been found to cause such effects. These examples are presented to illustrate the range and diversity of effects and hazards found in the workplace, and the broad scope employers must consider in this area, but are not intended to be all-inclusive.

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|--|---|
| (a) Hepatotoxins: | Chemicals which produce liver damage. |
| Signs & symptoms: | Jaundice, liver enlargement |
| Chemicals: | Carbon tetrachloride, nitrosamines. |
| (b) Nephrotoxins: | Chemicals which produce kidney damage. |
| Signs & symptoms: | Edema; proteinuria |
| Chemicals: | Halogenated hydrocarbons; uranium. |
| (c) Neurotoxins: | Chemicals which produce their primary toxic effects on the nervous system. |
| Signs & symptoms: | Narcosis; behavioral changes; decrease in motor functions. |
| Chemicals: | Mercury, carbon disulfide. |
| (d) Agents which act on the blood or hematopoietic system: | Decrease hemoglobin function; deprive the body tissues of oxygen. |
| Signs & symptoms: | Cyanosis; loss of consciousness |
| Chemicals: | Carbon monoxide; cyanides. |
| (e) Agents which damage the lung: | Chemicals which irritate or damage the pulmonary tissue. |
| Signs & symptoms: | Cough; tightness in chest; shortness of breath. |
| Chemicals: | Silica; asbestos. |
| (f) Reproductive toxins: | Chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis). |
| Signs & symptoms: | Birth defects; sterility |
| Chemicals: | Lead; DBCP. |
| (g) Cutaneous hazards: | Chemicals which affect the dermal layer of the body. |
| Signs & symptoms: | Defatting of the skin; rashes; irritation |
| Chemicals: | Ketones; chlorinated compounds. |
| (h) Eye hazards: | Chemicals which affect the eye or visual capacity. |
| Signs & symptoms: | Conjunctivitis; corneal damage. |
| Chemicals: | Organic solvents; acids. |

AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

WAC 296-62-05423 APPENDIX B—HAZARD DETERMINATION (MANDATORY). The quality of a hazard communication program is largely dependent upon the adequacy and accuracy of the hazard determination. The hazard determination requirement of this standard is performance-oriented. Chemical manufacturers, importers, and employers evaluating chemicals are not required to follow any specific methods for determining hazards, but they must be able to demonstrate that they have adequately ascertained the hazards of the chemicals produced or imported in accordance with the criteria set forth in this appendix.

Hazard evaluation is a process which relies heavily on the professional judgment of the evaluator, particularly in the area of chronic hazards. The performance-orientation of the hazard determination does not diminish the

duty of the chemical manufacturer, importer or employer to conduct a thorough evaluation, examining all relevant data and producing a scientifically defensible evaluation. For purposes of this standard, the following criteria shall be used in making hazard determinations that meet the requirements of this standard.

(1) Carcinogenicity. As described in ((paragraph (d)(4))) WAC 296-62-05407(4) and Appendix A of this section, a determination by the National Toxicology Program, the International Agency for Research on Cancer, or WISHA that a chemical is a carcinogen or potential carcinogen will be considered conclusive evidence for purposes of this section.

(2) Human data. Where available, epidemiological studies and case reports of adverse health effects shall be considered in the evaluation.

(3) Animal data. Human evidence of health effects in exposed populations is generally not available for the majority of chemicals produced or used in the workplace. Therefore, the available results of toxicological testing in animal populations shall be used to predict the health effects that may be experienced by exposed workers. In particular, the definitions of certain acute hazards refer to specific animal testing results (see Appendix A).

(4) Adequacy and reporting of data. The results of any studies which are designed and conducted according to established scientific principles, and which report statistically significant conclusions regarding the health effects of a chemical, shall be a sufficient basis for a hazard determination and reported on any material safety data sheet.

The chemical manufacturer, importer, or employer may also report the results of other scientifically valid studies which tend to refute the findings of hazard.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05425 APPENDIX C—INFORMATION SOURCES (ADVISORY). The following is a list of available data sources which the chemical manufacturer, importer, or employer may wish to consult to evaluate the hazards of chemicals they produce or import:

(1) Any information in their own company files such as toxicity testing results or illness experience of company employees.

(2) Any information obtained from the supplier of the chemical, such as material safety data sheets or product safety bulletins.

(3) Any pertinent information obtained from the following source list (latest editions should be used):

Condensed Chemical Dictionary

Van Nostrand Reinhold Co.

135 West 50th Street

New York, NY 10020

The Merck Index: An Encyclopedia of Chemicals and Drugs

Merck and Company, Inc.

126 E. Lincoln Avenue

Rahway, NJ 07065

IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man

Geneva: World Health Organization
International Agency for Research on Cancer, 1972-1977
Present (Multivolume work) Summaries are available in supplemental volumes.

49 Sheridan Street
Albany, New York

Industrial Hygiene and Toxicology, by F.A. Patty

John Wiley & Sons, Inc.
New York, NY
(Five volumes)

Clinical Toxicology of Commercial Products

Gleason, Gosselin and Hodge

Casarett and Doull's Toxicology; The Basic Science of Poisons

Doull, Klaassen, and Amdur
Macmillan Publishing Co., Inc.
New York, NY

Industrial Toxicology, by Alice Hamilton and Harriet L. Hardy

Publishing Sciences Group, Inc.
Acton, MA

Toxicology of the Eye, by W. Morton Grant

Charles C. Thomas
301-327 East Lawrence Avenue
Springfield, IL

Recognition of Health Hazards in Industry

William A. Burgess
John Wiley and Sons
605 Third Avenue
New York, NY 10158

Chemical Hazards of the Workplace

Nick H. Proctor and James P. Hughes
J.P. Lipincott Company
6 Winchester Terrace
New York, NY 10022

Handbook of Chemistry and Physics

Chemical Rubber Company
18901 Cranwood Parkway
Cleveland, OH 44128

Threshold Limit Values for Chemical Substances and Physical Agents in the ((Workroom)) Work Environment and Biological Exposure Indices with Intended Changes

American Conference of Governmental Industrial Hygienists
6500 Glenway Avenue, Bldg. D-5
Cincinnati, OH 45211

Note: Information on the physical hazards of chemicals may be found in publication's of the National Fire Protection Association, Boston, MA.

National Toxicology Program (NTP) Annual Report on Carcinogens (Latest Edition)

National Technical Information Service (NTIS)
5285 Port Royal Road
Springfield, VA 22101

Note: The following documents ((are on sale by)) may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Occupational Health Guidelines

NIOSH/OSHA (NIOSH Pub. No. 81-123)

NIOSH((/OSHA)) Pocket Guide to Chemical Hazards

NIOSH Pub. NO. ((78-210)) 85-14

Registry of Toxic Effects of Chemical Substances

((U.S. Department of Health and Human Services
Public Health Service
Center for Disease Control
National Institute for Occupational Safety and Health))
(((NIOSH Pub. No. 80-102((

The Industrial Environment - Its Evaluation and Control

U.S. Department of Health and Human Services

Public Health Service

Center for Disease Control

National Institute for Occupational Safety and Health
(NIOSH Pub. No. 74-117))

Miscellaneous Documents ((=)) published by the National Institute for Occupational Safety and Health

- (1) Criteria ((for a recommended standard... Occupational Exposure to "_____") documents
- (2) Special Hazard Reviews
- (3) Occupational Hazard Assessment
- (4) Current Intelligence Bulletins
- (5) WISHA's Occupational Health standards—Safety standards for carcinogens, chapter 296-62 WAC - Part F—Carcinogens.

BIBLIOGRAPHIC DATA BASES

((Service Provider _____ File Name

Bibliographic Retrieval Services (BRS) Corporation Park, Bldg. 702	AGRICOLA
Scotia, New York 12302	BIOSIS PREVIEWS
	CA CONDENSATES
	CA SEARCH
	DRUG INFORMATION
	MEDLARS
	MEDOC
	NTIS
	POLLUTION ABSTRACTS
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National Library of Medicine Department of Health and Human Services Public Health Service National Institutes of Health (Bethesda, MD 20209))	Toxicology Data Bank (TDB) MEDLINE TOXLINE CANCERLIT RTECS

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<u>National Library of Medicine, Department of Health and Human Services, Public Health Service, National Institutes of Health, Bethesda, MD 20209.</u>	<u>Hazardous Substances Data Bank (NSDB) Medline Files Toxline Files Cancerlit RTECS Chemline</u>
<u>Pergamon International Information Corp., 1340 Old Chain Bridge, Rd., McLean, VA 22101.</u>	<u>Laboratory Hazard Bulletin</u>
<u>Questel, Inc., 1625 Eye Street, NW, Suite 818, Washington, DC 20006.</u>	<u>CIS/ILO Cancernet</u>
<u>Chemical Information System ICI (ICIS), Bureau of National Affairs, 1133 15th Street, NW, Suite 300, Washington, DC 20005.</u>	<u>Structure and Nomenclature Search System (SANSS) Acute Toxicity (RTECS) Clinical Toxicology of Commercial Products Oil and Hazardous Materials Technical Assistance Data System CCRIS CESARS</u>

<u>Service Provider</u>	<u>File Name</u>
<u>Occupational Health Services, 400 Plaza Drive, Secaucus, NJ 07094.</u>	<u>MSDS Hazardline</u>

AMENDATORY SECTION (Amending Order 81-19, filed 7/27/81)

WAC 296-62-07113 SELECTION OF RESPIRATORS. (1) General considerations. Proper selection of respirators shall be made in accordance with the classification, capabilities, and limitations listed in tables I through IV of this section. Additional guidance may be obtained by referring to American National Standard Practices for Respiratory Protection Z88.2 - 1980.

(2) Respirator protection factor (PF). Respirators shall be selected according to the characteristics of the hazards involved, the capabilities and limitations of the respirators, and the ability of each respirator wearer to obtain a satisfactory fit with a respirator. Taking into account the capabilities and limitations of respirators and the results of respirator-fitting tests, a table of respirator protection factors has been prepared (see table V). A respirator protection factor is a measure of the degree of protection provided by a respirator to a wearer. Multiplying either ((+)) (a) the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or ((-)) (b) the maximum permissible airborne concentration for a radionuclide by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance in which the respirator can be used. Limitations of filters, cartridges, and canisters also shall be considered (see table V).

(3) Respirator-fitting tests. A qualitative or quantitative respirator-fitting test shall be used to determine the ability of each individual respirator wearer to obtain a satisfactory fit with a negative-pressure respirator. The results of qualitative or quantitative respirator fitting-tests shall be used to select specific types, makes, and models of negative-pressure respirators for use by individual respirator wearers. A respirator-fitting test shall be carried out for each wearer of a negative-pressure respirator equipped with a facepiece. Respirator-fitting tests shall not be required for positive-pressure respirators or for mouthpiece respirators.

(a) Qualitative respirator-fitting test - A person wearing a respirator is exposed to an irritant smoke, an odorous vapor, or other suitable test agent. An air-purifying respirator must be equipped with an air-purifying element(s) which effectively removes the test agent from inspired air. If the respirator wearer is unable to detect penetration of the test agent into the respirator, the respirator wearer has achieved a satisfactory fit with the respirator.

(b) Quantitative respirator-fitting test - A person wears a respirator in a test atmosphere containing a test agent in the form of an aerosol, vapor, or gas. Instrumentation, which samples the test atmosphere and the air inside the respiratory-inlet covering of the respirator,

is used to measure quantitatively the penetration of the test agent into the respiratory-inlet covering.

(c) When carrying out a qualitative or quantitative respirator-fitting test, the respirator wearer shall carry out a series of exercises which simulate work movements.

(d) When carrying out respirator-fitting tests, it shall be an acceptable procedure to make the following modifications to respirators provided that such modifications do not affect the seal of the respirators to wearers.

(i) When carrying out a qualitative or quantitative respirator-fitting test which uses an aerosol as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with a high-efficiency filter.

(ii) When carrying out a qualitative or quantitative respirator-fitting test which uses a vapor or gas as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with an appropriate cartridge or canister which removes the vapor or gas from air.

(iii) When carrying out a quantitative respirator-fitting test, it shall be acceptable procedure to attach a sampling probe to the respirator which is connected by flexible tubing to an instrument which measures the penetration of the test agent into the respirator.

(e) If a qualitative respirator-fitting test has been used in respirator selection, a person shall be allowed to use only the specific make(s) and model(s) of respirator(s) for which the person obtained a satisfactory fit, and the respirator protection factor listed under "qualitative test" in table V shall apply. Under no circumstances shall a person be allowed to use any respirator for which the results of the qualitative respirator fitting test indicate that the person is unable to obtain a satisfactory fit.

(f) If a quantitative respirator-fitting test has been used in selecting a respirator, the test results shall be used to assign a respirator protection factor to each person for each specific make and model of respirator tested. The assigned respirator protection factor shall be applied when the person wears the specific respirator in a hazardous atmosphere, but it shall not exceed the respirator protection factor listed under "quantitative test" in table V for the particular type of respirator.

(4) Respirator-fitting test records. Records of respirator-fitting tests shall be kept for at least the duration of employment. These records shall include the following information:

- (a) Type of respirator-fitting test used;
- (b) Specific make and model of respirator tested;
- (c) Name of person tested;
- (d) Name of test operator;
- (e) Date of test;
- (f) Results of respirator-fitting tests;
- (i) Success or failure of person to obtain satisfactory fit if a qualitative respirator-fitting test was carried out.
- (ii) Respirator protection factor based upon test results if a quantitative respirator-fitting test was carried out.

(5) Face dimensions and facepiece sizes. The wide range of face dimensions may require more than a single size of respirator facepiece to provide a proper fit to all respirator users. Therefore, respirator facepieces of more

than one size should be available in any respirator-selection program involving respirators equipped with facepieces.

((TABLE 1

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

~~[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "Oxygen Deficiency" which is now "Part 1," (2) "Gas and Vapor Contaminants" which is now "Part 2," (3) "Particulate Contaminants (Dust, fog, fume, mist, smoke, and spray)" which is now "Part 3," and "Part 4" is "Combinations of Gas, Vapor, and Particulate Contaminants" and is a combination of the columns in "Part 2," and "Part 3." These columns were all positioned side by side. In the new WAC format these are split up into four separate tables.]~~

TABLE 1—PART 1

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

oxygen deficiency

~~Minimum legal requirements: 18.0% by volume for respirable air at sea-level conditions. (See Note 1.)~~

~~Occurrence: Confined or unventilated cellars, wells, mines, ship holds, tanks, burning buildings, and enclosures containing inert atmospheres:~~

~~Atmosphere oxygen content (percent by volume) versus expected conditions:~~

~~20.9% Oxygen content of normal air at sea-level conditions:~~

OXYGEN VOLUME PERCENT AT SEA LEVEL	PHYSIOLOGICAL EFFECTS
16% — 12%	Loss of peripheral vision, increased breathing volume, accelerated heart-beat, impaired attention and thinking, impaired coordination.
12% — 10%	Very faulty judgment, very poor muscular coordination, muscular exertion causes fatigue that may cause permanent heart damage, intermittent respiration.
10% — 6%	Nausea, vomiting, inability to perform vigorous movement, unconsciousness followed by death.
Less than 6%	Spasmodic breathing, convulsive movements, death in minutes.

TABLE I—PART 2

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

Gas and Vapor Contaminants

Asphyxiants: Interfere with utilization of oxygen in the body.

Simple asphyxiants: Physiologically inert substances that dilute oxygen in the air (for example: nitrogen, hydrogen, helium, methane). See Oxygen Deficiency, Column 1.

Chemical asphyxiants: Low concentrations interfere with supply or utilization of oxygen in the body (for example: Carbon monoxide, hydrogen cyanide, cyanogen, and nitrites).

Irritants: Corrosive in action. May cause irritation and inflammation of parts of the respiratory system (also skin and eyes) and pulmonary edema (for example: Ammonia hydrogen chloride, formaldehyde, sulfur dioxide, chlorine, ozone, nitrogen dioxide, phosgene, and arsenic trichloride).

Anesthetics: Cause loss of feeling and sensation with unconsciousness and death possible (for example: Nitrous oxide hydrocarbons, and ethers). Some anesthetics injure body organs (for example: Carbon tetrachloride (liver and kidneys), chloroform (liver and heart), benzene (bone marrow), and carbon disulfide (nervous system)).

Sensitizers: Cause increased probability of physiological reactions (for example: Isocyanates, epoxy resin systems).

Systemic poisons: Damage organs and systems in the body (for example: Mercury (nervous system and various organs), phosphorus (bone), hydrogen sulfide (respiratory paralysis), and arsine (red blood cells and liver)).

Carcinogens: Produce cancer in some individuals after a latent period (for example: Vinyl chloride, benzene).

TABLE I—PART 3

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

Particulate Contaminants

(Dust, fog, fume, mist, smoke, and spray)

Relatively inert: May cause discomfort and minor irritation, but generally without injury at reasonable concentrations (for example: Marble, gypsum).

Pulmonary fibrosis-producing: Produce nodulation and fibrosis in the lung, possibly leading to complications (for example: Quartz, asbestos).

Carcinogens: Produce cancer in some individuals after latent period (for example: Asbestos, chromates, radioactive particulates).

Chemical irritants: Produce irritation, inflammation, and ulceration in upper respiratory tract (for example: Acidic mists, alkalis).

Systemic poisons: Produce pathologic reactions in various systems of the body (for example: Lead manganese, cadmium).

Allergy-producing: Produce reactions such as itching, sneezing, and asthmas (for example: Pollens, spices, and animal fur).

Febrile reaction-producing: Produce chills followed by fever (for example: Fumes of zinc and copper).

TABLE I—PART 4

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

Combinations of Gas, Vapor, and Particulate Contaminants

Combinations of contaminants may occur simultaneously in the atmosphere. Contaminants may be entirely different substances (dusts and gases from blasting) or the particulate and vapor forms of the same substance. Synergistic effects (joint action of two or more agents that results in an effect which is greater than the sum of their individual effects) may occur. Such effects may require extraordinary protective measures.

Note 1: See definition in WAC 296-62-07105 "oxygen deficiency—not immediately dangerous to life or health" and "oxygen deficiency—immediately dangerous to life or health."

TABLE II

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR PROPERTIES WHICH INFLUENCE RESPIRATOR SELECTION

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "Gas and Vapor Contaminants" which is now "Part 1," and (2) "Particulate Contaminants" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.]

TABLE II—PART 1

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR PROPERTIES WHICH INFLUENCE RESPIRATOR SELECTION

Gas and Vapor Contaminants

~~Inert: Substances that do not react with other substances under most conditions, but create a respiratory hazard by displacing air and producing oxygen deficiency (for example: Helium, neon, argon).~~

~~Acidic: Substances that are acids or that react with water to produce an acid. In water, they produce positively charged hydrogen ions (H^{+1}) and a pH of less than 7. They taste sour, and many are corrosive to tissues (for example: Hydrogen chloride, sulfur dioxide, fluorine, nitrogen dioxide, acetic acid, carbon dioxide, hydrogen sulfide, and hydrogen cyanide).~~

~~Alkaline: Substances that are alkalis or that react with water to produce an alkali. In water, they result in the production of negatively charged hydroxyl ions (OH^{-1}) and a pH greater than 7. They taste bitter, and many are corrosive to tissues (for example: Ammonia, amines, phosphine, arsine, and stibine).~~

~~Organic: The compounds of carbon. Examples are saturated hydrocarbons (methane, ethane, butane), unsaturated hydrocarbons (ethylene, acetylene), alcohols (methyl ether, ethyl ether), aldehydes (formaldehyde), ketones (methyl ketone), organic acids (formic acid, acetic acid), halides (chloroform, carbon tetrachloride), amides (formamide, acetamide), nitriles (acetonitrile), isocyanates (toluene diisocyanate), amines (methylamine), epoxies (epoxyethane, propylene oxide), and aromatics (benzene, toluene, xylene).~~

~~Organometallic: Compounds in which metals are chemically bonded to organic groups (for example: Ethyl silicate, tetraethyl lead, and organic phosphate).~~

~~Hydrides: Compounds in which hydrogen is chemically bonded to metals and certain other elements (for example: Diborane and tetraborane).~~

TABLE II—PART 2

~~CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR PROPERTIES WHICH INFLUENCE RESPIRATOR SELECTION~~

Particulate Contaminants

~~Particles are produced by mechanical means by disintegration processes such as grinding, crushing, drilling, blasting, and spraying, or by physiochemical reactions such as combustion, vaporization, distillation, sublimation, calcination, and condensation. Particles are classified as follows:~~

~~Dust: A solid, mechanically produced particle with sizes varying from submicroscopic to visible or macroscopic.~~

~~Spray: A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.~~

~~Fume: A solid condensation particle of extremely small particle size, generally less than one micrometer in diameter.~~

~~Mist: A liquid condensation particle with sizes ranging from submicroscopic to visible or macroscopic.~~

~~Fog: A mist of sufficient concentration to perceptibly obscure vision.~~

~~Smoke: A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.~~

TABLE III

~~CLASSIFICATION AND DESCRIPTION OF RESPIRATORS BY MODE OF OPERATION~~

~~[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "Atmosphere-Supplying Respirators" which is now "Part 1," and (2) "Air-Purifying Respirators" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.]~~

TABLE III—PART 1

~~CLASSIFICATION AND DESCRIPTION OF RESPIRATORS BY MODE OF OPERATION~~

~~Atmosphere-Supplying Respirators~~

~~A respirable atmosphere independent of the ambient air is supplied to the wearer.~~

~~SELF-CONTAINED BREATHING APPARATUS (SCBA)~~

~~A supply of air, oxygen, or oxygen-generating material is carried by the wearer. Normally equipped with full facepiece, but may be equipped with a quarter-mask facepiece, half-mask facepiece, helmet, hood, or mouthpiece and nose clamp.~~

~~(1) Closed-circuit SCBA (oxygen only, negative pressure^a or positive pressure^b).~~

~~(a) Compressed or liquid oxygen type. Equipped with a facepiece or mouth piece and nose clamp. High-pressure oxygen from a gas cylinder passes through a high-pressure reducing valve and, in some designs, through a low-pressure admission valve to a breathing bag or container. Liquid oxygen is converted to low-pressure gaseous oxygen and delivered to the breathing bag. The wearer inhales from the bag, through a corrugated tube connected to a mouthpiece or facepiece and a one-way check valve. Exhaled air passes through another check valve and tube into a container of carbon dioxide removing chemical and reenters the breathing bag. Make-~~

~~up oxygen enters the bag continuously or as the bag deflates sufficiently to actuate an admission valve. A pressure-relief system is provided, and a manual by-pass system and saliva trap may be provided depending upon the design.~~

~~(b) Oxygen-generating type. Equipped with a facepiece or mouthpiece and nose clamp. Water vapor in the exhaled breath reacts with chemical in the canister to release oxygen to the breathing bag. The wearer inhales from the bag through a corrugated tube and one-way check valve at the facepiece. Exhaled air passes through a second check valve/breathing tube assembly into the canister. The oxygen-release rate is governed by the volume of exhaled air. Carbon dioxide in the exhaled breath is removed by the canister fill.~~

~~(2) Open-circuit SCBA (compressed air, compressed oxygen, liquid air, liquid oxygen). A bypass system is provided in case of regulator failure except on escape-type units.~~

~~(a) Demand type^c. Equipped with a facepiece or mouthpiece and nose clamp. The demand valve permits oxygen or air flow only during inhalation. Exhaled breath passes to ambient atmosphere through a valve(s) in the facepiece.~~

~~(b) Pressure-demand type^d. Equipped with a facepiece only. Positive pressure is maintained in the facepiece. The apparatus may have provision for the wearer to select the demand or pressure-demand mode of operation, in which case the demand mode should be used only when donning or removing the apparatus.~~

~~Combination air-line respirators with auxiliary self-contained air supply include an air-line respirator with an auxiliary self-contained air supply. To escape from a hazardous atmosphere in the event the primary air supply fails to operate, the wearer switches to the auxiliary self-contained air supply. Devices approved for both entry into and escape from dangerous atmospheres have a low-pressure warning alarm and contain at least a 15-minute self-contained air supply.~~

SUPPLIED-AIR RESPIRATORS

(1) Hose mask

~~Equipped with a facepiece, breathing tube, rugged safety harness, and large-diameter heavy-duty nonkinking air-supply hose. The breathing tube and air-supply hose are securely attached to the harness. The facepiece is equipped with an exhalation valve. The harness has provision for attaching a safety line.~~

~~(a) Hose mask with blower. Air is supplied by a motor-driven or hand-operated blower. The wearer can continue to inhale through the hose if the blower fails. Up to 300 feet (91 meters) of hose length is permissible.~~

~~(b) Hose mask without blower. The wearer provides motivating force to pull air through the hose. The hose inlet is anchored and fitted with a funnel or like object covered with a fine mesh screen to prevent entrance of coarse particulate matter. Up to 75 feet (23 meters) of hose length is permissible.~~

(2) Air-line respirator

~~Respirable air is supplied through a small-diameter hose from a compressor or compressed air cylinder(s). The hose is attached to the wearer by a belt or other suitable means and can be detached rapidly in an emergency. A flow-control valve or orifice is provided to govern the rate of air flow to the wearer. Exhaled air passes to the ambient atmosphere through a valve(s) or opening(s) in the enclosure (facepiece, helmet, hood, or suit). Up to 300 feet (91 meters) of hose length is permissible.~~

~~(a) Continuous-flow class. Equipped with a facepiece, hood, helmet, or suit. At least 115 liters (four cubic feet) of air per minute to tight-fitting facepieces and 170 liters (six cubic feet) of air per minute to loose-fitting helmets, hoods, and suits is required. Air is supplied to a suit through a system of internal tubes to the head, trunk, and extremities through valves located in appropriate parts of the suit.~~

~~(b) Demand type^c. Equipped with a facepiece only. The demand valve permits flow of~~

~~(c) Pressure-demand type^d. Equipped with a facepiece only. A positive pressure is maintained in the facepiece.~~

TABLE III—PART 2

CLASSIFICATION AND DESCRIPTION OF RESPIRATORS BY MODE OF OPERATION

Air-Purifying Respirators

~~Ambient air, prior to being inhaled, is passed through a filter, cartridge, or canisters which removes particles, vapors, gases, or a combination of these contaminants. The breathing action of the wearer operates the nonpowered type of respirator. The powered type contains a blower—stationary or carried by the wearer—which passes ambient air through an air-purifying component and then supplies purified air to the respirator-inlet covering. The nonpowered type is equipped with a facepiece or mouthpiece and nose clamp. The powered type is equipped with a facepiece, helmet, hood, or suit.~~

VAPOR-AND-GAS-REMOVING RESPIRATORS

~~Equipped with cartridge(s) or canister(s) to remove a single vapor or gas (for example: Chlorine gas), a single class of vapors or gases (for example: Organic vapors), or a combination of two or more classes of vapors or gases (for example: Organic vapors and acidic gases) from air.~~

PARTICULATE-REMOVING RESPIRATORS

~~Equipped with filter(s) to remove a single type of particulate matter (for example: Dust) or a combination of two or more types of particulate matter (for example: Dust and fume) from air. Filter may be a replaceable part or a permanent part of the respirator. Filter may be of the single-use or the reusable type.~~

~~COMBINATION PARTICULATE AND VAPOR AND GAS REMOVING RESPIRATORS~~

~~Equipped with cartridge(s) or canister(s) to remove particulate matter, vapors, and gasses from air. The filter may be a permanent part or a replaceable part of a cartridge or canister.~~

~~COMBINATION ATMOSPHERE SUPPLYING AND AIR PURIFYING RESPIRATORS~~

~~Provide the wearer with the option of using either of two different modes of operation: (1) An atmosphere-supplying respirator with an auxiliary air-purifying attachment which provides protection in the event the air supply fails or (2) an air-purifying respirator with an auxiliary self-contained air supply which is used when the atmosphere may exceed safe conditions for use of an air-purifying respirator.~~

- ~~^a Device produces negative pressure in respiratory inlet covering during inhalation.~~
- ~~^b Device produces positive pressure in respiratory inlet covering during both inhalation and exhalation.~~
- ~~^c Equipped with a demand valve that is activated on initiation and permits the flow of breathing atmosphere to the facepiece. On exhalation, pressure in the facepiece becomes positive and the demand valve is deactivated.~~
- ~~^d A positive pressure is maintained in the facepiece by a spring-loaded or balanced regulator and exhalation valve.~~

~~TABLE IV
CAPABILITIES AND LIMITATIONS OF RESPIRATORS~~

~~{CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "atmosphere supplying respirators" which is now "Part 1," and (2) "air-purifying respirators" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.}~~

~~TABLE IV—PART 1
CAPABILITIES AND LIMITATIONS OF RESPIRATORS~~

~~Atmosphere Supplying Respirators~~

~~(See WAC 296-62-07111 for specification on respirable atmospheres.)~~

~~Atmosphere-supplying respirators provide protection against oxygen deficiency and toxic atmospheres. The breathing atmosphere is independent of ambient atmospheric conditions.~~

~~General limitations: Except for some air-line suits, no protection is provided against skin irritation by materials such as ammonia and hydrogen chloride, or against sorption of materials such as hydrogen cyanide, tritium, or organic phosphate pesticides through the skin. Facepieces present special problems to individuals required to wear prescription lenses. Use of atmosphere-supplying respirators in atmospheres immediately dangerous to life~~

~~or health is limited to specific devices under specified conditions (see Table V).~~

~~SELF-CONTAINED BREATHING APPARATUS (SCBA)~~

~~The wearer carries his own breathing atmosphere.~~

~~Limitations: The period over which the device will provide protection is limited by the amount of air oxygen in the apparatus, the ambient atmospheric pressure (service life of open-circuit devices is cut in half by a doubling of the atmospheric pressure), and the type of work being performed. Some SCBA devices have a short service life (less than 15 minutes) and are suitable only for escape (self-rescue) from an irrespirable atmosphere.~~

~~Chief limitations of SCBA devices are their weight or bulk, or both, limited service life, and the training required for their maintenance and safe use.~~

~~(1) Closed-circuit SCBA:~~

~~The closed-circuit operation conserves oxygen and permits longer service life at reduced weight. The negative-pressure type produces a negative pressure in the respiratory inlet covering during inhalation, and this may permit inward leakage of contaminants, whereas the positive-pressure type always maintains a positive pressure in the respiratory inlet cover in and is less apt to permit inward leakage of contaminants.~~

~~(2) Open-circuit SCBA:~~

~~The demand type produces a negative pressure in the respiratory inlet covering during inhalation, whereas the pressure-demand type maintains a positive pressure in the respiratory inlet covering during inhalation and is less apt to permit inward leakage of contaminants.~~

~~SUPPLIED AIR RESPIRATORS~~

~~The respirable air supply is not limited to the quantity the individual can carry, and the devices are lightweight and simple.~~

~~Limitations: Limited to use in atmospheres from which the wearer can escape unharmed without the aid of the respirator.~~

~~The wearer is restricted in movement by the hose and must return to a respirable atmosphere by retracing his route of entry. The hose is subject to being severed or pinched off.~~

~~(1) Hose mask:~~

~~The hose inlet or blower must be located and secured in a respirable atmosphere.~~

~~(a) Hose mask with blower:~~

~~If the blower fails, the unit still provides protection, although a negative pressure exists in the facepiece during inhalation.~~

~~(b) Hose mask without blower~~

~~Maximum hose length may restrict application of device.~~

~~(2) Air-line respirator (continuous flow, demand, and pressure-demand types):~~

~~The demand type produces a negative pressure in the facepiece on inhalation, whereas continuous-flow and~~

pressure-demand types maintain a positive pressure in the respiratory inlet covering and are less apt to permit inward leakage of contaminants.

Air-line suits may protect against atmospheres that irritate the skin or that may be absorbed through the unbroken skin.

Limitations: Air-line respirators provide no protection if the air supply fails. Some contaminants, such as tritium, may penetrate the material of an air-line suit and limit its effectiveness.

Other contaminants, such as fluorine, may react chemically with the material of an air-line suit and damage it.

COMBINATION AIRLINE RESPIRATORS WITH AUXILIARY SC AIR SUPPLY

The auxiliary self-contained air supply on this type of device allows the wearer to escape from a dangerous atmosphere. This device with auxiliary self-contained air supply is approved for escape and may be used for entry when it contains at least a 15-minute auxiliary self-contained air supply. (See Table V).

TABLE IV—PART 2
CAPABILITIES AND LIMITATIONS OF RESPIRATORS

Air-Purifying Respirators

General limitations: Air-purifying respirators do not protect against oxygen-deficient atmospheres not against skin irritations by, or sorption through the skin of, air-borne contaminants.

The maximum contaminant concentration against which an air-purifying respirator will protect is determined by the design efficiency and capacity of the cartridge, canister, or filter and the facepiece-to-face seal on the user. For gases and vapors, the maximum concentration for which the air-purifying element is designed is specified by the manufacturer or is listed on labels of cartridges and canisters.

Nonpowered air-purifying respirators will not provide the maximum design protection specified unless the facepiece or mouthpiece/nose clamp is carefully fitted to the wearer's face to prevent inward leakage (see WAC 296-62-07115(4)). The time period over which protection is provided is dependent on canister, cartridge, or filter type; concentration of contaminant; humidity levels in the ambient atmosphere; and the wearer's respiratory rate.

The proper type of canister, cartridge, or filter must be selected for the particular atmosphere and conditions. Nonpowered air-purifying respirators may cause discomfort due to a noticeable resistance to inhalation. This problem is minimized in powered respirators. Respirator facepieces present special problems to individuals required to wear prescription lenses. These devices do have

the advantage of being small, light, and simple in operation.

Use of air-purifying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table V).

VAPOR AND GAS-REMOVING RESPIRATORS

Limitations: No protection is provided against particulate contaminants. A rise in canister or cartridge temperature indicates that a gas or vapor is being removed from the inspired air.

An uncomfortably high temperature indicates a high concentration of gas or vapor and requires an immediate return to fresh air.

Use shall be avoided in atmospheres where the contaminant(s) lacks sufficient warning properties (that is: Odor, taste, or irritation at a concentration in air at or above the permissible exposure limit). Vapor and gas-removing respirators are not approved for contaminants that lack adequate warning properties.

Not for use in atmospheres immediately dangerous to life or health unless the device is powered-type respirator with escape provisions (see Table V).

(1) Full facepiece respirator.

Provides protection against eye irritation in addition to respiratory protection.

(2) Quarter-mask and half-mask facepiece respirator.

A fabric covering (facelet) available from some manufacturers shall not be used.

(3) Mouthpiece Respirator.

Shall be used only for escape applications. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.

A small lightweight device that can be donned quickly.

PARTICULATE-REMOVING RESPIRATORS

Limitations: Protection against nonvolatile particles only. No protection against gases and vapors.

Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table V).

(1) Full facepiece respirator. Provides protection against eye irritation in addition to respiratory protection.

(2) Quarter-mask and half-mask facepiece respirator. A fabric covering (facelet) available from some manufacturers shall not be used unless approved for use with respirator.

(3) Mouthpiece respirator. Shall be used only for escape applications. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.

A small, lightweight device that can be donned quickly.

**COMBINATION PARTICULATE AND VAPOR
AND GAS REMOVING RESPIRATORS**

The advantages and disadvantages of the component sections of the combination respirator as described above apply.

**COMBINATION ATMOSPHERE SUPPLYING
AND AIR PURIFYING RESPIRATORS**

The advantages and disadvantages expressed above, of the mode of operation being used will govern. The mode with the greater limitations (air-purifying mode) will mainly determine the overall capabilities and limitations of the respirator, since the wearer may for some reason fail to change the mode of operation even though conditions would require such a change.

**TABLE V
RESPIRATOR PROTECTION FACTORS^a**

{CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "type of respirator" which is now "Part 1," and (2) "respirator protection factor" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.}

**TABLE V—PART I
RESPIRATOR PROTECTION FACTORS^a**

TYPE OF RESPIRATOR	PERMITTED FOR USE IN	
	OXYGEN-DEFICIENT ATMOSPHERE	PERMITTED FOR USE IN IMMEDIATELY DANGEROUS LIFE OR HEALTH ATMOSPHERE ^F
Particulate-filter, quarter-mask or half-mask facepiece ^{b,c}	No	No
Vapor-or gas-removing, quarter- mask or half-mask facepiece ^e	No	No
Combination particulate-filter and vapor-or gas-removing, quarter-mask or half-mask face- piece ^{b,c}	No	No
Particulate-filter, full facepiece ^b	No	No
Vapor-or gas-removing, full facepiece	No	No
Combination particulate-filter and vapor-or gas-removing, full facepiece ^b	No	No
Powered particulate-filter, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)
Powered vapor-or gas-removing, any respiratory-inlet covering ^{c,d}	No	No (yes, if escape provisions are provided ^d)
Powered combination particulate- filter and vapor-or gas-removing, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)

TABLE V—PART 1
RESPIRATOR PROTECTION FACTORS^a

TYPE OF RESPIRATOR	PERMITTED FOR USE IN OXYGEN-DEFICIENT ATMOSPHERE	PERMITTED FOR USE IN IMMEDIATELY- DANGEROUS LIFE-OR-HEALTH ATMOSPHERE ^f
Air-line, demand quarter-mask or half-mask facepiece, with or without escape provisions ^{c,e}	Yes ^f	No
Air-line, demand full facepiece, with or without escape provisions ^e	Yes ^f	No
Air-line, continuous flow or pressure-demand type, any facepiece, without escape provisions ^c	Yes ^f	No
Air-line, continuous flow or pressure-demand type, any facepiece, with escape provisions ^{c,e} plus ^h .	Yes ^g	Yes
Air-line, continuous flow, helmet, hood, or suit, without escape provisions	Yes ^f	No
Air-line, continuous flow, helmet, hood, or suit, with escape provisions ^e	Yes ^g	Yes
Hose mask, with or without blower, full facepiece	Yes ^f	No
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, quarter-mask or half-mask facepiece ^c	Yes ^f	No
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp ^c	Yes ^f (Yes ^g , if respirator is used for mine rescue and mine recovery operations.)	No (Yes, if respirator is used for mine rescue and mine recovery operations.)
Self-contained breathing apparatus, pressure-demand type open-circuit or positive-pressure type closed-circuit, quarter-mask or half-mask facepiece, full facepiece, or mouthpiece/nose clamp ^c	Yes ^g	Yes
Combination respirators not listed:		

The type and mode of operation having the lowest respirator protection factor shall be applied to the combination respirator.

TABLE V—PART 2

RESPIRATOR PROTECTION FACTORS ^a	
QUALITATIVE TEST	QUANTITATIVE TEST
10	As measured on each person with maximum of 100.
10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ⁱⁱⁱ whichever is less.
10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ⁱⁱⁱ whichever is less.
100	As measured on each person with maximum of 100 if dust, fume or mist filter is used, or maximum of 1,000 if high-efficiency filter is used.
100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 1000, or maximum use limit of cartridge or canister for vapor or gas ⁱⁱⁱ whichever is less.
100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100 of dust, fume, or mist filter is used and maximum of 1,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ⁱⁱⁱ whichever is less.
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 if high-efficiency filter is used.	
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 3000 or maximum use limit of cartridge or canister for vapor or gas ⁱⁱⁱ whichever is less.	
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 high-efficiency filter is used.	
or maximum use limit of cartridge or canister for vapor or gas ⁱⁱⁱ whichever is less.	
10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
100	As measured on each person, but limited to the use of the respirators in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^b .	
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.	

TABLE V—PART 2

RESPIRATOR PROTECTION FACTORS^a

QUALITATIVE TEST	QUANTITATIVE TEST
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	
	10 As measured on each person, but limited to the use of the respirator concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
	10 As measured on each person, but limited to the use of the respirator concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
	100 As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values, except when the respirator is used for mine rescue and mine recovery operations.
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	

N/A means not applicable since a respirator-fitting test is not carried out.

^a A respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

^b When the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

^c If the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece.

^d If the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or canister and through the pump. If the powered air-purifying respirator is equipped with a helmet, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.

^e The escape provision shall be an auxiliary self-contained supply of respirable air.

^f For definition of "oxygen deficiency — not immediately dangerous to life or health" see WAC 296-62-07105.

^g For definition of "oxygen deficiency — immediately dangerous to life or health" see WAC 296-62-07105.

^h The protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.

ⁱ The service life of a vapor-or-gas-removing cartridge or canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service lives. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.

^j Vapor-and-gas-removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

NOTE: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respiratory-inlet covering are not given, since such respirators are approved only for escape purposes.)

Table 1
Classification of Respiratory Hazards According to Their Biological Effect

Oxygen Deficiency	Gas and Vapor Contaminants	Particulate Contaminants (Dust, fog, fume, mist, smoke, and spray)
<p>Minimum legal requirements: 18.0% by volume for respirable air at sea-level conditions. (See Note 1.)</p> <p>Occurrence: Confined or unventilated cellars, wells, mines, ship holds, tanks, burning buildings, and enclosures containing inert atmospheres.</p> <p>Atmospheric oxygen content (percent by volume) versus expected conditions:</p> <p>20.9%: Oxygen content of normal air at sea-level conditions.</p> <p>Oxygen Volume Percent at Sea Level</p> <p>Physiological Effects</p> <p>16%-12% Loss of peripheral vision, increased breathing volume, accelerated heartbeat, impaired attention and thinking, impaired coordination.</p> <p>12%-10% Very faulty judgement, very poor muscular coordination, muscular exertion causes fatigue that may cause permanent heart damage, intermittent respiration.</p> <p>10%-6% Nausea, vomiting, inability to perform vigorous movement, unconsciousness followed by death.</p> <p>Less than 6% Spasmodic breathing, convulsive movements, death in minutes.</p>	<p>Asphyxiants: Interfere with utilization of oxygen in the body.</p> <p>Simple asphyxiants: Physiologically inert substances that dilute oxygen in the air (for example: nitrogen, hydrogen, helium, methane). See Oxygen Deficiency, Column 1.</p> <p>Chemical asphyxiants: Low concentrations interfere with supply or utilization of oxygen in the body (for example: carbon monoxide, hydrogen cyanide, cyanogen, and nitriles).</p> <p>Irritants: Corrosive in action. May cause irritation and inflammation of parts of the respiratory system (also skin and eyes) and pulmonary edema (for example: ammonia hydrogen chloride, formaldehyde, sulfur dioxide, chlorine, ozone, nitrogen dioxide, phosgene, and arsenic trichloride).</p> <p>Anesthetics: Causes loss of feeling and sensation with unconsciousness and death possible (for example: nitrous oxide, hydrocarbons, and ethers). Some anesthetics injure body organs (for example: carbon tetrachloride [liver and kidneys], chloroform [liver and heart], benzene [bone marrow], and carbon disulfide [nervous system]).</p> <p>Sensitizers: Cause increased probability of physiological reactions (for example: isocyanates, epoxy resin systems).</p> <p>Systemic poisons: Damage organs and systems in the body (for example: mercury [nervous system and various organs], phosphorus [bone], hydrogen sulfide [respiratory paralysis], and arsine [red blood cells and liver]).</p> <p>Carcinogens: produce cancer in some individuals after a latent period (for example: vinyl chloride, benzene).</p>	<p>Relatively inert: May cause discomfort and minor irritation, but generally without injury at reasonable concentrations (for example: marble, gypsum).</p> <p>Pulmonary-fibrosis-producing: produce nodulation and fibrosis in the lung, possibly leading to complications (for example: quartz, asbestos).</p> <p>Carcinogens: Produce cancer in some individuals after latent period (for example: asbestos, chromates, radioactive particulates).</p> <p>Chemical irritants: Produce irritation, inflammation, and ulceration in the upper respiratory tract (for example: acidic mists, alkalis).</p> <p>Systemic poisons: Produce pathologic reactions in various systems of the body (for example: lead, manganese, cadmium).</p> <p>Allergy-producing: Produce reactions such as itching, sneezing, and asthma (for example: pollens, spices, and animal fur).</p> <p>Febrile-reaction-producing: Produce chills followed by fever (for example: fumes of zinc and copper).</p>
<p>Combination of Gas, Vapor, and Particulate Contaminants</p> <p>Combinations of contaminants may occur simultaneously in the atmosphere. Contaminants may be entire; different substances (dusts and gases from blasting) or the particulate and vapor forms of the same substance. Synergistic effects (joint action of two or more agents that results in an effect which is greater than the sum of their individual effects) may occur. Such effects may require extraordinary protective measures.</p>		

NOTE 1: See definition in WAC 296-62-07105 for "oxygen deficiency - not immediately dangerous to life or health" and "oxygen deficiency - immediately dangerous to life or health."

Table 2
Classification of Respiratory Hazards According to Their Properties Which Influence Respirator Selection

Gas and Vapor Contaminants	Particulate Contaminants
<p>Inert: Substances that do not react with other substances under most conditions, but create a respiratory hazard by displacing air and producing oxygen deficiency (for example: helium, neon, argon).</p> <p>Acidic: Substances that are acids or that react with water to produce an acid. In water, they produce positively charged hydrogen ions (H^{+1}) and a pH of less than 7. They taste sour, and many are corrosive to tissues (for example: hydrogen chloride, sulfur dioxide, fluorine, nitrogen dioxide, acetic acid, carbon dioxide, hydrogen sulfide, and hydrogen cyanide).</p> <p>Alkaline: Substances that are alkalis or that react with water to produce an alkali. In water, they result in the production of negatively charged hydroxyl ions (OH^{-1}) and a pH greater than 7. They taste bitter, and many are corrosive to tissues (for example: ammonia, amines, phosphine, arsine, and stibine).</p> <p>Organic: The components of carbon. Examples are saturated hydrocarbons (methane, ethane, butane) unsaturated hydrocarbons (ethylene, acetylene) alcohols (methyl ether, ethyl ether) aldehydes (formaldehyde), ketones (methyl ketone), organic acids (formic acid, acetic acid), halides (chloroform, carbon tetrachloride), amides (formamide, acetamide), nitriles (acetonitrile), isocyanates (toluene diisocyanate), amines (methylamine), epoxies (epoxyethane, propylene oxide), and aromatics (benzene, toluene, xylene).</p> <p>Organometallic: Compounds in which metals are chemically bonded to organic groups (for example: ethyl silicate, tetraethyl lead, and organic phosphate).</p> <p>Hydrides: Compounds in which hydrogen is chemically bonded to metals and certain other elements (for example: diborane and tetraborane).</p>	<p>Particles are produced by mechanical means by disintegration processes such as grinding, crushing, drilling, blasting, and spraying; or by physiochemical reactions such as combustion, vaporization, distillation, sublimation, calcination, and condensation. Particles are classified as follows:</p> <p>Dust: A solid, mechanically produced particle with sizes varying from submicroscopic to visible or macroscopic.</p> <p>Spray: A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.</p> <p>Fume: A solid condensation particle of extremely small particle size, generally less than one micrometer in diameter.</p> <p>Mist: A liquid condensation particle with sizes ranging from submicroscopic to visible or macroscopic.</p> <p>Fog: A mist of sufficient concentration to perceptibly obscure vision.</p> <p>Smoke: A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.</p>

Table 3
Classification and Description of Respirators by Mode of Operation

Air-Supplying Respirators	Air-Purifying Respirators
<p>Respirable atmosphere independent of the ambient air is supplied to the wearer.</p> <p>Self-Contained Breathing Apparatus (SCBA) A supply of air, oxygen, or oxygen-generated material is carried by the wearer. Normally equipped with full facepiece, but may be equipped with a quarter-mask facepiece, half-mask facepiece, helmet, hood or mouthpiece and nose clamp.</p> <p>(1) Closed-Circuit SCBA (oxygen only, negative pressure^a or positive pressure^b).</p> <p>(a) Compressed liquid oxygen type. Equipped with a facepiece or mouthpiece and nose clamp. High-pressure oxygen from a gas cylinder passes through a high-pressure reducing valve, and in some designs, through a low-pressure admission valve to a breathing bag or container. Liquid oxygen is converted to low-pressure gaseous oxygen and delivered to the breathing bag. The wearer inhales from the bag, through a corrugated tube connected to a mouthpiece or facepiece and a one-way check valve. Exhaled air passes through another check valve and tube into a container of carbon-dioxide removing chemical and reenters the breathing bag. Make-up oxygen enters the bag continuously or as the bag deflates sufficiently to actuate an admission valve. A pressure-relief system is provided, and a manual bypass and saliva trap may be provided depending upon the design.</p> <p>(b) Oxygen-generating type. Equipped with a facepiece or mouthpiece and nose clamp. Water vapor in the exhaled breath reacts with chemical in the canister to release oxygen to the breathing bag. The wearer inhales from the bag through a corrugated tube and one-way check valve at the facepiece.</p> <p>Supplied-Air Respirators</p> <p>(1) Hose Mask Equipped with a facepiece, breathing tube, rugged safety harness, and large-diameter heavy-duty non-kinking air-supply hose. The breathing tube and air-supply hose are securely attached to the harness. The facepiece is equipped with an exhalation valve. The harness has provision for attaching a safety line.</p> <p>(a) Hose mask with blower. Air is supplied by a motor-driven or hand-operated blower. The wearer can continue to inhale through the hose if the blower fails. Up to 300 feet (91 meters) of hose length is permissible.</p> <p>(b) Hose mask without blower. The wearer provides motivating force to pull air through the hose. The hose inlet is anchored and fitted with a funnel or like object covered with a fine mesh screen to prevent entrance of coarse particulate matter. Up to 75 feet (23 meters) of hose length is permissible.</p> <p>(2) Air-Line Respirator Respirable air is supplied through a small-diameter hose from a compressor or compressed-air cylinder(s). The hose is attached to the wearer by a belt or other suitable means and can be detached rapidly in an emergency. A flow-control valve or orifice is provided to govern the rate of air flow to the wearer. Exhaled air passes to the ambient atmosphere through a valve(s) or opening(s) in the enclosure (facepiece, helmet, hood, or suit). Up to 300 feet (91 meters) of hose length is permissible.</p>	<p>Ambient air, prior to being inhaled, is passed through a filter, cartridge, or canister which removes particles, vapors, gases, or a combination of these contaminants. The breathing action of the wearer operates the nonpowered type of respirator. The powered type contains a blower - stationary or carried by the wearer - which passes ambient air through an air-purifying component and then supplies purified air to the respirator-inlet covering. The nonpowered type is equipped with a facepiece or mouthpiece and nose clamp. The powered type is equipped with a facepiece, helmet, hood, or suit.</p> <p>Vapor-and Gas-Removing Respirators Equipped with cartridge(s) or canister(s) to remove a single vapor or gas (for example: chlorine gas), a single class of vapors or gases (for example: organic vapors), or a combination of two or more classes of vapors or gases (for example: organic vapors and acidic gases) from air.</p> <p>Particulate-Removing Respirators Equipped with filter(s) to remove a single type of particulate matter (for example: dust) or a combination of two or more types of particulate matter (for example: dust and fume) from air. Filter may be a replaceable part or a permanent part of the respirator. Filter may be of the single-use or the reusable type.</p> <p>Combination Particulate-and Vapor-and Gas-Removing Respirators Equipped with cartridge(s) or canister(s) to remove particulate matter, vapors and gases from air. The filter may be a permanent part or a replaceable part of a cartridge or canister.</p>

Continued

Table 3
Classification and Description of Respirators by Mode of Operation (Continued)

Atmosphere-Supplying Respirators	Air-Purifying Respirators
<p>Self-Contained Breathing Apparatus (SCBA) (Continued) Exhaled air passes through a second check valve/breathing tube assembly into the canister. The oxygen-release rate is governed by the volume of exhaled air. Carbon dioxide in the exhaled breath is removed by the canister fill.</p> <p>(2) Open-Circuit (SCBA) (compressed air, compressed oxygen, liquid air, liquid oxygen). A bypass system is provided in case of regulator failure except on escape-type units.</p> <p>(a) Demand-type.^c Equipped with a facepiece or mouthpiece and nose clamp. The demand valve permits oxygen or air flow only during inhalation. Exhaled breath passes to ambient atmosphere through a valve(s) in the facepiece.</p> <p>(b) Pressure-demand type.^d Equipped with a facepiece only. Positive pressure is maintained in the facepiece. The apparatus may have provision for the wearer to select the demand or pressure-demand mode of operation, in which case the demand mode should be used only when donning or removing the apparatus.</p>	<p>Supplied-Air Respirators (Continued)</p> <p>(a) Continuous-flow class. Equipped with a facepiece, hood, helmet, or suit. At least 115 liters (four cubic feet) of air per minute to tight-fitting facepieces and 170 liters (six cubic feet) of air per minute to loose fitting helmets, hoods and suits is required. Air is supplied to a suit through a system of internal tubes to the head, trunk and extremities through valves located in appropriate parts of the suit.</p> <p>(b) Demand type.^c Equipped with a facepiece only. The demand valve permits flow of air only during inhalation.</p> <p>(c) Pressure-demand type.^d Equipped with a facepiece only. A positive pressure is maintained in the facepiece.</p>
<p>Combination Air-Line Respirators with Auxiliary Self-Contained Air Supply Includes an air-line respirator with an auxiliary self-contained air supply. To escape from a hazardous atmosphere in the event the primary air supply fails to operate, the wearer switches to the auxiliary self-contained air supply. Devices approved for both entry into and escape from dangerous atmospheres have a low-pressure warning alarm and contain at least a 15-minute self-contained air supply.</p>	
<p>Combination Atmosphere-Supplying and Air-Purifying Respirators</p>	
<p>Provide the wearer with the option of using either of two different modes of operation: (1) an atmosphere-supplying respirator with an auxiliary air-purifying attachment which provides protection in the event the air supply fails or (2) an air-purifying respirator with an auxiliary self-contained air supply which is used when the atmosphere may exceed safe conditions for use of an air-purifying respirator.</p>	
<p>^aDevice produces negative pressure in respiratory-inlet covering during inhalation.</p>	
<p>^bDevice produces positive pressure in respiratory-inlet covering during both inhalation and exhalation.</p>	
<p>^cEquipped with a demand valve that is activated on initiation of inhalation and permits the flow of breathing atmosphere to the facepiece. On exhalation, pressure in the facepiece becomes positive and the demand valve is deactivated.</p>	
<p>^dA positive pressure is maintained in the facepiece by a spring-loaded or balanced regulator and exhalation valve.</p>	

Table 4
Capabilities and Limitations of Respirators

Atmosphere-Supplying Respirators		Air-Purifying Respirators	
<p>(See WAC 296-62-07111 for specifications on respirable atmospheres.) Atmospheric-supplying respirators provide protection against oxygen deficiency and toxic atmospheres. The breathing atmosphere is independent of ambient atmospheric conditions.</p> <p>General limitations: Except for some air-line suits, no protection is provided against skin irritation by materials such as ammonia and hydrogen chloride, or against sorption of materials such as hydrogen cyanide, tritium, or organic phosphate pesticides through the skin. Facepieces present special problems to individuals required to wear prescription lenses. Use of atmosphere-supplying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table 5.)</p>		<p>General limitations: Air-purifying respirators do not protect against oxygen-deficient atmospheres nor against skin irritation by, or sorption through the skin of, airborne contaminants.</p> <p>The maximum contaminant concentration against which an air-purifying respirator will protect is determined by the design efficiency and capacity of the cartridge, canister, or filter and the facepiece-to-face seal on the user. For gases and vapors, the maximum concentration for which the air-purifying element is designed is specified by the manufacturer or is listed on labels of cartridges and canisters.</p> <p>Nonpowered air-purifying respirators will not provide the maximum design protection specified unless the facepiece or mouthpiece/nose clamp is carefully fitted to the wearer's face to prevent inward leakage (WAC 296-62-07115(4)). The time period over which protection is provided is dependent on canister, cartridge, or filter type; concentration of contaminant; humidity levels in the ambient atmosphere; and the wearer's respiratory rate.</p> <p>The proper type of canister, cartridge, or filter must be selected for the particular atmosphere and conditions. Nonpowered air-purifying respirators may cause discomfort due to a noticeable resistance to inhalation. This problem is minimized in powered respirators. Respirator facepieces present special problems to individuals required to wear prescription lenses. These devices do have the advantage of being sealed, light, and simple in operation.</p> <p>Use of air-purifying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (See Table 5).</p>	
<p>Self-Contained Breathing Apparatus (SCBA)</p> <p>The wearer carries his own breathing atmosphere.</p> <p>Limitations: The period over which the device will provide protection is limited by the amount of air or oxygen in the apparatus, the ambient atmospheric pressure (service life of open-circuit devices is cut in half by a doubling of the atmospheric pressure), and the type of work being performed. Some SCBA devices have a short service life (less than 15 minutes) and are suitable only for escape (self-rescue) from an irrespirable atmosphere.</p> <p>Chief limitations of SCBA devices are their weight or bulk, or both, limited service life, and the training required for their maintenance and safe use.</p> <p>(1) Closed-Circuit SCBA The closed-circuit operation conserves oxygen and permits longer service life at reduced weight.</p>	<p>Supplied-Air Respirators</p> <p>The respirable air supply is not limited to the quantity the individual can carry, and the devices are lightweight and simple.</p> <p>Limitations: Limited to use in atmospheres from which the wearer can escape unharmed without the aid of the respirator.</p> <p>The wearer is restricted in movement by the hose and must return to a respirable atmosphere by retracing his route of entry. The hose is subject to being covered or pinched off.</p> <p>(1) Hose Mask. The hose inlet or blower must be located and secured in a respirable atmosphere. (a) Hose mask with blower. If the blower fails, the unit still provides protection, although a negative pressure exists in the facepiece during inhalation. (b) Hose mask without blower. Maximum hose length may restrict application of device.</p>	<p>Vapor and Gas-Removing Respirators</p> <p>Limitations: No protection is provided against particulate contaminants. A rise in canister or cartridge temperature indicates that a gas or vapor is being removed from the inspired air.</p> <p>An uncomfortably high temperature indicates a high concentration of gas or vapor and requires an immediate return to fresh air.</p>	<p>Particulate-Removing Respirators</p> <p>Limitations: Protection against non-volatile particles only. No protection against gases and vapors.</p> <p>Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table 5).</p>

Continued

Table 4
Capabilities and Limitations of Respirators (Continued)

Atmosphere-Supplying Respirators		Air-Purifying Respirators	
Self-Contained Breathing Apparatus (Cont.)	Supplied-Air Respirators (Cont.)	Vapor and Gas-Removing Respirators (Cont.)	Particulate-Removing Respirators (Cont.)
<p>The negative-pressure type produces a negative pressure in the respiratory-inlet covering during inhalation, and this may permit inward leakage of contaminants; whereas the positive-pressure type always maintains a positive pressure in the respiratory-inlet covering and is less apt to permit inward leakage of contaminants.</p> <p>(2) Open Circuit SCBA. The demand type produces a negative pressure in the respiratory-inlet covering during inhalation, whereas the pressure-demand type maintains a positive pressure in the respiratory-inlet covering during inhalation and is less apt to permit inward leakage of contaminants.</p>	<p>(2) Air-Line Respirator (Continuous Flow, Demand and Pressure-Demand Types). The demand type produces a negative pressure in the facemask on inhalation, whereas continuous-flow and pressure-demand types maintain a positive pressure in the respiratory-inlet covering and are less apt to permit inward leakage of contaminants.</p> <p>Air-line suits may protect against atmospheres that irritate the skin or that may be absorbed through the unbroken skin.</p> <p>Limitations: Air-line respirators provide no protection if the air supply fails. Some contaminants, such as tritium, may penetrate the material of an air-line suit and limit its effectiveness.</p> <p>Other contaminants, such as fluorine, may react chemically with the material of an air-line suit and damage it.</p>	<p>Use should be avoided in atmospheres where the contaminant(s) lack sufficient warning properties (that is; odor, taste, or irritation at a concentration in air at or above the permissible exposure limit). (Vapor- and gas-removing respirators are not approved for contaminants that lack adequate warning properties.</p> <p>Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table 5).</p> <p>(1) Full Facepiece Respirator. Provides protection against eye irritation in addition to respiratory protection.</p> <p>(2) Quarter-Mask and Half-Mask Facepiece Respirator. A fabric covering (facelid) available from some manufacturers shall not be used.</p> <p>(3) Mouthpiece Respirator. Shall be used only for escape application. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent prevent nasal breathing.</p> <p>A small lightweight device that can be donned quickly.</p>	<p>(1) Full Facepiece Respirator. Provides protection against eye irritation in addition to respiratory protection.</p> <p>(2) Quarter-Mask and Half-Mask Facepiece Respirator. A fabric covering (facelid) available from some manufacturers shall not be used unless approved for use with respirator.</p> <p>(3) Mouthpiece Respirator. Shall be used only for escape applications. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.</p> <p>A small, lightweight device that can be donned quickly.</p>
<p>Combination Airline Respirators with Auxiliary SC Air Supply</p> <p>The auxiliary self-contained air supply on this type of device allows the wearer to escape from a dangerous atmosphere. This device with auxiliary self-contained air supply is approved for escape and may be used for entry when it contains at least 15-minute auxiliary self-contained air supply. (See Table 5).</p>		<p>Combination Particulate-and-Vapor-and Gas-Removing Respirators</p> <p>The advantages and disadvantages of the component sections of the combination respirator as described above apply.</p>	
<p>Combination Atmosphere-Supplying and Air-Purifying Respirators</p> <p>The advantages and disadvantages, expressed above, of the mode of operation being used will govern. The mode with the greater limitations (air-purifying mode) will mainly determine the overall capabilities and limitations of the respirator, since the wearer may for some reason fail to change the mode of operation even though conditions would require such a change.</p>			

Table 5
RESPIRATOR PROTECTION FACTORS^a

Type of Respirator	Permitted for Use in Oxygen-Deficient Atmosphere	Permitted for Use in Immediately-Dangerous-to-Life-or-Health Atmosphere ^f	Qualitative Test	Quantitative Test
Particulate-filter, quarter-mask or half-mask facepiece ^{b,c}	No	No	10	As measured on each person with maximum of 100.
Vapor- or gas-removing, quarter-mask or half-mask facepiece ^c	No	No	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Combination particulate-filter and vapor- or gas-removing, quarter-mask or half-mask facepiece ^{b,c}	No	No	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Particulate-filter, full facepiece ^b	No	No	100	As measured on each person with maximum of 100 if dust, fume, or mist filter is used or maximum of 1,000 if high-efficiency filter is used.
Vapor- or gas-removing, full facepiece	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 1,000 or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Combination particulate-filter and vapor- or gas-removing, full facepiece ^b	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100 if dust, fume, or mist filter is used and maximum of 1,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Powered particulate-filter, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3,000 if high-efficiency filter is used.
Powered vapor- or gas-removing, any respiratory-inlet covering ^{c,d}	No	No (yes, if escape provisions are provided ^d)	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 3,000 or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Powered combination particulate-filter and vapor- or gas-removing, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Air-line, demand, quarter-mask or half-mask facepiece, with or without escape provisions ^{c,e}	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.

(Continued)

Table 5
RESPIRATOR PROTECTION FACTORS^a
(Continued)

Type of Respirator	Permitted for Use in Oxygen-Deficient Atmosphere	Permitted for Use in Immediately-Dangerous-to-Life-or-Health Atmosphere ^f	Qualitative Test	Quantitative Test
Air-line, demand, full facepiece, with or without escape provisions ^g	Yes ^f	No	100	As measured on each person, but limited to the use of the respirators in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow or pressure-demand type, any facepiece without escape provisions ^c	Yes ^f	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow or pressure-demand type, any facepiece with escape provisions ^{c, g}	Yes ^g	Yes	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .
Air-line, continuous flow, helmet, hood, or suit, without escape provisions	Yes ^f	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line continuous flow, helmet, hood, or suit, with escape provisions ^g	Yes ^g	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .
Hose mask, with or without blower, full facepiece	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit, or negative-pressure-type closed-circuit, quarter-mask or half-mask facepiece ^c	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp ^c	Yes (Yes ^g , if respirator is used for mine rescue and mine recovery operations.)	No (Yes if respirator is used for mine rescue and mine recovery operations.)	100	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values, except when the respirator is used for mine rescue and mine recovery operations

Table 5
RESPIRATOR PROTECTION FACTORS*
(Continued)

Type of Respirator	Permitted for Use in Oxygen-Deficient Atmosphere	Permitted for Use in Immediately-Dangerous-to-Life-or-Health Atmosphere ^f	Qualitative Test	Quantitative Test
Self-contained breathing apparatus, pressure-demand type open-circuit or positive-pressure type closed-circuit, quarter-mask or half-mask facepiece, full facepiece, or mouthpiece/nose clamp ^c	Yes ^g	Yes	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	N/A
Combination respirators	The type and mode of operation having the lowest respirator protection factor shall be applied to the Combination Respirator not listed.			

N/A/ means not applicable since a respirator-fitting test is not carried out.

*A respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

^bWhen the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

^cIf the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece.

^dIf the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or a canister and through the pump. If the powered air-purifying respirator is equipped with a hood, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.

^eThe escape provision shall be an auxiliary self-contained supply of respirable air.

^fFor definition of "oxygen deficiency - not immediately dangerous to life or health" see WAC 296-62-07105.

^gFor definition of "oxygen deficiency - immediately dangerous to life or health" see WAC 296-62-07105.

^hThe protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.

ⁱThe service life of a vapor-or-gas removing cartridge canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service times. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.

^jVapor-and-gas removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

NOTE: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respirator-inlet covering are not given, since such respirators are approved only for escape purposes.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-62-07115 USE OF RESPIRATORS.

(1) Standard operating procedures. Written standard operating procedures shall cover a complete respirator program and shall include information necessary for the proper use of respirators, including training of respirator wearers, respirator sealing tests, issuance of respirators, inspection of respirators prior to use, monitoring respirator use, monitoring respiratory hazard, and planning for routine, nonroutine, emergency, and rescue uses of respirators.

(a) The written standard operating procedures shall include plans necessary to ensure the safe routine use and nonroutine use of respirators. Emergency and rescue uses of respirators shall be anticipated, and the written standard operating procedures shall include plans necessary to ensure the safe emergency and rescue uses of respirators. Persons who wear respirators routinely, who wear respirators nonroutinely, and who may be required to wear respirators for emergency and rescue work shall be given adequate information concerning plans covering these respirator uses to ensure the safe use of respirators.

(b) Standard operating procedures for emergency and rescue use of respirators. It is recognized that it is not possible to foresee every emergency and rescue use of respirators for every kind of operation. Nevertheless, a wide variety of possible conditions requiring the emergency or rescue use of respirators can be envisioned and an adequate emergency and rescue respirator-response capability can be achieved through a serious effort to anticipate the worst possible consequences of particular malfunctions or mishaps.

The written standard operating procedures governing the emergency and rescue uses of respirators shall be developed in the following manner:

(i) An analysis of the emergency and rescue uses of respirators that may occur in each operation shall be made by careful consideration of materials, equipment, processes, and personnel involved. Such an analysis shall be reviewed by the person who is thoroughly familiar with the particular operation. Consideration shall be given to past occurrences requiring emergency or rescue uses of respirators as well as conditions which resulted in such respirator applications. The possible consequences of equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error shall be given

consideration. All potential hazards which may result in emergency or rescue use of respirators shall be listed.

(ii) Based upon the analysis, appropriate types of respirators shall be selected, an adequate number shall be provided for each area where they may be needed for emergency or rescue use, and these respirators shall be maintained and stored so that they are readily accessible and operational when needed.

(iii) In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen-deficient atmosphere, at least one additional ~~((man))~~ person shall be present. Communications (visual, voice, or signal line) shall be maintained between both or all individuals present. Planning shall be such that one individual will be unaffected by any likely incident and have the proper rescue equipment to be able to assist the other(s) in case of emergency.

(iv) When self-contained breathing apparatus or air-line respirators with an escape provision are used in atmospheres immediately dangerous to life or health, standby workers must be present at the nearest fresh air base with suitable rescue equipment.

(v) Persons using air line respirators in atmospheres immediately hazardous to life or health shall be equipped with safety harnesses and safety lines for lifting or removing persons from hazardous atmospheres or other and equivalent provisions for the rescue of persons from hazardous atmospheres shall be used. A standby worker or workers with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(2) Training. The supervisor, the person issuing respirators, and the respirator wearers shall be given adequate training by a qualified person(s) to ensure the proper use of respirators. Written records shall be kept of the names of the persons trained and the dates when training occurred.

(a) Training of supervisor. A supervisor – that is, a person who has the responsibility of overseeing the work activities of one or more persons who must wear respirators – shall be given adequate training to ensure the proper use of respirators.

(b) Training of person issuing respirators. A person assigned the task of issuing respirators to persons who must wear respirators for protection against harmful atmospheres shall be given adequate training to ensure that the correct respirator is issued for each application in accordance with written standard operating procedures.

(c) Training of respirator wearer. To ensure the proper and safe use of a respirator, the minimum training of each respirator wearer shall include the following elements:

(i) The reasons for the need of respiratory protection.

(ii) The nature, extent, and effects of respiratory hazards to which the person may be exposed.

(iii) An explanation of why engineering controls are not being applied or are not adequate and of what effort is being made to reduce or eliminate the need for respirators.

(iv) An explanation of why a particular type of respirator has been selected for a specific respiratory hazard.

(v) An explanation of the operation, and the capabilities and limitations, of the respirator selected.

(vi) Instruction in inspecting, donning, checking the fit of, and wearing the respirator.

(vii) An opportunity for each respirator wearer to handle the respirator, learn how to don and wear it properly, check its seals, wear it in a safe atmosphere, and wear it in a test atmosphere.

(viii) An explanation of how maintenance and storage of the respirator is carried out.

(ix) Instructions in how to recognize and cope with emergency situations.

(x) Instructions as needed for special respirator use.

(xi) Regulations concerning respirator use.

(A) Wearing instructions and training. Wearing instructions and training, including practice demonstrations, shall be given to each respirator wearer and shall cover:

~~((aa))~~ (I) Donning, wearing, and removing the respirator.

~~((bb))~~ (II) Adjusting the respirator so that its respiratory-inlet covering is properly fitted on the wearer and so that the respirator causes a minimum of discomfort to the wearer.

~~((cc))~~ (III) Allowing the respirator wearer to wear the respirator in a safe atmosphere for an adequate period of time to ensure that the wearer is familiar with the operational characteristics of the respirator.

~~((dd))~~ (IV) Providing the respirator wearer an opportunity to wear the respirator in a test atmosphere to demonstrate that the respirator provides protection to the wearer. A test atmosphere is any atmosphere in which the wearer can carry out activities simulating work movements and respirator leakage or respirator malfunction can be detected by the wearer.

(B) Retraining. Each respirator wearer shall be retrained as necessary to assure effective respirator use. Refresher training shall be given at least annually and shall include the provisions of ~~((WAC 296-62-07115 (2))~~(c)(vii) through ~~((2)(c))~~(xi)(A)~~((cc))~~ (III) of this subsection.

(3) Respirator sealing problems. Respirators shall not be worn when conditions prevent a seal of the respirator to the wearer.

(a) A person who has hair (stubble, moustache, sideburns, beard, low hairline, bangs) which passes between the face and the sealing surface of the facepiece of the respirator shall not be permitted to wear such a respirator.

(b) A person who has hair (moustache, beard) which interferes with the function of a respirator valve(s) shall not be permitted to wear the respirator.

(c) A spectacle which has temple bars or straps which pass between the sealing surface of a respirator full facepiece and the wearer's face shall not be used.

(d) A head covering which passes between the sealing surface of a respirator facepiece and the wearer's face shall not be used.

(e) The wearing of a spectacle, a goggle, a faceshield, a welding helmet, or other eye and face protective device which interferes with the seal of a respirator to the wearer shall not be allowed.

(f) If scars, hollow temples, excessively protruding cheekbones, deep creases in facial skin, the absence of teeth or dentures, or unusual facial configurations prevent a seal of a respirator facepiece to a wearer's face, the person shall not be permitted to wear the respirator.

(g) If missing teeth or dentures prevent a seal of a respirator mouthpiece in a person's mouth, the person shall not be allowed to wear a respirator equipped with a mouthpiece.

(h) If a person has a nose of a shape or size which prevents the closing of the nose by the nose clamp of a mouthpiece/nose-clamp type of respirator, the person shall not be permitted to wear this type of respirator.

(4) Respirator sealing tests. To ensure proper protection, the wearer of a respirator equipped with a facepiece shall check the seal of the facepiece prior to each entry into a hazardous atmosphere. This may be done using procedures recommended by respirator manufacturers or by approved field tests.

(5) Issuance of respirators. The proper respirator shall be specified for each application and shall be listed in the written standard operating procedures. If a respirator is marked for the worker to whom it is assigned or for other identification purposes, the markings shall not affect the respirator performance in any way.

(6) Respirator inspection prior to use. Each person issued a respirator for routine, nonroutine, emergency, or rescue use shall inspect the respirator prior to its use to ensure that it is in good operating condition.

(7) Monitoring respirator use. The use of respirators on a routine or nonroutine basis shall be monitored to ensure that the correct respirators are being used, that the respirators are being worn properly and that the respirators being used are in good working condition.

(8) Evaluation of respiratory hazard during use. The level of the respiratory hazard in the workplace to which a person wearing a respirator is exposed shall be evaluated periodically.

(9) Leaving a hazardous area. A respirator wearer shall be permitted to leave the hazardous area for any respirator-related cause. Reasons which may cause a respirator wearer to leave a hazardous area include, but are not limited to, the following:

(a) Failure of the respirator to provide adequate protection.

(b) Malfunction of the respirator.

(c) Detection of leakage of air contaminant into the respirator.

(d) Increase in resistance of respirator to breathing.

(e) Severe discomfort in wearing the respirator.

(f) Illness of respirator wearer, including: Sensation of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever, and chills.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07383 APPENDIX A—SUBSTANCE SAFETY DATA SHEET FOR ETHYLENE OXIDE (NONMANDATORY). ((F:)) (1) Substance Identification

((A:)) (a) Substance: Ethylene oxide (C₂H₄O).

((B:)) (b) Synonyms: Dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyclopropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

((E:)) (c) Ethylene oxide can be found as a liquid or vapor.

((D:)) (d) EtO is used in the manufacture of ethylene glycol, surfactants, ethanalamines, glycol ethers, and other organic chemicals. EtO is also used as a sterilant and fumigant.

((E:)) (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:)) (f) Permissible exposure: Exposure may not exceed 1 part EtO per million parts of air averaged over the 8-hour work day.

((H:)) (2) Health Hazard Data

((A:)) (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:)) (b) Effects of overexposure:

((+)) (i) 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.

((+)) (ii) 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:)) (c) 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.

((H:)) (3) Emergency First Aid Procedures

((A:)) (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:)) (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.

((E:)) (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:))~~ (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:))~~ (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:))~~ (4) Respirators and Protective Clothing

~~((A:))~~ (a) Respirators:

(i) 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.

(ii) 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:))~~ (b) Protective clothing:

(i) 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.

(ii) Replace or repair protective clothing that has become torn or otherwise damaged.

(iii) 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:))~~ (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:))~~ (5) Precautions for Safe Use, Handling, and Storage

~~((A:))~~ (a) EtO is a flammable liquid, and its vapors can easily form explosive mixtures in air.

~~((B:))~~ (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:))~~ (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:))~~ (d) You should use ~~((non-sparking))~~ 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:))~~ (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:))~~ (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:))~~ (g) You should not keep food, beverages, or smoking materials in regulated areas where employee exposures are above the permissible exposure limits.

~~((H:))~~ (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:))~~ (i) Ask your supervisor where EtO is used in your work area and for any additional plant safety and health rules.

~~((VI:))~~ (6) Access to Information

~~((A:))~~ (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:))~~ (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:))~~ (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 years. Medical records must be kept for the period of your employment plus thirty years.

~~((D:))~~ (d) Your employer is required to release your exposure and medical records to your physician or designated representative upon your written request.

~~((VII:))~~ (7) Sterilant Use of EtO in Hospitals and Health Care Facilities.

(a) 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:

((+)) (i) 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.

(C) 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~~) nonrecirculating 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: ((+)) (I) The vacuum pump discharge floor drain is located in a well ventilated equipment or other room where workers are not normally present or ((+)) (II) the water sealed vacuum pump discharges directly to a closed sealed sewer line (check local plumbing codes).

(D) 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: ((+)) (I) The floor drain is located in a room where workers are not normally present and EtO cannot leak into an occupied area, and ((+)) (II) the sterilizer in use is less than 12 cubic feet in capacity (check local plumbing codes((-)).

((+)) (ii) Ventilation of aeration units.

((+)) (A) Existing aeration units. Existing units must be vented to a (~~non-recirculating~~) nonrecirculating 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.

((+)) (B) 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.

((+)) (iii) 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:

((+)) (A) Location of cylinders in a well ventilated equipment room or other room where workers are not normally present.

((+)) (B) Installation of a flexible hose (at least ((+)) four inches in diameter) to a nonrecirculating 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.

((+)) (C) Installation of a hood that is part of a nonrecirculating or dedicated system and positioned no more than one foot above the point where the change of cylinders takes place.

((+)) (iv) 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~~) nonrecirculating 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.

((+)) (v) 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:

((+)) (A) 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.

((+)) (B) Through a connection to an existing or new nonrecirculating or dedicated ventilation system.

((+)) (C) Through a connection to a well ventilated equipment or other room where workers are not normally present.

((+)) (vi) 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))~~ (a)(i)(B) through (v) of this subsection 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~~)) (vii) 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.

((~~z~~)) (b) Workplace Practices

(i) 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~~)) (ii) Changing of supply line filters.

Filters in the sterilizer liquid line must be changed when necessary, by the following procedure:

((~~r~~)) (A) Close the cylinder valve and the hose valve.

((~~ir~~)) (B) Disconnect the cylinder hose (piping) from the cylinder.

((~~iii~~)) (C) Open the hose valve and bleed slowly into a proper ventilating system at or near the in-use supply cylinders.

((~~iv~~)) (D) Vacate the area until the line is empty.

((~~v~~)) (E) Change the filter.

((~~vi~~)) (F) Reconnect the lines and reverse the valve position.

((~~vii~~)) (G) Check hoses, filters, and valves for leaks with a fluorocarbon leak detector (for those sterilizers using the ((88)) eighty-eight percent chlorofluorocarbon, ((~~t~~2)) twelve percent ethylene oxide mixture (12/88)).

((~~b~~)) (iii) Restricted access area.

((~~r~~)) (A) 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.

((~~ir~~)) (B) 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~~)) nonpurge sterilizer with the door ajar or other operations where EtO might be released directly into the face of workers.

((~~e~~)) (iv) Door opening procedures.

((~~i~~)) (A) 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.

((~~ir~~)) (B) Sterilizers without purge cycles. For a load treated in a sterilizer not equipped with a purge cycle, the sterilizer door must be ajar ((~~6~~²)) six inches for ((~~t~~5)) fifteen minutes, and then fully opened for at least another ((~~t~~5)) fifteen 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 ((~~t~~5)) fifteen-minute periods suggested. If the level is above 10 ppm time-weighted average for ((8)) eight 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 ((~~t~~5)) fifteen minutes.

((~~d~~)) (v) Chamber unloading procedures.

((~~r~~)) (A) 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.

((~~ir~~)) (B) If rolling carts are used, they should be pulled not pushed by the sterilizer operators to avoid offgassing exposure.

((~~e~~)) (vi) 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.

((~~r~~)) (vii) 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.

((~~ir~~)) (viii) 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.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07385 APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES FOR ETHYLENE OXIDE (NONMANDATORY). ((~~t~~)) (1) Physical and Chemical Data:

((~~A~~)) (a) Substance identification:

((~~t~~)) (i) Synonyms: Dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyclopropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

((~~z~~)) (ii) Formula: (C₂H₄O).

((~~z~~)) (iii) Molecular weight: 44.06.

((~~B~~)) (b) Physical data:

((~~t~~)) (i) Boiling point (760 mm Hg): 10.70°C (51.3°F);

((~~z~~)) (ii) Specific gravity (water = 1): 0.87 (at 20°C or 68°F);

((~~z~~)) (iii) Vapor density (air = 1): 1.49;

((~~4~~)) (iv) Vapor pressure (at 20°C): 1,095 mm Hg;

((~~5~~)) (v) Solubility in water: Complete;

((~~6~~)) (vi) Appearance and odor: Colorless liquid; gas at temperature above 10.7°F or 51.3°C with ether-like odor above 700 ppm.

((~~H~~)) (2) Fire, Explosion, and Reactivity Hazard Data:

((~~A~~)) (a) Fire((;)):

((~~t~~)) (i) Flash point; Less than 0°F (open cup);

~~((2-))~~ (ii) Stability: Decomposes violently at temperatures above 800°F;

~~((3-))~~ (iii) Flammable limits in air, percent by volume: Lower: 3, Upper: 100;

~~((4-))~~ (iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires;

~~((5-))~~ (v) Special fire fighting procedures: Dilution of ethylene oxide with 23 volumes of water renders it non-flammable;

~~((6-))~~ (vi) 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-))~~ (vii) For purposes of compliance with the requirements of ~~((29-CFR-1910.106))~~ WAC 296-24-330, 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-))~~ (viii) For purposes of compliance with ~~((29-CFR-1910.155))~~ WAC 296-24-585, EtO is classified as a Class B fire hazard.

~~((9-))~~ (ix) For purpose of compliance with ~~((29-CFR-1919.307))~~ WAC 296-24-956, locations classified as hazardous due to the presence of EtO shall be Class I.

~~((B-))~~ (b) Reactivity:

~~((1-))~~ (i) Conditions contributing to instability: EtO will polymerize violently if contaminated with aqueous alkalies, amines, mineral acids, metal chlorides, or metal oxides. Violent decomposition will also occur at temperatures above 800°F;

~~((2-))~~ (ii) Incompatibilities: Alkalines and acids;

~~((3-))~~ (iii) Hazardous decomposition products: Carbon monoxide and carbon dioxide.

~~((HH-))~~ (3) Spill, Leak, and Disposal Procedures:

~~((A-))~~ (a) If EtO is spilled or leaked, the following steps should be taken:

~~((1-))~~ (i) Remove all ignition sources.

~~((2-))~~ (ii) The area should be evacuated at once and re-entered only after the area has been thoroughly ventilated and washed down with water.

~~((B-))~~ (b) Persons not wearing appropriate protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

~~((C-))~~ (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-))~~ (4) Monitoring and Measurement Procedures:

~~((A-))~~ (a) Exposure above the permissible exposure limit:

~~((1-))~~ (i) 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-))~~ (ii) 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.

(iii) 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/her 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-))~~ (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-))~~ (5) Protective Clothing and Equipment:

(a) 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.

(b) 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.

(c) 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-))~~ (6) Miscellaneous Precautions:

~~((A:))~~ (a) Store EtO in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

~~((B:))~~ (b) Nonsparking tools must be used to open and close metal containers. These containers must be effectively grounded and bonded.

~~((C:))~~ (c) Do not incinerate EtO cartridges, tanks or other containers.

~~((D:))~~ (d) Employers should advise employees of all areas and operations where exposure to EtO occurs.

~~((H:))~~ (7) Common Operations:

Common operations in which exposure to EtO is likely to occur include the following: (a) Manufacture of EtO, (b) surfactants, (c) ethanolamines, (d) glycol ethers, ~~((and))~~ (e) specialty chemicals, and (f) use as a sterilant in the hospital, health product and spice industries.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07387 APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR ETHYLENE OXIDE (NONMANDATORY). ~~((I:))~~ (1) Route of Entry: Inhalation.

~~((H:))~~ (2) Toxicology:

(a) 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.

(b) 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.

~~((H:))~~ (3) Signs and Symptoms of Acute Overexposure:

(a) 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.

(b) 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.

(c) 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.

~~((H:))~~ (4) Surveillance and Preventive Considerations:

(a) 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.

(b) 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.

(c) 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.

(d) Although broad latitude in prescribing specific tests to be included in the medical surveillance program is extended to the examining physician, ~~((OSHA))~~ WISHA 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.

(e) If requested by the employee, the medical examinations shall include pregnancy testing or laboratory evaluation of fertility as deemed appropriate by the physician.

(f) 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))~~ be 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07389 APPENDIX D—SAMPLING AND ANALYTICAL METHODS FOR ETHYLENE OXIDE (NONMANDATORY). (1) 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.

(2) 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/she must assure himself/herself of the method's accuracy and precision under the unique conditions present in his workplace.

(3) Ethylene Oxide:

(a) Method No.: 30.

(b) Matrix: Air.

(i) Target Concentration: 1.0 ppm (1.8 mg/m³)

(ii) 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.

(iii) Recommended Air Volume and Sampling Rate: 1 liter and 0.05 Lpm.

(iv) Detection Limit of the Overall Procedure: 13.3 ppb (0.024 mg/m³) (based on 1.0 liter air sample).

(v) Reliable Quantitation Limit: 52.2 ppb (0.094 mg/m³) (based on 1.0 liter air sample).

(vi) Standard Error of Estimate: 6.59% (see backup section 4.6).

(vii) Special Requirements: Samples must be analyzed within 15 days of sampling date.

(viii) Status of Method: The sampling and analytical method has been subject to the established evaluation procedures of the Organic Method Evaluations Branch.

(c) Date: August 1981.

(d) Chemist: Wayne D. Potter

(e) Organic Solvents Branch, OSHA Analytical Laboratory, Salt Lake City, Utah

((+)) (f) General Discussion(-):

((++)) (i) Background.

((+++)) (A) History of Procedure.

(I) 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+)) (3)(i)(i)). This method is based on a PEL of 50 ppm and has a detection limit of about 1 ppm.

(II) Recent studies have prompted the need for a method to analyze and detect ethylene oxide at very low concentrations.

(III) 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.

(IV) 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.

((++)) (B) Physical Properties (Ref. ((5.2-5.4)) (3)(i)(ii) - (iv)):

(I) Synonyms: Oxirane; dimethylene oxide; 1,2-epoxy-ethane; oxane; C₂H₄O; ETO;

(II) Molecular Weight: 44.06;

(III) Boiling Point: 10.7°C (51.3°);

(IV) Melting Point: -111°C;

(V) Description: Colorless, flammable gas;

(VI) Vapor Pressure: 1095 mm. at 20°C;

(VII) Odor: Ether-like odor;

(VIII) Lower Explosive Limits: 3.0% (by volume);

(IX) Flash Point (TOC): Below 0°F;

(X) Molecular Structure: CH₂-CH₂;

((+2)) (ii) Limit Defining Parameters(-):

((+2+)) (A) 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+)) (3)(i)(i).)

((+2.2)) (B) Detection Limit of the Overall Procedure.

(I) The detection limit of the overall procedure is 24.0 ng of ethylene oxide per sample.

(II) 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)) (3)(i)(ii).)

((+2.3)) (C) Reliable Quantitation Limit.

(I) 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)) (3)(i)(ii).)

(II) 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.

((+2.4)) (D) Sensitivity.

(I) 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 ug/mL. The sensitivity is determined by the slope of the calibration curve (see backup data section ((4.3)) (3)(i)(iii)).

(II) The sensitivity will vary somewhat with the particular instrument used in the analysis.

((+2.5)) (E) 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)) (3)(i)(iv)). At lower concentrations the recovery appears to be non-linear.

((+2.6)) (F) 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)) (3)(i)(v)).

((+2.7)) (G) Precision (overall procedure).

(I) 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)) (3)(i)(vi)).

((1.3)) (II) This includes an additional plus or minus 5% for sampling error.

((1.3)) (iii) Advantages.

((1.3.1)) (A) The sampling procedure is convenient.

((1.3.2)) (B) The analytical procedure is very sensitive and reproducible.

((1.3.3)) (C) Reanalysis of samples is possible.

((1.3.4)) (D) Samples are stable for at least 15 days at room temperature.

((1.3.5)) (E) Interferences are reduced by the longer GC retention time of the new derivative.

((1.4)) (iv) Disadvantages.

((1.4.1)) (A) Two tubes in series must be used because of possible breakthrough and migration.

((1.4.2)) (B) 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)) (C) The use of benzene as the desorption solvent increases the hazards of analysis because of the potential carcinogenic effects of benzene.

((1.4.4)) (D) After repeated injections there can be a buildup of residue formed on the electron capture detector which decreases sensitivity.

((1.4.5)) (E) Recovery from the charcoal tubes appears to be non-linear at low concentrations.

((2.)) (g) Sampling Procedure.

((2.1)) (i) Apparatus.

((2.1.1)) (A) A calibrated personal sampling pump whose flow can be determined within plus or minus 5% of the recommended flow.

((2.1.2)) (B) 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)) (ii) Reagents.

((2.2.1)) None required.

((2.3)) (iii) Sampling Technique.

((2.3.1)) (A) Immediately before sampling, break the ends of the charcoal tubes. All tubes must be from the same lot.

((2.3.2)) (B) 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)) (C) The tubes should be placed in a vertical position during sampling to minimize channeling.

((2.3.4)) (D) Air being sampled should not pass through any hose or tubing before entering the charcoal tubes.

((2.3.5)) (E) Seal the charcoal tubes with plastic caps immediately after sampling. Also, seal each sample with OSHA seals lengthwise.

((2.3.6)) (F) 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)) (G) Transport the samples (and corresponding paperwork) to the lab for analysis.

((2.3.8)) (H) 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)) (iv) Breakthrough.

((2.4.1)) The breakthrough (5% breakthrough) volume for a 3.0 mg/m³ 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)) (v) Desorption Efficiency.

((2.5.1)) (A) 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 nonlinear (see backup data section ((4.2)) (3)(i)(ii)).

((2.5.2)) (B) 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)) (vi) Recommended Air Volume and Sampling Rate.

((2.6.1)) (A) The recommended air volume is 1.0 liter.

((2.6.2)) (B) The recommended maximum sampling rate is 0.05 Lpm.

((2.7)) (vii) Interferences.

((2.7.1)) (A) Ethylene glycol and Freon 12 at target concentration levels did not interfere with the collection of ethylene oxide.

((2.7.2)) (B) Suspected interferences should be listed on the sample data sheets.

((2.7.3)) (C) The relative humidity may affect the sampling procedure.

((2.8)) (viii) Safety Precautions.

((2.8.1)) (A) Attach the sampling equipment to the employee so that it does not interfere with work performance.

((2.8.2)) (B) Wear safety glasses when breaking the ends of the sampling tubes.

((2.8.3)) (C) If possible, place the sampling tubes in a holder so the sharp end is not exposed while sampling.

((3.)) (h) Analytical Method.

((3.1)) (i) Apparatus.

((3.1.1)) (A) Gas chromatograph equipped with a linearized electron capture detector.

((3.1.2)) (B) GC column capable of separating the derivative of ethylene oxide (2-bromoethanol) from any interferences and the 1% CS₂ 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)) (C) An electronic integrator or some other suitable method of measuring peak areas.

((3-1.4)) (D) Two milliliter vials with Teflon-lined caps.

((3-1.5)) (E) Gas tight syringe—500 μ L or other convenient sizes for preparing standards.

((3-1.6)) (F) Microliter syringes—10 μ L or other convenient sizes for diluting standards and 1 μ L for sample injections.

((3-1.7)) (G) Pipets for dispensing the 1% CS₂ in ((benzine)) benzene solvent. The Glenco 1 mL dispenser is adequate and convenient.

((3-1.8)) (H) Volumetric flasks—5 mL and other convenient sizes for preparing standards.

((3-1.9)) (I) Disposable Pasteur pipets.

((3-2)) (ii) Reagents.

((3-2.1)) (A) Benzene, reagent grade.

((3-2.2)) (B) Carbon Disulfide, reagent grade.

((3-2.3)) (C) Ethylene oxide, 99.7% pure.

((3-2.4)) (D) Hydrobromic Acid, 48% reagent grade.

((3-2.5)) (E) Sodium Carbonate, anhydrous, reagent grade.

((3-2.6)) (F) Desorbing reagent, 99% ((Benzine)) Benzene/1% CS₂.

((3-3)) (iii) Sample Preparation.

((3-3.1)) (A) The front and back sections of each sample are transferred to separate 2-mL vials.

((3-3.2)) (B) Each sample is desorbed with 1.0 mL of desorbing reagent.

((3-3.3)) (C) The vials are sealed immediately and allowed to desorb for one hour with occasional shaking.

((3-3.4)) (D) Desorbing reagent is drawn off the charcoal with a disposable pipet and put into clean 2-mL vials.

((3-3.5)) (E) One drop of HBr is added to each vial. Vials are resealed and HBr is mixed well with the desorbing reagent.

((3-3.6)) (F) About 0.15 gram of sodium carbonate is carefully added to each vial. Vials are again resealed and mixed well.

((3-4)) (iv) Standard Preparation.

((3-4.1)) (A) Standards are prepared by injecting the pure ethylene oxide gas into the desorbing reagent.

((3-4.2)) (B) A range of standards are prepared to make a calibration curve. A concentration of 1.0 μ L 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)) (3)(i)(ii), for desorption efficiency corrections).

((3-4.3)) (C) One drop of HBr per mL of standard is added and mixed well.

((3-4.4)) (D) About 0.15 grams of sodium carbonate is carefully added for each drop of HBr (a small reaction will occur).

((3-5)) (v) Analysis.

((3-5.1)) (A) GC conditions.

Nitrogen flow rate—10mL/min.

Injector Temperature—250°C

Detector Temperature—300°C

Column Temperature—100°C

Injection size—0.8 μ L

Elution time—3.9 minutes

((3-5.2)) (B) Peak areas are measured by an integrator or other suitable means.

((3-5.3)) (C) The integrator results are in area units and a calibration curve is set up with concentration vs. area units.

((3-6)) (vi) Interferences.

((3-6.1)) (A) 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)) (B) GC parameters may be changed to circumvent interferences.

((3-6.3)) (C) There are usually trace contaminants in benzene.

These contaminants, however, posed no problem of interference.

((3-6.4)) (D) Retention time data 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)) (vii) Calculations.

((3-7.1)) (A) The concentration in μ g/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)) (B) The amount of analyte in each sample is corrected for desorption efficiency by use of a desorption curve.

((3-7.3)) (C) Analytical results, ((f))A((g)), from the two tubes that compose a particular air sample are added together.

((3-7.4)) (D) The concentration for a sample is calculated by the following equation:

$$\text{ETO, mg/m}^3 = \frac{\text{AXB}}{\text{C}}$$

where:

A = μ g/mL

B = desorption volume in milliliters

C = air volume in liters.

((3-7.5)) (E) To convert mg/m³ to parts per million (ppm) the following relationship is used:

$$\text{ETO, ppm} = \frac{((\text{ETO}_g)) \text{ mg/m}^3 \times 24.45}{44.05}$$

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)) (viii) Safety Precaution

((3-8.1)) (A) Ethylene oxide and benzene are potential carcinogens and care must be exercised when working with these compounds.

((3-8.2)) (B) All work done with the solvents (preparation of standards, desorption of samples, etc.) should be done in a hood.

((3-8-3)) (C) Avoid any skin contact with all of the solvents.

((3-8-4)) (D) Wear safety glasses at all times.

((3-8-5)) (E) Avoid skin contact with HBr because it is highly toxic and a strong irritant to eyes and skin.

((4-) (i) Backup Data.

((4-1)) (i) 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)) (ii) 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

Note: At lower amounts the recovery appears to be nonlinear.

((4-3)) (iii) 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)) (iv) 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)) (v) 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)) (vi) 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.

Day analyzed	Percent Recovery	
	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)) (vii) Breakthrough Data.

(A) 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

Tube No.	Time (minutes)	Percent breakthrough
11	110	113.0
12	120	133.9

¹None.

(B) The 5% breakthrough volume was reached when 2.6 liters of test atmosphere were drawn through the charcoal tubes.

((5-)) (j) References.

((5-1)) (i) "NIOSH Manual of Analytical Methods," 2nd ed. NIOSH: Cincinnati, 1977; Method S 286.

((5-2)) (ii) "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)) (iii) Sax., N.I. "Dangerous Properties of Industrial Materials," 4th ed.; Van Nostrand Reinhold Company, New York, 1975; p. 741.

((5-4)) (iv) "The Condensed Chemical Dictionary", 9th ed.; Hawley, G.G., ed.; Van Nostrand Reinhold Company, New York, 1977; p. 361.

(4) 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-)) (a) Charcoal Tube Sampling Procedures.

(i) 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.

(ii) 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-)) (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-)) (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-)) (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-)) (e) Direct Reading Instruments(==):

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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:

(v) 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)

(vi) 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.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

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	—	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	665
Aniline & 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
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		
Asphalt (petroleum) fumes	—	5
Atrazine	—	5
Azinphos methyl-skin	—	0.2
Barium (soluble compounds)	—	0.5
Benomyl	0.8	10
Benzidine, see WAC 296-62-073		
p-Benzoquinone, see Quinone		
Benzoyl peroxide	—	5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Bismuth telluride	—	10
Se-doped	—	5
Borates, tetra, sodium salts anhydrous	—	1
decahydrate	—	5
pentahydrate	—	1
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		

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cello- solve)-skin	25	120
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl acrylate	10	55
C n-Butyl alcohol-skin	50	150
sec-Butyl alcohol	100	305
tert-Butyl alcohol	100	300
C Butylamine-skin	5	15
C tert-Butyl chromate (as CrO ₃)- skin	—	0.1
n-Butyl glycidyl ether (BGE)	25	135
n-Butyl lactate	5	25
Butyl mercaptan	0.5	1.5
o-sec-Butylphenol-skin	5	30
p-tert-Butyl-toluene	10	60
C Cadmium oxide fume, as Cd	—	0.05
Cadmium dust and salts, as Cd	—	0.05
Calcium arsenate, see WAC 296- 62-07347	—	—
Calcium carbonate	—	10
Calcium cyanamide	—	0.5
Calcium hydroxide	—	5
Calcium oxide	—	2
Calcium silicate	—	10
Camphor (synthetic)	2	12
Caprolactam	—	—
dust	—	1
vapor	5	20
Captafol-skin	—	0.1
Captan	—	5
Carbaryl (Sevin ^[R])	—	5
Carbofuran	—	0.1
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Carbon tetrabromide	0.1	1.4
Carbonyl chloride, see phosgene	—	—
Carbonyl fluoride	2	5
Catechol	5	20
Cellulose (paper fiber)	—	10
Cesium hydroxide	—	2
Chlordane-skin	—	0.5
Chlorinated camphene-skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
C Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (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	—	—
Chlorodifluoromethane	1,000	3,500
Chlorodiphenyl (42% Chlorine)- skin	—	1
Chlorodiphenyl (54% Chlorine)- skin	—	0.5
1-Chloro-2,3-epoxy propane, see Epichlorhydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
Chloroethylene, see vinylchloride	—	—
Chloroform (Trichloromethane)	10	50
1-Chloro-1-nitropropane	2	10
bis-Chloromethyl ether, see WAC 296-62-073	—	—
Chloropentafluoroethane	1,000	6,320
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-bu- tadiene)-skin	10	35
o-Chlorostyrene	50	285
o-Chlorotoluene	50	250

Substance	ppm (see note a)	mg/M ³ (see note b)
2-Chloro-6-(trichloromethyl) pyridine, see Nitrapyrin	—	—
Chlorpyrifos-skin	—	0.2
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
Clopodol	—	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	—	—
Fume	—	0.1
Dusts and Mists	—	1.0
Corundum, see Aluminum oxide	—	—
Cotton Dust (raw)	—	1.0 (see note e)
Crag ^[R] herbicide	—	10
Cresol (all isomers)-skin	5	22
Crotonaldehyde	2	6
Cruformate	—	5
Cumene-skin	50	245
Cyanamide	—	2
Cyanide (as CN)-skin	—	5
Cyanogen	10	20
C Cyanogen chloride	0.3	0.6
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone-skin	25	100
Cyclohexene	300	1,015
Cyclohexylamine-skin	10	40
Cyclonite-skin, see RDX	—	—
Cyclopentadiene	75	200
Cyclopentane	600	1,720
Cyhexatin	—	5
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane-skin	0.05	0.3
Demeton ^[R] -skin	0.01	0.1
Diacetone alcohol (4-hydroxy-4- methyl-2-pentanone)	50	240
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon-skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom ^[R] , 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 Vinyl- dene 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

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
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
Dipropyl ketone	50	235
Diquat	—	0.5
Di-sec.octyl phthalate (Di-2-ethylhexylphthalate)	—	5
Disulfam	—	2
Disulfoton	—	0.1
2,6-Ditert.butyl-p-cresol	—	10
Diuron	—	10
Divinyl benzene	10	50
Emery	—	10
Endosulfan (Thiodan ^[R])-skin	—	0.1
Endrin-skin	—	0.1
Epichlorhydrin-skin	2	10
EPN-skin	—	0.5
1,2-Epoxypropane, see Propylene-oxide		
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

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
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
Ferrovandium dust	—	1
Fluorides, as F	—	2.5
Fluorine	0.1	0.2
Fluorotrchloromethane, 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		
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	2.5
Hydrogen peroxide	1	1.5
Hydrogen selenide	0.05	0.2

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Hydroquinone	—	2
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 tricarbonyl, as Mn-skin	—	0.1
Marble	—	10
Mesityl oxide	15	60
Methacrylic acid	20	70
Methane	Simple	Asphyxiant
Methanethiol, see Methyl mercaptan		
Methomyl-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

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
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
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	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

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
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 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
Phenyhydrazine-skin	5	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
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
B-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 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	105
Propyne, see Methyl/acetylene	—	—
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX-skin	—	1.5
Resorcinol	10	45

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
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
Tellurium hexafluoride	0.02	0.2
Temphos	—	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-trinitrophenylmethyl nitramine)-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] , see WAC 296-62-07519	—	5
Tin, as Sn	—	—
Metal	—	2
Oxide and inorganic compounds, except SnH ₄	—	2
Organic compounds-skin	—	0.1
Titanium dioxide	—	10

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
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	125
Trimethyl phosphite	2	10
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl		
Trinitrotoluene-skin	—	0.5
Triorthocresyl 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
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	—	0.05
Zinc oxide dust	—	10
Zinc oxide fume	—	5
Zinc stearate	—	10
Zirconium compounds (as Zr)	—	5

Note: 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 (see note b)	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 (see note c)	1 ppm	2 ppm
Hydrogen sulfide	10 ppm	15 ppm
Mercury		
Organo-skin	0.01 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.

b) This standard applies to the industry segments exempt from WAC 296-62-07523 and also applies to any industry for which WAC 296-62-07523 is stayed or otherwise not in effect.

c) This standard applies to any industry for which WAC 296-62-07540 through 296-62-07550 is stayed or otherwise not in effect.

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	
Talc containing no asbestos fibers		
Fibrous form-see WAC 296-62-07517		
Portland cement	5	10

TABLE 3
PARTICULATES

Substance	Respirable Fraction mg/M ³ (See note a)	Total Dust mg/M ³
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

Note: (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 83-34, filed 11/30/83)

WAC 296-62-07521 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 µg/m³) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 µg/m³) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g/m}^3\text{)} = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g}/\text{m}^3$.

(5) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Whenever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (6) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 $\mu\text{g}/\text{m}^3$, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 $\mu\text{g}/\text{m}^3$.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(³)	3	10
Secondary lead production	(³)	3	5
Lead-acid battery manufacturing (³)	(³)	2	5
Automobile manufacture/ solder grinding	(³)	N/A	7
Electronics, gray iron foundries, ink manufacture, paints and coatings manufacture, wall paper manufacture, can manufacture, and printing	(³)	N/A	1
Lead pigment manufacture, nonferrous foundries, leaded steel manufacture, lead chemical manufacture, shipbuilding and ship repair, battery breaking in the collection and processing of scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), secondary lead smelting of copper, and lead casting	(³)	N/A	N/A
All other industries	(³)	N/A	2 1/2

Note: ¹Includes ancillary activities located on the same worksite.
²Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved.
³On effective date. This continues an obligation from WAC 296-62-07515 Table I which had been in effect since 1973.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the work-site for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 $\mu\text{g}/\text{m}^3$ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the

system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ²
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

Note: ¹Respirators specified for high concentrations can be used at lower concentrations of lead.

²Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter for each employee wearing negative pressure respirators. The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn, and shall be conducted in accordance with Appendix D. The tests shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate

protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not

present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009 (1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and

zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100\text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

~~((aa))~~ (I) Blood lead level;

~~((bb))~~ (II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

~~((cc))~~ (III) Zinc protoporphyrin;

~~((dd))~~ (IV) Blood urea nitrogen; and

~~((ee))~~ (V) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

~~((aa))~~ (I) To review any findings, determinations or recommendations of the initial physician; and

~~((bb))~~ (II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

~~((aa))~~ (I) The employee informing the employer that he or she intends to seek a second medical opinion, and

~~((bb))~~ (II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee

shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

~~((aa))~~ (I) To review any findings, determinations or recommendations of the prior physicians; and

~~((bb))~~ (II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

~~((aa))~~ (I) A copy of this regulation for lead including all appendices;

~~((bb))~~ (II) A description of the affected employee's duties as they relate to the employee's exposure;

~~((cc))~~ (III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

~~((dd))~~ (IV) A description of any personal protective equipment used or to be used;

~~((ee))~~ (V) Prior blood lead determinations; and

~~((ff))~~ (VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

~~((aa))~~ (I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

~~((bb))~~ (II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

~~((cc))~~ (III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

~~((dd))~~ (IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

~~((aa))~~ (I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

~~((bb))~~ (II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above 100 $\mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 80 $\mu\text{g}/100$ g of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above 50 $\mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 70 $\mu\text{g}/100$ g of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 $\mu\text{g}/100$ g of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this

section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 $\mu\text{g}/100$ g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 $\mu\text{g}/100$ g of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

~~((aa))~~ (I) For an employee removed due to a blood lead level at or above 80 $\mu\text{g}/100$ g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60 $\mu\text{g}/100$ g of whole blood;

~~((bb))~~ (II) For an employee removed due to a blood lead level at or above 70 $\mu\text{g}/100$ g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50 $\mu\text{g}/100$ g of whole blood;

~~((cc))~~ (III) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100$ g, or due to an average blood lead level at or above 50 $\mu\text{g}/100$ g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100$ g of whole blood;

~~((dd))~~ (IV) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final

medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

~~((aa))~~ (I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

~~((bb))~~ (II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. The effective date of this standard is September 6, 1980.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing, lead pigment manufacturing and nonferrous foundry industries – one year from the effective date.

(iii) Employers in primary smelting and refining industry – one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required – six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

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 volume 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)) expiratory volume in 1 second ((FEV^{1.0})) 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.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

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.

(5) Subsections (1) and (2) of this section do not apply to the exposure of employees to formaldehyde. Whenever any employee is exposed to formaldehyde, the requirements of WAC 296-62-07530 shall apply.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-06013 HEALTH AND SANITATION. (1) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of WAC 296-304-01001(19), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(2) In order to ascertain the hazards, as required by subsection (1) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(a) The name, address, and telephone number of the source of the information specified in this section preferably those of the manufacturer of the product or material.

(b) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(c) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(d) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(e) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70°F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(f) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flashpoint, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(g) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture as appropriate, effects of overexposure; and emergency and first aid procedures.

(h) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(i) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(j) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(k) Special precautionary information about handling and storing.

(1) Any other general precautionary information.

(3) The pertinent information required by subsection (2) of this section shall be recorded either on ~~((U.S.))~~ United States Department of Labor Form LSB 00S-4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the department of labor and industries. Copies of Form LSB 00S-4 may be obtained at any of the following regional offices of the occupational safety and health administration:

(a) Pacific region. (Arizona, California, Hawaii, and Nevada.)

~~((+))~~ 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102.

~~((+))~~ (b) Region X, OSHA, ((U.S. Dept. of Labor)) (Alaska, Washington, Idaho, and Oregon), Federal Office Building, 909 First Avenue, Seattle, Washington 98174 ((Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington)).

~~((b))~~ A completed MSDS form shall be preserved and available for inspection for ((a period of 3 months from the date of the completion of the job)) each hazardous chemical on the worksite.

(4) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(5) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under subsection (1) of this section and those hazards for which specific precautions are required in WAC 296-304-020 through 296-304-04013.

(6) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(7) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation or where shiprepairing, shipbuilding, or shipbreaking operations produce atmospheric contamination.

(8) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

(9) Requirements of WAC 296-62-054 et seq., will apply to shiprepairing, shipbuilding, and shipbreaking when potential hazards of chemicals and communicating information concerning hazards and appropriate protective equipment is applicable to an operation.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-007 DEFINITIONS. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) Aerial ladder: A ladder mounted on top of an apparatus, hydraulic or pneumatic controlled.

(2) Aerial platform: A device consisting of two or more booms or sections with a passenger carrying platform assembly.

(3) Aerial tower: Telescopic elevating platform or water tower assembly usually with a ladder on top of the section.

(4) Ancillary clothing: Outer garments auxiliary or supplemental to other protective clothing provided for fire fighters.

(5) ANSI: American National Standards Institute.

(6) Apparatus: A mobile piece of fire fighting equipment such as pumper, aerial, tanker, etc.

(7) Approved: A method, equipment, procedure, practice, tool, etc., which is sanctioned, consented to, confirmed or accepted as good or satisfactory for a particular purpose or use by a person or organization authorized to make such a ~~((judgement))~~ judgment.

(8) Bag mask: A hand operated device consisting of a bellows type bag and a face piece used to administer artificial respiration to an individual.

(9) Beacon: A flashing or rotating light.

(10) Chief: An employer representative responsible for the fire department's operation.

(11) City service apparatus: An all purpose apparatus which carries ground ladders as well as forceable entry tools, salvage and overhaul equipment, and fire fighters.

(12) Combat scene: The site where the suppression of a fire or emergency exists.

(13) dBA: A measure of noise level expressed as ~~((decibels))~~ decibels measured on the "A" scale.

(14) Deck pipe: A permanently mounted device which delivers a large stream of water.

(15) Decontamination: A process by which hazardous substances are removed from protective clothing and equipment of personnel exposed to those substances.

(16) Department: Department of labor and industries.

~~((+6))~~ (17) Director of fire department: The chief or principle administrator of the fire department.

~~((+7))~~ (18) Drill tower: A structure which may or may not be attached to the station and which is principally used for training fire fighters in fire service techniques.

~~((+8))~~ (19) Employee: An employee of an employer who is employed in the business of his employer whether

by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer under this chapter whether by way of manual labor or otherwise.

((19)) (20) Employer: Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations.

((20)) (21) Employer representative: A fire department officer authorized by the chief or director to act in his behalf.

((21)) (22) Engine (pumper): A piece of apparatus equipped with hose and a pump for the purpose of supplying water under pressure through hose lines.

((22)) (23) Explosion proof: 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 a surrounding flammable atmosphere will not be ignited thereby.

((23)) (24) Fastest means available: The (nearest-closest) telephone, portable radio, mobile radio, telephone/radio dispatcher or any other mode of mechanical communication.

((24)) (25) Fire combat training: Training received by fire fighters on the drill ground, drill tower, or industrial site to maintain the fire fighter's proficiency.

((25)) (26) Fire fighter: An officer or any employee who by virtue of his position in a fire department has a duty to engage in the fighting and extinguishment of fires.

((26)) (27) Fire retardant: A material to reduce, stop or prevent the flame spread.

((27)) (28) Foot stand, ladder: Devices attached to inside of beams of ladders that when folded down, provide foot space.

((28)) (29) Fly: Extendable sections of ground or aerial ladders.

((29)) (30) Hazardous condition: The physical condition or act which is causally related to accident occurrence. The hazardous condition is related directly to both the accident type and the agency of the accident.

((30)) (31) Hazardous substances: Substances that present an unusual risk to persons due to properties of toxicity, chemical activity, corrosivity, etiological hazards of similar properties.

(32) HEPA filtration: High efficiency particulate air filtration found in vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

(33) Hose bed: Portion of fire apparatus where hose is stored.

((31)) (34) Hose tower: A vertical enclosure where hose is hung to dry.

((32)) (35) Industrial fire brigade: An organized group of employees whose primary employment is other than fire fighting; who are knowledgeable, trained and skilled in the safe evacuation of employees during emergency situations, and in assisting in fire fighting operations.

((33)) (36) Jack, ground: Heavy jacks attached to frame of chassis of the aerial-equipped apparatus to provide stability when the aerial portion of the apparatus is used.

((34)) (37) Ladder company: The fire company manning an aerial ladder truck and especially trained in ladder work, ventilation, rescue, forcible entry, salvage and related tasks.

((35)) (38) Ladder pipe: A heavy stream nozzle attached to an aerial ladder usually supplied by a 3-inch hose from a Siamese intake at ground level.

((36)) (39) Life line: Length of rope to which employees and employer representatives are secured when in extremely hazardous areas.

((37)) (40) Life line gun: A gun designed to shoot a rope line, for rescue, to persons in distress such as in water, canyons, on cliffs and buildings, etc.

((38)) (41) Life net: A rescue item, commonly carried on ladder trucks, consisting of heavy canvas supported by a folding metal frame and springs and containing a pad to soften impact.

((39)) (42) Live fire training: Any fire set within a structure, tank, pipe, pan, etc., under controlled conditions to facilitate the training of fire fighters under actual fire conditions.

((40)) (43) Locking in: The act of securing oneself to a ladder by hooking a leg over a rung and placing top of foot against the other leg or against the ladder.

((41)) (44) Manned station: A fire station continuously occupied by fire fighters on scheduled work shifts. The manned station may also serve as headquarters for volunteers.

((42)) (45) MESA: Mining Enforcement and Safety Administration.

((43)) (46) Monitor: A portable device which delivers a large stream of water.

((44)) (47) NFPA: National Fire Protection Association.

((45)) (48) NIOSH: National Institute of Occupational Safety and Health.

((46)) (49) Nondestructive testing: A test to determine the characteristics or properties of a material or substance that does not involve its destruction or deterioration.

((47)) (50) Nonskid: The surface treatment that lessens the tendency of a foreign substance to reduce the coefficient of friction between opposing surfaces.

((48)) (51) Overhauling: That portion of fire extinguishment involving discovery of hidden fires or smoldering material.

((49)) (52) Outrigger: Manually or hydraulically operated metal enclosures and jacks which are extended and placed in contact with the ground to give the apparatus a wide, solid base to support different loads.

((50)) (53) Place of employment: Any premises, room or other place where an employee or employees are

employed for the performance of labor or service over which the employer has the right of access or control.

((51)) (54) Platform: The portion of a telescoping or articulating boom used as an elevated working surface.

((52)) (55) Pole hole: An opening in a floor through which a pole passes and employees slide to get from one floor to another.

((53)) (56) Pompier ladder: Ladder constructed with a single spar to which a hook is attached on one end and rungs attached to the spar.

((54)) (57) Prefire training: The training of fire fighters in recognizing sources and locations of potential fires and the method of fire combat to be used.

((55)) (58) Probable fatality: An injury which by the doctor's prognosis could lead to death.

((56)) (59) Pumper (engine): An apparatus equipped with hose and a pump for the purpose of supplying water under pressure through hose lines.

((57)) (60) Qualified: One who by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training or experience has successfully demonstrated his ability to solve or resolve problems related to the subject matter, the work or the project.

((58)) (61) RCW: Revised Code of Washington.

((59)) (62) Respiratory equipment: Self-contained breathing apparatus designed to provide the wearer with a supply of respirable atmosphere carried in or generated by the breathing apparatus. When in use, this breathing apparatus requires no intake of air or oxygen from the outside atmosphere.

(a) Respirators (closed circuit): Those types of respirators which retain exhaled air in the system and recondition such air for breathing again.

(b) Respirators (open circuit): Those types of respirators which exhaust exhaled air to the outside of the mask into the ambient air.

(c) Respirators (demand): Those types of respirators whose input air to the mask is started when a negative pressure is generated by inhalation.

(d) Respirators (pressure demand): Those types of respirators which constantly and automatically maintain a positive pressure in the mask by the introduction of air when the positive pressure is lowered (usually from .018 psi to .064 psi) through the process of inhalation or leakage from the mask.

((60)) (63) Responding: The act of answering an emergency call or other alarm.

((61)) (64) Safe and healthful working environment: The work surroundings of an employee with minimum exposure to unsafe acts and/or unsafe conditions.

((62)) (65) Safety net: A rope or nylon strap net not to exceed 6-inch mesh, stretched and suspended above ground level at the base of drill tower, and at such a height that a falling body would be arrested prior to striking the ground.

((63)) (66) Safety officer: Employer representative as assigned by chief of fire department.

((64)) (67) Scabbard: A guard which will prevent accidental injury and covers the blade and pick of an axe or other sharp instrument when worn by the fire fighter.

((65)) (68) Shall: Means mandatory.

((66)) (69) Should: Means recommended.

((67)) (70) Siamese: A hose appliance having two or more female inlets with one male outlet.

((68)) (71) Signalman: A person so positioned that he can direct an activity, such as apparatus entering or leaving a fire station, where the operator's vision is obstructed or obscured.

((69)) (72) Station (fire station): Structure in which fire service apparatus and/or personnel are housed.

((70)) (73) Tailboard: Standing space ((at)) on the side or rear of an engine or pumper apparatus where fire fighters ride.

((71)) (74) Tillerman: Rear driver of tractor-trailer aerial ladder.

((72)) (75) Turnout clothing: Outer garments worn by fire fighters for personal protection consisting of helmet, gloves, coat and pants with vapor and thermal barrier liners, and boots.

((73)) (76) Turntable: The rotating surface located at the base of an aerial ladder, or boom, on aerial apparatus.

((74)) (77) Unmanned station: A station serving as headquarters for volunteer fire fighters which may or may not be attended by a chief or other officials responsible for directing the company's activities.

((75)) (78) Volunteer: Individual other than a fully paid fire fighter whose primary employment is other than fire fighting.

((76)) (79) Wheel blocks (chocks): A block or wedge placed under a wheel to prevent motion.

((77)) (80) Work environment: The surrounding conditions, influences or forces to which an employee is exposed while working.

((78)) (81) Work place: Any plant, yard, premises, room or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-060 PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING. (1) Employers shall provide and maintain at no cost to the employee and assure the use of all protective clothing and equipment required by this standard. When the employer has agreed to provide funds in lieu of the actual clothing and equipment, funding shall be adequate to allow the purchase of such clothes and equipment without cost to the employee. The employer shall assure that the protective clothing ordered or purchased after the effective date of this standard meets the requirements of this standard. Four years after this effective date the employer shall assure that all fire fighters wear protective clothing meeting the requirements of this standard when performing interior structural fire fighting. Wearing anything less than full protective clothing may be allowed by the employer's written policy as set forth in (3)(d) of this section.

(2) Personal protective equipment and clothing shall be of a type approved by NIOSH, MESA, NFPA, or as required by this section.

(3) Every fire fighter when working upon fire extinguishment on the emergency fire ground or training fire, shall wear a complete set of equipment and clothing, except ~~((where the wearing of such equipment and clothing will cause undue hardship in instances such as may occur))~~ when combating grass or wildland fires. Provided, clothing worn in place of full turnouts ~~((shall))~~ when fighting grass or wildland fires should comply with the following performance standard:

(a) Ancillary clothing.

(i) Flame resistance: When tested in accordance with Federal Test 191, Method 5903.2 "Flame Resistance of Cloth, Vertical" (standard small scale test), the test results shall not exceed the following limits:

(A) 2.0 seconds after flame

(B) 4.0 seconds after glow

(C) 6.0 inches average char length or 4.0 inches

Ignition of the material shall not produce any melting and dripping of molten or flaming material. It is specifically required that upon exposure to flaming ignition or intense heat, the material will not adhere to the skin of the wearer so as to cause serious skin burns.

Exception: Ancillary clothing of 100% wool, with a weight of at least 14 ounces per lineal yard of 54-inch width shall be considered to be flame resistant.

(ii) Laundering: Garments shall be capable of withstanding not less than 50 washings or 25 dry cleanings with no significant changes in fire retardancy.

(iii) A label must be permanently attached, and shall attest that the fabric has been tested and meets the requirements of this section. The label shall include:

(A) Lot number

(B) The name and number of the specified test

(C) The date of the successful test.

(b) all turnout clothing placed into service after the effective date of these regulations shall meet the requirements set forth in this standard.

(c) Ancillary clothing placed into service after the effective date of these regulations shall meet the requirements set forth in this standard.

(d) The use of ancillary clothing does not exclude each employee from having a full set of turnouts. A written policy and procedure specifying the conditions under which less than a complete set of personal protective equipment and clothing can be worn, such as grass or wildland fires, shall be established by each employer and distributed to both fully paid and volunteer fire fighters.

(4) Written procedures with regard to repair, maintenance and servicing shall be established for the conservation of personal protective equipment. This provision applies to the fire fighter's personally owned equipment as well as to the employer owned equipment.

(5) Fire fighters shall wear the personal protective clothing and equipment designated for the task.

(6) ~~((The performance, construction, and testing of fire-resistive coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No.~~

~~1971, current edition, "Protective Clothing for Structural Fire Fighting."~~

~~(7) This section shall apply to volunteer fire fighters for any new equipment purchased)) Turnout clothing as defined in WAC 296-305-007.~~

~~(a) New turnout clothing purchased thirty days after the effective date of this chapter shall be manufactured and labeled to comply with the specifications of this chapter and NFPA Standard 1971, 1986 edition, "Protective Clothing for Structural Fire Fighting."~~

~~(b) All turnout clothing used by full-time fire department personnel after January 1, 1989, shall be at least equivalent to the specifications of this chapter and NFPA Standard 1971, 1981 edition.~~

~~(c) All turnout clothing used by volunteer fire department personnel after January 1, 1991, shall be at least equivalent to the specifications of this chapter and NFPA Standard 1971, 1981 edition.~~

~~(7) Inspection and maintenance.~~

~~(a) All turnout clothing shall be inspected by qualified personnel at not less than one hundred eighty day intervals.~~

~~(b) Turnout clothing shall be maintained as required by the manufacturer.~~

~~(8) Turnout clothing which is damaged or does not comply with this section shall not be used.~~

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06003 HEARING PROTECTION. The hearing protection requirements of the general occupational health standards, chapter 296-62 WAC, shall ~~((apply for all fire fighters))~~ be applicable whenever personnel are exposed to noise levels above the permissible limits including at the fire station, while in transit or at ((the)) a fire scene.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06005 HAND PROTECTION. Any gloves purchased after the effective date of these standards shall meet the following criteria:

~~(1) 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 of Occupational Safety and Health (NIOSH) 1976 publication, The Development of Criteria for Fire Fighter's Gloves and shall meet the requirements established by the current WISHA and OSHA standards)) and wrist protection at the fire combat scene and during overhaul work shall consist of gloves or a glove system which complies with the requirements of this section.~~

~~(2) Gloves purchased after January 1, 1989, shall comply with NFPA Standard, 1973, 1983 edition.~~

~~(3) Gloves used after January 1, 1991, shall comply with NFPA Standard 1973, 1983 edition.~~

~~(4) Gloves used between January 1, 1989, and January 1, 1991, may comply with either NFPA Standard~~

1973, 1983 edition, or the 1976 NIOSH criteria document, Volume II: Glove Criteria and Test Methods.

~~((2))~~ (5) Fire fighters engaged in activities creating hazardous exposures to electricity shall wear approved hand protection.

(a) Electrical rubber gloves guaranteed by the manufacturer to pass a minimum dielectric test of 10,000 volts shall be worn.

(b) Rubber gloves shall be numbered and records kept for test purposes.

(c) Rubber gloves shall be tested by the following maximum retesting schedule:

	Natural Rubber	Synthetic Rubber
Rubber Protective Gloves	(Months)	(Months)
New.....	12	18
Reissued	9	15

After use, the rubber protective gloves shall be cleaned, sanitized, tested and restored for future use. The test after use shall consist of an air pressure test which is performed by grasping the cuff at opposite sides and twirling the glove so as to roll it up the cuff to produce air pressure within the glove. The glove shall be inspected for leaks, cuts, abrasions and thin places in the rubber. Patching or vulcanizing of rubber protective gloves is prohibited. Any rubber gloves found to be defective shall be removed from service and marked as being defective.

(d) Protector gloves must be worn at all times over electrical rubber gloves.

(e) Electrical rubber gloves, when not in use, shall be carried in a suitable bag provided and designed for that purpose.

(f) When electrical rubber gloves are transported on apparatus, a compartment or box shall be used to store the gloves. No other equipment shall be placed in this compartment or box.

~~((g) This section shall apply to volunteer fire fighters for any new equipment purchased.))~~

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06011 HEAD PROTECTION. (1) Head protection shall consist of a protective head device with chin strap. ~~((Ear flaps are optional but the helmets must meet the performance, construction and testing requirements of the United States Fire Administration model performance criteria for structural fire fighter's helmets, except that helmets shall be required to be of a light color (e.g., white, yellow, yellow/green, silver, red or orange). Black colored helmets purchased prior to the effective date of this section may remain in service providing that bands of reflective tape are applied liberally to the exterior until replaced. Employers shall comply with the requirements of this section within three years of the effective date of this chapter.))~~ Ear flaps are optional. All protective head devices shall meet the performance, construction and testing requirements for configuration, frame and head construction, electrical insulation and visibility and reflectivity as established by

the National Fire Prevention and Control Administration of the United States Department of Commerce and contained in "Model Performance Criteria for Structural Firefighters Helmets" printed August 1977.

(2) All helmets used by fire department personnel after January 1, 1991, shall be equivalent to the specifications of this chapter and NFPA 1972, 1980 edition.

(3) All helmets purchased thirty days after the adoption of this chapter shall be manufactured and labeled as complying with the specifications of this chapter and NFPA 1972, 1987 edition.

(a) Helmets shall be maintained in accordance with the manufacturers recommendations.

(b) Helmets which are damaged or do not comply with this section shall not be used.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-063 RESPIRATORY EQUIPMENT((=GENERAL)). (1) Approved self-contained respiratory equipment shall be available and used by all employees who enter into hazardous atmospheres. Filter ~~((canister))~~ canister masks are not approved.

(2) Respiratory protection equipment used in fire combat situations shall be classified as self-contained pressure demand type and shall have a minimum rating of one-half hour nominal service life.

All respirators using compressed air shall have an audible warning device which will activate when the air pressure drops below twenty percent of the rated capacity.

(3) In structural or confined space fires at least one person trained in the use of self-contained breathing equipment and equipped with such equipment shall remain free of the contaminated area in order to afford rescue potential for exposed, disabled fire fighters.

~~((The respiratory protection requirements of the general occupational health, chapter 296-62 WAC, shall apply in addition to those requirements listed in WAC 296-305-063 through 296-305-06313.))~~ The respiratory protection requirements of the Occupational health standards—Safety standards for carcinogens, chapter 296-62 WAC, shall apply. A respirator program shall be developed which includes standard operating procedures addressing the following:

(a) Respiratory equipment inspections. The step-by-step inspection procedures included in the Washington state fire service training program shall be considered the criteria for a minimum inspection procedure.

(b) Breathing air cylinder filling and testing. Only personnel trained, experienced, and knowledgeable in the equipment and procedures shall fill or test air cylinders.

(c) Respiratory equipment training.

(i) Training shall address the same subjects as those covered by the Washington state fire service training program and shall involve at least the same number of hours.

(ii) After completing such training, each fire fighter shall practice at least quarterly, for each type and manufacture of respirator available for use, the step-by-step procedure for donning the respirator and checking it for proper function.

(5) At the end of suppression activities to include fire overhaul and before returning to quarters.

(a) Fire fighters shall be decontaminated prior to removal of respirators whenever fire fighting activities result in exposure to hazardous substances.

(b) When exchanging air supply bottles during suppression or overhaul activities, reasonable precautions shall be taken to maintain an uncontaminated atmosphere to the breathing zone and facepiece supply hose.

(c) The effective date of this item shall be nine months after the effective date of this section.

NEW SECTION

WAC 296-305-064 FIRE OVERHAUL. (1) Training shall be provided to fire fighters and officers in order that they will be knowledgeable in the identification and handling of asbestos containing materials likely to be encountered during a fire response.

(2) During the overhaul phase officers shall identify materials likely to contain asbestos, limiting the breaching of structural materials to that which is necessary to prevent the rekindle.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06505 SLEEPING AREAS. (1) Every fire station sleeping area shall be provided with approved detectors of products of combustion other than heat conforming to Uniform Building Code Standard 43-6, mounted in the sleeping room and on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, a detector shall be placed at the center of the ceiling directly above the stairway and at the top of the pole hole openings. All detectors shall be located within 12 inches of the ceiling. Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector. When activated, the detector(s) shall provide an audible alarm.

(2) Smoking shall not be allowed in sleeping area after fire fighters turn-in.

(3) Dormitories for fire stations designed after ~~((the effective date of this chapter))~~ December 17, 1977, shall be located in such a position that vehicular traffic adjacent to the station house does not present a hazard.

(4) The employer shall establish and implement a schedule for the cleaning of bedding.

AMENDATORY SECTION (Amending Order 77-20, filed 10/18/77)

WAC 296-305-06507 APPARATUS AREA. (1) Three feet of clearance shall be maintained around apparatus parked within the station where the station's width permits.

(2) Stations built after ~~((effective date of this chapter))~~ December 17, 1977, shall have a minimum of three feet of clearance around the apparatus, which shall be maintained free of any storage or obstruction.

(3) The station's apparatus floors shall be kept free of grease, oil, water and all tripping hazards. The drying of

hose on the apparatus floor shall not be considered a tripping hazard.

(4) No Class I or II flammable liquids shall be used for cleaning purposes to remove grease or dirt from apparatus.

(5) Exhaust fumes from diesel or gasoline apparatus shall be emitted to the outside air. Ventilation provided by fully opened apparatus bay doors shall be considered adequate.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06509 REFUELING AREAS. (1) ~~((For all fire stations which are constructed after the effective date of this chapter,))~~ Refueling pumps, if installed, shall be in accordance with the provisions of the Uniform Fire Code-~~((1973))~~ 1985.

(2) Dispensing of Class 1 liquids shall be as required in the ~~((current))~~ Uniform Fire Code-1985.

(3) Fuel tanks shall not be filled while the engine is running, except during fire ground operations. Spillage should be avoided.

(4) Spillage of oil or fuel shall be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

(5) Fueling areas shall be posted - "NO SMOKING-STOP YOUR MOTOR."

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-07001 DESIGN AND CONSTRUCTION. (1) All fire apparatus with the exception of specialized equipment, shall conform to the minimum safety standards contained in N.F.P.A. Booklet No. 1901.

(2) Fire apparatus, purchased after ~~((effective date of code))~~ December 17, 1977, weighing 10,000 pounds or more shall conform with the following department of transportation standards, when applicable:

(a) 571-121 Standard 121, Air brake systems;

(b) 571-106 Standard 106, Hydraulic brake hoses;

(c) 571-211 Standard 211, Wheel nuts, wheel discs, hub caps.

(3) Employers purchasing used fire apparatus or used military equipment shall not be required to bring them under a more stringent code than the one in force at the time the apparatus was manufactured. The exception to this rule would be seat belts and communication systems between the tailboard or tiller's seat and driver compartment as stipulated in WAC 296-305-07003(2), 296-305-07007(1), 296-305-105 (5)(a) and (b), and 296-305-110(4).

(4) Where practicable for the intended application and use, new apparatus purchased after ~~((the effective date of this chapter))~~ December 17, 1977, shall have covered crew cabs.

(5) Fire apparatus tailboards and steps leading to the cab shall have a nonskid rough surface.

(6) Shields shall be provided for individuals who ride the side of city service apparatus to protect them from flying debris and weather.

(7) Exhaust systems shall be installed and maintained in proper condition, and shall be so designed as to eliminate the exposure of the fire fighter to the exhaust gases and fumes.

(8) Spinner knobs shall not be attached to steering handwheels of fire apparatus.

(9) The transmission shifting pattern of the apparatus shall be clearly stenciled or labeled and posted so it can be clearly read by the driver while operating the apparatus.

(10) The height of the apparatus from the ground to the top of the beacon or highest point of apparatus shall be clearly labeled in a place where it can be easily and clearly read by the driver while operating the apparatus.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-07003 AUTOMOTIVE FIRE APPARATUS EQUIPMENT. (1) Vehicles used to transport fire fighter and employer representatives shall have compartments for carrying sharp tools, saws, chisels, axes, etc., or if carried on the outside of the apparatus, sharp points and edges shall be covered to prevent injury to fire fighters and employer representatives.

(2) ~~((All apparatus shall have at least pelvic seat belts for all fire fighters assigned a seated position))~~ Personnel restraints for traveling.

(a) All personnel shall ride in a seated position if adequate seats are available.

(b) While in transit, all operators and passengers shall be protected from accidental displacement out of or off the apparatus. Means of restraint may include but are not limited to:

(i) For seated passengers, correct use of at least a pelvic seatbelt. Seatbelts shall comply with Part 49 CFR Section 571, Standards 209 and 210, U.S. DOT Regulations;

(ii) For tailboard passengers, containment within a guardrail enclosure or correct use of a safety belt and short lanyard securely connected to the apparatus;

(iii) Safety belt lanyards shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5400 pounds.

(c) Safety belts shall be constructed and maintained in compliance with ANSI A10.14-1975.

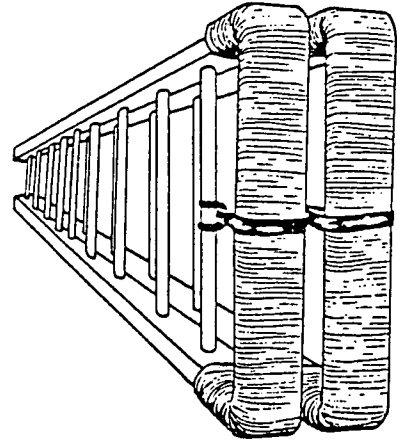
(d) Lanyards shall be a minimum of one-half inch nylon or equivalent with a nominal breaking strength of 5400 pounds.

(e) Minimum structural members for tailboard enclosures shall be two-inch diameter standard schedule 40 pipe or the equivalent. The enclosure shall be constructed to a minimum toprail height of forty-two inches and shall include a midrail and a toeboard at least four inches high. Access door(s) shall be constructed and mounted to achieve structural integrity comparable to the remainder of the enclosure. The door(s) latch shall be equivalent to a one-quarter inch by two-inch solid steel bar.

(3) Each fire apparatus shall carry ((a chemical safety slide rule, or its equivalent, available from the National Safety Council)) a United States Department of Transportation chemical identification book or the equivalent.

(4) Ladders stowed on the sides of apparatus, which protrude into a passage area of a fire station, shall have guards over the butt ends. This guard can be in the form of a short piece of 2-1/2 inch hose.

(5) No employer shall permit automotive fire apparatus equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level.



AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-100 LADDERS. This section establishes the minimum requirements for the construction, care and use of the common types of ladders used in fire combat. ~~((Attic ladders, whether constructed of wood, metal or fiberglass shall be excluded from this section.))~~

(1) Ladder locks or pawls on extension ladders shall be so fastened or secured to the beams that vibration and use will not cause loosening of bolts and nuts. Pawls or ladder locks shall be so constructed that the hook portion of the pawl that engages the rung shall have sufficient bearing surface or area to prevent the hook from cutting into rungs when engaged. Such hooks shall be properly finished to eliminate sharp edges and points.

(2) ~~((Portable roof ladders shall be provided with folding type hooks of sufficient strength to support a direct load of 500 pounds.~~

~~((3))~~ Staypoles or tormenters shall be furnished on all extension ladders extending over 36 feet. Staypole or tormenters spikes shall not project beyond the end of the ladder when nested.

~~((4))~~ (3) All ladders shall be stored in a manner to provide ease of access for inspection, and to prevent danger of accident when withdrawing them for use.

~~((5))~~ (4) All ladders regardless of type must be inspected thoroughly after each use. Records shall be kept of the inspections and repairs.

~~((6))~~ The following wooden ladder components shall be visually inspected:

(a) ~~Rungs for looseness, wear, slivers, checks or cracks, dry rot, paint and varnish.~~

(b) ~~Beams for slivers, checks or cracks, dry rot, condition of varnish or paint, warping and tie rods and beam bolts.~~

~~(c) Heal plates for defects in metal parts, dullness and cracked parts.~~

~~(d) Halyards for dry rot, weak spots and frayed or worn spots.~~

~~(e) Pulleys and locks for breakage, wear, lubrication and check springs.~~

~~(f) Bolts (tie and beam) for tightness and burrs or sharp edges.~~

~~(7)) (5) The following metal ladder components shall be checked:~~

~~(a) Rungs for welds, damage or weakness caused by overloading or bumping against other objects, looseness and cracks, etc.~~

~~(b) Beams for welds, rivets and bolts, signs of strain or metal fatigue, and deformation from heat or overloading.~~

~~(c) Halyards for the same defects listed for wood ladder halyards and cable halyards, for fraying or breaking.~~

~~((8)) (6) Methods of fastening ladder halyards, either of wire or fibrous material, shall be in a manner that the connection is stronger than the halyard.~~

~~((9)) (7) Any defect noted in above visual inspection shall be corrected prior to testing.~~

~~((10)) (8) Every portable ladder shall be tested following the correction of defects disclosed by the visual inspections.~~

~~((11) Portable ladder testing and inspecting shall follow the recommendations of the current National Fire Code:))~~

(9) New ground ladders purchased after the effective date of this chapter shall be constructed and certified in accordance with the requirements of NFPA Standard 1931, 1984 edition.

(10) All fire ground ladders shall be inspected, tested, and maintained in accordance with the requirements of NFPA Standard 1932, 1984 edition. To include tentative interim amendment 1932-84-2.

Note 1: Hardness testing and eddy current NDE testing is not required in the fire department annual maintenance inspection unless the individual ladder has been subjected to a high heat exposure which could have annealed the metal and diminished the structural integrity. The ladder manufacturer's recommendations should be followed with respect to hardness and eddy current testing.

Note 2: Testing should follow the recommended procedures taught by Washington state fire service training.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-305-06301 RESPIRATORY EQUIPMENT EFFECTIVE DATES.

WAC 296-305-06303 RESPIRATORY EQUIPMENT APPROVALS.

WAC 296-305-06305 RESPIRATORY EQUIPMENT INSPECTION.

WAC 296-305-06307 RESPIRATORY EQUIPMENT TESTING.

WAC 296-305-06309 RESPIRATORY PROTECTION EQUIPMENT MAINTENANCE AND REPAIR.

WAC 296-305-06311 RESPIRATORY EQUIPMENT TRAINING.

WAC 296-305-06313 FILLING AIR CYLINDERS.

WAC 296-305-9901 TESTING EXTENSION LADDERS—FIGURE 14.

WAC 296-305-9902 TESTING EXTENSION LADDERS—FIGURE 15.

WAC 296-305-9903 TESTING EXTENSION LADDERS—ILLUSTRATION.

WAC 296-305-9904 TESTING EXTENSION LADDERS—ILLUSTRATION.

WAC 296-305-9905 TESTING EXTENSION LADDERS—ILLUSTRATION.

WAC 296-305-9906 TESTING EXTENSION LADDERS—ILLUSTRATION.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-306-010 PURPOSE AND SCOPE. (1) The standards in this chapter apply to all agricultural operations with one or more employees, when such employees are covered by the Washington Industrial Safety and Health Act (WISHA).

(2) In the event that the provisions of this chapter conflict with the provisions contained in any other chapter of Title 296 WAC, this chapter shall prevail. Sections of other chapters 296-24 WAC apply only when specifically referenced in this chapter.

(3) When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply.

(4) The air contaminant standards contained in WAC 296-62-073 through ~~((296-62-07345))~~ 296-62-07389 and 296-62-075 do not apply to chapter 296-306 WAC, Safety standards for agricultural code.

Note: Such assignments may involve logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-085 FIRE PROTECTION AND IGNITION SOURCES. (1) Portable fire extinguishers shall be constructed, tested, maintained and used in accordance with the recommendations specified by the National Fire Protection Association's No. 10A-1970.

Note: The supplier of the extinguisher or local fire official can furnish this information.

(2) Fire extinguishing equipment suitable for use for the type or types of fire which could be expected in an area shall be provided and shall be available at all times. ~~((See attached diagram, page 8-1-))~~






(3) Each person who is expected to use fire extinguishing equipment shall be instructed as to its proper use.

(4) Employees shall be instructed on procedures to be followed in case of fire.

(5) Areas where fire or explosion hazards exist shall be posted with NO SMOKING or other suitable signs which warn of such hazards.

(6) Vaporizing type extinguishers shall not be used.

KNOW YOUR FIRE EXTINGUISHERS

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	STORED PRESSURE	CARTRIDGE OPERATED	WATER PUMP-TANK	SODA ACID	FOAM	CO ₂	SODIUM OR POTASSIUM BICARBONATE	STORED PRESSURE	STORED PRESSURE	MULTI-PURPOSE ABC	CARTRIDGE OPERATED
CLASS A FIRES WOOD, PAPER, TRASH, HAVING GLOWING EMBERS 	YES	YES	YES	YES	YES	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	YES	YES
CLASS B FIRES FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC. 	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES ELECTRICAL EQUIPMENT 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES COMBUSTIBLE METALS 	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN - SQUEEZE HANDLE	TURN UPSIDE DOWN AND BUMP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN - SQUEEZE LEVER	RUPTURE CARTRIDGE SQUEEZE LEVER	PULL PIN - SQUEEZE HANDLE	PULL PIN - SQUEEZE HANDLE	RUPTURE CARTRIDGE - SQUEEZE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE - ADD WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY - RECHARGE	DISCHARGE ANNUALLY - RECHARGE	WEIGH SEMI-ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY

Note: The above department of labor and industries chart on special extinguishing agents approved by recognized testing laboratories is set forth as filed in the office of the code reviser. It is available for inspection in the code reviser's office as well as the department of labor and industries.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-090 STORAGE AND HANDLING OF ANHYDROUS AMMONIA. (1) Any agricultural employer or employee who transports or applies anhydrous ammonia shall obtain and comply with the anhydrous ammonia safety rules (WAC 296-24-51019 through 296-24-51021). These may be obtained from the department of labor and industries, division of industrial safety and health.

(2) Gloves and goggles and/or a face shield shall be used by all employees while working on or with charged anhydrous ammonia equipment.






(3) Equipment shall be inspected before each day's work. Conditions that would contribute to accidental leakage shall be corrected.

(4) Hose end-valves must be in a closed position when not in use to prevent accidental discharge in case the main valve is opened.

(5) Five gallons or more of clean water must be provided on the equipment.

(6) Relief and vapor valves shall be positioned to discharge away from operator's working position.

KNOW YOUR FIRE EXTINGUISHERS

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	STORED PRESSURE	CO ₂	WATER PUMP/TANK	SODA ACID	FOAM	CO ₂	SODIUM OR POTASSIUM BICARBONATE	STORAGE PRESSURE	STORAGE PRESSURE	MULTI-PURPOSE ABC
CLASS A FIRES WOOD, PAPER, TRASH, HAY, LEAVES, EMBERS 	YES	YES	YES	YES	YES	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	YES	YES
CLASS B FIRES FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC. 	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES ELECTRICAL EQUIPMENT 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES COMBUSTIBLE METALS 	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN-SQUEEZE HANDLE	TURN UPSIDE DOWN AND BUMP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN-SQUEEZE LEVER	RUPTURE CARTRIDGE-SQUEEZE LEVER	RUPTURE CARTRIDGE-SQUEEZE LEVER	PULL PIN-SQUEEZE HANDLE	RUPTURE CARTRIDGE-SQUEEZE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 30'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE, ADD WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY, RECHARGE	DISCHARGE ANNUALLY, RECHARGE	WEIGH SEMI-ANNUALLY	WEIGH GAS CARTRIDGE, CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE, CHECK CONDITION OF DRY CHEMICAL ANNUALLY

WSR 88-14-109

WITHDRAWAL OF PROPOSED RULES
 DEPARTMENT OF ECOLOGY
 [Filed July 6, 1988]

Please withdraw from public consideration Notice No. WSR 88-04-074 filed February 3, 1988.

Phillip C. Johnson

WSR 88-14-110

PROPOSED RULES
 DEPARTMENT OF ECOLOGY
 [Filed July 6, 1988]

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 minimum functional standards for solid waste handling, amending chapter 173-304 WAC, to include requirements for closure and post-closure care of solid waste handling facilities;

that the agency will at 7:00 p.m., August 9, 1988, Port of Seattle, Commissioners Chambers, 2201 Alaskan Way South, Pier 66, Seattle, and at 7:00 p.m., August 10, 1988, Spokane County Health Department, Auditorium, West 1101 College, Spokane, conduct public hearings on the proposed rules.

The public comment period is scheduled to end on August 12, 1988.

The adoption hearing is scheduled for September 6, 1988, at 2:00 p.m. in Room 154 at the Department of Ecology's Headquarters Office. The amendment will become effective 30 days after adoption.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

Dated: July 6, 1988

By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Chapter 173-304 WAC, Permanent rules regarding closure and post-closure care of solid waste landfill facilities.

Description of Purpose: This amended chapter describes the manner in which ecology will implement the provisions of statutory authority.

Statutory Authority: RCW 70.95.215 Solid waste management—Recovery and recycling.

Summary of Rule: The rule establishes the requirements for owners and operators of solid wastes landfill facilities for closure and post-closure care. In addition, it provides the financial assurance mechanisms to ensure funds are available to close these facilities when the time arises.

Reasons Supporting Proposed Action: This rule is necessary to implement chapter 70.95 RCW.

Agency Personnel Responsible for Drafting: Brett Betts and Randy Martin; Implementation: Terry

Husseman; and Enforcement: Local health departments and the Department of Ecology.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: [No information supplied by agency.]

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: No adverse economic impact.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the businesses in any one industry be reviewed and altered to minimize their impact upon small businesses. The regulatory proposal has been reviewed in light of this requirement. The conclusions of this review are summarized below.

The proposed regulatory action amends the minimum functional standards for solid waste handling to address financial assurance for closure and post-closure care of landfill facilities. The form and content reflect legislative directions contained in RCW 70.95.215. Examination indicates, as those amended regulations become incorporated into facilities operation plans—with the requirement that tipping fees be the revenue source, unless prohibitively high—charges will increase. The exact amount of increase will be unique to each site.

These cost/charge increases will effect two groups: Solid waste generators and owner/operators of solid waste handling facilities. We expect solid waste generators to have their disposal costs increase based upon the amount of waste generated. Thus, the regulation would not seem to place a disproportionate burden upon small business.

Regarding owners/operators of solid waste handling facilities this regulation will cause the costs to increase. However, these funds will be used by the owner/operators during the facilities closure and to maintain the facility for a specified period thereafter. This expense should already be considered and included in charges to customers. In addition, waiver procedures are being developed if tipping fees become prohibitively high. Nonetheless, the operator will still be required to provide another revenue source to provide financial assurance for each solid waste landfill facility.

After careful review, it is judged that this regulatory proposal satisfied the intent of the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-100 DEFINITIONS. When used in this regulation, the following terms have the meanings given below.

(1) "Active area" means that portion of a facility where solid waste recycling, reuse, treatment, storage, or disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.

(2) "Agricultural wastes" means wastes on farms resulting from the production of agricultural products including but not limited to manures, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

(3) "Agronomic rates" means the rates of application of sludges, manures, or crop residues in accordance with rates specified by the appropriate fertilizer guide for the crop under cultivation.

(4) "Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

(5) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(6) "Ashes" means the residue including any air pollution flue dusts from combustion or incineration of material including solid wastes.

(7) "Balefill" means a landfill which uses compacted bales of solid waste to form discrete lifts as the landfill is filled.

(8) "Buffer zone" means that part of a facility that lies between the active area and the property boundary.

(9) "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable or disposable containers.

(10) "Clean soils and clean dredge spoils" means soils and dredge spoils which are not dangerous wastes or problem wastes as defined in this section.

(11) "Closure" means those actions taken by the owner or operator of a solid waste site or facility to cease disposal operations and to ensure that all such facilities are closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period.

(12) "Collecting agency" means any agency, business or service operated by a person for the collecting of solid waste.

(13) "Compliance schedule" means a written schedule of required measures in a permit including an enforceable sequence leading to compliance with these regulations.

(14) "Composting" means the controlled degradation of organic solid waste yielding a product for use as a soil conditioner.

(15) "Container" means a device used for the collection, storage, and/or transportation of solid waste including but not limited to reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.

(16) "Contaminate" means to allow to discharge a substance into ground water that would cause:

(a) The concentration of that substance in the ground water to exceed the maximum contamination level specified in WAC 173-304-9901, or

(b) A statistically significant increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in WAC 173-304-9901, or

(c) A statistically significant increase above background in the concentration of a substance which:

(i) Is not specified in WAC 173-304-9901, and

(ii) Is present in the solid waste, and

(iii) Has been determined to present a substantial risk to human health or the environment in the concentrations found at the point of compliance by the jurisdictional health department in consultation with the department and the department of social and health services.

(17) "Cover material" means soil or other suitable material that has been approved by the jurisdictional health department as cover for wastes.

(18) "Dangerous wastes" means any solid waste designated as dangerous waste by the department under chapter 173-303 WAC.

(19) "Demolition waste" means solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (i.e., sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process and asbestos wastes are not considered to be demolition waste for the purposes of this regulation.

(20) "Department" means the department of ecology.

(21) "Detachable containers" means reusable containers that are mechanically loaded or handled such as a "dumpster" or drop box.

(22) "Disposable containers" means containers that are used once to handle solid waste such as plastic bags, cardboard boxes and paper bags.

(23) "Disposal" or "deposition" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.

(24) "Disposal site" means the location where any final treatment, utilization, processing, or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

(25) "Drop box facility" means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

(26) "Energy recovery" means the recovery of energy in a useable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

(27) "Existing facility" means a facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of this regulation and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of this regulation shall be considered existing facilities.

(28) "Expanded facility" means a facility adjacent to an existing facility for which the land is purchased and approved by the jurisdictional health department after the effective date of this regulation. A vertical expansion approved and permitted by the jurisdictional health department after the effective date of this regulation shall also be considered an expanded facility.

(29) "Facility" means all contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.

(30) "Facility structures" means buildings, sheds, utility lines, and drainage pipes on the facility.

(31) "Final treatment" means the act of processing or preparing solid waste for disposal, utilization, reclamation, or other approved method of use.

(32) "Free liquids" means any sludge which produces measurable liquids when the Paint Filter Liquids Test, Method 9095 of EPA Publication Number SW-846, is used.

(33) "One hundred year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source.

(34) "Garbage" means unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

(35) "Ground water" means that part of the subsurface water which is in the zone of saturation.

(36) "Holocene fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side and that has occurred in the most recent epoch of the quaternary period extending from the end of the pleistocene to the present.

(37) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

(38) "Interim solid waste handling site" means any interim treatment, utilization or processing site engaged in solid waste handling which is not the final site of disposal. Transfer stations, drop boxes, baling and compaction sites, source separation centers, and treatment are considered interim solid waste handling sites.

(39) "Industrial solid wastes" means waste by-products from manufacturing operations such as scraps, trimmings, packing, and other discarded materials not otherwise designated as dangerous waste under chapter 173-303 WAC.

(40) "Inert wastes" means noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack and chemical attack from acidic rainwater.

(41) "Jurisdictional health department" means city, county, city-county or district public health department.

(42) "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

(43) "Landspreading disposal facility" means a facility that applies sludges or other solid wastes onto or incorporates solid waste into the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.

(44) "Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases therefrom.

(45) "Local fire control agency" means a public or private agency or corporation providing fire protection such as a local fire department, the department of natural resources or the United States Forest Service.

(46) "Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(47) "Medical waste" means all the infectious, and injurious waste originating from a medical, veterinary, or intermediate care facility.

(48) "New facility" means a facility which begins operation or construction after the effective date of this regulation (see also definition of "existing facility").

(49) "Nonconforming site" means a solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400 but does comply with a compliance schedule issued in a solid waste permit by the jurisdictional health department.

(50) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

(51) "Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(52) "Performance standard" means the criteria for the performance of solid waste handling facilities.

(53) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity. Soils and synthetic liners with a permeability for water of 1×10^{-7} cm/sec or less may be considered impermeable.

(54) "Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

(55) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(56) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(57) "Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life and during closure and post-closure.

(58) "Point of compliance" means that part of ground water that lies beneath the perimeter of a solid waste facilities' active area as that active area would exist at closure of the facility.

(59) "Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a ((number of years after closure)) twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

(60) "Premises" means a tract or parcel of land with or without habitable buildings.

(61) "Problem wastes" means: (a) Soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes, or (b) dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open

water disposal and the dredge spoils are not dangerous wastes and are not regulated by section 404 of the Federal Clean Water Act (PL 95-217).

(62) "Processing" means an operation to convert a solid waste into a useful product or to prepare it for disposal.

(63) "Putrescible waste" means solid waste which contains material capable of being decomposed by micro-organisms.

(64) "Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(65) "Reclamation site" means a location used for the processing or the storage of recycled waste.

(66) "Reusable containers" means containers that are used more than once to handle solid waste such as garbage cans.

(67) "Run-off" means any rainwater, leachate or other liquid which drains over land from any part of the facility.

(68) "Run-on" means any rainwater or other liquid which drains over land onto any part of a facility.

(69) "Scavenging" means the removal of materials at a disposal site, or interim solid waste handling site without the approval of the owner or operator and the jurisdictional health department.

(70) "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

(71) "Sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.

(72) "Sole source aquifer" means an aquifer designated by the Environmental Protection Agency pursuant to Section 1424e of the Safe Drinking Water Act (PL 93-523).

(73) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.

(74) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(75) "Solid waste management" means the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

(76) "Storage" means the holding of solid waste materials for a temporary period.

(77) "Twenty-five year storm" means a storm of a particular duration and of such an intensity that it has a four percent probability of being equalled or exceeded each year.

(78) "Twenty-four hour, twenty-five year storm" means a twenty-five year storm of twenty-four hours duration.

(79) "Stream" means the point at which any confined freshwater body of surface water reaches a mean annual flow of twenty cubic feet per second.

(80) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(81) "Surface water" means all lakes, rivers, ponds, streams, inland waters, salt waters and all other water and water courses within the jurisdiction of the state of Washington.

(82) "Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling facilities.

(83) "Treatment" means the physical, chemical or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for energy or material resource recovery or reduced in volume.

(84) "Utilization" means consuming, expending, or exhausting by use, solid waste materials.

(85) "Vadose zone" means that portion of a geologic formation in which soil pores contain some water, the pressure of that water is less than atmospheric pressure, and the formation occurs above the zone of saturation.

(86) "Vector" means a living animal, insect or other arthropod which transmits an infectious disease from one organism to another.

(87) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(88) "Waste reduction" means reducing the amount or type of waste generated.

(89) "Water quality standard" means a standard set for maximum allowable contamination in surface waters as set forth in chapter 173-201 WAC, Water quality standards for waters of the state of Washington.

(90) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, estuaries, and similar areas.

(91) "Woodwaste" means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-~~(chrome)~~chrome-arsenate.

(92) "Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

(93) "Buy-back recycling center" means any facility which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of accumulating, grading, or packaging recyclable materials for subsequent shipment and reuse, other than direct application to land.

(94) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present.

(95) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

(96) "Liquid" means a substance that flows readily and assumes the form of its container but retains its independent volume.

(97) "Reserved" means a section having no requirements and which is set aside for future possible rule-making as a note to the regulated community.

(98) "Limited purpose landfills" means a landfill that receives solid waste of limited types, known and consistent composition, other than woodwastes, garbage, inert waste, and demolition waste.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-400 SOLID WASTE HANDLING FACILITY STANDARDS. (1) Applicability. The standards of WAC 173-304-405 through 173-304-490 are the solid waste handling facility standards and apply to all solid waste handling facilities, except for:

(a) Waste recycling facilities, whose standards are spelled out in WAC 173-304-300;

(b) On-site containerized storage, collection and transportation facilities which are spelled out in WAC 173-304-200;

(c) Single family residences and single family farms whose year round occupants engage in solid waste handling of the single family's solid waste on-site;

(d) Problem wastes as defined in WAC 173-304-100;

(e) Solid waste handling facilities that have engaged in closure and closed before the effective date of this regulation; and

(f) Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits except for any portion that utilizes or engages in landspreading disposal sludges or solid residues directly on the land.

(2) Standards for permits. The standards of WAC 173-304-405 through 173-304-490 shall be used as the basis for permitting as required in WAC 173-304-600.

(3) Effective dates.

(a) All existing facilities not in conformance with the following sections of the facility standards shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within eighteen months of the effective date of this regulation for:

(i) The general facility standards, WAC 173-304-405;

(ii) The transfer stations, baling and compaction standards, WAC 173-304-410;

(iii) Ground water monitoring required in WAC 173-304-490;

(iv) The landfill operating and maintenance standards, WAC 173-304-460(4);

(v) The tire pile standards of WAC 173-304-420(4); and

(vi) The landspreading disposal standards of WAC 173-304-450(5).

(b) All applicable solid waste facilities shall be in compliance with the general closure and post-closure standards of WAC 173-304-407 and the financial assurance standards of WAC 173-304-467 and 173-304-468 by twelve months after the effective date of WAC 173-304-407, 173-304-467, and 173-304-468, except for owners or operators of existing facilities that have a closure plan approved by the jurisdictional health department in a solid waste permit issued before the effective date of these amendments and are closing before November 27, 1989. Existing solid waste facilities shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure compliance by the effective date of this subsection.

(c) All existing solid waste facilities not in conformance with facility standards other than those in (a) and (b) of this subsection shall be placed upon compliance schedules under WAC 173-304-600 (1)(c) to assure full compliance within four years of the effective date of this regulation.

~~((f))~~ (d) All new and expanded facilities other than those in (b) of this subsection shall meet the facility standards of WAC 173-304-405 to 173-304-490 after the effective date of this regulation.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-405 GENERAL FACILITY REQUIREMENTS. (1) Applicability. All applicable solid waste handling facilities shall meet the requirements of this section.

(2) Plan of operation. Each owner or operator shall develop, keep and abide by a plan of operation approved as part of the permitting process in WAC 173-304-600. The plan shall describe the facilities' operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health officer. The facility must be operated in accordance with the plan or the plan must be so modified with the approval of the jurisdictional health department. Owners or operators of drop boxes may develop a generic plan of operation applicable to all such drop boxes, owned or operated.

Each plan of operation shall include:

(a) How solid wastes are to be handled on-site during its active life;

~~((b))~~ (b) ~~How the facility will be closed and, for land disposal facilities, how postclosure will be carried out;~~

~~((c))~~ (c) How inspections and monitoring are conducted and their frequency;

~~((d))~~ (d) Actions to take if there is a fire or explosion;

~~((e))~~ (e) Actions to take if leaks are detected;

~~((f))~~ (f) Corrective action programs to take if ground water is contaminated;

~~((g))~~ (g) Actions to take for other releases (e.g. failure of run-off containment system);

~~((h))~~ (h) How equipment such as leachate collection and gas collection equipment are to be maintained;

~~((i))~~ (i) A safety plan or procedure; and

~~((j))~~ (j) Other such details as required by the jurisdictional health department.

(3) Recordkeeping. Each owner or operator shall maintain daily operating records on the weights (or volumes), number of vehicles entering and, if available, the types of wastes received. Major deviations from the plan of operation shall also be noted on the operating record.

(4) Reporting. Each owner or operator shall prepare and submit a copy of an annual report to the jurisdictional health department and the department by March 1 of each year. The annual report shall cover facility activities during the previous year and must include the following information:

(a) Name and address of the facility;

(b) Calendar year covered by the report;

(c) Annual quantity, in tons, or volume, in cubic yards, and estimated in-place density in pounds per cubic yard of solid waste handled, by type of solid waste if available, for each type of treatment, storage, or disposal facility, including applicable recycling facilities; and

(d) Results of ground water monitoring required in WAC 173-304-490.

(5) Inspections. The owner or operator shall inspect the facility to prevent malfunctions and deterioration, operator errors and discharges which may cause or lead to the release of wastes to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be available to the jurisdictional health department upon request.

~~((6))~~ (6) ~~Closure. Each owner or operator shall close the facility according to plans spelled out in the plan of operation. Solid waste facilities shall be restored by the owner or operator to be as compatible as possible with the surrounding environs following the closure. Closure includes but is not limited to grading, seeding, landscaping, contouring, and screening. For interim solid waste handling sites, closure includes waste removal and decontamination. For disposal facilities, postclosure includes ground water monitoring and gas monitoring, the maintenance of the site for its intended use, and other activities deemed appropriate by the jurisdictional health department until the site becomes stabilized (i.e. little or no settlement, gas production or leachate generation) and monitoring ground water and gases can be safely discontinued.~~

~~((7))~~ (7) Recording with county auditor. Maps and a statement of fact concerning the location of the disposal site shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying solid waste amounts, location and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

~~((8))~~ (8) State and local requirements. All solid waste disposal facilities shall comply with all state and local requirements such as zoning land use, fire protection, water pollution prevention, air pollution prevention, nuisance and aesthetics.

NEW SECTION

WAC 173-304-407 GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS. (1) Applicability. The requirements of subsections (2), (3), (4), and (5) of this section apply to all solid waste handling facilities. The requirements of subsections (6), (7), and (8) of this section apply to:

(a) Landfills subject to WAC 173-304-460 including limited purpose landfills under WAC 173-304-460(5);

(b) Surface impoundments under WAC 173-304-430 (2)(g) closed with waste remaining in place;

(c) Inert waste and demolition waste landfills under WAC 173-304-461;

(d) Woodwaste landfills under WAC 173-304-462; and

(e) Landspreading disposal facilities under WAC 173-304-450(2).

(2) Effective dates. Existing facilities subject to the requirements of this section shall meet the applicable facility standards of this section within twelve months of the effective date of this regulation. All new or expanded facilities subject to the requirements of this section shall meet the applicable facility standards on the effective date of this regulation.

(3) Closure performance standard. Each owner or operator shall close their facility in a manner that:

(a) Minimizes the need for further maintenance;

(b) Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of solid waste constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, ground water, surface water, and the atmosphere; and

(c) Prepares the facility for the post-closure period.

(4) Closure plan and amendment(s). Closure as defined in WAC 173-304-100(11), includes but is not limited to grading, seeding, landscaping, contouring, and/or screening. For interim solid waste handling sites, closure includes waste removal and decontamination of the site.

(a) Each owner or operator shall develop, keep and abide by a plan of closure approved by the jurisdictional health department as part of the permitting process in WAC 173-304-600.

(b) The closure plan shall project time intervals at which sequential partial closure is to be implemented, and identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a closure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided, as required by applicable laws and regulations.

(d) The jurisdictional health department may determine in accordance with applicable laws and regulations that a facility closure plan is invalid and require the owner or operator to amend the facility closure plan, including:

(i) The health department may direct facility operation or closure activities to cease in part or whole until the facility closure plan has been amended and has received written approval by the health department.

(ii) When the health department determines that a facility closure plan amendment is required, the health department shall designate a compliance schedule for submittal, review and approval of such amendment, by the health department.

(e) Each owner and operator shall close the facility in accordance with the approved closure plan and all approved amendments.

(5) Closure procedures.

(a) Each owner and operator shall notify the jurisdictional health department and where applicable, the financial assurance instrument trustee, of the intent to implement the closure plan in part or whole, no later than one hundred eighty days prior to the projected final receipt of waste at the entire facility unless otherwise specified in the closure plan.

(b) The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of the final volume of waste and/or attaining the final landfill elevation at part of or at the entire facility as identified in the approved facility closure plan unless otherwise specified in the closure plan.

(c) Waste shall not be accepted for disposal or for use in closure except as identified in the closure plan approved by the jurisdictional health department, as required in subsection (3)(a) of this section.

(d) When facility closure is completed in part or whole, each owner and operator shall submit the following to the jurisdictional health department:

(i) Facility closure plan sheets signed by a professional engineer registered in the state of Washington and modified as necessary to represent as-built changes to final closure construction as approved in the closure plan;

(ii) An affidavit signed by the owner or operator, and a professional engineer registered in the state of Washington that the site has been closed in accordance with the approved closure plan.

(e) The jurisdictional health department shall notify the owner or operator and the department of ecology of the date when the facility post-closure period has begun, which period shall commence when the jurisdictional health department has verified the facility has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this section.

(6) Post-closure performance standard. Each owner or operator shall provide post-closure activities to allow for continued facility maintenance and monitoring of air, land, and water as long as necessary for the facility to stabilize and to protect human health and the environment.

(7) Post-closure plan and amendment. For disposal facilities; post-closure includes ground water monitoring; surface water monitoring; gas monitoring; and maintenance of the facility, facility structures, and monitoring systems for their intended use for a period of twenty years and any other activities deemed appropriate by the jurisdictional health department.

(a) Each owner or operator shall develop, keep and abide by a post-closure plan approved as a part of the permitting process in WAC 173-304-600. The post-closure plan shall address facility maintenance and monitoring activities for at least a twenty-year period or until the

site becomes stabilized (i.e., little or no settlement, gas production or leachate generation), and monitoring of ground water, surface water, and gases can be safely discontinued.

(b) The post-closure plan shall project time intervals at which post-closure activities are to be implemented, and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a post-closure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided where applicable, as required by WAC 173-304-467.

(d) Each owner or operator shall complete the post-closure activities in accordance with the approved post-closure plan and schedule. Facility post-closure activities shall be completed in accordance with the approved post-closure plan or the plan shall be so amended with the approval of the jurisdictional health department.

(e) The jurisdictional health department may determine that a facility post-closure plan is invalid and require an owner or operator to amend the facility closure plan.

(i) The health department may direct facility post-closure activities, in part or whole, to cease until the post-closure plan amendment has received written approval by the health department.

(ii) When the health department determines a facility post-closure amendment is required, the health department shall designate a compliance schedule for submittal of the amendment and its review and approval by the department.

(8) Post-closure procedures.

(a) Each owner or operator shall commence post-closure activities after completion of closure activities outlined in subsection (5)(d)(i) and (ii) of this section. The jurisdictional health department may direct that post-closure activities cease until the owner or operator receives a notice to proceed with post-closure activities.

(b) When post-closure activities are complete, the owner or operator shall submit an affidavit to the jurisdictional health department, signed by the owner or operator, and a professional engineer registered in the state of Washington stating why post-closure activities are no longer necessary (i.e., little or no settlement, gas production, or leachate generation).

(c) If the jurisdictional health department finds that post-closure monitoring has established that the facility is stabilized (i.e., little or no settlement, gas production, or leachate generation), the health department may authorize the owner or operator to discontinue post-closure maintenance and monitoring activities.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-430 SURFACE IMPOUNDMENT STANDARDS. (1) Applicability.

(a) These standards are applicable to solid wastes that are liquids or sludges containing free liquids as defined in WAC 173-304-100 and applicable under WAC 173-304-015(2) and are stored or treated in surface impoundments;

(b) These standards are also applicable to sludges and septage stored or treated in surface impoundments; and

(c) These standards are not applicable to:

(i) Surface impoundments whose facilities and discharges are otherwise regulated under federal, state, or local water pollution permits; and

(ii) Retention or detention basins used to collect and store stormwater runoff.

(2) Requirements. All surface impoundments must be designed, constructed, and operated so as to:

(a) Meet the performance standards of WAC 173-304-460(2);

(b) Have an in-place or imported soil liner of at least two feet of 1 x 10⁻⁷ cm/sec permeability or an equivalent combination of any thickness greater than two feet and a greater permeability to protect the underlying aquifers or a thirty mil reinforced artificial liner placed on top of a structurally stable foundation to support the liners and solid waste and to prevent settlement that would destroy the liner; natural soils shall be recompacted to achieve an equivalent permeability. Owners or operators shall be allowed to use alternative designs, operating practices and locational characteristics which prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection;

(c) Avoid washout including the use of an extended liner or dikes or restriction of flow in the one hundred year floodplain and to comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones;

(d) Have dikes designed with slopes so as to maintain the structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action;

(e) Have the freeboard equal to or greater than eighteen inches to avoid overtopping from wave action, overfilling, or precipitation;

(f) Have either a ground water monitoring system, or a leachate detection, collection and treatment system, for surface impoundments having a capacity of more than two million gallons unless the jurisdictional health department and the department require either for smaller surface impoundments. For purposes of this subsection, capacity refers to the total capacity of all surface impoundments on-site (i.e., two, one million gallon surface impoundments on one site will trigger these monitoring requirements);

(g) Be closed in a manner which removes all solid wastes including liners, etc. to another permitted facility and the site returned to its original or acceptable topography except that surface impoundments closed with the waste remaining in place shall meet the requirements of WAC ((173-304-460(5))) 173-304-407 and 173-304-130;

(h) A jurisdictional health department may require that the liner be inspected for wear and integrity and repaired or replaced by removing stored solid wastes or otherwise inspecting the liner or base at any time. The request shall be in writing and cite the reasons including valid ground water monitoring or leachate detection data leading to such an inspection and repair;

(i) Surface impoundments containing septage will also be subject to the department's "criteria for sewage works design" used to review plans for septage surface impoundments; and

(j) Surface impoundments that have the potential to impound more than ten acre-feet of waste measured from the top of the dike and which would be released by a failure of the containment dike shall be reviewed and approved by the dam safety section of the department.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-450 LANDSPREADING DISPOSAL STANDARDS. (1) Applicability. These standards apply to facilities that engage in landspreading disposal of solid wastes. These standards do not apply to:

(a) Facilities utilizing sludge, woodwaste or other primarily organic sludges according to the Municipal and Domestic Sludge Utilization Guidelines WDOE 82-11, specified in WAC 173-304-300 (4) and (5);

(b) Agricultural solid wastes resulting from the operation of a farm including farm animal manure and agricultural residues; and

(c) Inert wastes and demolition wastes.

(2) Owners or operators of landspreading disposal facilities shall meet the minimum functional standards for performance of WAC 173-304-460(2) and the general facilities standards of WAC 173-304-405.

(3) Owners or operators of landspreading disposal facilities shall meet the locational standards of WAC 173-304-130.

(4) Minimum functional standard for design. Owners or operators of landspreading disposal facilities shall design landspreading facilities so as to:

(a) Provide interim waste storage facilities that meet the requirements of WAC 173-304-400 standards (i.e., for piles, surface impoundments, etc.);

(b) Collect and treat all run-off from a twenty-four hour, twenty-five year storm, and divert all run-on for the maximum flow of a maximum twenty-five year storm around the active area;

(c) Avoid standing water anywhere on the active area;

(d) Avoid slopes and other features that will lead to soil and waste erosion, unless contour plowing or other measures are taken to avoid erosion;

(e) Monitor ground water according to WAC 173-304-490; and

(f) Control access to site by fencing or other means and erect signs.

(5) Minimum functional standards for maintenance and operation. Owners or operators of landspreading disposal facilities shall maintain and operate the facilities so as to:

(a) Avoid any landspreading disposal of garbage or medical waste;

(b) Analyze solid wastes according to the requirements spelled out in the Municipal and Domestic Sludge Utilization Guidelines WDOE 82-11;

(c) Avoid applying wastes at rates greater than ten times agronomic rates using the proposed cover crop, or depths greater than would allow for discing the soil by tracked vehicles;

(d) Provide discing of soils during the growing season and after each application of waste to maintain aerobic soil conditions, minimize odors and lessen run-off;

(e) Avoid applying waste to any active area having standing water;

(f) Conform to the operating plan and the requirements of WAC 173-304-405;

(g) Avoid food chain crops during the active life of the facility and until demonstrated to be safe, after closure, according to the closure and post-closure plans filed with the plan of operation. Specific approval in writing from the jurisdictional health department is required for any landspreading disposal facility that is used to raise food crops after closure. Any new owner or operator of a closed landspreading disposal facility shall notify the jurisdictional health department within sixty days of the purchase; and

(h) Provide for a written contract between landowners, waste generators, waste haulers and waste operators requiring compliance with rules as a condition of the contract.

(6) Minimum functional standards for closure.

(a) All owners or operators of landspreading disposal facilities shall close in such a manner as to comply with WAC ((173-304-405(6))) 173-304-407;

(b) ((All owners or operators of landspreading facilities shall also close such facilities in a manner that:

(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates, to the extent necessary, threats to human health and the environment, postclosure escape of solid waste, constituents, leachate, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible; and

(iv) Allows for continued monitoring of all media (air, land and water) as long as necessary to protect human health and the environment during the postclosure period;

(c)) Financial assurance. All owners or operators of landspreading disposal facilities shall have a written estimate, in current dollars, of the cost of closing the facility. The closure cost estimate must equal the cost of closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive, as indicated by the closure plan.

In addition, all facilities shall have a written post-closure estimate, in current dollars, the cost of post-closure monitoring and maintenance during the post-closure period.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-460 LANDFILLING STANDARDS. (1) Applicability. These standards apply to facilities that dispose of solid waste in landfills except for:

(a) Inert wastes and demolition wastes landfills, that must meet WAC 173-304-461 standards; and

(b) Woodwaste landfills that must meet WAC 173-304-462 standards.

(2) Minimum functional standards for performance.

(a) Ground water. An owner or operator of a landfill shall not contaminate the ground water underlying the landfill, beyond the point of compliance. Contamination and point of compliance are defined in WAC 173-304-100.

(b) Air quality and toxic air emissions.

(i) An owner or operator of a landfill shall not allow explosive gases generated by the facility whose concentration exceeds:

(A) Twenty-five percent of the lower explosive limit for the gases in facility structures (excluding gas control or recovery system components);

(B) The lower explosive limit for the gases at the property boundary or beyond; and

(C) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures.

(ii) An owner or operator of a landfill shall not cause a violation of any ambient air quality standard at the property boundary or emission standard from any emission of landfill gases, combustion or any other emission associated with a landfill.

(c) Surface waters. An owner or operator of a landfill shall not cause a violation of any receiving water quality standard or violate

chapter 90.48 RCW from discharges of surface run-off, leachate or any other liquid associated with a landfill.

(3) Minimum functional standards for design.

(a) Minimizing liquids. All owners or operators of landfills shall minimize liquids admitted to active areas of landfills by:

(i) Covering according to WAC 173-304-460 (4)(d);

(ii) Prohibiting the disposal of noncontainerized liquids or sludges containing free liquids in landfills unless approved by the jurisdictional health department;

(iii) Designing the landfill to prevent all the run-on of surface waters and other liquids resulting from a maximum flow of a twenty-five year storm into the active area of the landfill;

(iv) Designing the landfill to collect the run-off of surface waters and other liquids resulting from a twenty-four hour, twenty-five year storm from the active area and the closed portions of a landfill;

(b) Leachate systems. All owners or operators of landfills shall:

(i) Install a leachate collection system sized according to water balance calculations or using other accepted engineering methods either of which shall be approved by the jurisdictional health department;

(ii) Install a leachate collection system so as to prevent no more than two feet of leachate developing at the topographical low point of the active area; and

(iii) Install a leachate treatment, or a pretreatment system if necessary in the case of discharge to a municipal waste water treatment plant, to meet the requirements for permitted discharge under chapter 90.48 RCW and the Federal Clean Water Act (PL 95-217).

(c) Liner designs. All owners or operators of landfills shall use liners of one of the following designs:

(i) Standard design. The liner shall be constructed of at least a four feet thick layer of recompacted clay or other material with a permeability of no more than 1×10^{-7} cm/sec and sloped no less than two percent; or

(ii) Alternative design. The design shall have two liners:

(A) An upper liner of at least fifty mils thickness made of synthetic material; and

(B) A lower liner of at least two feet thickness of recompacted clay or other material with a permeability of no more than 1×10^{-6} cm/sec and sloped no less than two percent; or

(iii) Equivalent design. The design shall use alternative methods, operating practices and locational characteristics which will minimize the migration of solid waste constituents or leachate into the ground or surface water at least as effectively as the liners of (c)(i) and (ii) of this subsection; or

(iv) Arid design. This design will apply to locations having less than twelve inches of precipitation annually, and, in lieu of (c)(i), (ii), and

(iii) of this subsection, shall consist of vadose zone moisture monitoring, provided that:

(A) Waste material is no less than ten feet above the seasonal high level of ground water in the uppermost aquifer; and

(B) Any evidence of leachate or waste constituents detected in the vadose zone that violates or could be expected to violate the performance standard of WAC 173-304-460(2) shall cause the owner or operator to:

(I) Take corrective action, and either

(II) Close the facility according to these rules, or

(III) For all future expansions at that facility, meet the liner requirement of (c)(i) or (ii) of this subsection.

(v) Small landfill designs. For a landfill whose design and permit allow a total capacity at closure of two hundred thousand cubic yards or less, the need for a liner and leachate collection system shall be determined on a case-by-case basis by the jurisdictional health department in consultation with the department.

(d) Floodplains. All owners or operators of landfills that are located in a one hundred year floodplain shall:

(i) Comply with local floodplain management ordinances and chapter 508-60 WAC, Administration of flood control zones; and

(ii) Design the landfill so that the landfill entrance or exit roads or practices shall not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste, so as to pose a hazard to human life, wildlife, land or water resources.

(e) Closure. All owners and operators shall design landfills so that at closure:

(i) At least two feet of 1×10^{-6} cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts unless the landfill is located in an area having mean annual precipitation of less than twelve

inches in which case at least two feet of 1×10^{-5} cm/sec or lower permeability soil or equivalent shall be placed upon the final lifts. Artificial liners may replace soil covers provided that a minimum of fifty mils thickness is used;

(ii) The grade of surface slopes shall not be less than two percent, nor the grade of side slopes more than thirty-three percent; and

(iii) Final cover of at least six inches of topsoil be placed over the soil cover and seeded with grass, other shallow rooted vegetation or other native vegetation.

(f) Gas control.

(i) All owners and operators shall design landfills, having a permitted capacity of greater than ten thousand cubic yards per year, so that methane and other gases are continuously collected, and

(A) Purified for sale;

(B) Flared; or

(C) Utilized for its energy value.

(ii) Collection and handling of landfill gases shall not be required if it can be shown that little or no landfill gases will be produced or that landfill gases will not support combustion; in such cases installation of vents shall be required.

(g) Other requirements. All owners and operators of landfills shall design landfills to:

(i) Be fenced at the property boundary or use other means to impede entry by the public and animals. A lockable gate shall be required at the entry to the landfill;

(ii) Monitor ground water according to WAC 173-304-490 using a design approved by the local jurisdictional health department with the guidance of the department. The jurisdictional health department may also require monitoring of:

(A) Surface waters, including run-off;

(B) Leachate;

(C) Subsurface landfill gas movement and ambient air; and

(D) Noise.

(iii) Weigh all incoming waste on scales for landfills having a permitted capacity of greater than ten thousand cubic yards per year or provide an equivalent method of measuring waste tonnage capable of estimating total annual solid waste tonnage to within plus or minus five percent;

(iv) Provide for employee facilities including shelter, toilets, hand washing facilities and potable drinking water for landfills having the equivalent of three or more full-time employees;

(v) Erect a sign at the site entrance that identifies at least the name of site, if applicable, the hours during which the site is open for public use, unacceptable materials and an emergency telephone number. Other pertinent information may be required by the jurisdictional health department;

(vi) Provide on-site fire protection as determined by the local and state fire control jurisdiction;

(vii) Prevent potential rat and other vectors (such as insects, birds, and burrowing animals) harborage in buildings, facilities, and active areas;

(viii) Provide the unloading area(s) to be as small as possible, consistent with good traffic patterns and safe operation;

(ix) Provide approach and exit roads to be of all-weather construction, with traffic separation and traffic control on-site, and at the site entrance; and

(x) Provide communication between employees working at the landfill and management offices on-site and off-site (such as telephones) to handle emergencies.

(4) Minimum functional standards for maintenance and operation.

(a) Operating plans. All owners or operators of landfills shall maintain and operate the facility so as to conform to the approved plan of operation.

(b) Operating details. All owners or operators of landfills shall operate the facility so as to:

(i) Control road dust;

(ii) Perform no open burning unless permitted by the jurisdictional air pollution control agency or the department under the Washington Clean Air Act, chapter 70.94 RCW. Garbage shall not be open burned.

(iii) Collect scattered litter as necessary to avoid a fire hazard or an aesthetic nuisance;

(iv) Prohibit scavenging;

(v) Conduct on-site reclamation in an orderly sanitary manner, and in a way that does not interfere with the disposal site operation;

(vi) Insure that at least two landfill personnel are on-site with one person at the active face when the site is open to the public for landfills

with a permitted capacity of greater than fifty thousand cubic yards per year;

(vii) Control insects, rodents and other vectors; and
(viii) Insure that reserve operational equipment shall be available to maintain and meet these standards.

(c) Boundary posts. All owners or operators of landfills shall clearly mark the active area boundaries authorized in the permit, with permanent posts or using equivalent method clearly visible for inspection purposes.

(d) Compaction and daily cover. All owners or operators of landfills shall:

(i) Thoroughly compact the solid waste before succeeding layers are added; and

(ii) Cover compacted waste containing garbage fully with at least six inches of compacted cover material after each day of operation. The jurisdictional health department may allow less frequent covering by considering:

- (A) The characteristics of the solid waste;
- (B) The climatic and geologic setting;
- (C) The size of the facility; and
- (D) The potential for nuisance conditions.

(e) Monitoring systems. All owners and operators of landfills shall maintain the monitoring system required in subsection (3)(g)(ii) of this section.

(f) Recycling required.

(i) All owners or operators of landfills at which the general public delivers household solid waste shall provide the opportunity for the general public to recycle cans, bottles, paper and other material for which a market exists and brought to the landfill site:

(A) During the normal hours of operation;
(B) In facilities convenient to the public (i.e., near entrance to the gate).

(ii) Owners or operators may demonstrate alternative means to providing an opportunity to the general public to recycle household solid waste.

(g) Disposal of dangerous waste prohibited. Owners or operators of landfills shall not knowingly dispose, treat, store, or otherwise handle dangerous waste unless the requirements of the dangerous waste regulation, chapter 173-303 WAC are met.

~~(5) ((Minimum functional standards for closure and postclosure:~~

~~(a) All owners or operators of landfills shall close landfills in such a manner as to comply with WAC 173-304-405(6):~~

~~(b) All owners or operators of landfills shall close landfills in a manner that:~~

- ~~(i) Minimizes the need for further maintenance;~~
- ~~(ii) Controls, minimizes or eliminates to the extent necessary threats to human health and the environment from postclosure escape of solid waste constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, surface water, ground water or the atmosphere;~~
- ~~(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible; and~~
- ~~(iv) Allows for continued monitoring of all media (air, land and water) as long as necessary for the waste to stabilize and to protect human health and the environment.~~

~~(c) All owners or operators of landfills must have a written estimate, in current dollars, of the cost of closing the facility. The closure cost estimate must equal the cost of closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive, as indicated by the closure plan.~~

~~In addition, all facilities must have a written postclosure estimate, in current dollars, the cost of postclosure monitoring and maintenance during the postclosure period:~~

~~(6)) Limited purpose landfill standards.~~

~~(a) Limited purpose landfills shall meet the following requirements:~~

~~(i) The general facility standards of WAC 173-304-405;~~

~~(ii) The general closure and post-closure standards of WAC 173-304-407;~~

~~(iii) The performance standards of WAC 173-304-460(2);~~

~~((iii)) (iv) The financial assurance standards of WAC 173-304-467 and 173-304-468; and~~

~~(v) The ground water monitoring standards of WAC 173-304-490(2).~~

(b) In addition, limited purpose landfills must meet all other standards of WAC 173-304-130 and 173-304-460 unless the owner or operator applies for relief from each of these requirements as part of his permit application and includes evidence or reasons why the nature

of the waste, the disposal site and other factors can protect the environment and the public health.

NEW SECTION

WAC 173-304-467 FINANCIAL ASSURANCE FOR PUBLIC FACILITIES. (1) Applicability.

(a) These standards apply to all new and expanded landfill disposal facilities, and to existing landfill disposal facilities that have not been closed on or before November 27, 1989. Landfill disposal facilities include:

(i) All solid waste facilities operated as landfills under WAC 173-304-460, including limited purpose landfills under WAC 173-304-460(5);

(ii) Facilities operated as surface impoundments under WAC 173-304-430 that are closed with the waste remaining in place and therefore required to meet the requirements of WAC 173-304-407; and

(iii) Woodwaste landfills operated under WAC 173-304-462;

(b) For the purposes of this section, landfill disposal facilities are divided into the following ownership/use categories:

(i) A privately-owned facility that accepts waste from the general public;

(ii) A publicly-owned facility that accepts waste from the general public.

(c) For the purposes of this section, publicly-owned or operated facilities may set up one account for both closure and post-closure care of each facility.

(2) Cost estimate for closure.

(a) Each owner or operator shall prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate shall be in current dollars and represent the cost of closing the facility in accordance with the closure requirements in WAC 173-304-407.

(i) The cost estimate shall be based on a reasonable cost estimate for completing design, purchase, construction, and other activities as identified in the facility closure plan as required under WAC 173-304-407;

(ii) The closure plan shall project intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;

(iii) The closure cost estimate shall not be reduced by allowance for salvage value of equipment, waste, or the resale value of property or land;

(b) Each owner or operator shall prepare a new closure cost estimate in accordance with (a) and (c) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure plan;

(ii) There is a change in the expected year of closure that affects the closure plan;

(iii) The jurisdictional health department directs the owner or operator to revise the closure plan or closure cost estimate; or

(iv) The department of ecology directs the facility owner or operator to adjust the closure cost estimate.

(c) Each owner or operator shall review the closure cost estimate annually thirty days prior to the anniversary date of the first closure cost estimate. The review will examine all factors, including inflation, involved in estimating the closure cost. Any cost changes must be factored into a revised closure cost estimate and submit the revised cost estimate to the jurisdictional health department and the department of ecology for review and approval.

(d) During the operating life of the facility, the owner or operator shall keep the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and when this estimate has been adjusted in accordance with (c) of this subsection, made available for review.

(e) The department of ecology will evaluate each cost estimate for completeness and reasonableness and may accept, or require a revision of the cost estimate in accordance with its evaluation.

(3) Financial assurance account for closure. Each owner or operator of an applicable landfill disposal facility shall establish a financial assurance account in an amount that, over the life of the facility, will accumulate funds to be equal to the closure cost estimate prepared in accordance with subsection (2) of this section unless otherwise specified.

(a) Applicable landfill disposal facilities that accept waste from the general public shall choose from the following options or combination of options for accounting for the financial assurance account:

(i) For landfill disposal facilities owned or operated by municipal corporations, the closure and post-closure reserve account shall be handled in one of the two following ways:

(A) Cash and investments accumulated and restricted for closure with an equivalent amount of fund balance reserved in the fund accounting for solid waste activity; or

(B) The cash and investments held in a nonexpendable trust fund.

(C) Other approved method.

(ii) Closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology. The purpose of the closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for closure activities as identified in the approved closure plan.

(b) For applicable private disposal facilities that accept public waste, established closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) During the operating life of the facility, the owner or operator must review the post-closure cost estimate thirty days before each anniversary of the date on which the first closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the closure cost estimate. Any changes in costs shall be factored into a revised closure cost estimate. The new estimate shall be submitted to the jurisdictional health department and the department of ecology for review and approval.

(d) For applicable disposal facilities of this section, any income in excess of the closure cost estimate accruing to the established closure financial assurance account will be at the owner's discretion as to the use of said funds.

(e) Excess moneys remaining in the closure financial assurance account after the completion of all identified closure activities will be released to the facility owner or operator.

(4) Cost estimate for post-closure.

(a) Each owner or operator shall prepare a written post-closure cost estimate as part of the facility post-closure plan. The post-closure cost estimate shall be in current dollars and represent the total cost of completing post-closure activities for the facility for at least a twenty-year post-closure period in accordance with the post-closure requirements in WAC 173-304-407.

(i) The post-closure cost estimate shall be based on a reasonable cost estimate for completing post-closure monitoring, maintenance, and other activities identified in the approved facility post-closure plan as required under WAC 173-304-407;

(ii) The post-closure plan shall project annual or other intervals for withdrawal of post-closure funds from the post-closure financial assurance instrument to complete the activities identified in the approved post-closure plan;

(iii) The post-closure cost estimate shall not be reduced by allowance for salvage, value of equipment, waste, or resale value of property or land.

(b) Each owner or operator shall prepare a new post-closure cost estimate for the remainder of the post-closure care twenty-year period in accordance with (a) and (c) of this subsection, whenever:

(i) Change in the post-closure plan increases or decreases the cost of post-closure care;

(ii) The jurisdictional health department directs the owner or operator to revise the post-closure plan or post-closure cost estimate; or

(iii) The department of ecology directs the facility owner or operator to adjust the post-closure cost estimate.

(c) During the operating life of the facility, the owner or operator shall review the post-closure cost estimate thirty days prior to each anniversary of the date on which the first post-closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the post-closure cost estimate. Any changes in costs must be factored into a revised post-closure cost estimate. The new estimate must be submitted to the jurisdictional health department and the department of ecology for approval.

(d) During the operating life of the facility, the owner or operator shall keep the latest post-closure cost estimate prepared in accordance with (a) and (b) of this subsection, available for review.

(5) Financial assurance account for post-closure. Each owner or operator of a landfill disposal facility shall establish a financial assurance account in an amount equal to the post-closure cost estimate prepared in accordance with subsection (4) of this section.

(a) Applicable landfill disposal facilities that accept waste from the general public shall choose from the following options or combinations of options for accounting for the financial assurance account:

(i) For landfill disposal facilities owned or operated by municipal corporations, the post-closure reserve shall be handled in one of the two following ways:

(A) Cash and investments accumulated and restricted for post-closure with an equivalent amount of fund balance reserved in the fund accounting for solid waste activity;

(B) Cash and investments held in a nonexpendable trust fund.

(ii) Post-closure trust fund established with an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology. The purpose of the post-closure trust fund is to receive and manage any funds paid by the owner or operator and to disburse those funds only for post-closure activities as identified in the approved post-closure plan.

(b) For disposal facilities as categorized in subsection (1)(b) of this section, established post-closure financial assurance accounts shall not constitute an asset of the facility owner or operator.

(c) For applicable disposal facilities of this section any income accruing to the established post-closure financial assurance account will be at the owner's discretion as to the use of said excess funds.

(d) Excess moneys remaining in the post-closure financial assurance account after the completion of all identified post-closure activities shall be released to the facility owner or operator.

(6) Closure/post-closure financial assurance account establishment and reporting.

(a) Closure and post-closure financial assurance funds shall be generated at each facility by transferring a percentage of the facility user fees to the selected financial assurance instrument at the schedule specified in the closure and post-closure plans, such that adequate closure and post-closure funds will be generated to ensure full implementation of the approved closure and post-closure plans.

(b) Each facility owner or operator must establish a procedure with the financial assurance instruments trustee for notification of nonpayment of funds to be sent to the jurisdictional health department and the department of ecology.

(c) Each owner or operator shall file with the department of ecology an annual audit of the financial assurance accounts established for closure and post-closure activities, and a statement of the percentage of user fees, as applicable, diverted to the financial assurance instruments.

(i) For landfill disposal facilities owned and operated by municipal corporations, the closure reserve account shall be audited according to the audit schedule of the office of state auditor and shall be filed with the department of ecology, including each of the post-closure care years.

(ii) For landfill disposal facilities not owned or operated by municipal corporations:

(A) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington, and shall be filed with the department of ecology no later than March 31 of each year for the previous calendar year, including each of the post-closure care years.

(B) The audit shall also include calculations demonstrating the proportion of closure completed during the preceding year as specified in the closure and post-closure plans.

(d) Existing landfill disposal facilities may submit a written request with their annual audit to the department of ecology requesting a waiver from utilizing user fees to generate the moneys necessary for the closure and/or post-closure financial assurance account.

(i) The waiver request should provide documentation to demonstrate the facility user fees are prohibitively high, and include alternate method(s) for funding the facility's closure and/or post-closure financial assurance account;

(ii) The waiver request review procedure will be according to WAC 173-304-700.

(7) Authorization for financial assurance account fund withdrawal for closure and post-closure activities.

(a) Each owner or operator will withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan, the closure and/or post-closure plan shall be amended.

NEW SECTION

WAC 173-304-468 FINANCIAL ASSURANCE FOR PRIVATE LANDFILL DISPOSAL FACILITIES. (1) Applicability.

(a) For the purposes of this regulation private landfill disposal facilities are privately-owned facilities that do not accept waste from the general public and dispose of only their own generated waste.

(b) These standards apply to all new and expanded landfill disposal facilities, and to existing landfill disposal facilities that have not been closed on or before November 27, 1989. Landfill disposal facilities include:

(i) Facilities operated as surface impoundments under WAC 173-304-430 that are closed with waste remaining in place and therefore required to meet the requirements of WAC 173-304-407; and

(ii) Woodwaste landfills operated under WAC 173-304-462.

(2) Cost estimates for closure and post-closure.

(a) Each owner or operator shall prepare separate written closure and post-closure cost estimates as part of the facility closure and post-closure plans. The cost estimates shall be in current dollars and represent the cost of closing or post-closure care of the facility for a period of twenty years in accordance with the closure requirements in WAC 173-304-407.

(i) The cost estimate shall be based on a reasonable cost estimate for completing design, purchase, construction, and other activities as identified in the facility closure or post-closure plan as required under WAC 173-304-407;

(ii) The closure and post-closure plans shall project intervals for withdrawal of funds from the closure or post-closure financial assurance instrument to complete the activities identified in the approved closure or post-closure plan;

(iii) The closure and post-closure cost estimate shall not be reduced by allowance for salvage value of equipment, waste, or the resale value of property or land.

(b) Each owner or operator shall prepare a new closure or post-closure cost estimate in accordance with (a) and (c) of this subsection whenever:

(i) Changes in operating plans or facility design affect the closure or post-closure plans;

(ii) There is a change in the expected year of closure that affects the closure plan;

(iii) The jurisdictional health department directs the owner or operator to revise the closure or post-closure plan or closure or post-closure cost estimate; or

(iv) The department of ecology directs the facility owner or operator to adjust the closure or post-closure cost estimate.

(c) Each owner or operator shall review the closure and post-closure cost estimate thirty days prior to the anniversary date of the date on which the first closure and post-closure cost estimate was prepared. The review shall examine all factors, including inflation, involved in estimating the closure and post-closure cost. Any cost changes shall be factored into a revised closure or post-closure cost estimate and submit the revised cost estimate to the jurisdictional health department and the department of ecology.

(d) During the operating life of the facility, the owner or operator must keep the latest closure and post-closure cost estimate prepared in accordance with (a) and (b) of this subsection, and when this estimate has been adjusted in accordance with (c) of this subsection, available for review.

(e) The department of ecology will evaluate each cost estimate for completeness, and may accept, or require a revision of the cost estimate in accordance with its evaluation.

(3) Financial assurance mechanism for closure and post-closure. Each owner or operator of an applicable landfill disposal facility shall establish financial assurance mechanisms in an amount equal to the closure cost estimate and post-closure cost estimate prepared in accordance with subsection (2) of this section.

(a) Applicable landfill disposal facilities shall provide one or more of the following financial assurance instruments:

(i) Closure and post-closure trust funds established with an entity which has authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology. The purpose of the closure and post-closure trust funds is to receive and manage any funds paid by the owner or operator and to disburse those funds only for closure or post-closure activities as identified in the approved closure and post-closure plan;

(ii) Surety bond guaranteeing payment into a closure and post-closure trust fund issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department or as hereafter amended. The wording of the surety bond(s) must be acceptable to the department. A standby closure and post-closure trust fund must also

be established by the permittee. The purpose of the standby closure or post-closure trust fund is to receive any funds that may be paid by the operator or surety company. The bond must guarantee that the permittee will either fund the standby closure or post-closure trust in an amount equal to the penal sum of the bond before the site stops receiving waste. The surety shall become liable on the bond obligation if the permittee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the notice of cancellation has been received by both the permittee and the local health department. If the permittee has not provided alternate financial assurance acceptable under this section within ninety days of the cancellation notice, the surety must pay the amount of the bond into the standby closure or post-closure trust account;

(iii) Surety bond guaranteeing performance of closure or post-closure issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department or as hereafter amended. The wording of the surety bond must be acceptable to the department of ecology. A standby closure and post-closure trust fund must also be established by the permittee. The purpose of the standby closure or post-closure trust fund is to receive any funds that may be paid by the surety company. The bond must guarantee that the permittee will perform final closure or post-closure activities. The surety shall become liable on the bond obligation if the permittee fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the notice of cancellation has been received by the permittee and the local health department. If the permittee has not provided alternative financial assurance acceptable under this section within ninety days of the cancellation notice, the surety must pay the amount of the bond into the standby closure or post-closure trust account;

(iv) Closure or post-closure irrevocable letter of credit issued by an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency. The wording of the letter of credit must be acceptable to the department. Standby closure and post-closure trust funds must also be established by the permittee. The purpose of the standby trust funds is to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit must be irrevocable and issued for a period of at least one year unless the issuing institution notifies both the permittee and the local health department at least one hundred twenty days before the current expiration date. If the permittee fails to perform closure and post-closure activities according to the closure or post-closure plan and permit requirements, or if the permittee fails to provide alternate financial assurance acceptable to the department within ninety days after notification that the letter of credit will not be extended, the local health department may draw from the letter of credit;

(v) Closure and post-closure insurance policies issued by an insurer who is licensed to transact the business of insurance or is eligible as an excess or surplus lines insurer in one or more states. The working of the certificate of insurance must be acceptable to the department. Each insurance policy must guarantee that the funds will be available to complete those activities identified in the approved closure and post-closure plans. The policy must also guarantee that the insurer will be responsible for paying out funds for activities identified in either the closure or post-closure plan. The policy must provide that the insurance is automatically renewable and that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. If there is a failure to pay the premium, the insurer may not terminate the policy until at least one hundred twenty days after the notice of cancellation has been received by both the permittee and the local health department. Termination of the policy may not occur and the policy must remain in full force and effect if: The local health department determines the facility has been abandoned; or closure has been ordered by the local health department or a court of competent jurisdiction, or the permittee has been named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. (Bankruptcy); or the premium due is paid. The permittee is required to maintain the policy in full force and until an alternative financial assurance guarantee is provided or when the permit is terminated.

(vi) Financial test and corporate guarantee for closure and post-closure. A private corporation meeting the financial test may provide a corporate guarantee that closure and post-closure activities will be completed according to the approved closure and post-closure plans and permit requirements. To qualify, a private corporation must meet the criteria of either (a)(i) or (ii) of this subsection:

(A) Financial test. To pass the financial test the permit must have:

(I) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;

(II) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(B) Alternative financial test. To pass the alternative financial test, the permittee must have:

(I) A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Bbb as issued by Moody's;

(II) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates;

(III) Tangible net worth of at least ten million dollars; and

(IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates.

(C) The permittee shall demonstrate that it passes the financial test at the time the financial assurance plan is filed and reconfirm that annually ninety days after the end of the corporation's fiscal year by submitting the following items to the department of ecology:

(I) A letter signed by the permittee's chief financial officer that provides the information necessary to document that the permittee passes the financial test; that guarantees that the funds to finance closure and post-closure activities according to the closure or post-closure plan and permit requirements are available; that guarantees that the closure and post-closure will be completed according to the closure or post-closure plan and permit requirements; that guarantees that the standby closure or post-closure trust funds will be fully funded within thirty days after written notification from the jurisdictional health department that the permittee no longer meets the criteria of the financial test; that guarantees that the permittee's chief financial officer will notify the jurisdictional health department within fifteen days any time that the permittee no longer meets the criteria of the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C. (Bankruptcy); and that acknowledges that the corporate guarantee is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guarantee;

(II) A copy of the independent certified public accountant's report on examination of the permittee's financial statements for the latest completed fiscal year;

(III) A special report from the permittee's independent certified public accountant (CPA) stating that the CPA has compared the data which the letter from the permittee's chief financial officer specifies as having been derived from the independently audited year end financial statements for the latest fiscal year with the amounts in such financial statement and that no matters came to the CPA's attention which caused the CPA to believe that the specified data should be adjusted;

(IV) A trust agreement demonstrating that a standby closure and/or post-closure trust fund has been established with an entity which has authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. The wording of the trust agreement must be acceptable to the department of ecology;

(V) The jurisdictional health department may, based on a reasonable belief that the permittee no longer meets the criteria of the financial test, require reports of the financial condition at any time from the permittee in addition to the annual report. If the jurisdictional health department finds, on the basis of such reports or other information that the permittee no longer meets the criteria of the financial test, the permittee shall fully fund the standby closure and/or post-closure trust fund within thirty days after notification by the jurisdictional health department.

(b) For applicable disposal facilities of this section, any income in excess of the cost estimate(s) accruing to the established closure or post-closure financial assurance account will be at the owner's discretion as to the use of said surplus funds.

(4) Closure/post-closure financial assurance account establishment and reporting.

(a) Closure and post-closure financial assurance funds at private facilities can use any method to generate sufficient funds at the schedule specified in the closure and post-closure plans to insure full implementation of the approved plans;

(b) Each facility owner or operator shall establish a procedure with the financial assurance instrument trustee for notification of nonpayment of funds to be sent to the jurisdictional health department and the department of ecology;

(c) Each owner or operator shall file with the department of ecology an annual audit of the financial assurance accounts established for closure and post-closure activities:

(i) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington, and shall be filed with the department of ecology no later than March 31 of each year for the previous calendar year, including each of the post-closure care years;

(ii) The audit shall also include calculations demonstrating the proportion of closure completed during the preceding year as specified in the closure and post-closure plans.

(5) Authorization for financial assurance account fund withdrawal for closure and post-closure activities.

(a) Each owner or operator shall withdraw funds from the closure and/or post-closure financial assurance instrument as specified in the approved closure/post-closure plans;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure and/or post-closure plan the closure and/or post-closure plan shall be amended.

AMENDATORY SECTION (Amending Order 85-18, filed 10/28/85)

WAC 173-304-600 PERMIT REQUIREMENTS FOR SOLID WASTE FACILITIES. (1) Applicability.

(a) All facilities which are subject to the standards of WAC 173-304-130, 173-304-300, and 173-304-400 are required to obtain permits. Permits are not required for single family residences and single family farms dumping or depositing solid waste resulting from their own activities on to or under the surface of land owned or leased by them when such action does not create a nuisance, violate statutes, ordinances, or regulations, including this regulation.

(b) Permits are not required for corrective actions at solid waste handling facilities performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or corrective actions taken by others to comply with a state and/or federal cleanup order provided that:

(i) The action results in an overall improvement of the environmental impact of the site;

(ii) The action does not require or result in additional waste being delivered to the site or increase the amount of waste or contamination present at the site;

(iii) The facility standards of WAC 173-304-400 are met; and

(iv) The jurisdictional health department is informed of the actions to be taken and is given the opportunity to review and comment upon the proposed corrective action plans.

(c) Effective dates. The effective dates are as follows:

(i) The permit requirements of this section apply to all existing waste handling facilities eighteen months after the effective date of this regulation.

(ii) Between the effective date of this regulation and eighteen months thereafter, existing facilities will operate under the terms and conditions of existing permits valid on the effective date of this regulation. Jurisdictional health departments shall incorporate compliance schedules into valid existing permits; such compliance schedules shall insure that existing facilities meet the effective dates of WAC 173-304-400(3).

(iii) New and expanded waste handling facilities shall meet the requirements of this section on the effective date of this regulation.

(2) Procedures for permits.

(a) Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the jurisdictional health department. Filing shall not be complete until two copies of the application have been signed by the owner and operator and received by the jurisdictional health department, and the applicant has filed an environmental checklist required under the State Environmental Policy Act rules, chapter 197-11 WAC.

(b) Applications for a permit must contain the information set forth in subsection (3) of this section.

(c) Once the jurisdictional health department determines that an application for a permit is factually complete, it shall refer one copy to the appropriate regional office of the department for review and comment.

(d) The jurisdictional health department shall investigate every application to determine whether the facilities meet all applicable laws and regulations, conforms with the approved comprehensive solid waste handling plan and complies with all zoning requirements.

(e) The jurisdictional health department may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the county treasury in the account from which the health department's operating expenses are paid.

(f) The department shall report to the jurisdictional health department its findings on each permit application within forty-five days of receipt of a complete application or inform the jurisdictional health department as to the status of the application. Additionally, the department shall recommend for or against the issuance of each permit by the jurisdictional health department.

(g) When the jurisdictional health department has evaluated all pertinent information, it may issue a permit. Every completed solid waste permit application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department or the applicant shall be informed as to the status of the application.

(h) Except for applications specified in subsection (3)(h) of this section every permit issued by a jurisdictional health department shall be on a format prescribed by the department and shall contain specific requirements necessary for the proper operation of the permitted site or facility including the requirement that final engineering plans and specifications be submitted for approval to the jurisdictional health department.

(i) All issued permits must be filed with the department no more than seven days after the date of issuance.

(j) The owner or operator of a facility shall apply for renewal of the facility's permit annually. The jurisdictional health department shall annually:

(i) Review the original application for compliance with these regulations and submit such additional information as spelled out in subsection (4) of this section;

(ii) Review information collected from inspections, complaints, or known changes in the operations;

(iii) Collect the renewal fee;

(iv) Renew the permit; and

(v) File the renewed permit with the department no more than seven days after the date of issuance. The department shall review and may appeal the renewal as set forth in RCW 70.95.185 and 70.95.190.

(3) Application contents for permits for new or expanded facilities.

(a) All permit applications except for inert waste, demolition waste, special purpose landfills, woodwaste landfill and recycling facilities applications, which are specified in (h) of this subsection, shall contain the following:

(i) A general description of the facility;

(ii) The types of waste to be handled at the facility;

(iii) The plan of operation required by WAC 173-304-405(2);

(iv) The form used to record weights or volumes required by WAC 173-304-405(3);

(v) An inspection schedule and inspection log required by WAC 173-304-405(5); and

(vi) Documentation to show that any domestic or industrial waste water treatment facility, such as a leachate treatment system, is being reviewed by the department under chapter 173-240 WAC.

(b) Application contents for permits for new or expanded landfill facilities. In addition to the requirements of (a) of this subsection, each landfill application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses:

(A) Local/regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;

(B) Evaluation of bedrock and soil types and properties;

(C) Depths to ground water and/or aquifer(s);

(D) Direction and flow rate of local ground water;

(E) Direction of regional ground water;

(F) Quantity, location and construction (where available) of private and public wells within a two thousand foot radius of site;

(G) Tabulation of all water rights for ground water and surface water within a two thousand foot radius of the site;

(H) Identification and description of all surface waters within a one-mile radius of the site;

(I) Background ground and surface water quality assessment, and for expanded facilities, identification of impacts of existing facilities of the applicant to date upon ground and surface waters from landfill leachate discharges;

(J) Calculation of a site water balance;

(K) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable a vadose zone monitoring plan;

(L) Land use in the area, including nearby residences; and

(M) Topography of the site and drainage patterns.

(ii) Preliminary engineering report/plans and specifications that address:

(A) How the facility will meet the locational standards of WAC 173-304-130;

(B) Relationship of facility to county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) The design of bottom and side liners;

(D) Identification of borrow sources for daily and final cover, and soil liners;

(E) Interim/final leachate collection, treatment, and disposal;

(F) Landfill gas control and monitoring;

(G) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements; and

(H) Closure/post-closure design, construction, maintenance, and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection, treatment, and disposal systems;

(B) Operation and maintenance of landfill gas control systems;

(C) Monitoring plans for ground water, surface water, and landfill gases to include sampling technique, frequency, handling, and analyses requirements;

(D) Safety and emergency accident/fire plans;

(E) Routine filling, grading, cover, and housekeeping;

(F) Record system to address records on weights (or volumes), number of vehicles and the types of waste received;

(G) Vector control plans; and

(H) Noise control.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Maintenance of active fill versus completed, final covered acreage;

(D) Estimated closure construction timing and notification procedures;

(E) Inspection by regulatory agencies.

(v) Post-closure plan to address:

(A) Estimated time period for post-closure activities;

(B) Site monitoring of landfill gas, ground water, and surface water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems; and

(E) Identification of final closure costs including cost calculations and the funding mechanism.

(c) Application contents for new or expanded transfer stations, drop box facilities, and baling and compaction systems requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain preliminary engineering report/plans and specifications that address:

(i) The proposed facility's zoning status;

(ii) The relationship to the county solid waste comprehensive plan and the area to be served by the facility; and

(iii) The facility design to address how the facility shall meet requirements of WAC 173-304-410, including closure.

(d) Application contents for new or expanded surface impoundments requiring a permit. In addition to the requirements of (a) of this subsection, each applicable application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;

(ii) Preliminary engineering report/plans and specifications that address, where applicable:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of facility to the county solid waste comprehensive plan;

(C) The design of liners and foundation to be incorporated in the facilities design including the design leachate of collection and treatment systems;

(D) The design of ground water monitoring;

(E) The design of dikes including calculations on dike stability analyses under conditions of liner failure;

(F) Other design details, including sludge cleanout and disposal, overflowing alarms and inlet design; and
 (G) Closure/post-closure design, construction maintenance and land use.

(iii) An operation plan that addresses:

(A) Operation and maintenance of leachate collection system, or ground water monitoring;

(B) Operation and maintenance of overflowing equipment or details of filling and emptying techniques;

(C) Inspection of dikes and liners for integrity; and

(D) Safety and emergency plans.

(iv) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(e) Application contents for new or expanded piles requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) Preliminary engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of the facility to the county solid waste comprehensive plan and zoning;

(C) The design of the liner or sealed surface upon which the liner rests, including an analysis of the liners ability to withstand the stress;

(D) The design of the run-on and run-off system;

(E) The design to avoid washout when the pile is located in a one hundred year floodplain; and

(F) Maximum elevation and boundaries of the waste pile.

(ii) An operation plan that addresses:

(A) Methods of adding or removing wastes from the pile and equipment used;

(B) Inspection of the liner for integrity; and

(C) Safety and emergency plans.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(f) Application contents for new or expanded energy recovery and incinerator facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) Preliminary engineering reports/plans and specifications that address:

(A) The relationship of the facility to the county solid waste comprehensive plan and zoning;

(B) The design of the storage and handling facilities on-site for incoming waste as well as fly ash, bottom ash and any other wastes produced by air or water pollution controls; and

(C) The design of the incinerator or thermal treater, including changing or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems, and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.

(ii) An operation plan that addresses:

(A) Cleaning of storage areas as required by WAC 173-304-440 (2)(a);

(B) Alternative storage plans for breakdowns as required in WAC 173-304-440 (2)(c);

(C) Inspection to insure compliance with state and local air pollution laws and to comply with WAC 173-304-405(5). The inspection log or summary must be submitted with the application; and

(D) How and where the fly ash, bottom ash and other solid wastes will be disposed of.

(iii) A closure plan to address:

(A) Estimate of closure year and cost;

(B) Methods of closure and methods of removing wastes, equipment, and location of final disposal;

(C) Closure timing and notification procedures; and

(D) Final inspection by regulatory agencies.

(g) Application contents for new or expanded landspreading disposal facilities requiring a permit. In addition to the requirements of (a) of this subsection, each application for a permit must contain:

(i) A geohydrological assessment of the facility that addresses all of the factors of (b)(i) of this subsection;

(ii) Preliminary engineering reports/plans and specifications that address:

(A) How the proposed facility will meet the locational standards of WAC 173-304-130;

(B) The relationship of the facility to the county solid waste comprehensive plan and the basis for calculating the facility's life;

(C) Waste analyses and methods to periodically sample and analyze solid waste;

(D) Design of interim waste storage facilities if such facilities are not otherwise permitted by the department;

(E) Design of run-on and run-off systems;

(F) A contour map of the active area showing contours to the nearest foot;

(G) A ground water and surface water monitoring program; and

(H) Access barriers such as fences, and warning signs.

(iii) An operation plan that addresses:

(A) Operation and maintenance of run-off and run-on systems;

(B) Methods of taking ground water samples and for maintaining ground water monitoring systems;

(C) Methods of applying wastes to meet the requirements of WAC 173-304-450 (2)(d):

(I) Estimated multiples of agronomic rates;

(II) Frequency of discing; and

(III) Avoidance of standing water.

(D) The written contract required between landowners, waste generators and waste operators.

(iv) Closure plan to address:

(A) Estimate of closure season/year;

(B) Capacity of site in volume and tonnage;

(C) Year-to-year maintenance of the active area versus completed, final covered acreage;

(D) Closure construction timing and notification procedures; and

(E) Final inspection by regulatory agencies.

(v) Post-closure plan to address:

(A) Estimated time period for post-closure activities;

(B) Site monitoring of ground water;

(C) Deed clause changes, land use, and zoning restrictions;

(D) Maintenance activities to maintain cover and run-off systems;

(E) Plans for food chain crops being grown on the active areas, after closure; and

(F) Identification of final closure costs including cost calculations and the funding mechanism.

(h) Application contents for new or expanded inert waste and demolition waste, special purpose landfill, woodwaste landfills, and recycling facilities.

Applications for permits subject to the standards of WAC 173-304-300, 173-304-460((6)) (5), 173-304-461, and 173-304-462 shall be on forms whose content shall be specified by the jurisdictional health department.

(4) Application contents for existing facilities renewing permits. All owners or operators of existing facilities shall renew permits or application forms specified in subsection (3) of this section. Previous information submitted to the jurisdictional health department may be referred to on the application forms. Changes in operating methods or other changes must be noted on the application in order to be authorized by permit.

(5) Inspections. As a minimum, annual inspections of all permitted solid waste facilities shall be performed by the jurisdictional health department. Any duly authorized officer, employee, or representative of the jurisdictional health officer or his designee having jurisdiction may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

WSR 88-14-111
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning cancellation of vehicle registration and license plates, new sections WAC 308-96A-450, 308-96A-460, 308-96A-470 and 308-96A-480;

that the agency will at 9:00 a.m., Tuesday, August 16, 1988, in the 2nd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, 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 46.16.760(2).

The specific statute these rules are intended to implement is RCW 46.16.720 through 46.16.750.

Dated: July 6, 1988

By: Sandra Brooks, Administrator
 Title and Registration Control

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To enhance the ability of the Department of Licensing to protect the public health, safety and welfare by adopting rules necessary to implement RCW 46.16.720 through 46.16.750.

Statutory Authority: RCW 46.16.760(2).

Summary of the Rules: WAC 308-96A-450 Driving without valid license—Temporary vehicle registration; 308-96A-460 Driving without valid license—Request for hearing; 308-96A-470 Driving without valid license—Re-registration after cancellation; and 308-96A-480 Driving without valid license—Vehicle operating on a permit.

Reason Proposed: To implement RCW 46.16.720 through 46.16.750, cancellation of vehicle registration and license plates for driving without a valid driver's license.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: David T. Kirk, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: The state of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

Small Business Economic Impact Statement: Not required for this statement.

NEW SECTION

WAC 308-96A-450 DRIVING WITHOUT VALID LICENSE—TEMPORARY VEHICLE REGISTRATION. (1) Arresting officers, at the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, may issue a temporary vehicle registration on behalf of the department of licensing to replace any vehicle registration confiscated pursuant to RCW 46.16.710. The temporary vehicle registration shall provide notice to the arrested driver of the department's intention to cancel the vehicle registration and the license plates of the described vehicle in accordance with RCW 46.16.720 and 46.16.730.

(2) Vehicles may be operated during the term of the temporary registration without payment of annual renewal license fees and excise tax. Any renewal fee and tax received for the vehicle during the temporary registration period will be credited to the current renewal of the registration if any fees and/or taxes are currently owed. Fees and taxes received for vehicle registration and license plates which have been cancelled are not refundable and are not applicable to future renewals due to cancellation of the registration.

NEW SECTION

WAC 308-96A-460 VEHICLE REGISTRATION CANCELLATION HEARINGS. (1) Upon notification by the department, or by a law enforcement officer acting on its behalf, of the department's intention to cancel the vehicle registration and license plates under authority of RCW 46.16.720, the driver may request a formal hearing. Such request must be in writing and must be received by the department within fifteen days from the date the temporary registration was issued.

(2) The department will give the driver at least 20 days advance notice of the time and place of the hearing unless the period of notice is waived by the driver. The hearing will be conducted in the county of arrest or in some other county mutually agreed to by the department and the driver.

(3) The hearing will be conducted by a hearing officer appointed by the director. The hearing officer is authorized to render final decisions.

(4) The sworn report submitted by the arresting officer constitutes a presumption that the arresting officer complied with RCW 46.16.710; that the officer arrested the driver for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090; that the officer had reasonable grounds to believe the arrested driver was driving in violation of RCW 46.20.342(1); and that the arrest was lawful.

(5) The driving record as maintained by the department is prima facie correct.

(6) The hearing officer shall issue a subpoena upon the request of any party upon a statement showing general relevance and reasonable scope of the evidence sought: Provided, however, that such subpoena may be issued with like effect by the attorney of record of the party in whose behalf the witness is required to appear, and the form of the subpoena may be the same as when issued by the hearing officer except that it shall only be subscribed by the signature of such attorney.

(7) Any party may cross-examine any witness and has the right to submit rebuttal evidence.

(8) The scope of the hearing shall be limited to the following issues:

(a) Whether the driver was a registered owner of the vehicle he or she was driving at the time of the arrest, or that in violation of RCW 46.20.101 no transfer of title of the vehicle has been made.

(b) Whether the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of the arrest.

(9) Upon a showing of good cause, the driver may request a continuance of the scheduled hearing date: Provided, the hearing may be continued only if it can be rescheduled for a time no more than sixty days after arrest.

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

NEW SECTION

WAC 308-96A-470 DRIVING WITHOUT VALID LICENSE—RE-REGISTRATION AFTER CANCELLATION. (1)

An application to re-register a vehicle whose registration and license plates have been cancelled pursuant to RCW 46.16.720 may be made:

(a) by a new owner qualified to register the vehicle when title to the vehicle is being transferred to him or her; or

(b) by the arrested driver after he or she has been issued a valid driver's license; or

(c) after the registered owner's suspended/cancelled/revoked driver's license or driving privilege has been reinstated.

(2) Application for re-registration shall be made on a form provided by the department and shall include a replacement plate fee and any annual license renewal fees and excise tax due.

(3) The re-registration expiration date will be:

(a) unchanged - when the previous registration year has not expired; or

(b) new - when the previous expiration date was more than twelve months prior to the month of application; or

(c) one year later than the current expiration date - when the current expiration date is less than thirteen months prior to the date of application.

(4) The department will reissue a registration and issue new vehicle license tabs without cost to the registered owner(s) when the confiscated registration is cancelled in error or the cancellation is reversed by administrative hearing or by the court.

NEW SECTION

WAC 308-96A-480 DRIVING WITHOUT VALID LICENSE—VEHICLE OPERATING ON A PERMIT. (1) At the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on a thirty day department temporary permit, the arresting officer shall mark the Washington license plates when present, inscribe on the face of the department permit that a temporary vehicle registration was issued, and issue the sixty day temporary vehicle registration.

(2) Upon receipt of the sworn report of the arresting officer, the department shall send written notice by certified mail (or registered mail to Canada) to the arrested driver cancelling any registration and/or plates issued subsequent to the temporary registration and explaining the reasons therefore. Issuance of the registration and/or plates shall not affect the cancellation of the registration and license plates beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing, whichever occurs first.

WSR 88-14-112

ADOPTED RULES

MEDICAL DISCIPLINARY BOARD

[Order 744—Filed July 6, 1988]

Be it resolved by the Washington State Medical Disciplinary Board, acting at Providence Hospital, Room 3 East Large, 500 17th, Seattle, WA, that it does adopt the annexed rules relating to use of drugs or autotransfusion to enhance athletic ability, new WAC 320-18-030.

This action is taken pursuant to Notice No. WSR 88-09-068 filed with the code reviser on April 20, 1988. 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 18.130.050(1) which directs that the Washington State Medical Disciplinary Board has authority to implement the provisions of RCW 18.130.050(12).

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 June 17, 1988.

By James P. Dunlap, M.D.
Chairman

NEW SECTION

WAC 320-18-030 USE OF DRUGS OR AUTOTRANSFUSION TO ENHANCE ATHLETIC ABILITY. (1) A physician shall not prescribe, administer or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability.

(2) A physician shall complete and maintain patient medical records which accurately reflect the prescribing, administering or dispensing of any substance or drug described in this rule or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug or autotransfusion is prescribed, administered or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this rule shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this rule shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

WSR 88-14-113

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Osteopathic Medicine and Surgery)

[Order 745—Filed July 6, 1988]

Be it resolved by the Board of Osteopathic Medicine and Surgery, acting at the West Coast Hotel, Olympic Room, 18220 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to:

- Amd WAC 308-138A-020 Osteopathic physicians' assistants.
- New WAC 308-138-340 Use of drugs or autotransfusion to enhance athletic ability.
- Amd WAC 308-138-055 Osteopathic medicine and surgery examination.

This action is taken pursuant to Notice No. WSR 88-11-088 filed with the code reviser on May 15, 1988. 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 18.57.005(2), 18.57A.020 and 18.130.050(1) which directs that the Board of Osteopathic Medicine and Surgery has authority to implement the provisions of RCW 18.57.080, 18.57A.020 and 18.130.180.

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 June 24, 1988.

By Joseph T. Palermo, D.O.
Chairman

NEW SECTION

WAC 308-138-340 USE OF DRUGS OR AUTOTRANSFUSION TO ENHANCE ATHLETIC ABILITY. (1) A physician shall not prescribe, administer or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability.

(2) A physician shall complete and maintain patient medical records which accurately reflect the prescription, administering or dispensing of any substance or drug described in this rule or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug or autotransfusion is prescribed, administered or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this rule shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this rule shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

AMENDATORY SECTION (Amending Order PM 723, filed 4/15/88)

WAC 308-138A-020 OSTEOPATHIC PHYSICIANS' ASSISTANTS. (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board it must meet the minimal criteria established by the committee on allied health education and Accreditation Association of the American Medical Association as of 1985. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least ~~((30))~~ thirty days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.

(6) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

(7) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant.

(8) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, ~~((or when))~~ unless personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established.

(9) Limitations—Remote practice. Special permission may be granted to utilize an osteopathic physician assistant in a place remote from the physician's regular place for meeting patients if:

- (a) There is a demonstrated need for such utilization;
- (b) Adequate provision for immediate communication between the physician and his physician assistant exists;
- (c) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising osteopathic physician and patients who may be seen initially by the osteopathic physician assistant;

(d) The responsible physician spends at least one-half day per week in the remote office.

(10) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be registered in the same manner as any other osteopathic physician assistant and his/her functions shall be limited to those specifically approved by the board. His/her responsibilities, if any, to other physicians must be defined in the application for registration.

(11) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

(12) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

- (a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating

patient(s) wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant;

(b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board;

(d) All EKG's and x-rays and all abnormal laboratory tests shall be reviewed by the physician within ~~((24))~~ twenty-four hours;

(e) ~~((All patient))~~ The charts ((and all telephone advice given by the supervising physician)) of all patients seen by the physician's assistant shall be ((documented)) reviewed and countersigned by the supervising physician within one week;

(f) All telephone advice given by the supervising physician through the physician's assistant shall be documented, reviewed, and countersigned by the physician within one week.

(13) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor. If an alternate osteopathic physician is not available in the community, the board may authorize a physician licensed under chapter 18.71 RCW to act as the alternate physician supervisor.

(14) Reregistration. The annual reregistration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to reregister and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees.

AMENDATORY SECTION (Amending Order PM 723, filed 4/15/88)

WAC 308-138-055 OSTEOPATHIC MEDICINE AND SURGERY EXAMINATION. ~~((†) Washington examination:))~~ Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) with a minimum score of seventy-five on each component of the FLEX I and II examination, and obtain at least a seventy-five percent overall average on a board administered examination on osteopathic principles and practices.

~~((2) Examination waiver or reciprocity:))~~ An applicant who has passed the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination. ~~((The board may accept certain other state examinations which conform to the requirements of Washington law. The minimum passing score will depend upon the quality of the examination as determined by the board. Partial waiver may be given for examinations which do not meet Washington state requirements. In the event that a~~

~~Washington osteopathic principles and practices examination is required, applicants must obtain at least a seventy-five percent overall average on the examination:))~~

WSR 88-14-114
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Building Code Council intends to adopt, amend, or repeal rules concerning the Washington State Energy Code, chapter 51-12 WAC, as proposed by interested parties;

that the agency will at 9:00 a.m., Friday, August 12, 1988, in the WPPSS Auditorium, 3000 George Washington Way, Richland, WA 99352, and at 9:00 a.m., Friday, September 16, 1988, in the Angle Lake Fire Hall, 2929 South 200th, Seattle, WA 98198, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 18, 1988.

The authority under which these rules are proposed is RCW 19.27.074 and 19.27A.020.

The specific statute these rules are intended to implement is chapter 19.27A RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 7, 1988.

Dated: July 1, 1988
By: Lynn Carmichael
Chair

STATEMENT OF PURPOSE

Title: Proposed amendments to the Washington State Energy Code.

Description of Purpose: The State Building Code Council is entering rule making to consider whether to adopt, amend and adopt, or withdraw several amendments proposed to the council by interested parties.

Statutory Authority: RCW 19.27.074.

Specific Statute Rule is Intended to Implement: Chapter 19.27A RCW.

Summary of Rule: The following amendments are proposed: Exemption from the energy code for detached greenhouses; correction of typographical errors; combustion air requirements for solid fuel burning appliances; exemption from cooling load modeling for low-rise residential buildings not installing cooling load; changes to Table 4-2; changes to Chapter 4 compliance methodology; adoption of American Heating Refrigeration and Air Conditioning Engineers Standard 62-1988 for ventilation requirements; increase double glazing air space requirement in Section 605(b) to one-half inch; change requirements for window glazing testing; and change ventilation requirements in Section 305.

Reasons Supporting Proposed Action: Interested parties contend that changes are necessary to meet legislative intent for the energy code.

Agency Personnel Responsible for Drafting, Implementing and Enforcement: Willy O'Neil, Energy Committee Staff, State Building Code Council, 9th and Columbia Building, GH-51, Olympia, Washington 98504-4151, (206) 586-0486, 321-0486 scan.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Washington State Energy Office, governmental; City of Seattle, governmental; and Robert Johnson, private.

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

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

Small Business Economic Impact Statement: A preliminary economic analysis of the Washington State Energy Code was completed by the Washington State Energy Office in January 1988. The final analysis is due for publication in January 1989. Copies of the analysis, "Report to the Legislature—Cost-Effectiveness of the Washington State Energy Code" are available from the Washington State Energy Office.

Several of the proposed rule changes may affect framing contractors, window manufacturers and installers, and heating, ventilation and air conditioning installers, respectively.

No economic analysis of the energy code has been performed to determine the "cost per employee, cost per hour labor or cost per one hundred dollars of sales." Additional studies to determine the effect of the proposed changes on small contractors are needed.

Several of the proposed energy code changes may have an economic impact on small businesses. Based upon the finding of cost-effectiveness of the measures under consideration, the builder should have no difficulty passing those additional costs through to the consumer, who in turn should experience a positive net financial impact from the proposed changes.

PROPOSED CHANGES TO TABLE 4-2 AND SECTION 402(a)

An additional incremental cost of \$.38 per square foot for requiring two-by-six, rather than two-by-four studs for exterior wall construction has been determined by the Washington State Energy Office using data from the residential standards demonstration program. The additional cost may be offset by utilization of advanced wall framing techniques that allow fewer framing members for walls constructed with two-by-sixes. Equipment, labor, and administrative costs would be unchanged or slightly decreased.

PROPOSED CHANGES TO SECTION 605(b)

There is no available data to determine the small business economic impact of increasing the air space required for double glazed windows from 1/4- to 1/2-inch. Previous cost-effectiveness analyses by the Washington State Energy Office have determined that double glazed windows with a 1/2-inch air space are more cost-effective than windows with a 1/4-inch air space to consumers. Costs per one hundred dollars of product may increase slightly, depending on current

practice. Equipment, labor, and administrative costs would be unchanged.

PROPOSED CHANGES TO SECTION 305 AND TABLE 3-1

Proposed changes to the energy code would increase ventilation requirements in some new commercial and residential buildings. Current standard practice for sizing ventilation systems results in system oversizing of up to 25%. Since the proposed changes would only require increased ventilation in a few occupancies, the cost per one hundred dollars of product for small businesses would be negligible over the industry. Equipment, labor, and administrative costs would also remain stable.

AMENDATORY SECTION (Amending Resolution No. 86-17, filed 9/23/86)

WAC 51-12-102 SECTION 102. SCOPE.

This Code sets forth minimum requirements for the design of new buildings and structures that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for effective use of energy.

Buildings shall be designed to comply with the requirements of either Chapter 4, 5, or 6 of this Code.

- (a) Exempt Buildings. Buildings and structures or portions thereof meeting any of the following criteria shall be exempt from the building envelope requirements of Sections 402 to 405 inclusive, and Sections 601 and 605, but shall comply with all other requirements for building mechanical systems, service water heating and lighting systems.
 1. Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four tenths (3.4) Btu/h per square foot or one point zero (1.0) watt per square foot of floor area for all purposes.
 2. Buildings and structures or portions thereof which are neither heated according to the definition of heated space in chapter 2, nor cooled, by a depletable energy source, including buildings heated with wood with installed back-up or supplemental heating utilizing a depletable energy source provided that: The depletable energy use for space conditioning complies with the requirements of exemption (1).
 3. Greenhouses that are isolated from any conditioned space and not intended for occupancy.

- (b) Application to Existing Buildings.

1. Additions to Existing Buildings. Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply, provided that the new additions shall conform to the provisions of this Code.
2. Historic Buildings. The Building Official may modify the specific requirements of this Code for historic buildings and require in lieu thereof alternate requirements which will result in a reasonable degree of energy efficiency. This modification may be allowed for those buildings which have been specifically designated as historically significant by the state or local governing body, or listed in "The National Register of Historic Places" or which have been determined to be eligible for listing.
3. Alterations and Repairs. All alterations and repairs to buildings or portions thereof originally constructed subject to the requirements of this 1986 Code shall conform to the provisions of this Code without exception. For all other existing buildings, initial

tenant alterations shall comply with the new construction requirements of this Code. Other alterations and repairs may be made to existing buildings and moved buildings without making the entire building comply with all of the requirements of this Code for new buildings, provided the following requirements are met:

- A. **Building Envelope.** The result of the alterations or repairs (1) improves the energy efficiency of the building and (2) complies with the overall average thermal transmittance values of the gross area of the elements of the exterior building envelope in Table 4-2, 4-3, or 4-4 of Chapter 4 or the nominal R values in Tables 6-1 or 6-5 and U values in Table 6-2 or glazing requirements in Table 6-5 of Chapter 6.

EXCEPTIONS:

1. Untested storm windows may be installed over existing glazing, however, where glass and sash are being replaced in low-rise residential buildings, class 75 glazing shall be installed where there is an electric resistance space heating system and class 90 glazing shall be installed where there is any other space heating system.
 2. Where the structural elements of the altered portions of roof/ceiling, wall or floor are not being replaced, these elements shall be deemed to comply with this Code if all existing framing cavities which are exposed during construction are filled to the full depth with batt insulation or insulation having an equivalent nominal R value while, for roof/ceilings, maintaining the required space for ventilation. Existing roof/ceilings, walls and floors without framing cavities need not be insulated.
- B. **Building Mechanical Systems.** Those parts of systems which are altered or replaced shall comply with this Code.

EXCEPTION: For low-rise residential buildings not initially subject to the requirements of this Code, replacement heat pumps shall meet class 2 efficiencies specified in Table 6-3 and replacement central combustion heating equipment shall be equipped with spark ignition. All other replacement combustion heating equipment including horizontal furnaces shall have a minimum AFUE of .65.

- C. **Service Water Heating.** Those parts of systems which are altered or replaced shall comply with Section 420.
- D. **Lighting.** Those parts of systems which are altered or replaced in buildings initially constructed subject to the requirements of this Code shall comply with Sections 425 and 426. Other remodels or replacements of lighting systems which are part of a substantial remodel shall comply with Sections 425 and 426. In addition, other remodels or replacements which affect the lighting system of an entire floor shall comply with Sections 425 and 426. For all other remodels or replacements which affect the lighting system of less than an entire floor those parts of systems which are altered or replaced shall comply with the switching requirements of Section 425 and, unless they comply with the lighting power budgets of Section 426 shall either maintain or reduce the watts per square foot of installed lighting.
- E. **Change From Unheated to Heated Space.** Changes from unheated to heated space for buildings, structures or portions thereof shall be permitted if the building, structure or portion thereof is brought into compliance with the building envelope requirements as per Section 102(b)3 of this Code, but in no case, less than those building envelope requirements in effect at the time of the initial construction of the building.

The Building Official may approve designs of alterations or repairs which do not fully conform with all of the requirements of this Code when in his/her opinion full conformance is physically impossible and/or economically impractical and: (1) the alteration or repair improves the energy efficiency of the building; or (2) the alteration or repair is energy efficient and is necessary for the health, safety, and welfare of the general public.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-223 SECTION 223. W X Y Z.

WINDOW THERMAL TESTING. U values of less than 1.20 for ~~((Class 75 or Class 60))~~ single glazing and of less than 0.90 for double and triple glazing shall be the tested values for thermal transmittance due to conduction resulting from either the American Architectural Manufacturers Association (AAMA) 1503.1-1980 or 1988 test procedure or the American Society for Testing Materials (ASTM) C236 or C976 test procedures; testing shall be conducted under established winter horizontal heat flow test conditions using the 15 mph wind speed directed perpendicular to the exterior surface of the glazing and product sample sizes specified under AAMA 1503.1-1980. Testing per AAMA 1503.1-1980 or 1988 shall be conducted by ((a)) an AAMA certified testing laboratory; testing per ASTM C236 or C976 shall be conducted by any independent testing laboratory. Effective July 1, 1992: Tested values from AAMA 1503.1-1980 will no longer be accepted; no test reports will be accepted which are more than four years old; and product sizes tested shall be the standard sizes specified in the current version of AAMA 1603.1 for skylights and in AAMA 1503.1-1988 for all other product types. Sealed insulating glass, where used, shall conform to ASTM E-774-81 level C or better.

EXCEPTION: U values for site built fixed lites shall use window thermal test results when available. If tested results are unavailable, the Building Official shall require documentation based on a tested value of a comparable window.

ZONE. A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-305 SECTION 305. VENTILATION.

The outdoor air quantities specified in Table 3-1 for each type of occupancy shall be used as a minimum for design. ~~((These quantities are for 100 percent outdoor air ventilating systems, but a reduction to 33 percent of the specified values for recirculating HVAC systems is permitted. In no case, shall the outdoor air quantities be less than 5 CFM per person.))~~

The minimum requirements for openable area to provide natural ventilation are specified in the ~~((1985))~~ 1988 Uniform Building Code as adopted by the state of Washington. All kitchens and bathrooms without natural ventilation in Group R Occupancy spaces shall be provided with exhaust fans or other ventilation systems approved by the building official having a capacity of not less than that specified in Table No. 3-1. (See UBC Section 1205.) Ventilation requirements for other occupancy spaces may be met using operable openings as provided in the UBC.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying to each zone ventilation air with the minimum outdoor air quantities specified in Table No. 3-1 based upon the greater of the occupant densities in that table or the design occupant density. The outdoor air shall be ducted directly to every air handling unit in each zone not provided with sufficient openable area for natural ventilation. The maximum outdoor air quantities used as the basis for calculating the heating and cooling design loads shall not exceed three times the quantities specified in Table No. 3-1.

In all parking garages, other than open parking garages as defined in UBC 709(b), used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided at 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum of 14,000 cfm for each operating vehicle. Such system shall be based on the anticipated instantaneous

movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic CO sensing systems may be submitted for approval.

In all buildings used for the repair of automobiles, each repair stall shall be equipped with an exhaust extension duct, extending to the outside of the building, which if over ten feet in length, shall mechanically exhaust 300 cfm. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

Combustion air requirements shall conform to the requirements of Chapter 6 of the UMC.

Mechanical refrigerating equipment and rooms storing refrigerates shall conform to the requirements of Chapter 15 of the UMC.

EXCEPTION: If outdoor air quantities other than those specified in Table No. 3-1 are used or required because of special occupancy or

process requirements, source control of air contamination, health, and safety or other standards, the required outdoor air quantities shall be used as the basis for calculating the heating and cooling design loads.

Table No. 3-1 is an excerpt from ASHRAE Standard ((62-73, "Natural and Mechanical Ventilation" published in 1973. Standard 62-73 is no longer in print. ASHRAE now recommends the use of Standard 62-81)) 62-1988, "Ventilation for Acceptable Indoor Air Quality" ((for improved ventilation design)).

TABLE NO. 3-1
OUTDOOR AIR ((QUANTITIES)) REQUIREMENTS FOR VENTILATION

	((Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
1. RESIDENTIAL (Private dwelling places, single or multiple units)			
Single Unit Dwellings			
General Living Areas, Bedrooms	5	5	
Kitchens		20	1
Baths, Toilet Rooms		20	1
Basements, Utility Rooms		5	
Multiple Unit Dwellings			
General Living Areas, Bedrooms	7	5	
Kitchens		20	1
Baths, Toilet Rooms		20	1
Basements, Utility Rooms		5	
Garages		(1.5)	2
2. COMMERCIAL			
General Requirements—Merchandising (Apply to all forms unless specially noted)			
Sales Floors and Showrooms (Basement and Street Floors)			
Sales Floor and Showrooms (Upper Floors)	30	7	
Storage Areas (Serving Sales Floors and Storerooms)	20	7	
Dressing Rooms	5	5	
Malls and Arcades		7	
Shipping and Receiving Areas	40	7	
Warehouses	10	15	
Elevators	5	7	
		7	
Food Markets, Supermarkets, etc.			
Meat Processing Rooms	10	5	3
Drug Stores			
Pharmacists' Work Rooms	10	20	
Specialty Shops			
Pet Shops		(1.0)	2
Florists	10	5	4
Greenhouses	1	5	4, 5
Banks (see Sales Floors and Offices)			
Vaults		5	
Food Services			
Dining Rooms	70	10	
Kitchens	20	30	6
Cafeterias, Short Order,			

	((Estimated persons/ 1000 sq. ft. floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occu- pant, (when the number is bracketed, refer to the notes):	Notes
Drive-Ins, Seating Areas, and Queuing Areas	100	30	
Bars (Predominantly Stand-up)	150	30	
Cocktail Lounges	100	30	
Hotels, Motels, Resorts			
Bedrooms (Single, Double)	5	7	
Living Rooms (Suites)	20	10	
Baths, Toilets (Attached to Bedrooms)	-	20	7
Corridors	5	5	
Lobbies	30	7	
Conference Rooms (Small)	70	20	
Assembly Rooms (Large)	140	15	
Public Rest Rooms	100	15	
Cottages (Treat as Single- Unit Dwellings)	-	-	
(See also Food Services, Industrial, Merchandising, Barber and Beauty Shops, Garages for Associated Hotel/Motel Services)			
Dry Cleaners and Laundries			
Commercial	10	20	8, 9
Storage/Pickup Areas	30	7	
Coin-operated	20	15	9
Barber, Beauty and Health Services			
Beauty Shops (Hair dressers)	50	25	
Reducing Salons (Exercise Rooms)	20	25	
Sauna Baths and Steam Rooms	-	5	
Barber Shops	25	7	
Photo Studios			
Camera Rooms, Stages	10	5	10
Darkrooms	10	10	
Shoe Repair Shops (Combined Workrooms/ Trade Areas)	10	10	
Garages, Auto Repair Shops, Service Stations			
Parking Garages (Enclosed)	-	(1.5)	2
Auto Repair Workrooms (General)	-	(1.5)	2, 11
Service Station Offices	20	7	
Theaters			
Ticket Booths	-	5	
Lobbies, (Foyers and Lounges)	150	20	
Auditoriums (in Motion Picture Theaters, Legitimate Theaters, Lecture, Concert and Opera Halls-no smoking)	150	5	
Auditoriums (Smoking Permitted)	150	10	
Stages (with Proscenium and Curtains)	70	10	10, 12
Green Rooms and Workrooms	20	10	
Public Rest Rooms	100	15	
Bathrooms			
Public	100	15	
Bowling Alleys (Seating Area)	70	15	
Gymnasiums and Arenas			
Playing Floors-minimal or No Seating	70	20	
Locker Rooms	20	(30)	13
Spectator Areas	150	20	
Ramps, Foyers, and Lobbies	150	10	

	((Estimated persons/ 1000 sq. ft. floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occu- pant, (when the number is bracketed, refer to the notes).	Notes
Pool Rooms	25	20	
Amusement Parlors	25	20	
Tennis, Squash, Handball -Courts (Indoor)	-	20	
Swimming Pools (Indoor)	25	15	14
Ice-skating and Curling -Rinks	70	10	14
Roller Rinks	70	10	14
Transportation Waiting Rooms	50	15	
Garages	-	(1.5)	2
Ticket and Baggage Areas, -Corridors and Gate Areas	50	15	
Control Towers	50	25	
Hangers	2	10	15
Public Rest Rooms Platform	100 150	15 10	
Concourses	150	10	
Repair Shops	-	10	
Offices			
General Office Space	10	15	
Conference Rooms	60	25	
Drafting Rooms, Art Rooms	20	7	
Doctor's Consultation Rooms	-	10	
Waiting Rooms (Doctors, -Employment Agencies, etc.)	30	10	9
Lithographing Rooms	20	7	9
Diazo Printing Rooms	20	7	
Computer Rooms	20	5	
Keypunching Rooms	30	7	
Public Rest Rooms	100	15	
Communication			
TV/Radio Broadcasting Booths, -Radio Studios	20	30	10
Motion Picture and TV Stages	20	30	
Pressrooms	100	15	
Composing Rooms	30	7	
Engraving Shops	30	7	
Telephone Switchboard Rooms -(Manual)	50	7	
Telephone Switchgear Rooms -(Automatic)	-	7	
Teletypewriter/Facsimile Rooms	-	5	
3. INSTITUTIONAL			
Schools			
Classrooms	50	10	
Multiple Use Rooms	70	10	
Laboratories	30	10	16
Craft Shops, Vocational -Training Shops	30	10	16
Music, Rehearsal Rooms	70	10	
Auditoriums	150	5	
Gymnasiums	70	20	
Libraries	20	7	
Common Rooms, Lounges	70	10	
Offices	10	7	
Lavatories	100	15	
Locker Rooms	20	(30)	13
Lunchrooms, Dining Halls	100	10	
Corridors	50	15	

	((Estimated persons/1000 sq. ft. floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).	Notes
Utility Rooms	3	5	
Dormitory Bedrooms	20	7	
Hospitals, Nursing, and Convalescent Homes			
Foyers	50	20	
Hallways	50	20	
Single, Dual Bedrooms	15	10	
Wards	20	10	
Food Service Centers	20	35	
Operating Rooms, Delivery Rooms	-	20	17
Ready Rooms, Recovery Rooms	-	15	17
Amphitheatres	100	10	
Physical Therapy Areas	20	15	
Autopsy Rooms	10	30	
Incinerator Service Areas	-	5	18
-For Shops, Restaurants, Utility Rooms, Kitchens, Bathrooms and Other Service Items (See Hotels)			
Research Institutes			
Laboratories (Light-duty, Nonchemical)	50	15	16
Laboratories (Chemical)	50	15	16
Laboratories (Heavy-duty)	50	15	16
Laboratories (Radioisotope, Chemically and Biologically Toxic)	50	15	16
Machine Shops	50	15	
Darkrooms, Spectroscopy Rooms	50	10	
Animal Rooms	20	40	17
Military and Naval Installations			
Barracks	20	7	
Toilets/Washrooms	100	15	
Shower Rooms	100	10	
Drill Halls	70	15	
Ready Rooms, MP Stations	40	7	
Indoor Target Ranges	70	20	19
Museums			
Exhibit Halls	70	7	
Workrooms	10	10	
Warehouses	5	5	
Prisons (See also Gymnasiums, Libraries, Applicable Industrial Areas)			
Cell Blocks	20	7	
Eating Halls	70	15	
Guard Stations	40	7	
Veterinary Hospitals			
Kennels, Stalls	20	25	17
Operating Rooms	20	25	17
Reception Rooms	30	10	

4. ORGANIZATIONAL

Churches, Temples
 (See Theaters, Schools and Offices)

Legislative Halls			
Legislative Chambers	70	20	
Committee Rooms and Conference Rooms	70	20	
Foyers, Corridors	50	20	
Offices	10	10	
Press Lounges	20	20	

	((Estimated persons/ 1000 sq. ft. floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occu- pant, (when the number is bracketed, refer to the notes).	Notes
Press/Radio/TV Booths	20	20	
Public Rest Rooms	20	15	
Private Rest Rooms	—	20	
(For Food Service, Utilities, etc., see Hotels)			
Police and Fire Stations (See Prisons and Military Installations)	—	—	
Survival Shelters	—	5	17

- ~~1~~ Installed capacity for intermittent use.
- ~~2~~ cfm per sq. ft. of floor area.
- ~~3~~ Spaces maintained at low temperatures (10 to 50° F) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement. (See Chapter 23, Refrigeration Load, ASHRAE Handbook of Fundamentals, 1972.)
- ~~4~~ Maximum allowable concentration (MAC) for sulfur dioxide = 30 microgram/cubic meter.
- ~~5~~ Ventilation to optimize plant growth, temperature, humidity, etc. will almost always be greater than shown.
- ~~6~~ Exhaust to outside; source control as required.
- ~~7~~ Installed capacity for intermittent use.
- ~~8~~ Exhaust to outside; source control as required.
- ~~9~~ Installed equipment must incorporate positive exhaust and control (as required) of undesirable contaminants (toxic or otherwise).
- ~~10~~ Thermal effects probably determine requirements.
- ~~11~~ Stands where engines are run must incorporate systems for positive engine exhaust withdrawal.
- ~~12~~ Special ventilation will be needed to eliminate stage effect contaminants.
- ~~13~~ cfm/locker.
- ~~14~~ The same for air-supported structures.
- ~~15~~ Special solvent and exhaust problems handled separately.
- ~~16~~ Special contaminant control systems may be required.
- ~~17~~ Special requirements or codes may determine requirements.
- ~~18~~ Special exhaust systems required.
- ~~19~~ Floor area behind firing line only.

~~NOTE:~~ In the case of an occupancy type not specifically mentioned above, the ventilation air requirements shall be determined by the Building Official. Such determination shall be based on the most comparable occupancy type specified.)

COMMERCIAL FACILITIES (OFFICES, STORES, SHOPS, HOTELS, SPORTS FACILITIES)

APPLICATION	ESTIMATED MAX.** OCCUPANCY P/100 FT ² OR 100 M ²	Outdoor Air Requirements			Comments	
		cfm/ person	l/s person	cfm/ foot ²		l/s m ²
<u>Dry Cleaners</u>						
<u>Laundries</u>						
Commerc. laundry	10	25	13		Dry cleaning processes may require more air.	
Commerc. Dry Cl.	30	30	15			
Storage, pick-up	30	35	18			
Coin-op laundries	20	15	8			
Coin-op Dry Clean.	20	15	8			
<u>Food & Bev. Service</u>						
Dining Rooms	70	20	10		Supplementary smoke removal equipment may be required.	
Cafet. Fast Food	100	20	10			
Bars, Cockt. Lnge.	100	30	15			
Kitchens (cooking)	20	15	8			
<p>Make-up air for hood exhaust may require more ventilating air. The sum of the outdoor air and transfer air of acceptable quality from adjacent spaces shall be sufficient to provide an exhaust rate of not less than 1.5 cfm/ft² (7.5 L/s-M²).</p>						
<u>Garages, Repair Service Stations</u>						
Encl. parking garage				1.50	7.50	Distribution among people must consider worker location and concentration of running engines; stands where engines are run must incorporate systems for positive engine exhaust withdrawal. Contaminant sensors may be used to control ventilation.
Auto Repair Rooms				1.50	7.50	
<u>Hotels, Motels, Resorts</u>						
<u>Dormitories</u>						
Dormitory sleeping areas	20	15	8		See also food & beverage services, merchandising, barber & beauty shops, garages.	
Bedrooms cfm/room		30	15			
Living rm. cfm/room		30	15			
Baths cfm/room		35	18			
Independent of room size.						
Lobbies	30	15	8		Independent of room size; Installed capacity for intermittent use.	
Conference rms.	50	20	10			
Assembly rms.	120	15	8		Supplementary smoke removal equipment may be required.	
Gambling Casinos	120	30	15			
<u>Offices</u>						
Office space	7	20	10		Some office equipment may require local exhaust.	
Reception areas	60	15	8			
Telecommunication centers & data entry areas	60	20	10		Supplementary smoke removal equipment may be required.	
Conference rooms	50	20	10			

* Table 3-1 prescribes supply rates of acceptable outdoor air required for acceptable indoor air quality. These values have been chosen to control CO₂ and other contaminants with an adequate margin of safety, and to account for health variations among people, varied activity levels and a moderate amount of smoking.

** Net occupiable space

COMMERCIAL FACILITIES (OFFICES, STORES, SHOPS, HOTELS, SPORTS FACILITIES)

APPLICATION	ESTIMATED MAX. ** OCCUPANCY P/100 FT ² OR 100 M ²	Outdoor Air Requirements				Comments
		cfm/ person	l/s person	cfm/ foot ²	l/s m ²	
<u>Public Spaces</u>						
Corridors & Util.				0.5	2.5	
Public Restrooms cfm/wc or urinal		50	25			Mechanical exhaust with no recirculation is recommended
Locker & Dressing Rooms				0.5	2.5	
Smoking Lounge	70	60	30			Normally supplied by transfer air. Local mechanical exhaust with no recirculation recommended.
<u>Retail Stores</u>						
<u>Sales Floors & Show room floors</u>						
Basement & Street	30			0.30	1.50	
Upper floors	20			0.20	1.00	
Storage rms	15			0.15	0.75	
Dressing rms				0.20	1.00	
Halls & Arcades	20			0.20	1.00	
Shipp. & Rec.	10			0.15	0.75	
Warehouses	5			0.05	0.25	
Elevators				1.00	5.00	
Smoking Lounge	70	60	30			Normally supplied by transfer air. Local mechanical exhaust with no recirculation recommended.
<u>Specialty shops</u>						
Barber	25	15	8			
Beauty	25	25	13			
Reducing Salons	20	15	8			Ventilation to optimize plant growth may dictate requirements.
Florists	8	15	8			
Clothiers, Furniture				0.30	1.50	
Hardware, Drugs, Fabric	8	15	8			
Supermarkets	8	15	8			
Pet Shops				1.00	5.00	
<u>Sports & Amusement</u>						
Spectator areas	150	15	8			
Game Rooms	70	25	13			
Ice Arenas (Playing area)						
Swimming Pools (Pool & Deck area)						
Playing Floors (Gymnasium)	30	20	10	0.50	2.50	
Ballrooms & Discos	100	25	13	0.50	2.50	Higher values may be required for humidity control.
Bowling Alleys (seating areas)	70	25	13			
<u>Theaters</u>						
Ticket Booths	60	20	10			
Lobbies	150	20	10			
Auditorium	150	15	8			Special ventilation will be needed to eliminate special stage effects (e.g. dry ice vapors, mists, etc.)
Stages, Studios	70	15	8			
<u>Transportation</u>						
Waiting Rooms	100	15	8			
Platforms	100	15	8			
Vehicles	150	15	8			Ventilation within vehicles may require special consideration.

COMMERCIAL FACILITIES (OFFICES, STORES, SHOPS, HOTELS, SPORTS FACILITIES)

APPLICATION	ESTIMATED MAX. ** OCCUPANCY P/100 FT ² OR 100 M ²	Outdoor Air Requirements				Comments
		cfm/ person	l/s person	cfm/ foot ²	l/s m ²	
<u>Workrooms</u>						
Meat Processing	10	15	8			Spaces maintained at low temperatures (-10F to +50F, or -23C to +10C) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement. (See Ref. 18)
Photo Studios	10	15	8			
Darkrooms	15			0.50	2.50	
Pharmacy	20	15	8			
Bank Vaults	5	15	8			
Duplicating Printing				0.50	2.50	Installed equipment must incorporate positive exhaust & control (as required) of undesirable contaminants (toxic or otherwise).
2.2 INSTITUTIONAL FACILITIES						
<u>Education</u>						
Classroom	50	15	8			Special contaminant control systems may be required for processes or functions including laboratory animal occupancy.
Laboratories	30	20	10			
Training Shop	30	20	10			
Music Rooms	50	15	8			
Libraries	20	15	8			
Locker Rooms				0.50	2.50	
Corridors				0.10	0.50	
Auditoriums	150	15	8			Normally supplied by transfer air. Local mechanical exhaust with no recirculation recommended.
Smoking Lounges	70	60	30			
<u>Hospitals, Nursing & Convalescent Homes</u>						
Patient Rooms	10	25	13			Special requirements or codes and pressure relationships may determine minimum ventilation rates and filter efficiency.
Medical Procedure	20	15	8			
Operating Rooms	20	30	15			
Recovery & ICU	20	15	8			Procedures generating contaminants may require higher rates.
Autopsy rms				0.50	2.50	
Physical Therapy	20	15	8			Air shall not be recirculated into other spaces.
<u>Correctional Facilities</u>						
Cells	20	20	10			
Dining Halls	100	15	8			
Guard Stations	40	15	8			

TABLE 3-2
 OUTDOOR REQUIREMENTS FOR
 VENTILATION OF RESIDENTIAL FACILITIES
 (PRIVATE DWELLINGS, SINGLE, MULTIPLE)

<u>Application</u>	<u>Outdoor Air Requirements</u>	<u>Comments</u>
Living Areas	0.35 air changes per hour but not less than 15 CFM (7.5 L/s) per person	For calculating the air changes per hour, the volume of the living areas shall include all areas within the conditioned spaces. The ventilation is normally satisfied by infiltration and natural ventilation. Dwellings with tight enclosures may require supplemental ventilation supply for fuel burning appliances. Occupant loading shall be based on the number of bedrooms as follows: first bedroom, two persons; each additional bedroom one person. Where higher densities are known, they shall be used.
Kitchens (2)	100 CFM (50 L/s) intermittent -or- 25 CFM (12 L/s) continuous -or- Openable windows	Installed mechanical exhaust capacity (3)
Baths, Toilets (2)	50 CFM (25 L/s) intermittent -or- 25 CFM (12 L/s) continuous -or- Openable windows	Installed mechanical exhaust capacity (3)
Garages:		
Separate for each dwelling unit	100 CFM (50 L/s) per car	Normally satisfied by infiltration or natural ventilation
Common for several units	1.5 CFM/ft ² (7.5 L/s/ft ²)	See enclosed parking garages Table 2.1

- 1) In using this Table, the outdoor air is assumed to be acceptable.
- 2) Climatic conditions may affect choice of ventilation option chosen.
- 3) The air exhausted from kitchens, bath and toilet rooms may utilize air supplied through adjacent living areas to compensate for the air exhausted. The air supplied shall be of sufficient quantity to meet the requirements of this table.

AMENDATORY SECTION (Amending Resolution No. 86-17, filed 9/23/86)**WAC 51-12-402 SECTION 402. OVERALL THERMAL PERFORMANCE AND BUILDING ENVELOPE REQUIREMENTS.**

- (a) The stated U_o value of any one element of a building, such as roof/ceiling, wall or floor, may be increased and the U_o value for other components decreased provided that the overall heat gain or loss for the entire building envelope does not exceed the total resulting from the conformance to the stated U_o values. For the purpose of determining thermal performance, the maximum glazing area shall be fifteen percent of the floor area.
- (b) Where return air ceiling plenums are employed, the roof/ceiling assembly area shall:
1. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
 2. For gross area purposes, be based upon the interior face of the upper plenum surface.
- (c) U_o values listed in Tables 4-2, 4-3, and 4-4 refer to component assembly only. Credit for buffering from adjacent unheated spaces is not allowed when calculating U_o values.
- (d) Exemption for Passive Solar features.
Glazing areas which meet all of the following criteria may be exempted from the U_o calculations. Exempted glazing shall not be included in the gross wall area.
1. For buildings that have Electric Resistance heating systems, the glazing area must have a tested thermal transmittance (U) value of less than .61. For Other heating systems, the glazing area need not be tested, but must be double glazed. (See Section 403(e).)
 2. The south glazing shall be oriented within 45 degrees of true south.
 3. The glazing shall be mounted at least 60 degrees up from the horizontal.
 4. The glazing shall have a transmission coefficient greater than or equal to 0.80 for visible light or greater than or equal to 0.73 for total solar radiation.
 5. Documentation shall be provided in the form of a sun chart, a photograph, or approved evidence, demonstrating that the glazing area shall not be shaded for at least 4 hours between 8 a.m. and 4 p.m. standard time on January 21 and March 21.
 6. The building shall contain a heat capacity equivalent to at least 20 Btu/degree F for each square foot of south glazing when the south glazing area is between 10% and 14% of the buildings gross floor area, and at least 45 Btu/degree F for each square foot of south glazing when the south area glazing exceeds 14 percent of gross floor area. This heat storage capacity shall be located inside the insulated shell of the structure and not covered with insulation materials, such as carpet, which yield an R value of 1.0 or greater. If the storage medium is not within the space containing the south glazing, an approved natural or mechanical means of transferring the heat to the heat storage medium shall be provided. Heat storage capacity shall be calculated using the below equation and/or accepted analytical methods:

$$HS = D \times SH \times V$$

Where:

HS = Heat Storage. The heat storage capacity available inside the insulated space.

V = Volume of heat storage components.

D = Density of material inside the insulated shell of the building to a depth yielding a thermal resistance of R 1, except in the case of slab floors where only the slab itself is credited. Mass located in conditioned or unconditioned basements without solar glazing shall not be counted (lbs/cu ft).

SH = Specific heat of the material (Btu/lb/°F).

- (e) Insulation.
1. General: Thermal and acoustical insulation located on or within floor/ceiling and roof/ceiling assemblies, crawl spaces, walls, partitions, and insulation on pipes and tubing shall comply with this section. Duct insulation shall conform to Section 416 and Table 4-16.
EXCEPTIONS:
 - A. Roof insulation shall comply with Section 3204 of the Uniform Building Code.
 - B. Roof insulation in vaulted ceilings over 3 in 12 shall conform with Section 3204 of the Uniform Building Code.
 - C. Exposed deck ceiling insulation shall conform with Section 3204 of the Uniform Building Code.
 2. Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame-spread rating not to exceed 25 and a smoke density not to exceed 450 when tested in accordance with UBC Standard No. 42-1.
EXCEPTIONS:
 - A. Foam plastic insulation shall comply with Section ((+7+7)) 1712 of the Uniform Building Code.
 - B. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame-spread and smoke-developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
 - C. Cellulose insulation shall conform to Section 1713 of the Uniform Building Code.
 3. Ventilation: Enclosed joist or rafter spaces formed where ceilings are applied directly to the underside of roof joists or rafters must have joists or rafters of sufficient size to provide a minimum of one inch clear vented air space above the insulation (see also Section 3205 (c) of UBC). Ceiling insulation may be tapered or compressed at the perimeter to permit proper venting.
- (f) Moisture Control.
1. Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases:
 - A. Walls separating conditioned space from unconditioned space shall have a vapor retarder installed when thermal insulation is installed. The vapor retarder shall have a one perm dry cup rating or less. Inset stapled batts with a perm rating less than one may be installed if staples are placed not more than (8) inches on center and gaps between the facing and the framing do not exceed (1/16) of an inch.
 - B. Roof/ceilings.
 - i. Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with a vapor retarder having a dry cup perm rating of 1.0 or less.
 - ii. Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.
 - iii. Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.
 - iv. Vapor retarders with a 1.0 or less dry cup perm rating polyethylene or an approved equal shall be installed in roof/ceiling assemblies where the insulation is comprised of insulation between the roofing membrane

and the structural roof decking and insulation below the structural roof decking.

C. Ground Cover.

A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in unheated crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

AMENDATORY SECTION (Amending Order 86-04, filed 5/13/86)

WAC 51-12-411 SECTION 411. HVAC EQUIPMENT PERFORMANCE REQUIREMENTS.

(a) The requirement of this section applies to equipment and component performance for heating, ventilating and air-conditioning systems. Where equipment efficiency levels are specified, approved data furnished by the equipment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies shall be based on the standard rating conditions shown in Tables 4-9, 4-10 and 4-11.

(b) HVAC-System Heating Equipment Heat Pumps—Heating Mode: Heat pumps whose energy input is entirely electric shall have a Coefficient of Performance (COP) heating, as defined herein) not less than the values shown in Table 4-12.

1. These requirements apply to, but are not limited to, unitary heat pumps (air source and water source) in the heating mode and to heat pumps in the packaged terminal air-conditioner and room air-conditioner forms in the heating mode. Field assembled unitary heat pumps, consisting of one or more components, shall comply with this section.

2. Coefficient of Performance (COP) Heating: The ratio of the rate of net heat output to the rate of total energy input, expressed in consistent units and under designated rating conditions.

The rate of net heat output shall be defined as the change in the total heat content of the air entering and leaving the equipment (not including supplementary heat).

Total energy input shall be determined by combining the energy inputs to all elements, except supplementary heaters, of the heat pump, including, but not limited to, compressor(s), pump(s), supply-air fan(s), return-air fan(s), outdoor-air fan(s), cooling-tower fan(s), and the HVAC-system equipment control circuit.

3. Supplementary Heater: The heat pump shall be installed with a control to prevent supplementary heater operation when the heating load can be met by the heat pump alone. Supplementary heater operation is permitted during transient periods, such as start-ups, following room thermostat set-point advance, and during defrost, when the outdoor air temperature is below 55°F.

A two-stage thermostat, which controls the supplementary heat on its second stage, with outdoor air control, shall be accepted as meeting this requirement. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Supplementary heat may be derived from any source of electric resistance heating or combustion heating.

(c) HVAC-System-Combustion Heating Equipment: All commercial gas and oil-fired central heating plants shall show a minimum combustion efficiency of not less than those

shown in Table 4-5.

All residential gas, oil, and propane central heating systems must have a minimum AFUE of .74. All other residential heating equipment fueled by gas, oil, or propane must be equipped with an intermittent ignition device.

(d) Mechanical Ventilation. Each mechanical ventilation system (supply and/or exhaust) shall be equipped with a readily accessible or automatic means for either shut-off or volume reduction and shut-off when ventilation is not required.

(e) Packaged and unitary HVAC-system equipment, electrically operated cooling mode. HVAC-system equipment as listed below whose energy input in the cooling mode is entirely electric, shall show a Coefficient of Performance (COP) cooling as defined herein not less than values shown in Table 4-13.

1. These requirements apply to, but are not limited to unitary cooling equipment (air-cooled, water-cooled and evaporatively-cooled); the cooling mode of unitary and packaged heat pumps (air source and water source); packaged terminal air-conditioners; and room air-conditioners.

EXCEPTION: These requirements do not apply to equipment used for refrigerated food or florists' and nurseries' coolers.

2. Coefficient of Performance (COP) Cooling: The ratio of the rate of net heat removal to the rate of total energy input, expressed in consistent units and under designated rating conditions.

The rate of net heat removal shall be defined as the change in the total heat contents of the air entering and leaving the equipment (without reheat).

Total energy input shall be determined by combining the energy inputs to all elements of the equipment, including but not limited to compressor(s), pump(s), supply-air fan(s), return-air fan(s), condenser-air fan(s), cooling-tower fan(s), circulating water pump(s), and the HVAC-system equipment control circuit.

(f) Applied HVAC-system components, electrically operated cooling-mode. HVAC-system components, as listed in Table 4-14 whose energy input is entirely electric, shall show a Coefficient of Performance (COP) cooling, as defined herein, and not less than the values shown in Table 4-14.

1. Coefficient of Performance (COP) Cooling. The ratio of the rate of net heat removal to the rate of total energy input, expressed in consistent units and under designated rating conditions.

2. The rate of net heat removal is defined as the difference in total heat contents of the water or refrigerant entering and leaving the component.

3. Total energy input shall be determined by combining the energy inputs to all elements and accessories of the component, including but not limited to, compressor(s), internal circulating pump(s), condenser-air fan(s), evaporative-condenser cooling water pump(s), purge, and the HVAC-system component control circuit.

(g) HVAC-system equipment—heat operated cooling mode. Efficiency limitation equipment: Heat operated cooling equipment shall show a (COP) cooling not less than the values shown in Table 4-15. These requirements apply to, but are not limited to, absorption equipment, engine driven equipment, and turbine driven equipment.

(h) Fireplaces. Fireplaces shall be provided with:

1. Tightly fitting flue dampers, operated with a readily accessible manual or approved automatic control.

EXCEPTION: Fireplaces with gas logs installed in accordance with UMC 803 shall be equipped with tightly fitting glass or metal doors.

2. An outside source for combustion air. The duct shall be at least six square inches in area, and shall be provided with a readily operable damper.

(i) Solid Fuel Burning Appliances shall be provided with combustion air ducted directly to the fire box.

AMENDATORY SECTION (Amending Resolution No. 86-17, filed 9/23/86)

WAC 51-12-426 SECTION 426. LIGHTING POWER BUDGET. A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

EXCEPTION: One- and two-family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of Section 426.

(a) Budget Development.

The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.

(b) Building Interiors.

The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot, specified in Table No. 4-18.

For special conditions when approved by the Building Official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.

The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.

EXCEPTIONS:

1. Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be reduced by the following percentages:
 - A. For occupant-sensing devices, energy savings of 30 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.
 - B. For daylighting controls, energy savings of 30 percent for continuous dimming and 20 percent for stepped controls shall be allowed for any daylit space.
 - C. For lumen maintenance controls, energy savings of 10 percent shall be allowed for any space.
 - D. For daylighting controls with occupant-sensing devices, energy savings of 44 percent shall be allowed for any single space up to 400 square feet within daylit spaces, and enclosed by ceiling height partitions.
 - E. For occupant-sensing devices with lumen maintenance controls, energy savings of 37 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions.
2. Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:
 - A. Stage lighting, entertainment, or audiovisual presentations where the lighting is an

essential technical element for the function performed.

- B. Lighting for medical and dental tasks.
- C. Lighting in areas specifically designed for visually handicapped people.
- D. For restaurant occupancies, lighting for kitchens and food preparation areas.

(c) Building Exteriors.

The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per square foot of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.

TABLE 4-1
Classification of Building Occupancies

	All Group R Occupancy Space	Other than Group R Occupancy Space
Three conditioned stories and less	Table 4-2	Table 4-3
More than three conditioned stories	Table 4-4	Table 4-4

((TABLE 4-2
Low-rise Residential Buildings
Maximum Allowed U₀ Values
and Minimum Allowed R Values

Heat Type	Climatic Zone	Walls (Includes Slab on Grade)				Roofs Ceilings	Cathedral Ceilings	Opaque Walls	Glazing	Floors	Installed R Value
		U ₀	U ₀	U ₀	U ₀						
Electric Resistance	I	0.026	0.035	0.144	0.055	8					8
	Other	I	0.035	0.035	0.203	0.055	8				8
Electric Resistance	II	0.026	0.035	0.144	0.043	10					10
	Other	II	0.035	0.035	0.203	0.055	10				10

¹Insulation shall be water-resistant material manufactured for this use.

Table 4-2
Low-Rise Residential Buildings
Maximum Allowed U Values and Minimum Allowed R-values

Heat Type	Climatic Zone	Roofs Ceilings	Cathedral Ceilings	Opaque Walls	Glazing	Floors	Slab on Grade	Installed R Value
Electric Resistance	I	0.026	0.035	0.053	0.56	0.055		8
	Other	I	0.035	0.035	0.053	0.71	0.055	8
Electric Resistance	II	0.026	0.035	0.053	0.56	0.043		10
	Other	II	0.035	0.035	0.053	0.71	0.055	10

TABLE 4-3
Nonresidential Occupancies
Buildings 3 Stories or Less
Maximum Allowed U₀ Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab ¹ on Grade	Installed R Value
I	0.035	0.25	0.05	8	
II	0.035	0.20	0.05	10	

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-4
All Occupancies
Buildings over 3 Stories
Maximum Allowed U_o Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab ¹ on Grade	Installed R Value
I	0.08	0.30	0.08	8	
II	0.06	0.25	0.08	10	

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-5
Nonresidential HVAC System Heating Equipment—
Gas- and Oil-Fired
Minimum Steady State Combustion Efficiency

Types of Equipment	Furnaces of Capacity of 225,000 Btu/h and Less Boilers of Capacities of 300,000 Btu/h and Less		All Other Commercial/ Industrial Furnaces and Boilers
	Percent ¹	Percent ²	
Forced-air furnaces and low-pressure steam or hot-water boilers	74	75	
Gravity central furnaces	69	-	
All other vented heating equipment	69	-	

¹Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.

²Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input. Stack losses are:

- Loss due to sensible heat in dry flue gas.
- Loss due to incomplete combustion.
- Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.

TABLE 4-6
(Reserved)

TABLE 4-7
(Reserved)

TABLE 4-8
Allowable Air Infiltration Rates

Windows	Residential Doors		Commercial Doors
(cfm per lineal foot of operable sash crack	cfm per sq. ft. of door area		cfm per lin. ft. of crack
	sliding glass	entrance	swinging, sliding, revolving
0.5	0.5	1.00	11.0

TABLE 4-9
HVAC System Heating Equipment (Heat Pumps)
Standard Rating Conditions

Conditions		Type		
		Air Source	Water Source	
Air entering equipment	°F	70 db	70 db	70 db
Outdoor unit ambient	°F	47 db/ 43 wb	17 db/ 15 wb	—
Entering water temperature	°F	—	—	60
Water flow rate		—	—	as used in cooling mode

TABLE 4-10
HVAC System Equipment
Standard Rating Conditions — Cooling

		Temperatures			
		DB	WB	Inlet	Outlet
Air Entering Equipment	°F	80	67	—	—
Condenser Ambient (Air Cooled)	°F	95	75	—	—
Condenser Water (Water Cooled)	°F	—	—	85	95

Standard ratings are at sea level.

Note: db = dry bulb
wb = wet bulb

TABLE 4-11
Applied HVAC System Components
Standard Rating Conditions — Cooling

Item		Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
Leaving chilled Water temperature	°F	44	44
Entering chilled Water temperature	°F	54	54
Leaving condenser Water temperature	°F	95	—
Entering water temp.	°F	85	—

Item		Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
Fouling factor, water			
Non-ferrous tubes	*	0.0005	0.0005
Steel tubes	*	0.0010	0.0010
Fouling factor, Refrigerant	*	0.0000	0.0000
Condenser ambient Air or evap. cooled	°F	95 dB/75 wb	—
Compressor Water cooled			
Saturated (or evap. cooled)	°F	—	105
Temperature			
Air cooled	°F	—	120

Standard ratings are at sea level.
* h ft² F/Btu.

TABLE 4-12
HVAC-System Heating Equipment (Heat Pumps)
Minimum COP & HSPF for Heat Pumps, Heating Mode

Source and Outdoor Temperature(°F)	Minimum COP	Minimum HSPF
Air source — 47 dB/43 WB	2.7	
Air source — 17 dB/15 WB	1.8	
Air source		6.35
Water source — 60 entering	3.0	
Ground source	3.0	

TABLE 4-13
Minimum EER and COP-Cooling for
Electrically Driven HVAC System Equipment-Cooling¹

Standard Rating Capacity	Air Cooled		Evaporative or Water Cooled	
	EER	COP	EER	COP
Under 65,000 Btu/hr (19,050 watts)	7.8	2.28	8.8	2.58
65,000 Btu/hr (19,060 watts) and over	8.2	2.4	9.2	2.69

¹The U.S. Department of Energy has established required test procedures for single-phase, air-cooled, residential central air conditioners under 19 KW (65,000 Btu/h) capacity, which have been incorporated into ARI Standard 210-79. EER and COP values in Table 4-13 are based on Test A of DOE Test Procedures.

TABLE 4-14
Minimum EER and COP for Electrically Driven HVAC-System Components¹

Component	Type	Water Chilling Packages			
		Air		Condensing Means Water Evap.	
		EER	COPEER	COPEER	COP
Condenser included	Centrifugal or rotary	8.00	2.34	13.80	4.04
Condenser included	Reciprocating	8.40	2.46	12.00	3.51
Condenserless	Reciprocating	9.90	2.90	12.00	3.51
Compressor & condenser					

Component	Type	Condensing Means			
		Air EER	Water COPEER	Water COPEER	Evap. COP
units 65,000					
Btu/hr (19,050 watts) and over ²	Positive displacement	9.50	2.78	12.50	3.66

Hydronic Heat Pumps			
Component	Type	EER	COP
Water source under 65,000 Btu/h (19,000 watts)	Centrifugal or rotary	9.00	2.64
Water source 65,000 Btu/h (19,000 watts) and over	Centrifugal or rotary	9.40	2.75

¹When tested at the standard rating conditions specified in Table No. 4-9, 4-10, and 4-11.

²Ratings in accordance with Standard for Positive Displacement Refrigerant Compressor and Condensing Units, ARI Standard 520-74 as applicable. COP based on condensing unit standard rating capacity and energy input to the unit, all at sea level.

TABLE 4-15
HVAC-System Heat-Operated Cooling Equipment

Heat Source	Minimum COP =
	Net Cooling Output / Total Heat Input (Electrical Auxiliary Inputs Excluded)
Direct fired (gas, oil)	0.48
Indirect fired (steam, hot water)	0.68

TABLE 4-16
Insulation of Ducts

Duct Location	Insulation Types Mechanically Cooled	Climate Zone	Insulation Types Heating Only
On roof or on exterior of building	C, V ² and W D, V ² and W	I II	C and W D and W
Attics, garages and crawl spaces, in walls ¹ , within floor-ceiling spaces ¹	B and V ² C and V ²	I II	B C
Within the conditioned space or in basements	None Required		None Required
Cement slab or within ground	A		B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out-of-package thicknesses.

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2
- B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5
- C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7
- D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10
- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

TABLE 4-17
Minimum Pipe Insulation

Piping System Types	Fluid temperature range, °F	Run-outs up to 2" ¹	Insulation Thickness I _p Inches for Pipe Sizes ²				
			1" and less	1.25" to 2"	2.5" to 4"	5" to 6"	8" and larger
HEATING AND HOT WATER SYSTEMS							
Steam and hot water							
High pressure/temperature	306-450	1.5	2.5	2.5	3.0	3.5	3.5
Med. pressure/temperature	251-305	1.5	2.0	2.5	2.5	3.0	3.0
Low pressure/temperature	201-250	1.0	1.5	1.5	2.0	2.0	2.0
Low temperature	100-200	.5	1.0	1.0	1.5	1.5	1.5
Steam condensate (for feed water)	Any	1.0	1.0	1.5	2.0	2.0	2.0
COOLING SYSTEMS							
Chilled water	40-55	.5	.5	.75	1.0	1.0	1.0
Refrigerant, or brine	Below 40	1.0	1.0	1.5	1.5	1.5	1.5

¹Runouts not exceeding 12 feet in length to individual terminal units.

²For piping exposed to outdoor air, increase thickness by .5 inch.

TABLE 4-18
Interior Lighting Power Budget¹

Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)	
A	Assembly w/stage	1.1	
	Stage lighting	Exempt	
	Assembly w/o stage: other than B and E	1.1	
B	Gasoline service station	1.7	
	Storage garages	0.3	
	Office buildings	1.7	
	Wholesale stores	2.0	
	Police and fire stations	1.7	
	Retail Stores:		
	less than 6000 s.f.	4.0	
	6000 to 20,000 s.f.	3.0	
	over 20,000 s.f.	2.0	
	Drinking and dining establishments	1.85	
C	Food preparation task light	Exempt	
	Aircraft hangars - storage	0.7	
	Process plants ³	1.0	
	Factories and work shops ³	1.7	
	Storage structures	0.7	
	Schools and daycare centers	1.7	
	Audio-visual presentation lighting	Exempt	
	D	Storage structures	0.7
		Handling areas	1.7
		Paint shops	2.5
Auto repair shops		1.7	
Aircraft repair hangars		1.7	
E		Institutions	1.7
		Administrative support areas	1.7
		Diagnostic, treatment, food service task lighting	Exempt
		Dwelling units	Exempt
		Food preparation task lighting	Exempt
	F		

¹Watts/sq. ft. of room may be increased by two percent per foot of height above 20 feet.

²Emergency exit lighting is exempt from interior lighting budget.

³Lighting that is part of machines or equipment is exempt from this budget.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-503 SECTION 503. ANALYSIS PROCEDURE.

The analysis of the annual energy usage of the standard design and the proposed alternative building and system design shall meet the following criteria:

- (a) The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be of sufficient detail to permit the evaluation of effect of factors specified in Section 504.

EXEMPTION: Low-rise residential not installing cooling equipment, shall not be required to model cooling loads.

- (b) The calculation procedure used to simulate the operation of the building and its service systems through a full year operating period shall be of sufficient detail to permit the evaluation of the effect of system design, climatic factors, operational characteristics, and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of all systems and equipment. The calculation procedure shall be based upon operation of the building and its service systems through a typical year. Variations in climatic data shall be represented.

- (c) The calculation procedure for the standard design and the proposed alternative design shall separately identify the energy input to each of the following systems: heating, cooling, ventilation, and lighting. The energy input to any other system using over ten percent of the total energy input shall also be separately identified. The energy use for the standard and alternative designs shall be calculated by summing the energy inputs assigned to each identified system and all other energy inputs not separately identified. The systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed

alternative design. When electrically driven heat pumps are employed to provide all or part of the heat for the alternative design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pumps in conformance with Section 411 and having capacity at least as great as those used in the alternative design are employed.

- (d) The energy use assigned to each building system in the proposed alternative design shall be as calculated in subsection (c) or eighty percent of the use calculated for the same system in the standard design in subsection (c), whichever is greater.

AMENDATORY SECTION (Amending Order 86-04, filed 5/13/86)

WAC 51-12-602 SECTION 602. LOW-RISE RESIDENTIAL BUILDING MECHANICAL SYSTEMS.

All HVAC devices, components and their elements shall conform to the requirements of this section.

(a) Heating and Mechanical Cooling Devices.

1. All heating and mechanical cooling devices shall meet the required efficiency factor specified herein or in Tables 4-12, 4-13, 4-14, and 4-15, 6-3, and 6-4, for the specific type of device.
2. Combustion Heating Equipment. All gas and oil-fired heating equipment shall meet the minimum combustion efficiencies as specified in Table 6-4.
3. Fireplaces shall be provided with:

- A. Tightly fitting flue dampers, operated with a readily accessible manual or approved automatic control.

EXCEPTION: Fireplaces with gas logs installed in accordance with UMC 803 shall be equipped with tightly fitting glass or metal doors.

- B. An outside source for combustion air. The duct shall be at least six square inches in area, and shall be provided with a readily operable damper.

4. Solid Fuel Burning Appliances shall be provided with combustion air ducted directly to the fire box.

5. Calculation of Heating and Cooling Loads. Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice. The design parameters specified in Chapter 3 shall apply for all computations.

HVAC equipment for low-rise residential buildings shall be sized no greater than 150 percent of the design load as calculated above.

EXCEPTION: The following exemption from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.

(b) Temperature Control.

Each heating system shall be provided with at least one thermostat for the regulation of temperature. Each thermostat shall be capable of being set as follows:

Where used to control heating only—55-75°;

Where used to control cooling only—70-85°;

Where used to control both heating and cooling, it shall conform to the requirements of Section 415.

(c) Zoning for Temperature Control.

1. Group R-3 Occupancy

At least one thermostat for regulation of space temperature shall be provided for each separate HVAC system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating or cooling input to each zone or floor.

EXCEPTION: Nonconditioned basements and garages.

2. Group R-1 Occupancy. For multifamily dwellings, each individual dwelling unit shall be considered separately and shall meet the requirements of Section 602. Spaces other than living units shall meet the requirements of section 415 (c) 3.
3. Control Setback and Shutoff: Group R-1 and R-3. The thermostat required in (a) and (b) or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during periods of nonuse or reduced need such as, but not limited to, unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.
4. Duct Insulation. All ducts, plenums and enclosures installed in or on buildings shall be thermally insulated and constructed in accordance with Section 416.
5. Pipe Insulation. All piping installed to serve buildings or within buildings shall be thermally insulated in accordance with Table 4-17.

EXCEPTION: For service water heating systems, see Section 603.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-605 SECTION 605. BUILDING ENVELOPE REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

- (a) Opaque Envelope Criteria. Roof/ceilings, exterior walls, floors over unconditioned space, below grade walls and slab on grade floors enclosing heated spaces shall be insulated to not less than the nominal R value specified for roof/ceilings, exterior walls, floors over unconditioned space, below grade walls and slab on grade floors, respectively, in Table No. 6-5. Roof/ceilings enclosing mechanically cooled spaces shall be insulated to not less than the nominal R value specified for roof/ceilings in Table No. 6-5. Compliance with nominal R values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members.

Installation of materials shall comply with Section 402 (~~((d) and~~) (e) and (f). In addition, below grade wall insulation shall extend from the top of the wall to the top of the footing or floor slab. Slab on grade floor insulation shall be installed along the entire perimeter of slab on grade floors, except for any part of slab which extends into an unconditioned space such as a garage, and shall extend downward from the top of the slab to the top of the footing or to the bottom of the thickened edge of a monolithic slab or for a minimum distance of 24 inches or downward to the bottom of the slab then horizontally beneath the slab for a minimum total distance of 24 inches and shall be an approved type.

- (b) Glazing Criteria. All glazing shall be, at a minimum, double glazing. Insulating glass with at least ~~((1/4))~~ one-half (1/2) inch air space or approved storm sash will be considered as complying. The total glazing area shall not exceed the percentage of gross exterior wall area specified in Table No. 6-5.

EXCEPTION: Single glazing in doors may be installed provided that the glazing area is doubled for the purpose of demonstrating compliance with the glazing area requirements.

- (c) Air Leakage. All buildings shall comply with the air leakage requirement of Section 405.

WSR 88-14-115
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning livestock grazing on Department of Game lands, repealing WAC 232-12-181;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.210.

The specific statute these rules are intended to implement is RCW 77.12.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1988.

Dated: July 5, 1988

By: Jack L. Smith, Chief
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: Repealing WAC 232-12-181 Livestock grazing on Department of Game lands.

Statutory Authority: RCW 77.12.210.

Specific Statute that Rule is Intended to Implement: RCW 77.12.210.

Summary of the Rule: WAC 232-12-181 establishes that persons grazing on department lands must have a land use agreement and must follow the provisions of the agreement. The department must advertise and sell any license to use department land for grazing at public auction to the highest bidder. The director may approve a land use agreement where a comprehensive grazing management plan has been developed by the department. The commission may review each land use agreement to determine whether the grazing will benefit wildlife or improve public hunting, fishing, or recreation without adverse impact on wildlife. The WAC also provides a list of ten standard terms and conditions which shall be used in all such agreements.

Reasons Supporting the Proposed Rule: WAC 232-12-181 as currently written includes administrative detail in the form of policies and procedures. The proposed WAC limits language to those items requiring regulation. The current WAC language is too restrictive regarding authorities, compensation, renewals, and written documentation to provide for the best interests of wildlife and the public. Monetary values received through auction and/or "fair market value," in fact, may provide fewer benefits to wildlife and the public than a commensurate exchange of goods, services, or

other protective easements. An additional change specifies that leases shall benefit wildlife and be consistent with the public interest.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-181 LIVESTOCK GRAZING ON DEPARTMENT OF GAME LANDS

WSR 88-14-116
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning interim grazing lease regulation, repealing WAC 232-12-182;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.210.

The specific statute these rules are intended to implement is RCW 77.12.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1988.

Dated: July 5, 1988
 By: Jack L. Smith, Chief
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: Repealing WAC 232-12-182 Interim grazing lease regulation.

Statutory Authority: RCW 77.12.210.

Specific Statute that Rule is Intended to Implement: RCW 77.12.210.

Summary of the Rule: This interim regulation provides that the director may negotiate renewals of existing grazing leases without advertising or public bidding. The regulation ceases to be effective at 11:59 p.m. on December 31, 1988.

Reasons Supporting the Proposed Rule: WAC 232-12-182 was adopted in 1987 as an interim measure of limited duration in order to allow the director to renew grazing leases without going to public auction. The intent of the regulation has been to allow a reasonable leasing process to occur during the period of time in which a new grazing WAC would be developed which would incorporate provisions similar to those in the interim regulation. The repeal of WAC 232-12-181 and adoption of WAC 232-12-183, in concert with policies and procedures developed by the department, incorporates the intent of WAC 232-12-182. Therefore, this change is "housekeeping" in nature.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-182 INTERIM GRAZING LEASE REGULATION

WSR 88-14-117

PROPOSED RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning livestock grazing on Department of Wildlife lands, adopting WAC 232-12-183;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.210.

The specific statute these rules are intended to implement is RCW 77.12.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1988.

Dated: July 5, 1988

By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: Adopting WAC 232-12-183 Livestock grazing on Department of Wildlife lands.

Statutory Authority: RCW 77.12.210.

Specific Statute that Rule is Intended to Implement: RCW 77.12.210.

Summary of the Rule: The rule requires that a grazing lease be acquired before a person may graze livestock on lands owned or managed by the department. The commission shall have approval authority over all grazing leases without a full grazing plan and the director shall have such authority when a full grazing plan is attached to the lease. Grazing leases may be acquired through public auction or through negotiations. A market fee shall be charged or commensurate exchange of value shall be received for grazing livestock on department lands. The director may renew grazing leases on those lands where it has been demonstrated that the grazing program is providing benefits to wildlife. A temporary permit may be granted to allow for immediate short-term uses not to exceed two weeks. The lessee shall forfeit all rights under the lease if a violation occurs. Trespass grazing or excess use on department owned or managed lands will be assessed a penalty fee of \$1.00 per head per day.

Reasons Supporting the Proposed Rule: WAC 232-12-181 as currently written includes administrative detail in the form of policies and procedures. The proposed WAC limits language to those items requiring regulation. The current WAC language is too restrictive regarding authorities, compensation, renewals, and written documentation to provide for the best interests of wildlife and the public. Monetary values received

through auction and/or "fair market value," in fact, may provide fewer benefits to wildlife and the public than a commensurate exchange of goods, services, or other protective easements. An additional change specifies that leases shall benefit wildlife and be consistent with the public interest.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-183 LIVESTOCK GRAZING ON DEPARTMENT OF WILDLIFE LANDS. (1) The director is hereby authorized to grant or renew grazing leases through public auction or negotiation, provided, however, that the director in any case may issue temporary grazing permits valid for no longer than fourteen (14) days. The director may delegate his or her authority under this regulation to one or more subordinates.

(2) No grazing lease may be granted or renewed unless the director, in his or her discretion, determines that the lease will benefit wildlife management programs and will be consistent with the public interest.

(3) Grazing leases may be granted or renewed only in exchange for the approximate fair market value of the benefits granted therein, provided, however, that the director may accept, in lieu of cash or monetary payment from lessee, benefits to wildlife which are determined by the director to be of value equal to or greater than the cash or monetary payments foregone.

(4) It is unlawful for any person to cause livestock to graze on lands owned, or managed by the department under lease or agreement without obtaining a grazing lease from the department. In addition to other penalties provided by law, any such person should be civilly liable to the department for a compensatory fee of one (1) dollar per head of cattle per day.

All persons wishing to apply for a grazing lease should contact the Washington Department of Wildlife, 600 North Capitol Way, Olympia, Washington 98504.

WSR 88-14-118
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning 1987 Upland migratory game bird seasons and rules, repealing WAC 232-28-110;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1988.

Dated: July 5, 1988

By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: Repealing WAC 232-28-110 1987 Upland migratory game bird seasons and rules.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: 1987 seasons and rules for upland migratory game birds.

Reasons Supporting the Proposed Rule: Upland migratory game bird seasons for 1988 were established by the Wildlife Commission in May under authority of WAC 232-28-217. The 1987 seasons need to be repealed to prevent overlap in these two rules.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-110 1987 UPLAND MIGRATORY GAME BIRD SEASONS AND RULES

**WSR 88-14-119
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed July 6, 1988]**

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

- New WAC 232-28-511 1988-89 and 1989-90 Trapping seasons and regulations.
- Rep WAC 232-28-510 1987-88 Trapping seasons and regulations;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1988.

Dated: July 5, 1988
By: Jack L. Smith, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: New section WAC 232-28-511 1988-89 and 1989-90 Trapping seasons and regulations.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Adopts 1988-89 and 1989-90 trapping seasons and regulations in the manner outlined in the 1987-88 pamphlet. This is a change in that seasons for 2 years instead of 1 year will be established.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed.

WAC 232-28-510 1987-88 TRAPPING SEASONS AND REGULATIONS

NEW SECTION

WAC 232-28-511 1988-89 AND 1989-90 TRAPPING SEASONS AND REGULATIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1988-89 and 1989-90 Trapping seasons and regulations proposed by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

**WSR 88-14-120
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed July 6, 1988]**

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

- New WAC 232-28-412 1988-89 and 1989-90 Upland game bird and migratory waterfowl seasons.
- Rep WAC 232-28-411 1987-88 Upland game bird and migratory waterfowl seasons;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Motor Inn, 515 West Sprague, Spokane, WA 99204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 6, 1988.

Dated: July 5, 1988
 By: Jack L. Smith, Chief
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: New section WAC 232-28-412 1988-89 and 1989-90 Upland game bird and migratory waterfowl seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Adopts 1988-89 and 1989-90 Upland game bird and migratory waterfowl seasons in the manner outlined in the 1987-88 pamphlet. This is a change in that seasons for 2 years instead of 1 year will be established. Dates and hunting hours will change dependent upon calendar and regional recommendations.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Jack L. Smith, Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

The following section of the Washington Administrative Code is hereby repealed.

WAC 232-28-411 1987-88 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS

NEW SECTION

WAC 232-28-412 1988-89 AND 1989-90 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1988-89 and 1989-90 Upland game bird and migratory waterfowl seasons proposed by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 88-14-121
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Wildlife intends to adopt, amend, or repeal rules concerning review and selection process, amending WAC 232-32-040;

that the agency will at 9 a.m., Wednesday, August 10, 1988, in the Ridpath Hotel, West 515 Sprague, Spokane, WA 99210 [99204], conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 75.52.050.

The specific statute these rules are intended to implement is RCW 75.52.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: July 6, 1988
 By: Jenene Fenton
 Assistant Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-32-040 Review and selection process.

Statutory Authority: RCW 75.52.050.

Specific Statute that Rule is Intended to Implement: RCW 75.52.050.

Summary of the Rule: These regulations are intended to carry out the legislative policy of maximizing opportunities for interested parties to apply for cooperative wildlife project funding. These regulations are intended to permit submission of proposals at any time and eliminate the present requirement that proposals may be accepted for funded projects by October 1st only in even-numbered years.

Reasons Supporting the Proposed Rule: These regulations provide an enhanced opportunity to make funding available in support of worthwhile projects when volunteer interest is high.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Dave Gadwa, Manager, Cooperative Wildlife Program, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-2960.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 237, filed 9/5/84)

WAC 232-32-040 REVIEW AND SELECTION PROCESS. The following steps are included in the process of reviewing and selecting cooperative wildlife projects:

(1) Applications will be ~~((mailed to a list of conservation organizations the department thinks might be))~~ made available to anyone interested in conducting a cooperative project ((as well as to any other volunteer group that requests an application from the department)). Application forms will ~~((also))~~ be available at any time at the Olympia headquarters and all regional offices of the department of ~~((game))~~ wildlife.

~~((2))~~ Applications will be mailed from the Olympia headquarters in September 1984 and in July of each even-numbered year, thereafter.

~~((3))~~ The deadline for receipt of applications where funding is requested will be November 1, 1984 and October 1st of each even-numbered year, thereafter.)

(2) Applications for ~~((nonfunded))~~ projects may be submitted at any time.

~~((4))~~ (3) The department will send each applicant, within 45 days of receipt of each application, a written acknowledgement of the receipt of the application and give the applicant a date when notification of acceptance or rejection of the proposal can be expected. The written acknowledgement will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals where funding is requested will be made only after the biennial budget is passed by the legislature and signed by the governor.

~~((5))~~ (4) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty Indian tribes and will make contact with these entities, when the department determines it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency or tribe would be appropriate, it may be required as a condition of the permit, when issued.

~~((6))~~ (5) Each approved agreement will include the following, when determined by the department to be necessary or appropriate: (a) Permit for release of fish or wildlife; (b) procedures for applying for a hydraulic project approval (HPA), and (c) description of methods that will be used to provide the volunteer group with fish, bird, or animal food or other available supplies.

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 88-14-122
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed July 6, 1988]**

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

- New WAC 232-28-61706 Amendment to 1988-90 Game fish regulations—Wapato Lake (Chelan County).
- Amd WAC 232-12-019 Classification of game fish;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Hotel, West 515 Sprague, Spokane, WA 99210 [99204], conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1988.

Dated: July 6, 1988
By: Jim DeShazo, Division Chief
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section(s): WAC 232-28-61706 Amendment to 1988-90 Game fish regulations—Wapato Lake (Chelan County); and 232-12-019 Classification of game fish.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: WAC 232-28-61706 will close water to trout fishing August 1 – October 31 (both 1988 and 1989); and WAC 232-12-019 will add the species Tiger Muskellunge to classified game fish.

Reasons Supporting the Proposed Rule(s): WAC 232-28-61706, the original intent of the regulation was to allow catch-and-release only after August 1 to provide recreational angling and prevent double cropping of trout. There is no justification for requiring catch-and-release angling on warmwater species. Therefore, this regulation is necessary to continue protection of trout and allow harvest of warmwater species after August 1; and WAC 232-12-019, the tiger muskie has been imported for recreational angling. Some of the fry being held at our facilities have grown faster than expected and are ready to plant now. The fish should be classified as a game species before planting.

Agency Personnel Responsible for Drafting and Implementation: Jim DeShazo, Division Chief, Fisheries Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5713; and Enforcement: Dan Wyckoff, Division Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-61706 AMENDMENT TO 1988-90 GAME FISH REGULATIONS — WAPATO LAKE (CHELAN COUNTY). Notwithstanding the provisions of WAC 232-28-617, effective 12:01 a.m. on October 27, 1988, the following regulation applies.

WAPATO LAKE: April 24, 1988 – July 31, 1988 and April 23, 1989 – July 31, 1989 seasons. Additional seasons August 1 – October 31 (both 1988 and 1989), Single Barbless Hooks — BAIT PROHIBITED and closed to trout August 1 – October 31 (both 1988 and 1989).

AMENDATORY SECTION (Amending Order 218, filed 10/6/83)

WAC 232-12-019 CLASSIFICATION OF GAME FISH. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class Osteichthyes are classified as game fish:

Scientific Name	Common Name
Salvelinus confluentus	Bull Trout
Esox lucius	Northern Pike
<u>and hybrids involving genus Esox</u>	<u>Tiger Muskellunge</u>

WSR 88-14-123
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning amendment to 1988-90 Game fish regulations—Clay Pit Pond (Whatcom County), adopting WAC 232-28-61703;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Hotel, West 515 Sprague, Spokane, WA 99210 [99204], conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1988.

Dated: July 6, 1988
 By: Jim DeShazo, Division Chief
 Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section(s): WAC 232-28-61703 Amendment to 1988-90 Game fish regulations—Clay Pit Pond (Whatcom County).

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Adoption of WAC 232-28-61703 will close Clay Pit Pond to game fishing.

Reasons Supporting the Proposed Rule(s): Potentially hazardous concentrations of heavy metals have been detected in the vicinity of Clay Pit Pond. This closure is necessary to allow authorities to test fish tissues and re-search the potential impacts of this situation.

Agency Personnel Responsible for Drafting and Implementation: Jim DeShazo, Division Chief, Fisheries Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5713; and Enforcement: Dan Wyckoff, Division Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): No comments.

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-61703 AMENDMENT TO THE 1988-90 GAME FISH REGULATIONS—CLAY PIT POND (WHATCOM COUNTY). Notwithstanding the provisions of WAC 232-28-617, Clay Pit Pond in Whatcom County will have an emergency game fishing closure until further notice.

WSR 88-14-124
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Wildlife Commission intends to adopt, amend, or repeal rules concerning hunting of game animals by persons of disability, amending WAC 232-12-827;

that the agency will at 9:00 a.m., Wednesday, August 10, 1988, in the Ridpath Hotel, West 515 Sprague, Spokane, WA 99210 [99204], conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

The authority under which these rules are proposed is RCW 77.12.010 and 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.010 and 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: July 6, 1988
 By: Rich Poelker, Governmental and
 External Affairs Administrator

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-827
Hunting of game animals by persons of disability.

Statutory Authority: RCW 77.12.010.

Specific Statute that Rule is Intended to Implement:
RCW 77.12.010 and 77.12.040.

Summary of the Rule: These regulations are intended to carry out the legislative policy of maximizing handicapped persons' access to recreational opportunity as codified in RCW 77.12.010. These regulations are intended to enhance the health, safety, and welfare of the general public and not that of any particular person or group of persons.

Reasons Supporting the Proposed Rule: WAC 232-12-827, recently adopted, has been found to be contrary to the RCW falling outside the game code. The snowmobile code, at RCW 46.10.130, and the off-road vehicle code, at RCW 46.09.130, specifically prohibit hunting from any off-road vehicle or snowmobile.

Agency Personnel Responsible for Drafting: Rich Poelker, Governmental and External Affairs Administrator, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-0557; Implementation: Jack Smith, Division Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: Dan Wyckoff, Division Chief, Wildlife Enforcement Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Wildlife.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 309, filed 5/16/88)

WAC 232-12-827 HUNTING OF GAME ANIMALS BY PERSONS OF DISABILITY. (1) Preamble. This regulation is intended to carry out the legislative policy of maximizing handicapped persons' access to recreational opportunity as codified in RCW 77.12.010. This regulation is intended to enhance the health, safety, and welfare of the general public and not that of any particular person or group of persons.

(2) Definitions. Terms used in this regulation are defined as follows:

(a) A "person of disability" is a permanently disabled person who is unable to be mobile without the assistance of a wheelchair or crutches. This definition is intended to include but not be limited to those disabled persons with lower extremity impairment such as paraplegics and amputees.

(b) A "disabled hunter" is a person who possesses a Disabled Hunter Permit issued by the director as well as all other required licenses, tags, and permits.

(c) A "non-disabled companion" is a licensed hunter accompanying a disabled hunter for the purpose of assisting in retrieval, killing of game wounded by a disabled hunter, and tagging of game killed by a disabled hunter.

~~((d) A "motor vehicle" is every self-propelled device in, upon, or by which any person or property may lawfully be driven upon a highway.~~

~~(e) An "off-road vehicle" is any self-propelled device in, upon, or by which any person or property may be transported upon a path or road, but which may not lawfully be driven upon a highway.))~~

~~(3) Disabled Hunter Permit. The director may issue a Disabled Hunter Permit to any person of disability who applies to the department and presents such evidence as the director may accept showing that the applicant is a person of disability. ((A Disabled Hunter Permit shall constitute a permit issued by the director, pursuant to WAC 232-12-057, authorizing the permittee to hunt from an off-road vehicle as defined herein.))~~

~~(4) Permitted and Prohibited Activities.~~

~~(a) Shooting from an off-road vehicle. ((At dates and times and in places where shooting or hunting is not otherwise prohibited, a) A disabled hunter may not possess a loaded firearm or ((and may)) discharge a firearm or other lawful hunting device from within or upon a motor ((an off-road)) vehicle ((, but only if (i) the vehicle is not in motion, and (ii) the vehicle's motor is not running, and (iii) the vehicle is not standing or parked on or beside the maintained portion of a public highway, and (iv) no shot is fired)). A disabled hunter may not fire a shot upon, across, or along a public highway.~~

~~(b) Killing of game wounded by persons of disability. A non-disabled companion may accompany a disabled hunter and kill any game animal wounded by the disabled hunter. The companion must immediately attach the disabled hunter's tag to the carcass of the animal. A non-disabled companion shall not possess a loaded gun in, or shoot from, a motor vehicle or off-road vehicle.~~

~~(c) Tagging game killed by a disabled hunter. A non-disabled companion may cut, notch, and affix tags to game animals killed by a disabled hunter.~~

~~(d) Retrieving game. A non-disabled companion may retrieve or assist in retrieving a game animal which has been either killed by a disabled hunter or wounded by a disabled hunter and killed by a non-disabled companion.~~

WSR 88-14-125

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 88-70—Filed July 6, 1988]

I, Phillip C. Johnson, deputy director of programs, Department of Ecology, do promulgate and adopt at Department of Ecology Headquarters Office, Lacey, Washington, the annexed rules relating to limitations on use of water quality account funds, chapter 173-95 WAC.

This action is taken pursuant to Notice No. WSR 88-09-076 filed with the code reviser on April 20, 1988. 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 70.146 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 July 6, 1988.

By Phillip C. Johnson
Deputy Director

Chapter 173-95 WAC
USES AND LIMITATIONS OF CENTENNIAL
CLEAN WATER FUNDS

WAC

173-95-010	Purpose and scope.
173-95-020	Definitions.
173-95-030	Provision of guidelines.
173-95-040	Limitations on the use of funds.
173-95-050	Compliance with applicable laws, regulations and other requirements.
173-95-060	Indemnification.
173-95-070	Appropriation of funds by the legislature.
173-95-080	General provisions.
173-95-090	Funding processes.
173-95-100	Marine water facilities funding category.
173-95-110	Ground water activities and facilities funding category.
173-95-120	Freshwater lakes and rivers activities and facilities funding category.
173-95-130	Nonpoint activities and facilities funding category.
173-95-140	Discretionary activities and facilities funding category.
173-95-150	Financial hardship eligibility and remedies.
173-95-160	Applicability of centennial clean water regulation and funds.

NEW SECTION

WAC 173-95-010 PURPOSE AND SCOPE. The purpose and scope of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology for the purposes of providing grants and loans for the planning, design, acquisition, construction, and improvement of water pollution control facilities and related activities in the achievement of state and federal water pollution control requirements for the protection of the state's waters pursuant to chapter 70.146 RCW. Furthermore, it is the purpose of this chapter to provide funds for water pollution control activities which prevent the degradation of or restore or improve the quality of the state's waters. In order to assist public bodies in meeting water quality requirements and, to derive the most benefit for the state in protecting the health and safety of the people, it is necessary to establish criteria for the use of funds made available under chapter 70.146 RCW. This chapter will outline (1) limitations on the allocation and uses of the funds, (2) the criteria to be considered for determining who will receive funds, (3) the process to be followed for distributing the funds, (4) the funding levels, and (5) other related issues.

NEW SECTION

WAC 173-95-020 DEFINITIONS. (1) "Account" means the water quality account in the state treasury.

(2) "Agreement" means any agreement to which a public body and a service provider are parties by which the service provider agrees to deliver service to such public body in connection with its design, financing,

construction, operation, or maintenance of water pollution control facilities in accordance with chapter 70.150 RCW.

(3) "Collection sewers" means a pipe on public property, including right(s)-of-way and easements, which conveys wastewater from individual buildings, or groups of buildings, to an interceptor(s).

(4) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the facility and that recognizes the environmental and other nonmonetary considerations.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(7) "Eligible cost" for control of sanitary sewage and/or stormwater means the cost of that portion of the water pollution control facility that can be financed under this chapter and guidelines developed pursuant to this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter. "Eligible cost" for other water pollution control facilities and for water pollution control activities means the cost of that portion of the facility or activity that can be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.

(8) "Engineering report" means a report evaluating engineering and other alternatives that meet the requirements set forth in chapter 173-240 WAC and compliance with the State Environmental Policy Act.

(9) "Environmental emergency" means a problem declared by a public body which poses a serious immediate threat to the environment or the health or safety of a community and for which the department concurs.

(10) "Extended grant payments" means cash disbursements made under a grant contract which do not follow the normal process of reimbursement at the time the eligible costs are incurred.

(11) "Facilities plan" means an engineering report which includes the additional elements required by the National Environmental Policy Act, other federal statutes and planning requirements for the federal wastewater construction grants and state revolving fund loan programs.

(12) "Federal grant" means a wastewater treatment construction grant for wastewater facilities and activities authorized by Title II of the Federal Water Pollution Control Act (as amended, 1987).

(13) "Final offer list" is the list of projects approved by the director which can receive funding from the account during the time period that the offer list is effective.

(14) "Freshwater" means any nonmarine surface water.

(15) "Funding category" means each of the five groups of facilities and/or activities specified in WAC 173-95-040 (2)(a) through (e).

(16) "Funding cutoff line" means the location on the project priority list and final offer list where the sum of requested financial assistance from the applicants above that line on the list is approximately equal to the amount of money being offered for that funding category. However, the priority point total for any of the applicants above the line must be greater than a minimum level that the department will set in the guidelines.

(17) "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves.

(18) "Infiltration and inflow correction" means the cost-effective alternative(s) identified in an approved engineering report or facilities plan for eliminating or reducing the infiltration and inflow (water, other than wastewater, that enters a sewer system) from an existing sewer system, including but not limited to, pipe replacement, grouting and sliplining.

(19) "Interceptor sewer" means a pipe which transports wastewater from collection sewers to a treatment facility, replaces a treatment plant by transporting its waste to another interceptor, collection system, or treatment plant; and/or eliminates or reduces some other discharge of inadequately-treated wastewater to receiving waters.

(20) "Lake restoration" means any action taken to prevent lake deterioration or return a lake system to an unimpaired state or condition.

(21) "Lake restoration phase I" means any comprehensive lake diagnostic or restoration feasibility study which culminates in a restoration plan.

(22) "Lake restoration phase II" means the implementation of the phase I lake restoration plan.

(23) "Loan default" means failure to make loan repayment within sixty days after the date payment is due.

(24) "Marine water" means a body of water that is a territorial sea, or the waters of a contiguous zone, or "saline estuarine waters" which are semienclosed coastal waters which have a free connection to the territorial sea, undergo net seaward exchange with ocean waters and have salinities comparable to those of Puget Sound or other major bays and inlets. Generally, saline estuarine waters are those waters near the mouth of estuaries and contain indigenous biota characteristic of a marine environment.

(25) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(26) "Project" means water pollution control facility(s) and/or water pollution control activity(s) for which a public body applies for and/or receives a grant or loan.

(27) "Project priority list" means the list of rated and ranked projects for which state financial assistance is requested.

(28) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(29) "Public health emergency" means a situation declared by the department of social and health services in which illness or exposure known to cause illness is occurring or is imminent.

(30) "Service provider" means any privately-owned or publicly-owned profit or nonprofit corporation, partnership, joint venture, association, or other person or entity that is legally capable of contracting for and providing service with respect to the design, financing, ownership, construction, operation or maintenance of water pollution control facilities in accordance with chapter 70.150 RCW.

(31) "Severe public health hazard" means a situation declared by the department of social and health services and concurred by the department in which the potential for illness exists, but illness is not occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. The problem must generally involve a serviceable area including but not limited to a subdivision, town, city, or county. Also, the problem cannot be corrected through more efficient operation and maintenance of a wastewater disposal system(s).

(32) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the Environmental Protection Agency pursuant to Public Law 93-523, Sec. 1424(e).

(33) "State revolving fund (SRF) loan" means a loan from the state water pollution control revolving fund established by Section 212 (Title VI) of the 1987 amendments to the Federal Water Pollution Control Act and by chapter 284, Laws of 1988 (E2SSB 6235).

(34) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(35) "Water pollution control activities" or "activity" or "activities" means actions taken by the public body for the following purposes:

(a) To prevent or mitigate pollution of underground water;

(b) To control nonpoint sources of water pollution;

(c) To restore the water quality of freshwater lakes; or

(d) To maintain or improve water quality through the use of water pollution control facilities or other means.

(36) "Water pollution control facility" or "facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, stormwater, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, non-conventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

NEW SECTION

WAC 173-95-030 PROVISION OF GUIDELINES. The department will publish guidelines which establish procedures for the application and award of grants and loans, and eligibility criteria for each funding category. These will describe in greater detail the grant and/or loan application, review and award processes and other requirements of this program.

NEW SECTION

WAC 173-95-040 LIMITATIONS ON THE USE OF FUNDS. (1) Funds in the account may be used to make grants or loans to public bodies. These include grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purpose of chapter 70-146 RCW.

(2) During the period from July 1, 1987, until June 30, 1995, the following limitations shall apply to the moneys appropriated directly to the department for use in the funding categories even though the distribution under this section shall not be required to be met in any single fiscal year:

(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

(c) Not more than ten percent for water pollution control activities and facilities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia Rivers;

(d) Not more than ten percent for activities and facilities which control nonpoint source water pollution; and

(e) Ten percent and such sums as may be remaining from the funding categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) The funds cannot be used for activities or facilities or portions thereof that are primarily intended to control, transport, treat, dispose or otherwise relate to industrial wastewater. All costs associated with industrial pretreatment are not eligible for funding.

(4) The funds cannot be used for activities or facilities that are primarily related to solid and hazardous substances as defined in chapter 70.105B RCW.

(5) The funds cannot be used for activities or facilities to achieve a water pollution control objective when the sponsoring public body received previous federal or state grant(s) to achieve the same water pollution control objective and actually achieved that objective.

(6) The funds cannot be used for costs associated with consulting services with a "cost-plus-percentage-of-cost" type contract (e.g., multiplier which includes profit) or "percentage-of-construction-cost" contract.

(7) The funds cannot be used for facilities that are primarily intended to control and/or prevent water pollution related to Washington state agencies.

NEW SECTION

WAC 173-95-050 COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS AND OTHER REQUIREMENTS. (1) A public body receiving a grant or loan shall comply fully with all applicable federal, state, and local laws, orders, regulations and permits. Furthermore, applications for funding from public bodies must not be inconsistent with pertinent adopted water quality plans including, but not limited to, Federal Clean Water Act section 208, 319 and 320 plans, Puget Sound water quality management plan, shoreline master programs, ground water management programs and stormwater plans. A public body shall secure the necessary permits required by authorities having jurisdiction over the project, provide assurance that all permits have been secured, and make copies available to the department if requested.

(2) A public body receiving a grant or loan shall fully comply with all applicable federal, state, and local laws and regulations related to discrimination, labor, and job safety. Further, the public body shall comply with the state minority and women owned businesses regulation.

(3) A public body receiving a grant or loan for facilities construction shall submit a declaration of construction of water pollution control facilities to the department within thirty days following acceptance of the project or completed portion.

(4) The department shall place in every grant or loan contract a maximum dollar value above which the department will not reimburse. The maximum dollar value will be stated in the contract and may include specified adjustments to the initial contract dollar amount. Once the contract is effective, the public body will be expected to fulfill the scope of work required in the contract and only be reimbursed up to the maximum dollar value specified. The department will not increase the grant or loan dollar value of the contract.

(5) Grant and loan recipients are required to maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained

in the most recent edition of the United States General Accounting Office (GAO) publication: "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" and the department's "Financial Guidelines for Grants Management," WDOE 80-6. For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. Wherever this chapter and the implementing guidelines are more restrictive, this chapter and the guideline requirements shall control.

(6) In the event of loan default, the director may renegotiate loan contracts; however, if the public body fails to repay the loan according to the contract, the public body will be prohibited from receiving any future financial assistance from the state of Washington. The department will seek remedies through other state agencies or departments that provide any money to the public body. Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require repayment of misused grant and loan funds.

(7) Appeals of contract decisions will be processed in accordance with the department's applicable appeals procedure. Only written decisions by the department made during the effective contract period will be appealable. Appeals must be filed with the financial assistance program disputes decision coordinator within forty-five days from the date of the department's written decision from which relief is sought.

(8) Contracts will be audited by the department or at the department's discretion by another authorized auditor.

NEW SECTION

WAC 173-95-060 INDEMNIFICATION. (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to a grant or loan awarded to a public body.

(2) To the extent that the Constitution and laws of the state of Washington permit, the public body shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of the public body arising out of a grant or loan contract except for such damage, claim, or liability resulting from the negligent act or omission of the department.

NEW SECTION

WAC 173-95-070 APPROPRIATION OF FUNDS BY THE LEGISLATURE. The department's obligation to make grant and loan payments is contingent upon the availability of funds through legislative appropriation, state allotment authorized by chapter 70.146 RCW, and WAC 173-95-080(2).

NEW SECTION

WAC 173-95-080 GENERAL PROVISIONS. (1) Agreements with service providers.

(a) Public bodies may enter into agreements with service providers for services in connection with water pollution control facilities as provided by chapter 70.150 RCW. The public body must assure that the service provider complies with WAC 173-95-050.

(b) A public body that enters into a service agreement under which a facility is owned wholly or partly by a service provider shall be eligible for grants or loans. The grants and/or loans shall be made to and benefit the public body not the service provider. The grants and/or loans shall be used by the public body for all or part of its ownership interest in the facility and/or to defray a part of the payments it makes to the service provider under a service agreement.

(c) The department may make periodic disbursements to a public body or may make a single lump sum disbursement. Disbursements of funds with respect to a facility owned or operated by a service provider shall be equivalent in value to disbursements that would otherwise be made if that same facility were owned or operated by a public body. Payments for water pollution control facilities made to public bodies entering into service agreements pursuant to RCW 70.150.060 shall not exceed amounts that would have been paid to that public body had it not entered into service agreements.

(2) Extended grant payments.

(a) The department may enter into grant contracts with public bodies that provide for extended grant payments for eligible costs of facilities under chapter 70.146 RCW. The public body must be on a compliance schedule from a state or federal agency that requires such facilities be completed in a specific time period. In order to meet this compliance schedule, the moneys required for the facility identified in the grant application would exceed the funds available that the public body could be offered during a funding cycle.

(b) The total annual amount of extended payments shall not exceed the maximum allowable per project under the applicable funding category or one-half of the funding category whichever is less, unless the director determines that a larger amount is in the best interest of the state and the account.

(c) Extended grant payments may be disbursed on an advanced or deferred basis in accordance with the grant contract between the department and the public body. These payments shall be in equal annual payments. The total amount shall not exceed on a net present value basis, fifty percent of the total eligible cost of the project incurred at the time of design and construction. After negotiation with the public body, the director may adjust the amount of the equal annual payments if it is in the public interest.

(d) Extended grant payments shall be for a period not to exceed twenty years.

(e) The department's total share of a project with extended grant payments shall not exceed fifty percent of the eligible costs received from available federal and state grant moneys.

(f) The department shall first use any moneys appropriated by the legislature from the account to satisfy the conditions of the extended grant payment contracts.

(3) Self certification. The department may authorize public bodies to certify compliance with selected program requirements. The public body must request such certification authority and document that it has the capability and the resources, that it is in the best interest of the state, and that the request is consistent with state and/or federal laws and regulations.

(4) State conservation commission and conservation districts.

(a) The state conservation commission receives directly from the legislature two and one-half percent of the moneys appropriated from the account. The commission shall distribute those moneys in accordance with their program objectives and with the statutory requirements. The department will coordinate as necessary with the state conservation commission to ensure that both programs are compatible with one another. In addition, the department, the state conservation commission, and the Washington state association of conservation districts may enter into a memorandum of agreement as to the coordination and distribution of funds from the account.

(b) The program requirements including but not limited to application requirements, priority rating criteria, and funding levels of the applicable funding category will apply.

(5) Ecology administration expenses. The department shall limit its expenses for administration of the program in conformance with the amount specified in RCW 70.146.030. These expenses shall include all direct and related indirect costs of developing, managing, and administering the contracts from the account that are awarded to public bodies. It shall not include direct expenses incurred to further the goals and objectives of chapter 70.146 RCW.

(6) Legislative reporting. The department shall report to the legislature no later than November 30 of each year on the use of the account moneys by the department. The report shall include, at a minimum, a list of the grant and loan recipients, date of grant or loan award, and the amount of money awarded to each recipient. Additional information will be furnished as appropriate.

(7) Prior authorization.

(a) The department recognizes that under very unusual circumstances, it may be advantageous to commence work on a project in advance of a signed and executed contract. If approved, the director will authorize the public body in writing to incur expenses which could be eligible for grant or loan moneys. Except for emergencies defined in WAC 173-95-140(1), prior authorization will be considered based upon the following conditions:

(i) The public body has an approved application for funding including a project scope of work, a detailed budget, and the project must also be on the fundable portion of a priority list; and

(ii) The scope, cost, effective date, and duration of the prior authorization is documented in writing from the department to the public body and is consistent with the public body's application for grant or loan moneys; and

(iii) The purpose and any additional conditions are documented in writing; and

(iv) The prior authorization is in the best interest of the state.

(b) The public body assumes all responsibility for costs incurred. There is no guarantee on behalf of the department that a grant or loan will be awarded to that public body. Any work performed by the public body which is not consistent with the conditions specified in the department's prior authorization letter(s) or which does not comply with the requirements set forth in the guidelines in effect at the time of the prior authorization letter will be deemed ineligible for state participation under this chapter.

NEW SECTION

WAC 173-95-090 FUNDING PROCESSES. (1) Funding cycle - The director will establish grant and/or loan offer lists for each funding category. These lists shall be prepared on an annual basis unless after adequate public notice and comment the director determines that preparing lists on a biennial basis is in the best interest of the program. The amount of money available on an annual basis shall be approximately equal to one-half of the biennial appropriation less prior obligations such as extended grant payment contracts for grant or loan awards plus any moneys available from previous years.

(2) Application process - The department may use an interim application and funding cycle during fiscal years 1989 and 1990 in order to expedite the award of these moneys. Beginning in fiscal year 1991, the application period will be initiated during the third quarter (except for environmental emergencies, public health emergency and severe public health hazard as defined in WAC 173-95-020 (9), (29), and (31) which will be accepted at any time).

(3) Multifunding category projects - Applicants whose projects qualify in more than one funding category can apply and be rated in each funding category. If the applicant ranks high enough to be offered financial assistance in more than one category, the department will determine from which category an offer will be made. If the amount of money available from any one category is insufficient, the department may fund part of the project from one or more of the other categories in which they qualify.

(4) Priority rating list - The director shall establish a priority rating list for each funding category using criteria established by this chapter and department guidelines. This list will rank all applications received in priority order and propose for funding those applicants above the funding cut-off line. The director may establish an application review committee(s) as appropriate.

(5) Public review - The priority rating lists will be available for at least thirty days for public review and comment. A public hearing(s) may be conducted if the director determines there is significant public interest. Comments received during the public review period will be considered before the final offer lists are prepared.

(6) Final offer lists - The final offer lists will be approved by the director and made available on or about forty-five days after the close of the public review period. The final offer list will be effective until the next

final offer list is made available. All offers are automatically cancelled after the effective period. If an applicant does not expect to be able to obtain a signed contract during the effective period, a new application should be submitted during the application period of the next funding cycle.

NEW SECTION

WAC 173-95-100 MARINE WATER FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, and funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the facility under the jurisdiction of the applicant is discharging directly into a marine water and is not in compliance with permit requirements, water quality standards, combined sewer overflow reduction plans, stormwater management plans, other regulatory requirements, or is otherwise adversely affecting marine waters.

(b) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(c) Funding for collection sewers may be provided only if the facilities to be constructed will eliminate a public health emergency or severe public health hazard.

(d) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, if appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(e) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report approved by the department.

(f) Financial assistance for cost-effective facility construction projects may be provided. If appropriate, the facilities plan or engineering report and plans and specifications must have been approved by the department.

(g) Cost-effective analyses of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(h) Infiltration and inflow correction projects may receive funding only if the facilities plan or engineering report approved by the department document that such construction is the cost-effective alternative.

(2) Priority rating criteria.

(a) Water pollution control need for the project including, but not limited to, health impacts caused by existing circumstances, secondary treatment, reduction of combined sewer overflows, and stormwater management, including legally mandated requirements.

(b) Enforcement actions and compliance requirements relating to the discharge.

(c) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group, established by the legislature or a state agency to study water pollution control issues in the state.

(d) Water quality and beneficial use impacts caused by existing circumstances.

(e) Cost to residential ratepayers if no state assistance is provided.

(f) Problem prevention aspects of the proposed project.

(3) Funding levels.

(a) Fundable marine water facilities will receive a grant for fifty percent of eligible costs after federal grant and SRF loan funds available for facilities have been obligated. These facilities may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(b) For fundable marine water facilities, when federal grants and/or SRF loan money is available, the director may exercise prerogative to issue state grant and loan combinations. These combinations would generally be structured such that they would be approximately equivalent to fifty-five percent grants for eligible costs. Grant percentages, loan interest rates, and terms of loans may be established to ensure that federal funds are obligated in a timely manner according to federal requirements.

(c) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to the financial hardship criteria established in WAC 173-95-150.

(d) The public body may request that the grant be an extended grant payment contract in accordance with WAC 173-95-080(2). The department may require the public body to negotiate an extended grant payment contract when the public body has requested and/or has received in excess of forty million dollars in funding assistance on an accumulative basis from the account.

NEW SECTION

WAC 173-95-110 GROUND WATER ACTIVITIES AND FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, funding levels.

(1) General application requirements.

(a) General.

(i) Public bodies must demonstrate that the project(s) will educate the public about ground water quality issues, study and diagnose ground water problems, correct and/or prevent potential adverse effects to ground water quality.

(ii) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(b) Ground water planning and implementation activities.

(i) Public bodies applying for funds for developing ground water management area programs must be a lead agency or a cooperating agency for a designated ground water management area or a probable ground water management area as defined in chapter 173-100 WAC.

(ii) Projects to implement ground water management area programs prepared in accordance with chapter 173-100 WAC are eligible provided that the program has been certified by the department.

(iii) Other ground water activities are eligible for funding if they are an element of an adopted land use, sewer, or water plan, or they identify existing or potential problems associated with ground water quality.

(iv) Financial assistance for the planning phases of facilities construction projects may be provided. Public bodies must complete an engineering report or a facilities plan if appropriate. A facilities plan must be completed and approved by the department if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(c) Ground water facility design and construction.

(i) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must complete a facilities plan or engineering report approved by the department.

(ii) Financial assistance for cost-effective facility construction projects may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report and plans and specifications approved by the department.

(iii) Cost-effective analysis of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(iv) Funding for collection sewers may be provided only if the facility to be constructed will eliminate a public health emergency or severe public health hazard or as specified in subsection (3)(a) of this section.

(2) Priority rating criteria.

(a) General criteria – Ground water projects, excluding those specified in (b) of this subsection, shall be rated on the following criteria:

(i) Public health impacts caused by existing circumstances.

(ii) Water quality impacts caused by existing circumstances.

(iii) Problem prevention aspects of the proposed project.

(iv) Beneficial use impacts caused by existing circumstances.

(v) Enforcement actions and compliance.

(vi) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(vii) Local interest and commitment of the project.

(b) Spokane-Rathdrum Prairie Aquifer projects – Applications for funding activities and/or facilities to protect the Spokane-Rathdrum Prairie Aquifer that do not exceed two-thirds of the amount available in this funding category will not be rated but will receive a grant offer(s).

(c) Previously-rated projects – Ground water management area projects designated and rated on the FY 88' general schedule who received partial funding under criteria established by WAC 173-100-060 may receive up to three hundred fifty thousand dollars each toward development and implementation of their ground water management area program. Such planning areas will be

given higher funding priority during the 1989 and 1990 fiscal years funding cycles. If other department funds become available for funding these programs before the projects are rated, the total amount for funding each project will be reduced accordingly.

(3) Funding levels.

(a) At least two-thirds of the available ground water category funds shall be used to protect the Spokane-Rathdrum Prairie Aquifer.

(b) The remaining category funds can be used by public bodies to fund all other projects outside the boundaries of the Spokane-Rathdrum Prairie Aquifer.

(c) Unless the demand for funds from the ground water activities and facilities funding category is less than funds available and excluding provisions for extended grant payments, no public body, excluding those funded in accordance with subsection (2)(b) of this section, outside the boundaries of the Spokane-Rathdrum Prairie Aquifer may receive more than nine percent of the legislative appropriation from this funding category during a funding cycle.

(d) Fundable ground water activities and facilities will receive a grant for fifty percent of eligible costs and may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(e) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will be available according to the financial hardship criteria established in WAC 173-95-150.

NEW SECTION

WAC 173-95-120 FRESHWATER LAKES AND RIVERS ACTIVITIES AND FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, fund allocations, and funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the project will eliminate adverse impacts to the water quality of a freshwater lake or river, the facility discharging to a freshwater lake or river is not in compliance with permit requirements, water quality standards, combined sewer overflow reduction plans, other regulatory requirements, or the project must demonstrate prevention of potential adverse water quality impacts to or restoration of a freshwater lake or river.

(b) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(c) For lake restoration projects, public access to the lake must be provided. For lake restoration phase I projects, public access may consist of, but not be limited to, seasonal or year-round access. For lake restoration phase II projects year-round public access in the form of a multipurpose public park facility must be provided.

(d) Funding for collection sewers may be provided only if the facility to be constructed will eliminate a public health emergency or severe public health hazard.

(e) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities

plan, if appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(f) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report approved by the department.

(g) Financial assistance for cost-effective facility construction projects may be provided. If appropriate, the facilities plan or engineering report and plans and specifications must have been approved by the department.

(h) Cost-effective analyses of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(i) Infiltration and inflow correction projects may receive funding only if the facilities plan or engineering report approved by the department document that such construction is the cost-effective alternative.

(2) Priority rating criteria.

(a) Water quality impacts caused by existing circumstances.

(b) Beneficial use impacts caused by existing circumstances.

(c) Public health impacts caused by existing circumstances.

(d) Problem prevention aspects of the proposed project.

(e) Local interest in and commitment to the proposed project.

(f) For lake activities, the restoration potential of the proposed project.

(g) Enforcement actions and compliance requirements relating to the proposed project.

(h) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(3) Fund allocations.

(a) Lake activities excluding facilities will be rated separately from river and other freshwater activities and facilities in this funding category, and two separate priority rating lists will be established.

(b) Lake activities excluding facilities will receive forty percent of total category funds available in a funding cycle.

(c) River and other freshwater activities and facilities (excluding lake activities) will receive sixty percent of total category funds available in a funding cycle. However, a maximum of one lake facility will be funded from this funding subcategory during a funding cycle. In addition, at least one river activity, excluding facilities, will be funded during a funding cycle provided the project receives the minimum level of priority points set in accordance with WAC 173-95-020(16).

(d) If the demand for funds by either lake activities or river and other freshwater activities and facilities is less than that which is available to a subcategory in a funding cycle, funds may be made available to the other subcategory.

(4) Funding levels.

(a) Fundable freshwater activities excluding facilities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(b) Fundable freshwater facilities will receive a grant for fifty percent of eligible costs after federal grant and SRF loan funds available for facilities have been obligated. These facilities may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(c) For fundable freshwater facilities, when federal grants and/or SRF loan money is available, the director may exercise prerogative to issue state grant and loan combinations. These combinations would generally be structured such that they would be approximately equivalent to fifty-five percent grants for eligible costs. Grant percentages, loan interest rates, and terms of loans may be established to ensure that federal funds are obligated in a timely manner according to federal requirements.

(d) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to financial hardship criteria established in WAC 173-95-150.

(e) Unless the demand for funds from the freshwater activities and facilities funding category is less than the funds available, and excluding provisions for extended grant payments, the following will apply:

(i) No public body may receive more than thirty percent of the legislative appropriation from this funding category during a funding cycle.

(ii) No public body applying for river activities excluding facilities shall receive more than five percent of the legislative appropriation from this funding category during a funding cycle.

(iii) All projects on any one freshwater lake may not exceed thirty percent of the legislative appropriation from this funding category during a funding cycle.

NEW SECTION

WAC 173-95-130 NONPOINT ACTIVITIES AND FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the project benefits the public within the local project area or the public at large.

(b) Public bodies must demonstrate that the project will eliminate adverse impacts to water quality of the receiving water, prevent potential adverse water quality impacts, study and diagnose water quality problems, or the project must educate the public about improving water quality.

(c) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, if appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(d) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report approved by the department.

(e) Financial assistance for facility construction projects may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report and plans and specifications that have been approved by the department.

(f) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(2) Priority rating criteria.

(a) Public health impacts caused by existing circumstances.

(b) Water quality and beneficial use impacts caused by existing circumstances.

(c) Problem prevention aspects of the proposed project.

(d) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(e) Enforcement actions and compliance requirements relating to the proposed project including but not limited to compliance with provisions of WAC 400-12-310.

(f) Establish/established a revenue source through local rates or other financial means to continue to achieve water quality objectives.

(g) Local interest in and commitment to the proposed project, and plans and programs to educate the public.

(h) Economic impacts to the public if the project is not undertaken.

(i) Consistency with water quality goals and objectives of the department.

(3) Funding levels.

(a) Fundable activities excluding sanitary sewage facilities and stormwater management facilities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(b) Fundable facilities excluding sanitary sewage facilities and stormwater management facilities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(c) Fundable sanitary sewage facilities and stormwater management facilities will receive a grant for fifty percent of eligible costs and may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(d) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to the financial hardship criteria established in WAC 173-95-150.

(e) Unless the demand for funds from the nonpoint activities and facilities funding category is less than funds available and excluding provisions for extended

grant payments, no public body may receive more than five percent of the legislative appropriation for this funding category during a funding cycle. However, the department may fund one project for a facility that exceeds the five percent maximum, but in no case can the grant exceed seven hundred fifty thousand dollars. The selection of the project funded in excess of the five percent limit will be based on priority points.

NEW SECTION

WAC 173-95-140 DISCRETIONARY ACTIVITIES AND FACILITIES FUNDING CATEGORY.

(1) Emergency funding subcategory (environmental emergency, public health emergency, severe public health hazard) – General application requirements, priority rating criteria, fund allocations, and funding levels.

(a) General application requirements.

(i) Public bodies must provide the department appropriate documentation of the emergency situation and that immediate corrective action is required.

(ii) Public bodies must identify the solution and the estimated cost required to solve the problem.

(iii) Public bodies must comply with limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(iv) Public bodies must certify their inability to finance the project without state assistance.

(v) Public bodies must specify whether a grant and/or loan is requested.

(vi) The department may authorize a public body in writing to commence work on a project in advance of a signed and executed contract.

(b) Priority rating criteria. Each application will be evaluated independently from others and funds will be issued according to the nature and severity of the problem.

(c) Fund allocations. The emergency subcategory may use up to twenty-five percent of the discretionary funding category during a funding cycle for grants and/or loans for activities or facilities.

(d) Funding levels.

(i) Fundable emergency projects will receive grants and/or loans in a manner consistent with the other applicable funding categories to the maximum extent possible. However, the department may award grants and/or loans up to one hundred percent of the project cost based upon unique situations.

(ii) Fundable emergency projects which are caused by improper operation and maintenance of an existing facility by public bodies will only be eligible for a loan.

(2) Supplemental funding subcategory. The general application requirements, priority rating criteria, and funding levels will be in accordance with the other major funding categories contained in WAC 173-95-100 through 173-95-130 and other general provisions of this chapter. The funding allocation for this subcategory will be at least twenty percent of the discretionary funding category. The final offer list for each of the other funding categories will reflect the allocation of moneys under this supplemental funding subcategory.

(3) Basic discretionary funding subcategory. Potential eligible projects, general application requirements, priority rating criteria, and funding levels.

(a) Potential eligible projects. Projects in the basic funding subcategory which may be eligible include water pollution control activities and facilities which prevent the degradation of or restore or improve the quality of the state's waters. Projects may include, but are not limited to protection, enhancement, and restoration of fish rearing, spawning and migration areas, commercial and recreational shellfish beds; water quality monitoring and laboratory services, forest practices regulations and other activities which support local efforts; investigations, remedial and preventative activities for sediments in state waters that are contaminated with toxic material or otherwise inhibit reasonable beneficial use; protection of shorelands and wetlands where a water pollution control activity or facility is involved; technical assistance and enforcement related to water quality statutes, rules, and requirements.

(b) General application requirements. Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080. Public bodies must demonstrate the inability to secure other sources of funding. In addition, the public bodies must meet two of the following requirements:

- (i) Project is innovative and could be used as a demonstration project; or
- (ii) Project would directly benefit water quality through a training and education process; or
- (iii) Project addresses a water quality problem that has caused or is likely to cause a direct economic impact to the public; or
- (iv) Project meets the legislative intent.

(c) Priority rating criteria. The priority of each project will be established according to criteria including, but not limited to; public health, water quality, beneficial use, problem prevention and corrective action not generally funded in other funding categories, enhancement of local and state agency water quality related programs, enforcement actions and compliance requirements, state-wide significance of a project, and recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(d) Funding levels.

(i) Fundable basic discretionary projects will receive grants and/or loans in a manner consistent with other applicable funding categories to the maximum extent possible. However, the department may award grants and/or loans up to one hundred percent of the project cost based on unique situations.

(ii) Unless the demand for funds from the basic discretionary subcategory is less than the funds available, and excluding provisions for extended grant payments, no public body may receive more than ten percent of the legislative appropriation from this funding subcategory during a funding cycle.

NEW SECTION

WAC 173-95-150 FINANCIAL HARDSHIP ELIGIBILITY AND REMEDIES. (1) The primary responsibility for obtaining the local share will be that of the public body. Before requesting financial hardship assistance beyond the basic available financial assistance, the public body must document that all other sources of funding are unavailable, and the project would still cause a financial hardship.

(2) For facilities including, but not limited to, construction of municipal sewage treatment facilities or combined sewer overflow reduction projects, where it can be determined the construction of the project will result in user charges in excess of one and one-half percent of the median household income, public bodies will be offered the following alternatives in accordance with the provisions of the applicable funding category:

(a) A fifty percent base grant with a fifteen percent supplemental grant which would bring the total grant to sixty-five percent of eligible costs; or

(b) A fifty percent base grant and a low interest loan for the remainder of the project with an interest rate structured to produce a user charge below the hardship level; or

(c) In the event that hardship criteria still apply after assistance is considered in (a) and (b) of this subsection, then additional assistance, such as additional grants and loans, may be available to attempt to reduce the financial burden to below the financial hardship level.

(3) For facilities where the hardship criterion of subsection (2) of this section, cannot be established because the public body does not have the legal ability to collect revenue or where user charges cannot be determined as a percentage of the median household income, financial hardship must be documented by the public body based on, but not limited to, such factors as unemployment trends, income levels, debt limitations, ability to repay debt incurred, and the overall financial conditions, for the area specifically affected. For activities and facilities that meet these financial hardship criteria, public bodies will be offered a fifty percent base grant with a fifteen percent supplemental grant which would bring the total grant to sixty-five percent of eligible costs in accordance with the provisions of the applicable funding category.

(4) For activities which do not involve facilities construction but which meet the hardship criteria established in subsection (3) of this section, public bodies will be offered a fifty percent base grant with a twenty-five percent supplemental grant which would bring the total grant to seventy-five percent of eligible costs in accordance with the provisions of the applicable funding category.

NEW SECTION

WAC 173-95-160 APPLICABILITY OF CENTENNIAL CLEAN WATER REGULATION AND FUNDS. This chapter is not applicable to the allocation and uses of moneys administered by the department pursuant to chapter 284, Laws of 1988 (E2SSB 6235),

and pursuant to special uses mandated by legislative appropriation. The director may utilize moneys appropriated from the account to provide the state match for the state revolving fund (SRF) loan program consistent with the requirements of chapter 70.146 RCW.

WSR 88-14-126
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Order 88-63—Filed July 6, 1988]

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 implementation of SSSB 6513 which amends chapter 43.83B RCW.

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 emergency rules provide the means for implementing SSSB 6513 in which the legislature has responded to forecasts of emergency water supply conditions in 1988 by authorizing ecology to take specific actions to ". . . Alleviate emergency drought conditions to assure survival of irrigated crops and the states fisheries . . .".

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

This rule is promulgated pursuant to chapter 46, Laws of 1988, SSSB 6513 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 July 6, 1988.

By Phillip C. Johnson
 Deputy Director

CHAPTER 173-110 WAC
1988 EMERGENCY DROUGHT RELIEF

WAC

173-110-010	PURPOSE.
173-110-020	DEFINITIONS.
173-110-030	GENERAL ELIGIBILITY RULE.
173-110-040	FORECAST OF EMERGENCY WATER SUPPLY CONDITIONS.
173-110-050	EMERGENCY DROUGHT PERMITS.
173-110-060	TRANSFERS OF WATER RIGHTS.
173-110-070	FUNDING ASSISTANCE—GENERAL CRITERIA.
173-110-080	FUNDING ASSISTANCE—AGRICULTURAL CRITERIA.

173-110-090	FUNDING ASSISTANCE—FISHERIES CRITERIA.
173-110-100	REQUESTS FOR DROUGHT RELIEF—CONTACTS—APPLICATIONS.

[NEW SECTION]

WAC 173-110-010 PURPOSE. The Legislature declared 1988 to be an emergency water supply year, and enacted drought relief legislation in Chapter 46, Laws of 1988 (SSSB 6513). SSSB 6513 amends Chapter 43.83B RCW (Water Supply Facilities).

(1) SSSB-6513 authorizes the Washington State Department of Ecology (Ecology) to assist in alleviating emergency drought conditions throughout the state, and sets forth the criteria and procedures for implementing the 1988 drought relief legislation.

(2) Ecology has authority under SSSB-6513 to:

(a) Issue emergency drought permits to withdraw public waters as an alternate source of water supply.

(b) Approve water right transfers between willing parties.

(c) Assist in funding eligible drought projects and measures.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-020 DEFINITIONS. As used in this chapter:

(1) "Emergency water supply conditions":

(a) For irrigated agriculture, are those conditions that result or are forecast to result in 75 percent or less of a normal seasonal water supply.

(b) For the fisheries resource, are those conditions that result in a particular fishery activity receiving or being forecast to receive water in an amount below an established minimum water supply; or, when funding assistance is being considered, those conditions that result in a fishery activity eligible for funding that is receiving or being forecast to receive a water supply at or below survival level.

(c) For private and public entities that are nonagricultural and non-fishery related, are those conditions that would cause a reduction in water deliveries by 20 percent or more, or where human and/or animal populations would experience undue hardship.

(2) "Normal seasonal water supply":

(a) For irrigated agriculture, is that amount of water historically withdrawn or diverted for actual crop use during an irrigation season.

(b) For the fisheries resource pertaining to fish hatcheries, is that amount or flow of water required for normal operations.

(c) For the fisheries resource pertaining to instream habitat, is that amount or flow of water that is historically required to provide normal habitat conditions for the existing fishery population.

(3) "Previously established activities":

(a) For agriculture, are those acres presently being irrigated under a water right.

(b) For the fisheries resource, are those activities presently in place where drought relief under this chapter would not lead to enhancement of the fisheries resource.

(c) For private and public entities that are nonagricultural and non-fishery related, are those water supply delivery systems that deliver to the present population, area, and/or facilities.

(4) "Established minimum" for the fisheries resource is that amount or flow of water determined as a minimum condition in a water right, Chapter 173-500 WAC, or operating procedures of the Departments of Fisheries and Wildlife.

(5) "Survival level" for the fisheries resource is that amount of water supply or flow of water that if reduced below that level would cause unreasonably high mortality rates, endangerment to fish propagation, or extreme stress to the fisheries resource as determined by Ecology after consultation with the Departments of Fisheries and Wildlife.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-030 GENERAL ELIGIBILITY RULE. (1) Applications made under this chapter for emergency drought permits, water transfers, and funding assistance shall be processed for previously established activities experiencing emergency water supply conditions.

(2) All permits and approvals issued under this chapter shall be subject to existing rights.

(3) Water obtained through approval of permits, water right transfers, and/or funding assistance for projects or measures shall be put to beneficial use as a substitute for water not available because of the drought.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-040 FORECAST OF EMERGENCY WATER SUPPLY CONDITIONS. (1) Emergency water supply conditions as defined in WAC 173-110-020(1) shall be determined by Ecology after consultation with the state's Water Supply Availability Committee or its successor. The Water Supply Availability Committee includes the Soil Conservation Service, National Weather Service, U.S. Geological Survey, Department of Community Development, Department of Fisheries, Department of Wildlife, Department of Agriculture, and the U.S. Bureau of Reclamation, in addition to Ecology. These agencies, and other appropriate sources such as the Columbia River Management Group, and the U.S. Army Corps of Engineers, may be utilized as needed.

(2) The determination of emergency water supply conditions shall be based on the updated seasonal forecast as it applies to the water supply of the applicant being considered for an emergency drought permit, water right transfer, or funding assistance.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-050 EMERGENCY DROUGHT PERMITS. Ecology has been given emergency powers to allow water users to obtain water from alternate sources during drought conditions. Ecology may issue emergency drought permits authorizing withdrawals of ground water and surface water including dead storage in reservoirs. Permits shall be processed under the following criteria:

(1) Applicants may be any individual or entity which owns or is authorized to exercise a water right.

(2) An application will be processed if the water user is experiencing emergency water supply conditions.

(3) Ecology shall evaluate the application, conduct an examination, and inform the applicant in writing within three weeks of receiving the application whether it has been approved, denied, or that further investigation is needed.

(4) Waters authorized to be withdrawn shall be used in relation to a previously established activity as defined in this chapter. The permit shall not cover irrigation of new lands, enhancement of the fisheries resource, or a water supply in addition to the normal amount used in the past by individuals, private entities, or public bodies.

(5) Waters to be withdrawn shall constitute an alternate (supplemental) water supply to the user's normal source of water.

(6) The withdrawal shall not reduce flows or levels below essential minimums necessary to assure the maintenance of fisheries requirements and to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

(7) Emergency drought permits issued under this chapter shall expire no later than April 30, 1989.

(8) In order to expedite the issuance of emergency drought permits, Ecology is authorized to process the applications and issue the permits without compliance with requirements for:

(a) notice of newspaper publication.

(b) the State Environmental Policy Act.

(9) Every effort shall be made to expedite local, state, and federal review and involvement. Agencies that may be affected by the emergency drought permits shall be allowed 15 calendar days from the date of their receipt of the application to respond with comments to Ecology.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-060 TRANSFERS OF WATER RIGHTS. (1) Ecology is authorized to approve emergency water right changes in order to effect a transfer of water between willing parties. Water right changes can include purpose of use, place of use, and point of diversion.

(2) Examples of possible water right transfers include, among others, the following situations:

(a) Where a water right holder elects to reduce irrigated acreage and subsequently transfers the unused water to another user whose normal water supply is decreased by drought conditions.

(b) Where a water right holder elects to use less water than used beneficially, and historically, but does not reduce irrigated acreage, and subsequently transfers the unused water to another user whose normal water supply is decreased by drought conditions.

(c) Water right transfers between municipalities or other public utilities; and transfers from out-of-stream use to instream use.

(3) Requests for water right transfers shall be processed under the following criteria:

(a) All approvals by Ecology for water right transfers under this chapter shall be temporary in nature for the purpose of alleviating emergency water supply conditions and these approvals shall terminate no later than April 30, 1989.

(b) Water right transfers between willing parties may be approved when an emergency exists if such a transfer will not adversely affect existing rights, or reduce flows or levels below essential minimums, or adversely affect federal and state interests including, among others, power generation and navigation.

(c) In order to expedite water transfers during drought conditions, Ecology can approve temporary changes in water rights without compliance with requirements for:

(i) Notice of newspaper publication.

(ii) The State Environmental Policy Act.

(d) In those cases where temporary water transfers require court approval while general adjudication proceedings are ongoing, Ecology shall assist the court in coordination, maintaining communications, and providing technical assistance when requested.

(e) As a protection for those engaging in a transfer of water rights, the temporary changing of a water right under this chapter shall not be admissible as evidence in either supporting or the contesting of the validity of water claims in the state of Washington.

(f) Every effort shall be made to expedite local, state, and federal review and involvement. Agencies that may be affected by water right transfers shall be allowed 15 calendar days from the date of their receipt of the application to respond with comments to Ecology.

(g) Ecology shall evaluate the application, conduct an examination, and inform the applicant in writing within three weeks of receiving the application whether it has been approved, denied, or that further investigation is needed.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-070 FUNDING ASSISTANCE—GENERAL CRITERIA. Ecology may provide funding assistance to public bodies for projects and measures designed to alleviate emergency water supply conditions relating to agricultural and fisheries survival. The assistance is available in the approximate amount of \$4 million from Emergency Water Supply funds under Chapter 43.83B.300 RCW. General criteria under which funds shall be provided:

(1) Public bodies eligible to receive emergency funds are as defined in Chapter 43.83B.050 as ". . . the State of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the State of Washington."

(2) Scope of funding assistance shall be for planning, acquisition, construction, rehabilitation, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated agriculture and the state's fisheries resource.

(3) Allocation of total available funds may be up to 10 percent for the state's fisheries resource.

(4) Funding assistance may be in the form of a loan or a grant or a combination loan and grant.

(5) Emergency loans may be approved with a payback period not to exceed 15 years, and with interest at a rate of 8-3/4 percent per annum through April 30, 1989.

(6) Every effort shall be made by Ecology to expedite processing of applications for funding assistance. Ecology shall assist the applicant in identifying permits and approvals that are required. Agencies that are affected by the proposed project or measure shall be allowed 15 calendar days from the date of their receipt of the application to respond with comments to Ecology. Ecology shall process the application for funding assistance and respond to the applicant in writing within three weeks of receiving the application with approval, denial, or that further investigation is needed.

(7) In order to expedite the implementation of drought relief projects and measures, Ecology can approve funding assistance without compliance with requirements for:

(a) notice of publication.

(b) the State Environmental Policy Act.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-080 FUNDING ASSISTANCE—AGRICULTURAL CRITERIA. (1) Funding assistance to alleviate drought conditions in irrigated agriculture shall be provided under the following formula:

(a) No single entity shall receive more than 10 percent of the total funds available for drought relief.

(b) A loan may be made up to 90 percent of total eligible project costs.

(c) A combination loan and grant may be made up to 100 percent of total eligible project costs.

(d) A grant or the grant portion of a combination loan and grant may be made for 20 percent of total eligible project costs if the public body being provided funds is receiving or is forecast to receive 75 percent or less of normal seasonal water supply.

(e) The grant or grant portion of a combination loan and grant may be made up to 40 percent of total eligible project costs if the public body being provided funds is

receiving or is forecast to receive 50 percent or less of normal seasonal water supplies.

(f) If emergency water supply conditions is defined in this chapter change after a grant has been signed for 20 percent of eligible project costs, an amendment may be made to increase the grant up to 40 percent of eligible project costs, provided that the grantee qualifies for the higher grant as defined in subsection (d) above, and provided that the original grant contract has not been terminated or closed out.

(2) Eligibility conditions for each proposed agricultural project or measure are:

(a) Emergency water supply conditions shall exist as defined in 173-110-020 (1)(a).

(b) The proposed project or measure shall assist in alleviating a water shortage.

(c) The public body recipient shall be capable of repaying the loan and completing the project or measure.

(d) Water derived from the project or measure shall be put to beneficial use as a substitute for water not available because of a drought.

(e) Water derived from the project or measure shall not be used to irrigate new lands.

(f) The proposed project or measure shall not adversely affect existing rights, including both instream and out-of-stream rights.

(g) All required permits and approvals for the proposed project or measure shall be obtained by the applicant prior to a contract being signed.

(3) Eligible projects that may be funded for drought relief of irrigated agriculture include but are not limited to:

- (a) Pumps and accessories.
- (b) Discharge lines.
- (c) Pipelines.
- (d) Canals and laterals with control structures.
- (e) Liners for leaky pipes and canals.
- (f) Diversion structures.
- (g) Reregulating reservoirs.
- (h) Measuring devices.
- (i) Wells with pumps and accessories.

(4) Eligible measures that can receive funding assistance may include the means for acquiring an alternate water source or for transfer of water rights, such as:

- (a) Water leasing fees,
- (b) Repair costs,
- (c) Powers costs,

provided that the proposed measure represents an additional cost to the applicant for meeting water needs under emergency water supply conditions, and not as a substitute for normal water supply costs.

(5) Priority shall be established for proposed agricultural projects and measures based on need. Need shall be measured by:

(a) The percent of water shortage expected for each applicant.

(b) The short-term and long-term effects that the water shortage would have on the applicant's crops in the absence of drought relief.

(c) The capability and reliability of the proposed project or measure to provide an emergency water supply to the applicant.

(d) Preference will be given to perennial crops over annual crops; and to those public bodies implementing other drought contingency actions in addition to the funding assistance applied for under this chapter.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-090 FUNDING ASSISTANCE—FISHERIES CRITERIA. (1) Funding assistance to alleviate drought conditions relating to the state's fisheries resource shall be provided under the following formula:

(a) A loan may be made for up to 90 percent of total eligible project costs.

(b) A combination loan and grant may be made up to 100 percent of total eligible project costs.

(c) A grant or the grant portion of a combination loan and grant may be made for 20 percent of total eligible project costs if the public body being provided funds is receiving or is forecast to receive 75 percent or less of a normal seasonal water supply.

(d) The grant or the grant portion of a combination loan and grant may be made up to 40 percent of total eligible project costs if the public body being provided funds is receiving or is forecast to receive 50 percent or less of a normal seasonal water supply.

(2) Eligibility conditions for each proposed fisheries project are:

(a) Emergency water supply conditions exist.

(b) The proposed project shall assist in alleviating the water shortage.

(c) Water from the proposed project shall be put to beneficial use as a substitute for water not available because of the drought.

(d) Water derived from projects that are provided funding assistance shall not be used to enhance the fisheries resource.

(3) Eligible projects that may be funded for drought relief of the fisheries resource include, but are not limited to, protection of fishery culture at hatcheries such as:

(a) Purchase and installation of water-reuse pumps.

(b) Modifying hatchery outlet structures.

(c) Modifying stream channels adjacent to a hatchery to assure passage to the holding pond.

(d) Off-site collection of oxygen levels in holding ponds by purchase and installation of bottle gas (using air stones), or oxygen generation system, or mechanical aeration.

(4) Eligible projects that may be funded for drought relief of the fisheries resource include protection of instream fisheries habitat such as:

(a) Water supply augmentation using surface water or ground water supplies and water transfers.

(b) Stream channel modification such as trenching, sandbagging, or berming to protect spawning gravels or migratory channels.

(c) Capture and hauling.

(5) The Departments of Fisheries and Wildlife shall be consulted to verify eligibility, needs, and nature of all proposed fisheries projects and measures.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

[NEW SECTION]

WAC 173-110-100 REQUESTS FOR DROUGHT RELIEF—CONTACTS—APPLICATIONS. (1) Information regarding implementation of this chapter, and applications for emergency drought permits, water right transfers, and/or funding assistance can be obtained from Ecology Headquarters Office or from any of the four Ecology regional offices.

(2) Ecology actions relating to emergency drought permits and water right transfers shall be conducted by the appropriate Ecology regional office.

(3) Ecology Headquarters Office, Water Resources Program shall administer funding assistance and manage the drought relief program in accordance with this chapter.

(4) Contact with Ecology can be made at the following addresses and phone numbers:

- (a) Department of Ecology
Headquarters Office
Water Resources Program
Mail Stop PV-11
Olympia, Washington 98504
Phone (206) 459-6167
or (206) 459-6115
or (206) 459-6114
- (b) Department of Ecology
Central Regional Office
3601 West Washington
Yakima, Washington 98903-1164
Phone (509) 575-2800
- (c) Department of Ecology
Eastern Regional Office
North 4601 Monroe, Suite 100
Spokane, Washington 99205-1295
Phone (509) 456-2926
- (d) Department of Ecology
Northwest Regional Office
4350 - 150th Ave. N.E.
Redmond, Washington 98052-5301
Phone (206) 867-7000
- (e) Department of Ecology
Southwest Regional Office
7272 Cleanwater Lane
Olympia, Washington 98504-6811
Phone (206) 753-2353

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 88-14-127

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning standards for apples marketed within Washington, chapter 16-403 WAC;

that the agency will at 9 a.m., Tuesday, August 9, 1988, in the Holiday Inn, 9 North Ninth Street, Yakima, WA 98901, and at 9 a.m. Wednesday, August 10, 1988, in the Red Lion Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19, 1988, or later.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1988.

Dated: July 6, 1988

By: J. Allen Stine
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-403 WAC, Standards for apples marketed within Washington.

Description of Purpose: To increase the amount of color required for Washington Extra Fancy and Fancy grades of Red Delicious apples.

Specific Statute Rule is Intended to Implement: Chapter 15.17 RCW.

Summary of Rule: The rule will require that Red Delicious Washington Extra Fancy grade have at least 75 percent good shade of red color and that Washington Fancy grade have 50 percent red color, of which 33 percent must be a good shade of red color, characteristic of the variety.

Reasons Supporting Proposed Action: Certain segments of the apple industry have requested the change to ensure a competitive edge for marketability, both foreign and domestically.

Agency Personnel to Contact: James R. Archer, Fruit and Vegetable Inspection Program Manager, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5054.

Person or Organization Proposing Rule and Whether Public, Private, or Governmental: The Department of Agriculture at the request of the Washington Association of Apple Growers.

Agency Comments: Although the primary purpose of the hearing is to receive testimony on the changes related to color, the agency is also interested in comments on the usage of escape grades in general. The agency is not currently proposing any rules involving the use of escape grades.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Not necessary as a result of federal law, or federal or state court action.
 Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-155 COLOR REQUIREMENTS. In addition to the requirement specified for the grades set forth in WAC 16-403-145 and 16-403-150, apples of these grades shall have the percentage of color specified for the variety appearing in this section.

(1) Solid red varieties. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: PROVIDED, That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Black Ben	66 ⁽¹⁾	40 ⁽³⁾
Gano	66 ⁽¹⁾	40 ⁽³⁾
Winesaps	66 ⁽¹⁾	40 ⁽³⁾
Other similar varieties	66 ⁽¹⁾	40 ⁽³⁾
Red Delicious sport varieties ⁽²⁾	75 ⁽⁵⁾	50 ⁽³⁾
Other red sport varieties ⁽²⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 50 percent good shade of red color; characteristic of the variety.
- (2) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.
- (3) Must have at least 33 percent good shade of red color; characteristic of the variety.
- (4) Must have at least 66 percent good shade of red color; characteristic of the variety.
- (5) Must have at least 75 percent good shade of red color; characteristic of the variety.

(2) Striped or partial red varieties. For the striped or partial red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade, subject to the limitations set forth below. Faded brown stripes shall not be considered as color.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Delicious	50	25
Rome Beauty	50 ⁽¹⁾	33 ⁽²⁾
Wealthy	50	25
Stayman	50	33
Other similar varieties	50	25
Jonathan	66 ⁽¹⁾	33 ⁽²⁾
McIntosh	50 ⁽¹⁾	33 ⁽²⁾
Cortland	50	33
Other similar varieties	50	33
Red Delicious sport varieties ⁽⁵⁾	75 ⁽⁶⁾	50 ⁽³⁾
Other red sport varieties ⁽³⁾	66 ⁽⁴⁾	40 ⁽³⁾

- (1) Must have at least 35 percent good shade of red color; characteristic of the variety.
- (2) Must have at least 15 percent good shade of red color; characteristic of the variety.
- (3) Must have at least 33 percent good shade of red color; characteristic of the variety.
- (4) Must have at least 66 percent good shade of red color; characteristic of the variety.

(5) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(6) Must have at least 75 percent good shade of red color; characteristic of the variety.

(3) Red cheeked or blushed varieties.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Winter Banana	Blush Cheek	Tinge of color
Other similar varieties	Blush Cheek	Tinge of color

(4) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 ((and)), July 25, 1972, and March 25, 1976 for the comparable Washington grade and variety.

WSR 88-14-128

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1982—Filed July 6, 1988—Eff. September 1, 1988]

I, C. Alan Pettibone, director of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to standards for apples marketed within Washington, chapter 16-403 WAC.

This action is taken pursuant to Notice No. WSR 88-11-068 filed with the code reviser on May 18, 1988. These rules shall take effect at a later date, such date being September 1, 1988.

This rule is promulgated pursuant to chapter 15.17 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 July 6, 1988.

By C. Alan Pettibone
 Director

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-140 WASHINGTON STATE STANDARDS FOR APPLES. ((+)) Washington state standard apple grades for extra fancy and fancy shall be equivalent to or better than the U.S. standards for grades of apples effective September 1, 1964, as amended October 1, 1966 ((and)), July 25, 1972, and March 25, 1976, for U.S. extra fancy and U.S. fancy. Apples meeting the foregoing grades may be marked either with the proper Washington or U.S. grade, or both. In no case shall the grade and condition requirements thereof be interpreted as less than those standards required by said U.S. standards for grades of apples for the comparable Washington grade and variety.

NEW SECTION

WAC 16-403-142 RED DELICIOUS, DELICIOUS, AND GOLDEN DELICIOUS—MINIMUM FIRMNESS. At the time of shipment, Red Delicious,

Delicious, and Golden Delicious apples of all grades except U.S. No. 1 and U.S. No. 1 hail shall not be further advanced in maturity than firm ripe.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-180 COMBINATION GRADES.

(1) Combination extra fancy and fancy. When extra fancy and fancy apples are packed together, the boxes may be marked "Washington combination extra fancy and fancy" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples. (This is the only combination grade which may be used for red or partial red varieties.)

(2) Combination extra fancy, fancy and C grade. When extra fancy, fancy and C grade apples are packed together, the boxes may be marked "Washington combination extra fancy, fancy and C grade" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples.

(3) Combination fancy and C grade. When fancy and C grade apples are packed together, the boxes may be marked "Washington combination fancy and C grade" but shall contain at least 80 percent fancy apples, except Newtowns, which shall contain at least 50 percent fancy apples.

(4) Jumble pack. The larger sizes of the above grades may be removed and the rest packed and marked "jumble" or "face and fill" in addition to the grade mark.

(5) Gift grade. Gift grade may consist of mixed varieties (apples and pears) and in the case of apples shall meet Washington extra fancy grade as defined in Washington standards for apples, and in the case of pears shall be U.S. No. 1 or higher grade as defined in Washington standards for D'Anjou, Bosc, Winter Nelis and other varieties of winter pears. When gift containers meet the requirements of gift grade, such containers need be marked only "gift grade" and a statement of net contents in weight or count and name and address of packer or shipper.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-190 TOLERANCES. ((+)) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

((a)) (1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

((b)) (2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual ((containers)) samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual ((containers)) samples.

((c)) (3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than 5 percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall be further advanced in maturity than firm ripe: PROVIDED, The U.S. No. 1 and U.S. No. 1 hail grades shall be exempt from this requirement.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-195 APPLICATION OF TOLERANCES. ((+)) The contents of individual ((packages)) samples in the lot, are subject to the following limitations: PROVIDED, That the averages for the entire lot are within the tolerances specified for the grade.

((a)) Packages which contain more than 10 pounds:

((b)) Samples shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any ((package)) sample.

((c)) Packages which contain 10 pounds or less:

((d)) Not over 10 percent of the ((packages)) samples may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any ((package)) sample: PROVIDED, That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

AMENDATORY SECTION (Amending Order 1374, filed 7/26/74, effective 9/1/74)

WAC 16-403-280 ADOPTION OF UNITED STATES STANDARDS AS STATE STANDARDS.

((+)) In addition to the standards for apples prescribed in WAC ((16-403-135)) 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 ((and)), July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for delicious shall be 25 percent good shade of red color and provided further, that the U.S. extra fancy

and U.S. fancy grades as applied to Red Delicious, Delicious, and Golden Delicious varieties shall meet the firmness requirements of WAC 16-403-142.

WSR 88-14-129
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning:

New	WAC 326-02-040	Prohibited activities with regard to chapter 39.19 RCW.
New	WAC 326-02-050	Penalties which may be imposed.
New	WAC 326-02-060	Factors considered in determining penalties.
New	WAC 326-02-070	Suspension of contract.
New	WAC 326-02-080	Suspension of certification.
New	WAC 326-02-090	Procedures for suspension, hearing provided.
Amd	WAC 326-20-140	Duty to cooperate.
New	WAC 326-20-173	Expiration of certification upon death or disability of owner of certified business;

that the agency will at 1:00 p.m., Thursday, August 11, 1988, in the Office Building 2 Auditorium, Department of Social and Health Services, 12th and Franklin Streets, 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 August 18, 1988.

The authority under which these rules are proposed is chapter 39.19 RCW.

The specific statute these rules are intended to implement is chapter 39.19 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 29, 1988.

Dated: July 6, 1988

By: Ralph C. Ruff
 Director

STATEMENT OF PURPOSE

Title: WAC 326-02-040 Prohibited activities with regard to chapter 39.19 RCW; 326-02-050 Penalties which may be imposed; 326-02-060 Factors considered in determining penalties; 326-02-070 Suspension of contract; 326-02-080 Suspension of certification; 326-02-090 Procedures for suspension, hearing provided; 326-20-140 Duty to cooperate; and 326-20-173 Expiration of certification upon death or disability of owner of certified business.

Description of Purpose: WAC 326-02-040 through 326-02-090 and 326-20-140 is to incorporate into values the actions which are violations of chapter 39.19 RCW, the penalties which will be considered in determining penalties, and procedures to be used when a contract or certification is suspended; and WAC 326-20-173 requires written notice to the office within 30 days of the death or disability of the minority or woman

owner(s) of a certified business; defines long term disability for purposes of rule.

Statutory Authority: Chapter 39.19 RCW.

Specific Statute Rule is Intended to Implement: Chapter 39.19 RCW.

Summary of Rule: WAC 326-02-040 restates the prohibited activities set-out in RCW 39.19.080, as amended in 1987; WAC 326-02-050 sets out in more detail the penalties which may be imposed by the state, who may impose the penalties, and who is subject to the penalties for violations of RCW 39.19.080; WAC 326-02-060 clarifies the factors which may be used in determining the type of penalty, and dollar amount of any penalty to be imposed; WAC 326-02-070 sets out the situations in which performance of a contract may be immediately suspended, and the type of information which is necessary to support a suspension; WAC 326-02-080 states that certification of a certified firm may be suspended for any of the reasons stated in WAC 326-02-070, and the showing required; WAC 326-02-090 provides procedures for notifying the firm of a suspension, including provisions for a hearing; WAC 326-20-140 amends the rule which creates the duty of certified firms to cooperate with the office's investigation, to allow the office to refuse to certify or to decertify the firm, if false information is submitted to the office during the certification process; and WAC 326-20-173 provides for suspension of certification when the minority or woman owner dies or suffers a long term disability which results in the inability to control the operations of the business. Requires notification to the office, of death or disability, and change of ownership which occurs after death or disability.

Reasons Supporting Proposed Rule: WAC 326-02-040 through 326-02-090, amendments to chapter 39.19 RCW adopted by the 1987 legislature prescribe actions which are prohibited, and penalties which are prohibited, and penalties which may be imposed. The 1987 amendments also directed the office to adopt, in rule form, the criteria for imposition of penalties authorized by WAC [RCW] 39.19.090; WAC 326-20-140, the submission of false information in support of certification is prohibited by RCW 39.19.080, but without this amendment, it is not clear to firms that this action can constitute the basis for denial of certification or decertification; and WAC 326-20-173, when the minority or woman owner of a certified firm dies or becomes disabled and unable to control the business, control of the business may pass to persons who do not qualify for certification. This regulation clarifies the actions which the firm must take, and the actions the office may take in such situations.

Agency Personnel Responsible for Drafting: Mary Tennyson, Senior Assistant Attorney General, Attorney General's Office; Implementation and Enforcement: Ralph C. Ruff, Director, Office of Minority and Women's Business Enterprises.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: The Washington State Office of Minority and Women's Business Enterprises.

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

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

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 326-02-040 PROHIBITED ACTIVITIES WITH REGARD TO CHAPTER 39.19 RCW. RCW 39.19.080 makes it unlawful for a person, firm, corporation, business, union, or other organization to:

- (1) Prevent or interfere with a contractor's or subcontractor's compliance with this chapter, or any rule adopted under this chapter;
- (2) Submit false or fraudulent information to the state concerning compliance with this chapter or any such rule;
- (3) Fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a minority or women's business enterprise for the purpose of this chapter;
- (4) Knowingly make a false statement, whether by affidavit, verified statement, report, or other representation, to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a minority or women's business enterprise;
- (5) Knowingly obstruct, impede, or attempt to obstruct or impede any state official or employee who is investigating the qualification of a business entity that has requested certification as a minority or women's business enterprise;
- (6) Fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public moneys to which the person is not entitled under this chapter;
- (7) Knowingly make false statements that any entity is or is not certified as a minority or women's business enterprise for purposes of obtaining a contract governed by this chapter;
- (8) To fail or refuse to comply with any provision of chapter 39.19 RCW or with a contract requirement established under this chapter.

NEW SECTION

WAC 326-02-050 PENALTIES WHICH MAY BE IMPOSED.

- (1) The penalties under this section may be imposed by the office, or by the state agency or educational institution administering a contract within which a violation occurs. Nothing in chapter 39.19 RCW or this chapter prevents the state agency or educational institution administering the contract from pursuing any procedures or sanctions as are otherwise provided by statute, rule, or contract provision.
- (2) Penalties which may be imposed include one or more of the following:
 - (a) Withhold payment until the violation is remedied;
 - (b) Debarment from contracting with the state for up to one year; debarment for up to three years may be imposed for willful repeated violations, exceeding a single violation;
 - (c) Suspension of the contract;
 - (d) Termination of the contract;
 - (e) Immediate suspension of the certification of a certified firm;
 - (f) Payment of civil penalties of up to five thousand dollars or up to ten percent of the amount of the contract.
- (3) Penalties may be imposed on one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives trustees and receivers, or any group of persons.

NEW SECTION

WAC 326-02-060 FACTORS CONSIDERED IN DETERMINING PENALTIES. In determining the nature of the penalty and monetary amount, if any, of a penalty to be imposed, the factors which may be considered include, but are not limited to:

- (1) The potential harm to the MWBE or non-MWBE firm;
- (2) Potential harm to the state, due to delay or other problems;
- (3) The potential for harm to the public;
- (4) Whether the violation occurs in the context of particular contract;
- (5) The stage or percent of completion of a contract at which the violation occurs;
- (6) The timing of the discovery of the violation;
- (7) The contracting history of the alleged violator;
- (8) The extent to which the alleged violator has cooperated with the investigation;
- (9) Whether there have been previous violations by the person.

NEW SECTION

WAC 326-02-070 SUSPENSION OF CONTRACT. (1) The performance of a contract may be immediately suspended upon receipt of adequate evidence received by the office that the person has:

- (a) Committed fraud or any criminal offense as an incident to obtaining, seeking to obtain, or performing government business or a public contract; or
- (b) Committed any criminal offense indicating the lack of business integrity or business honesty that directly affects the questions of present responsibility, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, false statement, fraud, receiving stolen property, or violation of federal or state anti-trust statutes arising out of the submission of bids or proposals; or
- (c) Committed or omitted an act of such serious or compelling nature that the act indicates a serious lack of business integrity or honesty, including but not limited to:
 - (i) The person has violated any applicable law, regulation, or obligation relating to the performance of obligations incurred pursuant to an agreement, with any state agency or educational institution; or
 - (ii) Made, or caused to be made, any false statement or deceit for the purpose of influencing in any way action of federal, state, or local government officials or employees; or
 - (d) Violated a law or regulation relating to personal or organization conflicts of interest as an incident to obtaining or attempting to obtain a contract, or in the performance of a contract with the federal, state, or local government.
- (2) The decision of the office to suspend a contract is discretionary and will not be based on an unsupported allegation. Decisions to suspend shall be in the public interest, including the government's interest in doing business with firms that are responsible and the interest in preserving competition.

NEW SECTION

WAC 326-02-080 SUSPENSION OF CERTIFICATION. The certification of a business certified under chapter 39.19 RCW and these regulations may be suspended for any of the reasons stated in WAC 326-02-070, upon a showing that immediate action is necessary to prevent harm to the public welfare.

NEW SECTION

WAC 326-02-090 PROCEDURES FOR SUSPENSION, HEARING PROVIDED. (1) Immediately after the suspension decision is made, the suspended person or firm will be notified by certified mail of the suspension and the reasons therefor. The notice will include notification to the firm of the right to a hearing pursuant to chapter 326-08 WAC, Hearings procedures.

- (2) Suspensions shall take effect immediately, for the protection of the public health, safety, and welfare. The administrative law judge may recommend that:
 - (a) Suspension of certification remain in effect for up to one year;
 - (b) The suspension be removed; or
 - (c) That the firm be decertified.

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-140 DUTY TO COOPERATE. The owners shall have the duty to cooperate fully in the office's investigation of the application, including promptly submitting any additional information requested by the office. In addition to any other penalties provided by law, the submission of false information to the office in connection with an application for certification or renewal of certification shall be grounds for denial of certification, or decertification.

NEW SECTION

WAC 326-20-173 EXPIRATION OF CERTIFICATION UPON DEATH OR DISABILITY OF OWNER OF CERTIFIED BUSINESS. (1) Upon death or commencement of long-term disability of the minority or woman owner of business certified by the office, the guardian of the disabled owner, or executor of the owner's estate shall notify OMWBE in writing within thirty days of the death or documented disability. In lieu of notification by the guardian or executor, the business manager, president, or board of trustees shall notify the office.

(2) "Long-term disability," for purposes of this section, shall mean the permanent inability to work, or inability to control the day-to-day operations of the business for a period of three consecutive months (ninety days or more), including both mental or physical incompetence.

(3) The certification of the firm will be immediately suspended, upon receipt by the office of notice of the death or documented disability of the owner of a certified business. State agencies may continue to count the firm towards goal attainment only for those contracts awarded prior to the date of death or onset of disability.

(4) The office shall be notified of any transfer of ownership or substantial ownership interest which occurs within the six months following the death or onset of disability. The office may require the new owners to provide additional information, including requiring submission of a new application form. If transfer of ownership or substantial ownership interest occurring within six months of the date of death or date of documented disability results in majority ownership or control by nonfemales or nonminorities, where applicable, the firm shall be decertified by the office.

WSR 88-14-130
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed July 6, 1988]

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 Wine labels—Certificate of label approval required—Product samples and labels to be submitted—Analysis fee, WAC 314-24-040;

that the agency will at 9:30 a.m., Tuesday, August 23, 1988, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030 and 66.28.110.

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 August 23, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-12-074 filed with the code reviser's office on June 1, 1988.

Dated: July 6, 1988

By: L. H. Pedersen
Chairman

WSR 88-14-131
ADOPTED RULES
LIQUOR CONTROL BOARD

[Order 255, Resolution No. 264—Filed July 6, 1988]

Be it resolved by the Washington State Liquor Control Board, acting at Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Beer labels—Certificate of label approval required—Labels and product samples to

be submitted—Analysis fee ((proprietary labels prohibited)), WAC 314-20-020.

This action is taken pursuant to Notice No. WSR 88-12-075 filed with the code reviser on June 1, 1988. 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 Liquor Control Board as authorized in RCW 66.08.030 and 66.28.120.

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 July 6, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 230, Resolution No. 239, filed 10/13/87)

WAC 314-20-020 BEER LABELS—CERTIFICATE OF LABEL APPROVAL REQUIRED—LABELS AND PRODUCT SAMPLES TO BE SUBMITTED—ANALYSIS FEE((=PROPRIETARY LABELS PROHIBITED)). (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with RCW 66.28.120. No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) A request for certificate of label approval must be submitted on forms prescribed by the board, together with the following:

(a) Two bottle labels or two photostatic copies of can flats of the brand and type of beer for which approval is requested, and a list of container sizes on which the label is to be used;

(b) Two product samples of approximately ((±)) twelve-ounce size, or one quart of ((the)) finished beer for chemical analysis; the samples must have a label attached with identical information on it for which approval is requested;

(c) Finished beer is the final finished product as bottled or packaged for sale. Draft keg beer will be submitted in suitable containers of approximately one quart size;

(d) Each request for approval must clearly state whether the product is pasteurized, microfiltered, draft or bottle fermented;

(e) Payment of a fee of \$((5.00)) 32.00 for each chemical analysis;

((d)) (f) One copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(3) Any change in label or product which requires re-issuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(4) If a change in product has been made, a sample of such beer must be submitted for analysis, as provided in subsection (2) of this section. No analysis fee is required if the application is for approval of a revised label only, where no change has been made in the content of a previously approved product.

(5) No label shall be used that is misleading.

(6) Every producer, importer, or wholesaler of beer shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to the analysis of that brand of beer approved originally by the board.

WSR 88-14-132
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-50—Filed July 6, 1988]

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 this regulation is adopted at the recommendation of the Pacific Fishery Management Council and is interim until permanent rules can take effect.

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

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

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

APPROVED AND ADOPTED July 6, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-44-05000N COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) **Widow Rockfish (*Sebastes entomelas*)** – 30,000 pounds per vessel trip per calendar week, defined as

Wednesday through the following Tuesday. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds per calendar week.

(2) **Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastes* spp.)** – no maximum poundage per vessel trip; no minimum size.

(3) **Pacific ocean perch (*Sebastes alutus*)** – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) **All other species of rockfish (*Sebastes* spp.)** – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1988 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 20,000 pounds may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species in any one calendar week of which no more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1988 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence and must be signed and dated by the fisherman. The vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after any landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(5) **Sablefish** –

(a) **Trawl vessels** – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 20 per cent or less of total weight of fish on board, or 6,000 pounds, round weight (to convert from round weight to dressed weight, multiply the dressed weight by 1.75), whichever is greater, with a limit of no more than two vessel trips per week. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin

to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 5,000 pounds, round weight, per trip.

(b) *Non-trawl vessels - No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Non-trawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds, round weight, per trip.*

(6) *It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a vessel trip limit.*

(7) *For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.*

WSR 88-14-133

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 88-48—Filed July 6, 1988]

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.

This action is taken pursuant to Notice No. WSR 88-13-069 filed with the code reviser on June 15, 1988. 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 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 June 22, 1988.

By Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-22-030 PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING RULES. (1) Area 4B shall include those waters of Puget Sound easterly of a line projected from the Bonilla Point light on Vancouver Island to the Tatoosh Island light, thence to the most westerly point on Cape Flattery and westerly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River.

(2) Area 5 shall include those waters of Puget Sound easterly of a line projected true north from the fishing boundary marker at the mouth of the Sekiu River and westerly of a line projected true north from Low Point.

(3) Area 6 shall include those waters of Puget Sound easterly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island, northerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Smith Island light, and southerly of a line projected from the Smith Island light to vessel traffic lane buoy R to the Trial Island light.

(4) Area 6A shall include those waters of Puget Sound easterly of a line projected from the Partridge Point light to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island and westerly of a line projected from Reservation Head on Fidalgo Island to West Point on Whidbey Island.

(5) Area 6B shall include those waters of Puget Sound southerly of a line projected from the Dungeness Spit light to the Partridge Point light, westerly of a line projected from the Partridge Point light to the Point Wilson light and easterly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(6) Area 6C shall include those waters of Puget Sound easterly of a line projected true north from Low Point and westerly of a line projected from the Angeles Point Monument to the William Head light on Vancouver Island.

(7) Area 6D shall include those waters of Puget Sound westerly of a line projected 155° true from Dungeness Spit light to Kulo Kala Point.

(8) Area 7 shall include those waters of Puget Sound southerly of a line projected true west from the Sandy Point light, northerly of a line projected from the Trial Island light to vessel traffic lane buoy R to the Smith Island light to the most northeasterly of the Lawson Reef lighted buoys (RB 1 Qk Fl Bell) to Northwest Island to the Initiative 77 marker on Fidalgo Island, and westerly of a line projected from Sandy Point to Point Migley, thence along the eastern shore-line of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, excluding those waters of East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(9) Area 7A shall include those waters of Puget Sound northerly of a line projected true west from the Sandy Point light.

(10) Area 7B shall include those waters of Puget Sound ((southerly)) westerly of a line projected from the most westerly point of Gooseberry Point to the westernmost tip of Sandy Point, easterly of a line projected from the westernmost tip of Sandy Point to Point Migley, thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and westerly of a line

projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(11) Area 7C shall include those waters of Puget Sound easterly of a line projected from William Point light on Samish Island 28° true to the range light near Whiskey Rock on the north shore of Samish Bay.

(12) Area 7D shall include those waters of Puget Sound easterly of a line projected (~~((southeasterly))~~) from the westernmost tip of Sandy Point (~~((light))~~) to the most westerly point of Gooseberry Point.

(13) Area 7E shall include those waters of Puget Sound within East Sound northerly of a line projected due west from Rosario Point on Orcas Island.

(14) Area 8 shall include those waters of Puget Sound easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, westerly of a line projected from the light on East Point 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec) southerly of the Burlington Northern railroad bridges at the north entrances to Swinomish Channel and northerly of the state highway 532 bridges between Camano Island and the mainland.

(15) Area 8A shall include those waters of Puget Sound easterly of a line projected from the East Point light on Whidbey Island 340° true to the light on Camano Island (Saratoga Pass light #2, Fl Red 4 Sec), northerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore, southerly of the State Highway 532 bridges between Camano Island and the mainland excluding those waters of Area 8D.

(16) Area 8D shall include those waters of Puget Sound inside and easterly of a line projected 225 degrees from the pilings at old Bower's Resort to a point 2,000 feet offshore, thence northwesterly to a point 2,000 feet off Mission Point, thence across the mouth of Tulalip Bay to a point 2,000 feet off Hermosa Point, thence northwesterly following a line 2,000 feet offshore to the intersection with a line projected 233 degrees from the fishing boundary marker on the shore at the slide north of Tulalip Bay.

(17) Area 9 shall include those waters of Puget Sound southerly and easterly of a line projected from the Partridge Point light to the Point Wilson light, northerly of the site of the Hood Canal Floating Bridge, northerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble, southerly of a line projected from the southern tip of Possession Point 110° true to the shipwreck on the opposite shore and northerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's breakwater at Edwards Point.

(18) Area 9A shall include those waters of Puget Sound known as Port Gamble Bay southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble.

(19) Area 10 shall include those waters of Puget Sound southerly of a line projected from the Apple Cove Point light to the light at the south end of the Edmond's

breakwater at Edwards Point, westerly of a line projected 233° true from the Acapulco Restaurant near Shilshole Marina through entrance piling No. 8 to the southern shore of the entrance to the Lake Washington Ship Canal, westerly of a line projected (~~((7^a))~~) 185° true from (~~((a point on Duwamish Head))~~) the southwest corner of Pier 91 through the Duwamish Head light to (~~((Pier 91))~~) Duwamish Head, northerly of a true east-west line passing through the Point Vashon light, easterly of a line projected from Orchard Point to Beans Point on Bainbridge Island, and northerly and easterly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(20) Area 10A shall include those waters of Puget Sound easterly of a line projected (~~((7^a))~~) 185° true from (~~((a point on Duwamish Head))~~) the southwest corner of Pier 91 through the Duwamish Head light to (~~((Pier 91))~~) Duwamish Head.

(21) Area 10C shall include those waters of Lake Washington southerly of the Evergreen Point Floating Bridge.

(22) Area 10D shall include those waters of the Sammamish River south of the State Highway 908 Bridge and Lake Sammamish.

(23) Area 10E shall include those waters of Puget Sound westerly of a line projected from Orchard Point to Beans Point on Bainbridge Island and southerly and westerly of a line projected true west from Agate Point on Bainbridge Island to the mainland.

(24) Area 10F shall include those waters of Puget Sound easterly of a line projected 233° true from the Acapulco Restaurant near Shilshole Marina through entrance piling Number 8 to the southern shore of the entrance to the Lake Washington Ship Canal and those waters of the Lake Washington Ship Canal westerly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge including the waters of Salmon Bay, the Lake Washington Ship Canal, Lake Union and Portage Bay.

(25) Area 10G shall include those waters of Lake Washington northerly of the Evergreen Point Floating Bridge, easterly of a line projected from Webster Point true south to the Evergreen Point Floating Bridge and those waters of the Sammamish River north of the State Highway 908 Bridge.

(26) Area 11 shall include those waters of Puget Sound southerly of a true east-west line passing through the Point Vashon light, northerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay, and northerly of the Tacoma Narrows Bridge.

(27) Area 11A shall include those waters of Puget Sound southerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay.

(28) Area 12 shall include those waters of Puget Sound southerly of the site of the Hood Canal Floating Bridge and northerly and easterly of a line projected from the Tskutsko Point light to Misery Point.

(29) Area 12A shall include those waters of Puget Sound northerly of a line projected from Pulali Point true east to the mainland.

(30) Area 12B shall include those waters of Puget Sound southerly of a line projected from Pulali Point true east to the mainland, northerly of a line projected from Ayock Point true east to the mainland, and westerly of a line projected from the Tskutsko Point light to Misery Point.

(31) Area 12C shall include those waters of Puget Sound southerly of a line projected from Ayock Point true east to the mainland and northerly and westerly of a line projected from Ayres Point to the public boat ramp at Union.

(32) Area 12D shall include those waters of Puget Sound easterly of a line projected from Ayres Point to the public boat ramp at Union.

(33) Area 13 shall include those waters of Puget Sound southerly of the Tacoma Narrows Bridge and a line projected from Green Point to Penrose Point and northerly and easterly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy No. 3 to the mainland and westerly of the railroad trestle at the mouth of Chambers Bay.

(34) Area 13A shall include those waters of Puget Sound northerly of a line projected from Green Point to Penrose Point.

(35) Area 13C shall include those waters of Puget Sound easterly of the railroad trestle at the mouth of Chambers Bay.

(36) Area 13D shall include those waters of Puget Sound westerly of a line projected from the Devil's Head light to Treble Point, thence through lighted buoy Number 3 to the mainland, northerly of a line projected from Johnson Point to Dickenson Point, northerly of a line projected from the light at Dofflemeyer Point to Cooper Point, easterly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, easterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia to Hungerford Point and southerly of a line projected true east-west through the southern tip of Stretch Island.

(37) Area 13E shall include those waters of Puget Sound southerly of a line projected from Johnson Point to Dickenson Point.

(38) Area 13F shall include those waters of Puget Sound southerly of a line projected from the light at Dofflemeyer Point to Cooper Point.

(39) Area 13G shall include those waters of Puget Sound southerly of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor.

(40) Area 13H shall include those waters of Puget Sound southwesterly of a line projected from the northern tip of Steamboat Island to the light at Arcadia and those waters easterly of a line projected 64° true from Kamilche Point to the opposite shore.

(41) Area 13I shall include those waters of Puget Sound southwesterly of a line projected 64° true from Kamilche Point to the opposite shore.

(42) Area 13J shall include those waters of Puget Sound northwesterly of a line projected from the light at Arcadia to Hungerford Point.

(43) Area 13K shall include those waters of Puget Sound northerly of a line projected true east-west through the southern tip of Stretch Island.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-266 PUGET SOUND—SALMON PRESERVE—STRAIT OF JUAN DE FUCA. "The Strait of Juan de Fuca Salmon Preserve" shall include those waters and tributaries thereto lying (~~both inside and outside the Initiative 77 line and~~) within three miles off shore between a line projected 30 degrees true from a point three miles west of the Sekiu River mouth to a line projected 45 degrees true from a point three miles east of the Dungeness River mouth, excluding the waters of Puget Sound Salmon Management and Catch Reporting Area 6D.

NEW SECTION

WAC 220-47-269 PUGET SOUND—AREA 7A SALMON FISHERY SEPARATION LINES. (1) The "East Point Line" shall be defined as a line projected from the low water range marker in Boundary Bay on the international boundary through the east tip of Point Roberts to the East Point light on Saturna Island in the province of British Columbia.

(2) The "Iwersen Dock Line" shall be defined as a line projected from Iwersen Dock on Point Roberts to the Georgina Point Light at the entrance to Active Pass in British Columbia.

AMENDATORY SECTION (Amending Order 85-60, filed 6/12/85)

WAC 220-47-307 CLOSED AREAS—PUGET SOUND SALMON. It is unlawful to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Areas 4B, 5, 6, 6B, and 6C – The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D – That portion within 1,000 feet of each mouth of the Dungeness River.

Area 7 – The San Juan Island Preserve as defined in WAC 220-47-262.

Area 7A – The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B – That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C – That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 – That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlenn Island.

Area 8A – Those waters easterly of a line projected from Mission Point (~~at the south end of Tutalip Bay, thence~~) to Buoy C1, excluding the waters of Area 8D, thence to the green light at the entrance jetty of the Snohomish River thence across the mouth of the

Snohomish River to the red light at Western Gear Corporation and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - That portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line from Fisher's Point on the Bolton Peninsula to the boat haven at Quilcene.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers.

Area 12C - Those waters within 1,000 feet of the western shore between the dock at Glen Ayr ((~~trailer~~) R.V. Park and the Hoodspout marina dock.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-311 PURSE SEINE—SEASONS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A - closed.

Area 6D - September ((20)) 18 through October ((31)) 29.

Area 7B - September ((13)) 12 through November ((28)) 30.

Areas 7C and 7D - closed.

Area 7E - ((August 16)) July 24 through September ((5)) 3.

Area 8 - closed.

Area 8A - ((August 23)) July 24 through November ((28)) 30.

Area((s)) 8D(;) - July 24 through November 30.

Areas 9(;) and 9A - closed.

Areas 10 and 11 - September ((13)) 11 through November ((28)) 30.

Areas 10A, 10C, 10D, 10E, 10F, 10G, and 11A - closed.

Area 12 - ((September 6)) October 23 through November ((20)) 19.

Area 12A - September ((6)) 4 through October ((10)) 15.

Area 12B - July ((26)) 24 through November ((20)) 19.

Area 12C - July ((26)) 24 through November 27.

Areas 12D(;) and 13(;) - closed.

Area 13A(;) - September 18 through November 30.

Areas 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas - closed.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-312 PURSE SEINE—((WEEK-~~LY~~)) OPEN PERIODS. It is unlawful ((during any open season)) to take, fish for or possess salmon taken with purse seine gear except during the ((weekly)) open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D - ((Weeks beginning September 20 and 27, October 4, and October 11: Sunday through Saturday: Week beginning October 18: Sunday through Friday)) 5:00 a.m. Sunday 9/19 through 4:00 p.m. Friday 10/28.

Area 7B - ((Week beginning September 13: Monday through Saturday: Weeks beginning September 20 and 27, and October 4 and 11: Sunday through Saturday: Week beginning October 18: Sunday through Friday: Weeks beginning October 25 and November 1: Monday and Tuesday:))

Area 7E - Week beginning August 16: Monday and Tuesday: Week beginning August 23: Tuesday and Wednesday)) 5:00 a.m. Monday 9/12 through 4:00 p.m. Friday 10/28;

5:00 a.m. - 8:00 p.m. daily, Tuesday 11/1 and Wednesday 11/2;

5:00 a.m. - 8:00 p.m. daily, Monday 11/7 and Tuesday 11/8.

Area 8A - ((Weeks beginning September 13 and October 25: Monday: Weeks beginning September 20 and November 1: Tuesday)) 5:00 a.m. - 9:00 p.m. Monday 10/24;

5:00 a.m. - 8:00 p.m. Tuesday 11/1.

Areas 10 and 11 - ((Week beginning September 13: Monday: Weeks beginning September 20 and October 18: Tuesday)) 5:00 a.m. - 9:00 p.m. Tuesday 9/13;

5:00 a.m. - 9:00 p.m. Monday 9/19;

5:00 a.m. - 9:00 p.m. Tuesday 9/27;

5:00 a.m. - 9:00 p.m. Monday 10/3;

5:00 a.m. - 9:00 p.m. Monday 10/24;

5:00 a.m. - 8:00 p.m. Tuesday 11/1.

Areas 12 and 12B - ((Week beginning September 6: Wednesday and Thursday: Week beginning September

~~13: Monday and Tuesday. Week beginning September 20: Tuesday and Wednesday. Week beginning October 18: Tuesday. Week beginning October 25: Monday.~~

~~Area 12A - Week beginning September 6: Wednesday and Thursday. Week beginning September 13: Monday and Tuesday. Week beginning September 20: Tuesday and Wednesday. Week beginning October 18: Tuesday. Week beginning October 25: Monday.~~

~~Area 12B - Week beginning September 6: Wednesday and Thursday. Week beginning September 13: Monday and Tuesday. Week beginning September 20: Tuesday and Wednesday. Week beginning October 18: Tuesday. Week beginning October 25: Monday.~~

~~Area 12C - Weeks beginning July 26 and August 9: Tuesday through Friday. Week beginning August 2: Monday through Thursday)) 5:00 a.m. - 9:00 p.m. Monday 10/24;~~

~~5:00 a.m. - 8:00 p.m. Tuesday 11/1.~~

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-313 PURSE SEINE-DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

Areas 6D and 7B from September ((20)) 12 to October ((22 and Area 7B from September 13 to October 22)) 27 - 24 hours per day.

Areas 6D and 7B on October ((23)) 28 - 12:01 a.m. to 4:00 p.m. Pacific daylight time.

((Area 12C on July 31 and August 14 - 5:00 a.m. to 4:00 p.m. Pacific daylight time.))

All other open areas - July ((26)) 24 through October ((24)) 29: 5:00 a.m. to 9:00 p.m. Pacific daylight time. October ((25)) 30 through November ((28)) 30: 5:00 a.m. to 8:00 p.m. Pacific standard time.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-401 REEF NET-SEASONS. It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the seasons provided for hereinafter in each respective area:

Areas 7 and 7A - September ((27)) 25 through November ((28)) 30.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-411 GILL NET-SEASONS. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

Areas 4B, 5, 6, 6A, 6B, 6C, 7 and 7A - closed.

Area 6D - September ((20)) 18 through October ((31)) 29.

Area 7B - July ((26)) 25 through November ((28)) 30.

Area 7C - July ((26)) 25 through August ((29)) 27.

Area 7D - closed.

Areas 7E and 8 - ((August 16)) July 24 through September ((5)) 3.

((Area 8 - August 23 through September 5:))

Area 8A - ((August 23)) July 24 through November ((28)) 30.

Area((s)) 8D((, -9, and 9A)) - ((closed)) July 24 through November 30.

Areas 9 and 9A - closed.

Area 10 - September ((13)) 11 through November ((28)) 30.

Areas 10A, 10C, 10D, 10E, 10F, and 10G - closed.

Area 11 - September ((13)) 11 through November ((28)) 30.

Area 11A - closed.

Area 12 - ((September 6)) October 23 through November ((20)) 19.

Area 12A - September ((6)) 4 through October ((10)) 15.

Area 12B - July ((26)) 24 through November ((20)) 30.

Area 12C - July ((26)) 24 through November 27.

Areas 12D((;)) and 13((;)) - closed.

Area 13A((;)) - September 18 through November 30.

Areas 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K and all freshwater areas - closed.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-412 GILL NET-((WEEKLY)) OPEN PERIODS. It is unlawful ((during any open season)) to take, fish for or possess salmon taken with gill net gear except during the ((weekly)) open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D - ((Weeks beginning September 20, 27, and October 4 and 11: Sunday through Saturday. Week beginning October 18: Sunday through Friday)) 5:00 p.m. Sunday 9/18 through 4:00 p.m. Friday 10/28.

Area 7B - ((Week beginning July 26: Monday and Tuesday nights. Weeks beginning August 2 and 9: Monday, Tuesday, and Wednesday nights. Weeks beginning September 6, 13, 20, and 27, and October 4 and 11: Sunday through Saturday. Week beginning October 18: Sunday through Friday. Week beginning October 25: Monday and Tuesday nights. Week beginning November 1: Sunday and Monday nights)) 7:00 p.m. - 9:30 a.m. nightly, Monday 7/25 and Tuesday 7/26;

7:00 p.m. - 9:30 a.m. nightly, Monday 8/1, Tuesday 8/2, and Wednesday 8/3;

6:00 p.m. - 9:00 a.m. nightly, Monday 8/8, Tuesday 8/9, and Wednesday 8/10;

6:00 p.m. Sunday 9/11 through 4:00 p.m. Friday 10/28;

4:00 p.m. - 8:00 a.m. nightly, Monday 10/31 and Tuesday 11/1;

4:00 p.m. - 8:00 a.m. nightly, Monday 11/7 and Tuesday 11/8.

Area 7C - (~~Week beginning July 26: Monday and Tuesday nights. Weeks beginning August 2 and 9: Monday, Tuesday and Wednesday nights.~~

Area 7E - ~~Weeks beginning August 16 and 23: Monday and Tuesday nights.~~

Area 8 - ~~Week beginning August 23: Tuesday through Saturday nights. Week beginning August 30: Sunday and Monday nights)) 7:00 p.m. - 9:30 a.m. nightly, Monday 7/25 and Tuesday 7/26;~~

~~7:00 p.m. - 9:30 a.m. nightly, Monday 8/1, Tuesday 8/2, and Wednesday 8/3;~~

~~6:00 p.m. - 9:00 a.m. nightly, Monday 8/8, Tuesday 8/9, and Wednesday 8/10.~~

Area 8A - (~~Weeks beginning September 13 and 20; October 5 and November 1: Monday night)) 5:00 p.m. - 9:00 a.m. Monday 10/24;~~

~~4:00 p.m. - 8:00 a.m. Monday 10/31.~~

Areas 10 and 11 - (~~Weeks beginning September 13 and 20 and October 18: Monday night)) 6:00 p.m. - 9:00 a.m. Monday 9/12;~~

~~5:00 p.m. - 9:00 a.m. Monday 9/19;~~

~~5:00 p.m. - 9:00 a.m. Monday 9/26;~~

~~5:00 p.m. - 9:00 a.m. Monday 10/3;~~

~~5:00 p.m. - 9:00 a.m. Monday 10/24;~~

~~4:00 p.m. - 8:00 a.m. Monday 10/31.~~

Areas 12 and 12B - (~~Week beginning September 6: Tuesday and Wednesday nights. Weeks beginning September 13 and 20: Monday and Tuesday nights. Weeks beginning October 18 and 25: Monday night.~~

Area 12A - ~~Week beginning September 6: Tuesday and Wednesday nights. Weeks beginning September 13 and 20: Monday and Tuesday nights.~~

Area 12B - ~~Weeks beginning July 26 and August 2 and 9: Monday through Thursday nights. Week beginning September 6: Tuesday and Wednesday nights. Weeks beginning September 13, and 20: Monday and Tuesday nights. Weeks beginning October 18 and 25: Monday night.~~

Area 12C - ~~Weeks beginning July 26 and August 2 and 9: Monday through Thursday nights)) 5:00 p.m. - 9:00 a.m. Monday 10/24;~~

~~4:00 p.m. - 8:00 a.m. Monday 10/31.~~

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-413 GILL NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

July ((26)) 24 through August ((8)) 6 - 7:00 p.m. to 9:30 a.m. Pacific daylight time in all open areas.

August ((9)) 7 through September ((+2)) 17 - 6:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

September ((6)) 11 through October ((22)) 27 - open 24 hours per day in Area 7B.

September ((20)) 18 through October ((22)) 27 - open 24 hours per day in Area 6D.

October ((23)) 28 - 12:01 a.m. to 4:00 p.m. Pacific daylight time in Areas 6D and 7B.

September ((+3)) 18 through October ((24)) 29 - 5:00 p.m. to 9:00 a.m. Pacific daylight time in all open areas unless otherwise provided.

October ((25)) 30 through November ((+4)) 12 - 4:00 p.m. to 8:00 a.m. Pacific standard time in all open areas.

November ((+5)) 13 through November ((28)) 30 - 3:00 p.m. to 9:00 a.m. Pacific standard time in all open areas.

AMENDATORY SECTION (Amending Order 87-72, filed 7/14/87)

WAC 220-47-414 GILL NET—MESH SIZES. It is unlawful to take or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure or larger than the maximum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

Area 6D - September ((20)) 18 through October ((+1)) 29: 5 inch minimum mesh.

Area 7B - July ((26)) 24 through September ((5)) 10: 7 inch minimum mesh; September ((6)) 11 through October ((24)) 29: 5 inch minimum mesh; October ((25)) 30 through November ((29)) 30: 6 inch minimum mesh.

Area 7C - July ((26)) 24 through August ((22)) 27: 7 inch minimum mesh.

Areas 7E and 8 - ((August 16)) July 24 through September ((5)) 3: 7 inch minimum mesh.

((Area 8 - August 23 through September 5: 5 inch minimum, 6 inch maximum mesh, maximum depth of 60 meshes.))

Area 8A - ((August 23)) July 24 through September ((+2)) 10: ((5)) 7 inch minimum ((-6 inch maximum)) mesh; September ((+3)) 11 through October ((+7)) 22: 5 inch minimum mesh; October ((+8)) 23 through November ((+4)) 12: 6 inch minimum mesh.

Area 8D - September 25 through November 12: 5 inch minimum mesh.

Areas 10 and 11 - September ((+3)) 11 through October ((+0)) 15: 5 inch minimum mesh; October ((+8)) 16 through November ((+4)) 12: 6 inch minimum mesh.

Area 12 - September ((6)) 4 through October ((+7)) 15: 5 inch minimum mesh; October ((+8)) 16 through November ((+4)) 12: 6 inch minimum mesh.

Area 12A - September ((6)) 4 through October ((+0)) 15: 5 inch minimum mesh.

Area 12B - July ((26)) 24 through August ((+5)) 13: 7 inch minimum mesh; September ((6)) 4 through October ((+7)) 15: 5 inch minimum mesh; October ((+8)) 16 through November ((28)) 30: 6 inch minimum mesh.

Area 12C - July ((26)) 24 through August ((+5)) 13: 7 inch minimum mesh. ((October)) September 11 through October ((24)) 22: 5 inch minimum mesh; ((November 8)) October 23 through November ((28)) 30: 6 inch minimum mesh.

Area 13A - September 18 through October 22: 5 inch minimum mesh; October 23 through November 30: 6 inch minimum mesh.

WSR 88-14-134
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-51—Filed July 6, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 sockeye 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 July 7 [6], 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-57A-17500B LAKE WASHINGTON. Notwithstanding the provisions of WAC 220-57A-175, effective 4:30 a.m. July 8, 1988 until further notice it is lawful to take, fish for and possess salmon, including sockeye salmon for personal use from the waters of Lake Washington lying north and south of the Evergreen Point Floating Bridge. Bag Limit - 6 adult salmon, except no more than two of the six may be species other than sockeye. Minimum size limits: Chinook - 24 inches in length; Coho and Sockeye - 20 inches in length; all other salmon 10 inches in length. The following waters are closed to salmon angling at all times.

- (a) Waters within a 1000-foot radius of the mouth of the Cedar River.
- (b) Waters within 100 yards either side of the I-90 Bridge.
- (c) Waters within 100 yards southerly of the Evergreen Point Floating Bridge.
- (d) Waters within 100 yards northerly of the Evergreen Point Floating Bridge.

REPEALER

The following section of the Washington Administrative Code is repealed effective 4:29 a.m. July 8, 1988:

WAC 220-57A-17500A LAKE WASHINGTON.
(88-45)

WSR 88-14-135
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed July 6, 1988]

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

that the agency will at 10:00 a.m., Saturday, August 13, 1988, in the Westport Coast Guard Station, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 19, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 13, 1988.

Dated: July 6, 1988

By: Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-36-021 Salmon fishing areas—Gill net; and 220-40-021 Willapa Harbor—Gill net.

Description of Purpose: Set fall seasons in Grays Harbor and Willapa Bay.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Preseason forecast indicates need for change in salmon seasons to allow harvest of available surplus and differentiate between wild and hatchery stocks.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, WA, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 87-161, filed 10/14/87)

WAC 220-36-021 SALMON FISHING AREAS—GILL NET(~~(—SEASONS)~~). It is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in (~~the following~~) Grays Harbor fishing areas except (~~during the seasons provided for hereinafter in each respective fishing area~~) as provided in this section:

(~~Area 2B—~~

- 6:00 p.m. October 11, to 6:00 p.m. October 13, 1987.
- 6:00 p.m. October 14, to 6:00 p.m. October 17, 1987.
- 6:00 p.m. October 18, to 6:00 p.m. October 20, 1987.
- 6:00 p.m. October 26, to 6:00 p.m. October 27, 1987.

Areas 2A, 2C, and 2D—6:00 p.m. October 14, to 6:00 p.m. October 15, 1987.Areas 2A, 2B, 2C, and 2D—6:00 p.m. November 10, to 6:00 p.m. November 11, 1987.6:00 p.m. November 13, to 6:00 p.m. November 14, 1987.)(1) Area 2B—6:00 p.m. October 27, to 6:00 p.m. October 29, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 30, to 6:00 p.m. November 1, 1988; 6-1/2 inch maximum mesh.6:00 p.m. November 2, to 6:00 p.m. November 3, 1988; 6-1/2 inch maximum mesh.(2) Area 2C—6:00 p.m. September 6, to 6:00 p.m. September 8, 1988; 7-1/2 inch minimum mesh.6:00 p.m. September 11, to 6:00 p.m. September 13, 1988; 7-1/2 inch minimum mesh.6:00 p.m. September 28, to 6:00 p.m. September 30, 1988; 6-1/2 inch maximum mesh.

(3) It is unlawful to fish for salmon in Grays Harbor using gill net gear longer than 1,500 feet or containing mesh less than 5 inches.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS.

WAC 220-36-024 SALMON FISHING AREAS—MESH SIZES—GEAR.

AMENDATORY SECTION (Amending Order 87-161, filed 10/14/87)

WAC 220-40-021 WILLAPA HARBOR—GILL NET(=~~SEASONS~~). It is unlawful to (~~take~~) fish for or possess salmon taken for commercial purposes with gill net gear in (~~the following~~) Willapa Harbor fishing areas, except (~~during the seasons provided for hereinafter in each respective fishing area and except~~) as (~~otherwise~~) provided for in this section:

~~((Area 2G—6:00 p.m. September 13 to 6:00 a.m. September 14 in those waters 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; 6:00 p.m. September 19 to 6:00 p.m. September 21 in those waters west of a line drawn true north and south through Willapa River Channel light 7 and north of a line drawn true east and west through Nahcotta Channel light 10; 6:00 p.m. September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; 6:00 p.m. November 1 to 11:59 p.m. November 30, 1987.~~

~~Area 2H—6:00 p.m. September 21 to 11:59 p.m. November 30, 1987.~~

~~Areas 2J and 2K—6:00 p.m. September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; 6:00 p.m. November 1 to 11:59 p.m. November 30, 1987.~~

~~Area 2M—6:00 p.m. September 21 to 6:00 p.m. October 14; 6:00 p.m. October 20 to 6:00 p.m. October 21; 6:00 p.m. November 1 to 11:59 p.m. November 30, 1987.~~

The Naselle River upstream from the Highway 101 Bridge to the fishing boundary marker on the line of pilings at the mouth of Roaring Creek Slough—6:00 p.m. October 1 to 6:00 p.m. October 14, 1987.)

(1) Area 2G— in those waters west of a line between Goose Point and Toke Point and north of a line true east and west through Nahcotta Channel Lt. No. 10 (Riddell Spit): 6:00 p.m. September 6, to 6:00 p.m. September 7, 1988; 6-1/2 inch maximum mesh. 6:00 p.m. September 11, to 6:00 p.m. September 12, 1988; 6-1/2 inch maximum mesh.

Area 2G—6:00 p.m. September 15, to 6:00 p.m. October 14, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 20, to 6:00 p.m. October 22, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 27, to 6:00 p.m. October 29, 1988; 6-1/2 inch maximum mesh.6:00 p.m. November 1, to 11:59 p.m. November 19, 1988; 6-1/2 inch maximum mesh.11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7-1/2 inch maximum mesh.Area 2H—6:00 p.m. September 21, to 11:59 p.m. November 19, 1988; 6-1/2 inch maximum mesh.11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7-1/2 inch maximum mesh.Areas 2J and 2K—6:00 p.m. September 22, to 6:00 p.m. September 23, 1988; 6-1/2 inch maximum mesh.6:00 p.m. September 26, to 6:00 p.m. September 27, 1988; 6-1/2 inch maximum mesh.6:00 p.m. September 29, to 6:00 p.m. September 30, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 3, to 6:00 p.m. October 4, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 6, to 6:00 p.m. October 7, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 10, to 6:00 p.m. October 11, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 13, to 6:00 p.m. October 14, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 20, to 6:00 p.m. October 22, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 27, to 6:00 p.m. October 29, 1988; 6-1/2 inch maximum mesh.6:00 p.m. November 1, to 11:59 p.m. November 19, 1988; 6-1/2 inch maximum mesh.11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7-1/2 inch maximum mesh.Area 2M—6:00 p.m. September 21, to 6:00 p.m. October 14, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 20, to 6:00 p.m. October 22, 1988; 6-1/2 inch maximum mesh.6:00 p.m. October 27, to 6:00 p.m. October 29, 1988; 6-1/2 inch maximum mesh.6:00 p.m. November 1, to 11:59 p.m. November 19, 1988; 6-1/2 inch maximum mesh.11:59 p.m. November 19, to 6:00 p.m. November 30, 1988; 7-1/2 inch maximum mesh.

Naselle River— in those waters upstream of Highway 101 bridge to the boundary marker near the mouth of Roaring Creek slough.

6:00 p.m. October 1, to 6:00 p.m. October 14, 1988; 6-1/2 inch maximum mesh.

(2) It is unlawful to fish for salmon in Willapa Harbor using gill net gear longer than 1,500 feet in length or containing mesh less than 5 inches.

(3) It is unlawful to fish for or possess salmon taken with gill net gear in that portion of Willapa Harbor Area 2J between Long Island and the North Beach Peninsula, south of a line drawn true east-west through Marker Piling 18 after 6:00 p.m., October 7.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS.

WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR.

WAC 220-40-025 WILLAPA HARBOR—CLOSED AREA.

WSR 88-14-136
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed July 6, 1988]

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

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 9, 1988.

The authority under which these rules are proposed is RCW 75.08.070 and 75.08.080.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

Dated: July 6, 1988

By: Joseph R. Blum
 Director

STATEMENT OF PURPOSE

Title: WAC 220-16-040, Definition—Gill net—Drift net; 220-16-400, Definition—Lower Columbia River; 220-16-405, Definition—SMCRA; and chapter 220-33 WAC, Commercial fisheries below Bonneville Dam.

Description of Purpose: Provide needed definition changes and additions; create new chapter while making nonsubstantive changes in Columbia River regulations.

Statutory Authority: RCW 75.08.070 and 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: The definition of gill net need not refer to the Columbia River if the particular section allows trammel nets; generic definition of the Lower Columbia River and use of the acronym reduce verbage. The new chapter conforms current regulations with recommendations of the Columbia River Compact, while reorganizing and simplifying the format.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, WA, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 810, filed 4/17/69)

WAC 220-16-040 DEFINITIONS—GILL NET—DRIFT NET. "Gill net" or "drift net" gear shall be defined as a gill net of single web construction, not anchored, tied, staked, placed, or weighted in such a manner that it cannot drift(~~provided, that in the Columbia River it shall be lawful to fish with gill nets of two or more web construction, commonly known as trammel nets~~).

NEW SECTION

WAC 220-16-400 DEFINITION—LOWER COLUMBIA RIVER. "Lower Columbia River" is defined as Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E as defined in WAC 220-22-010 and tributaries to these areas.

NEW SECTION

WAC 220-16-405 DEFINITION—SMCRA. "SMCRA" means Salmon Management and Catch Reporting Area.

Chapter 220-33 WAC
COLUMBIA RIVER—COMMERCIAL FISHERIES BELOW BONNEVILLE DAM

WAC

- 220-33-001 General provision—Commercial fishing regulated.
- 220-33-005 Definitions—River mouth sanctuaries.
- 220-33-010 Salmon.
- 220-33-020 Sturgeon.
- 220-33-030 Shad.
- 220-33-040 Smelt.
- 220-33-050 Carp.
- 220-33-060 Herring and anchovies.

NEW SECTION

WAC 220-33-001 GENERAL PROVISION—COMMERCIAL FISHING REGULATED. It is unlawful to fish for food fish in the lower Columbia River for commercial purposes or to possess food fish taken from those waters for commercial purposes, except as provided in this chapter.

NEW SECTION

WAC 220-33-005 DEFINITIONS—RIVER MOUTH SANCTUARIES. As used in this chapter and emergency rules of the director, unless the context clearly requires otherwise:

GRAYS BAY

(1) "Grays Bay sanctuary" means those waters of the Columbia River and Grays Bay northerly of a line projected from Rocky Point Light (flashing white 4-second) easterly to Harrington Point.

ELOKOMIN

(2) "Elokomin-A sanctuary" means 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 light "39" on Hunting Island.

(3) "Elokomin-B sanctuary" means those waters of Elokomin Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line from light "35" (group flashing green) located on Price Island to light "39" (flashing green) on Hunting Island and northerly and easterly of a line between flashing light "33" on Price Island and quick flashing green light "31" on the Washington shore.

ABERNATHY

(4) "Abernathy sanctuary" means those waters of the Columbia River near the mouth of Abernathy Creek from a point 1,300 yards downstream from Abernathy Creek at light "81" (flashing green 4-second) to a point one-half mile upstream and extending to midstream of the Columbia River.

COWLITZ

(5) "Cowlitz sanctuary" means those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Cowlitz River and lying within one-quarter mile of the Washington shore.

KALAMA

(6) "Kalama-A sanctuary" means those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and lying within one-quarter mile of the Washington shore.

(7) "Kalama-B sanctuary" means those waters of the Columbia River between a point one mile downstream and a point 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 "42" in Oregon to the Kalama Range Light "47A" on the Washington shore.

LEWIS

(8) "Lewis-A sanctuary" means those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore.

(9) "Lewis-B sanctuary" means those waters of the Columbia River near the mouth of the Lewis River lying easterly of lines projected from light "79" (flashing green) to the Red Buoy No. 4 thence to a fishing boundary marker on Bachelor Island.

WASHOUGAL

(10) "Washougal sanctuary" means 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 Washington shore.

OREGON

(11) "Big Creek sanctuary" means those waters of the Columbia River at the mouth of Big Creek from the Oregon shore across Knappa Slough to Karlson Island about one-quarter mile upstream of the east bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about three-quarters mile downstream from the west bank at the mouth of Big Creek.

(12) "Gnat Creek sanctuary" means those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of Gnat Creek and lying within one-quarter mile of the Oregon shore.

(13) "Sandy River sanctuary" means those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of the Sandy River and lying within one-quarter mile of the Oregon shore.

NEW SECTION

WAC 220-33-010 SALMON. It is unlawful to fish for salmon in the lower Columbia River for commercial purposes or to possess salmon taken from those waters for commercial purposes, except as provided in this section:

GEAR

(1) Gill net gear may be used to fish for salmon if it does not exceed 1,500 feet in length along the cork line and is not constructed of monofilament webbing. Gill net gear includes trammel nets.

FISHING PERIODS

(2) The lower Columbia River is closed to commercial salmon fishing, except as provided by emergency rule of the director.

GENERAL

(3) Unless otherwise specified by emergency rule of the director, the following areas of the lower Columbia River remain closed during open salmon fishing periods:

- (a) All tributaries flowing into the lower Columbia River.
- (b) Grays Bay sanctuary.
- (c) Elokomin-A sanctuary.
- (d) Cowlitz sanctuary.
- (e) Kalama-A sanctuary.
- (f) Lewis-A sanctuary.
- (g) Washougal sanctuary.
- (h) Big Creek sanctuary.
- (i) Gnat Creek sanctuary.
- (j) Sandy River sanctuary.

NEW SECTION

WAC 220-33-020 STURGEON. It is unlawful to fish for sturgeon in the lower Columbia River for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except as provided in this section:

GEAR

(1) Gill net gear may be used to fish for sturgeon if it does not exceed 1,500 feet in length along the cork line and is not constructed of monofilament webbing. Gill net gear includes trammel nets.

FISHING PERIODS

(2) The lower Columbia River is closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

GENERAL

(3) Sturgeon less than 48 inches or greater than 72 inches in length may not be retained for commercial purposes and shall be returned immediately to the water.

(4) A person engaged in commercial fishing may retain two sturgeon of legal commercial length for personal use.

(5) Sturgeon eggs may not be removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

(6) The head or tail may not be removed from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

NEW SECTION

WAC 220-33-030 SHAD. It is unlawful to fish for shad in the lower Columbia River for commercial purposes or to possess shad taken from those waters for commercial purposes, except as provided in this section:

GEAR

(1) Gill net gear may be used to fish for shad if:

(a) The cork line of the gill net does not exceed 1,500 feet in length and has sufficient buoyancy to float the cork line on the surface.

(b) The webbing of the gill net is constructed of mesh having a breaking strength of less than 10 pounds. The gill net may be constructed of monofilament webbing or twine.

(c) The mesh size of the gill net is not less than 5-3/8 inches or more than 6-1/4 inches stretch measure.

(d) The gill net does not have more than a single web. The gill net web shall be suspended between a single cork line and a single lead line.

(e) The gill net does not have added lines, strings, backwalls, trammels, or aprons. Riplines may be used but may not be less than 10 fathoms (60 feet) apart.

FISHING PERIODS

(2) The lower Columbia River is closed to commercial shad fishing, except as provided by emergency rule of the director. Shad taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

GENERAL

(3) As used in this chapter and emergency rules of the director, unless the context clearly requires otherwise:

(a) "Shad Area 2S" means those waters of SMCRA 1D and 1E that are upstream of a line projected true north and south through the Washougal blinker light (light "50" flashing red) to a fishing boundary marker on the Washington shore and to the Oregon shore.

(b) "Camas-Washougal Reef Area" means those waters of SMCRA 1D inside of a line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light, thence to the white four-second blinker light on the east end of Lady Island, thence easterly and along the shoreline of Lady Island to the State Highway 14 bridge, thence easterly and along the shoreline of Lady Island to the State Highway 14 bridge, thence easterly across the State Highway 14 bridge to the mainland.

NEW SECTION

WAC 220-33-040 SMELT. It is unlawful to fish for smelt in the lower Columbia River for commercial purposes or to possess smelt taken from those waters for commercial purposes, except as provided in this section:

GEAR

- (1) Otter trawl gear may be used to fish for smelt if:
 - (a) The head rope of the trawl does not exceed 25 feet in length.
 - (b) The foot rope or groundline of the trawl does not exceed 25 feet in length.
 - (c) The dimensions of the trawl's otter doors do not exceed 3 feet by 4 feet.
 - (d) The bag length of the trawl, as measured from the center of the head rope to the terminal end of the bunt, does not exceed 35 feet.
 - (e) the bridal rope from the rear of the otter doors to the foot and head ropes does not exceed 8 feet.
 - (f) Each breast rope does not exceed 5 feet.
 - (g) The mesh size used in the trawl does not exceed 2 inches stretch measure.
 - (h) Only one trawl net is fished from the boat at a time.
 - (2) Gill net gear may be used to fish for smelt if it does not exceed 1,500 feet in length along the cork line and the mesh size of the net does not exceed 2 inches stretch measure. Gill net gear includes trammel nets.
 - (3) Hand dip net gear may be used to fish for smelt if it does not measure more than 36 inches across the bag frame.

FISHING PERIODS

- (4) Otter trawl gear may be used to fish for smelt in SMCRA 1A from 6 p.m. Monday to 6 p.m. Wednesday of each week from March 1 through March 31, and for boats not exceeding 32 feet in length, in SMCRA 1B, 1C, 1D and 1E 7 days per week from December 1 through March 31 of the following year.
- (5) Gill net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E 7 days per week from December 1 of each year through March 31 of the following year.
- (6) Hand dip net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E and tributaries to these areas 7 days per week from December 1 of each year through March 31 of the following year.
- (7) The following areas of the lower Columbia River remain closed to smelt fishing during the open time periods specified in this section:
 - (a) Those waters within one mile of a dam or other obstruction.
 - (b) Those waters of the Cowlitz River upstream from a monument located at Peterson's Eddy, also known as Miller's Eddy.

NEW SECTION

WAC 220-33-050 CARP. It is unlawful to fish for carp in the lower Columbia River for commercial purposes or to possess carp taken from those waters for commercial purposes, except as provided in this section:

Except as authorized by written permit of the director, the lower Columbia River is closed to commercial carp fishing. Carp taken incidentally during an open commercial fishing period may be retained for commercial purposes.

NEW SECTION

WAC 220-33-060 HERRING AND ANCHOVIES. It is unlawful to fish for herring or anchovies in the lower Columbia River for commercial purposes or to possess herring or anchovies taken from those waters for commercial purposes, except as provided in this section:

GEAR

- (1) Purse seine, lampara, or round haul gear may be used to fish for herring or anchovies if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear does not exceed one-half inch stretch measure.

FISHING PERIODS

- (2) Purse seine, lampara, or round haul gear may be used to fish for herring or anchovies in SMCRA 1A 7 days per week from January 1 through December 31 of each year.

GENERAL

- (3) Species of fish other than herring or anchovies taken in the operation of the purse seine, lampara, or round haul gear shall be returned immediately to the water.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-32-016 COLUMBIA RIVER—SHAD AREA 1. (915)
- WAC 220-32-017 COLUMBIA RIVER—SHAD AREA 2. (915)
- WAC 220-32-020 LAWFUL GEAR—SALMON. (77-14)
- WAC 220-32-021 LAWFUL GEAR AND SEASONS—SMELT. (86-12)
- WAC 220-32-022 LAWFUL GEAR—STURGEON. (82-142)
- WAC 220-32-023 GILL NET CONSTRUCTION—SHAD. (76-26)
- WAC 220-32-024 AREAS AND LAWFUL GEAR—CARP. (77-14)
- WAC 220-32-025 LAWFUL GEAR SIZE. (77-14)
- WAC 220-32-030 SALMON SEASONS—AREAS. (77-14)
- WAC 220-32-031 WEEKLY OPEN FISHING PERIODS—AREAS. (77-14)
- WAC 220-32-032 LAWFUL SALMON GEAR—MESH. (77-14)
- WAC 220-32-033 COLUMBIA RIVER—CLOSED AREA SALMON—GILL NETS. (915)
- WAC 220-32-034 COLUMBIA RIVER—CLOSED AREA SALMON—TROLL LINE. (915)
- WAC 220-32-036 CLOSED AREAS SALMON—RIVER MOUTHS. (77-14)
- WAC 220-32-040 SEASON AND AREAS—STURGEON. (82-142)
- WAC 220-32-041 SEASONS AND AREAS—SHAD. (77-14)
- WAC 220-32-043 COLUMBIA RIVER—SEASON—CARP. (915)
- WAC 220-32-044 AREA AND GEAR—HERRING, ANCHOVIES, CANDLEFISH, AND PILCHARDS. (84-24)

**WSR 88-14-137
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed July 6, 1988]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Standards—Eligibility, amending chapter 388-29 WAC;

that the agency will at 10:00 a.m., Tuesday, August 9, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 10, 1988.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by July 26, 1988. The meeting site is in a location which is barrier free.

Dated: July 6, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-29-130 and 388-29-280.

Purpose of the Rule: To increase the clothing and personal incidentals standard for CCFs and adult family homes.

Reason These Rules are Necessary: State law requires the increase.

Summary of the Rule or Rule Change: The rule changes are to increase the CPI from \$37.35 to \$38.84.

Amending WAC 388-29-100.

Purpose of the Rule: To increase the need and 185 percent of need standards for persons with supplied shelter and persons with shelter costs.

Reason These Rules are Necessary: Federal and state law require the need standards be kept current.

Summary of the Rule or Rule Change: To increase the need and 185 percent of need standards for persons with supplied shelter and persons with shelter costs.

Amending WAC 388-29-001.

Purpose of the Rule: To clarify the definition of supplied shelter.

Reason this Rule is Necessary: To clarify questions by legal services about who is eligible for supplied shelter.

Summary of the Rule or Rule Change: The rule change is a change in definition of supplied shelter.

Statutory Authority: RCW 74.08.090.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Susan Herring, Research Analyst 2, Division of Income Assistance, phone 753-4911, mailstop OB-31C.

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

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-001 DEFINITIONS. (1) "Assistance unit" means a person or members of a family eligible to be included in a single categorical grant.

(2) "Board and room" means a living arrangement in which an individual purchases their food, shelter, and household maintenance requirements from a single vendor.

(3) "Boarding home" means any place where one or more persons purchases their food, shelter, and household maintenance requirements from a single vendor.

(4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.

(5) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water.

(6) "Life estate" means the right to use property for the duration of a specific person's life time.

(7) "Living in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.

(8) "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.

(9) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.

(10) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.

(11) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.

(12) "Rateable reduction" means the percentage difference between the need standard and the payment standard.

(13) "Requirement" means an item or service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.

(b) "Basic requirements" means food, clothing, shelter, transportation, household maintenance, personal maintenance, and necessary incidentals.

(14) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

(15) "Supplied shelter" or "shared living" means ~~((housing is furnished to the applicant or recipient without))~~ there is no cost or work on ~~((their))~~ the part of the applicant or recipient for shelter.

AMENDATORY SECTION (Amending Order 2588, filed 1/22/88)

WAC 388-29-100 STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS. (1) The statewide monthly need standards for basic requirements shall be:

(a) Households with obligation to pay shelter costs effective ~~((December 1, 1987))~~ September 9, 1988.

Households residing in a lower income housing project assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act shall be treated as renters if they make any utility payment in lieu of a rental payment.

Recipients in Household	Need Standard
1	\$ ((533)) 557
2	((675)) 705
3	((835)) 872
4	((982)) 1,026
5	((1,131)) 1,182
6	((1,284)) 1,341
7	((1,483)) 1,549
8	((1,641)) 1,715
9	((1,802)) 1,883
10 or more	((1,958)) 2,046

(b) Household with supplied shelter effective ~~((December 1, 1987))~~ September 9, 1988.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, household maintenance, and transportation.

Recipients in Household	Need Standard
1	\$ ((316)) 328
2	((399)) 416
3	((492)) 514
4	((581)) 605
5	((667)) 697
6	((757)) 791
7	((874)) 914
8	((968)) 1,011
9	((1,063)) 1,111
10 or more	((1,155)) 1,207

(2) One hundred eighty-five percent of the state-wide monthly need standard for basic requirements is:

(a) Household with shelter costs effective ~~((December 1, 1987))~~ September 9, 1988.

Recipients in Household	185% of Need Standard
1	\$ ((988)) 1,030
2	((1,250)) 1,304
3	((1,546)) 1,613
4	((1,818)) 1,898
5	((2,094)) 2,186
6	((2,377)) 2,480
7	((2,745)) 2,865
8	((3,037)) 3,172
9	((3,335)) 3,483
10 or more	((3,624)) 3,785

(b) Household with supplied shelter effective ((December 1, 1987)) September 9, 1988.

Recipients in Household	185% of Need Standard
1	\$ ((586)) 606
2	((740)) 769
3	((912)) 950
4	((1,076)) 1,119
5	((1,235)) 1,289
6	((1,402)) 1,463
7	((1,618)) 1,690
8	((1,792)) 1,870
9	((1,968)) 2,055
10 or more	((2,138)) 2,232

(3) The state-wide monthly payment standard shall be:

(a) Effective ((December 1, 1987)) September 9, 1988, payment standards for households with shelter costs reflecting a ratable reduction of ((41.1)) 43.7 percent of need standards.

Households residing in a lower income housing project assisted under the United States Housing Act of 1937 or Section 236 of the National Housing Act shall be treated as renters if they make any utility payment in lieu of a rental payment.

Recipients in Household	Payment Standard
1	\$ 314
2	397
3	492
4	578
5	666
6	756
7	873
8	966
9	1,061
10 or more	1,153

(b) Effective ((December 1, 1987)) September 9, 1988, payment standards for households with supplied shelter reflecting a ratable reduction of ((41.1)) 43.7 percent of the need standard.

The monthly payment standard for supplied shelter shall include requirements for food, clothing, personal maintenance and necessary incidentals, transportation, and household maintenance.

Recipients in Household	Payment Standard
1	\$ 186
2	235
3	290
4	342
5	393
6	446
7	515
8	570
9	626
10 or more	680

AMENDATORY SECTION (Amending Order 2588, filed 1/22/88)

WAC 388-29-130 STANDARDS OF ASSISTANCE—PERSONS IN CONGREGATE CARE FACILITIES. (1) The standard for congregate care shall be the rate established and published by the

department for payment to specific congregate care facilities which contract with the department to provide a specific level of care.

(2) The monthly standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be ((thirty-seven)) thirty-eight dollars and ((thirty-five)) eighty-four cents effective ((September 1, 1987)) September 1, 1988.

AMENDATORY SECTION (Amending Order 2588, filed 1/22/88)

WAC 388-29-280 STANDARDS OF ASSISTANCE—ADULT FAMILY HOME CARE. (1) The basic monthly standard for adult family home care shall be three hundred eighty-four dollars and sixty-five cents.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be ((thirty-seven)) thirty-eight dollars and ((thirty-five)) eighty-four cents.

(3) Activities of daily living add-ons

- (a) 1-3 activities..... \$38.43
- (b) 4-7 activities..... \$57.63
- (c) 8-12 activities..... \$83.24

(4) Health-related services, maximum of nine.....each..... \$25.61

WSR 88-14-138
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed July 6, 1988]

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 Child support—Obligations, amending chapter 388-11 WAC;

that the agency will at 10:00 a.m., Tuesday, August 23, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 24, 1988.

The authority under which these rules are proposed is chapter 275, Laws of 1988.

The specific statute these rules are intended to implement is chapter 275, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 23, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by August 9, 1988. The meeting site is in a location which is barrier free.

Dated: July 1, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amendment of chapter 388-11 WAC.

Purpose of the Rule Changes: To implement the new child support schedule, support distribution changes and due process requirements established under ESHB 1465, chapter 275, Laws of 1988.

These Rules are Necessary: To enable the department's Office of Support Enforcement (OSE) to continue to assess child support obligations, distribute support payments and give proper notice to OSE clients as required under chapter 275, Laws of 1988, ESHB 1465. The new support schedule consists of an economic table and some eighteen standards. The new schedule changes the circumstances to be considered when setting support and changes how the dollar amount of the obligation is determined. After July 1, 1988, all child support obligations must be assessed under the new schedule.

Statutory Authority: RCW 74.08.090 and chapter 275, Laws of 1988, ESHB 1465.

Summary of Rule Changes: WAC 388-11-010 has been rewritten to clarify that RCW 74.20A.055 and chapter 388-11 WAC comprise the Title 74 RCW administrative process for establishing child support obligations. Such clarification is necessary because ESHB 1465 states that it governs ". . . any proceeding under . . . 74 RCW in which child support is at issue . . ."; WAC 388-11-011 (2)(c) has been rewritten for clarity and amended to add automated searches for information and the referral of a case to another state's IV-D agency to the definition of "locate efforts"; WAC 388-11-011(3) has been amended to clarify ambiguous statutory language and to clarify the department's responsibility under chapter 26.23 RCW to continue providing support enforcement services after public assistance services terminate; WAC 388-11-011(6) has been deleted, as all references to "hearing examiner" have been changed to "administrative law judge," the term required by chapter 10-08 WAC; WAC 388-11-011(8) has been amended to clarify the fact that administrative jurisdiction exists in cases in which a URESA order has been entered and thus, are cases governed by ESHB 1465; WAC 388-11-011(9) has been amended to clarify the fact that consent orders, agreed settlements, and notices and findings of financial responsibility that have become final by operation of law are administrative orders because ESHB 1465 and chapter 26.23 RCW require every "order for child support" to contain certain findings of fact and other specific language; WAC 388-11-011(10) has been rewritten to clarify the fact that parents have an obligation under ESHB 1465 to provide medical support to their children in addition to child support; WAC 388-11-011(11) has been rewritten to clarify the fact that while all parents are responsible for the support of their children under ESHB 1465, OSE only assesses and/or collects the support obligation of one parent at any given time; WAC 388-11-011(12) has

been deleted and replaced with a definition of "responsible stepparent"; WAC 388-11-011 (14), (15) and (16) has been rewritten for clarity; WAC 388-11-011(17) has been deleted because "need" has been redefined under ESHB 1465; WAC 388-11-015 has been amended to broaden the items a parent will be allowed as credit against his/her accrued support debt. ESHB 1465's new schedule allows a parent to meet his/her support obligation through new ways, such as by paying for tuition or long-distance transportation costs. Some sections have been rewritten for clarity; WAC 388-11-030 has been rewritten for clarity and amended so that a notice and finding of financial responsibility contains the language required by ESHB 1465 and chapter 26.23 RCW; WAC 388-11-040 has been rewritten for clarity and amended to provide that the department is required to provide support enforcement services after public assistance services terminate; WAC 388-11-045 has been rewritten to clarify ambiguous statutory language; WAC 388-11-050 has been deleted, but language as to the consequences of a parent's failure to request a hearing within certain time limits has been saved and moved to WAC 388-11-060, the rule governing hearing requests; WAC 388-11-055 has been rewritten for clarity and amended to delete language requiring consideration of the scale of minimum contributions when setting temporary support. ESHB 1465's new schedule has replaced this scale; WAC 388-11-060 has been rewritten for clarity; WAC 388-11-065 has been amended. A child's lack of need for support above a certain minimal level is no longer a defense because ESHB 1465's new schedule places no ceiling on the amount of support a child can receive. The defense of discharge in bankruptcy has been deleted because it is no longer possible to so discharge child support debts. Other sections have been rewritten for clarity; WAC 388-11-070 has been deleted because this rule has been superseded by chapter 10-08 WAC; WAC 388-11-080 has been deleted because this rule has been superseded by chapter 10-08 WAC; WAC 388-11-090 has been deleted because this rule has been superseded by chapter 10-08 WAC; WAC 388-11-100 has been amended to delete factors an administrative law judge can no longer consider under ESHB 1465's new schedule. Other sections have been rewritten for clarity; WAC 388-11-105 has been amended to add abuse of discretion by the administrative law judge as an appealable error, as required by ESHB 1465. Other sections have been rewritten for clarity; WAC 388-11-115 has been rewritten for clarity; WAC 388-11-120 has been rewritten for clarity; WAC 388-11-130 has been deleted, but language instructing the administrative law judge as to when he/she must issue a decision has been saved and moved to WAC 388-11-100, the rule on duties of the administrative law judge; WAC 388-11-140 has been rewritten for clarity; WAC 388-11-150 has been rewritten for clarity; WAC 388-11-155 has been amended to provide that OSE must continue support enforcement services after public assistance services terminate. Other amendments clarify when administrative jurisdiction ceases. Some sections have been rewritten for clarity; WAC 388-11-180 has been amended to provide that

chapters 388-08 and 10-08 WAC contain rules of procedure to be applied under chapter 388-11 WAC; WAC 388-11-185 has been rewritten for clarity; WAC 388-11-190 has been deleted. The statute that the scale of minimum contributions was based on has been repealed by ESHB 1465; a new section has been added to chapter 388-11 WAC to provide instructions on how to fill out income work sheets. The use of certain work sheets is required by ESHB 1465, but neither the work sheets nor their instructions were incorporated. Terms that were undefined in ESHB 1465's new schedule have been defined in this section; a new section has been added to chapter 388-11 WAC to specify the language that is required by ESHB 1465 and chapter 26.23 RCW to appear in all administrative support orders; a new section has been added to chapter 388-11 WAC to implement ESHB 1465's new schedule. Some undefined terms have been defined, discretion to deviate from the economic table is delineated, and instructions as to where to make payments are provided; a new section has been added to chapter 388-11 WAC to incorporate ESHB 1465's new schedule, set the effective date of this schedule, expand the economic chart, and state public policy; a new section has been added to chapter 388-11 WAC to delineate a parent's obligation under ESHB 1465 to provide medical support; a new subsection has been added to WAC 388-11-011 defining the custodial parent as the residential parent, the descriptive term required by chapter 9.26 RCW; a new subsection has been added to WAC 388-11-011 defining extraordinary medical expenses, an undefined term used in ESHB 1465; a new subsection has been added to WAC 388-11-011 defining medical costs; and a new subsection has been added to WAC 388-11-011 defining medical support.

Person or Persons Responsible for Drafting, Implementation and Enforcement of this Rule: Bill Paine, Program Administrator 4, Support Enforcement, phone 459-6446.

Reviser's note: The material contained in this filing will appear in the 88-15 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 88-14-139
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning stadium boat moorage facilities, chapter 478-138 WAC;

that the institution will at 2:00 p.m., Thursday, August 11, 1988, in the Student Union Building, Room 309, University of Washington, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 26, 1988.

The authority under which these rules are proposed is RCW 28B.10.300 and 28B.10.560.

The specific statute these rules are intended to implement is RCW 28B.10.300 and 28B.10.560.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 11, 1988.

Dated: July 6, 1988

By: Elsa Kircher Cole
 Assistant Attorney General

STATEMENT OF PURPOSE

Statutory Authority: RCW 28B.10.300 and 28B.10.560.

Purpose of the Rules: To amend the stadium boat moorage facilities regulations.

Summary of the Rule: The rule permits designation of shoreline areas for appropriate waterfront activities and conditions for such use.

Reasons Which Support the Proposed Action: To clarify the conditions under which moorage or shuttling operations may be permitted.

Name of Person or Organization Proposing the Rules: University of Washington, governmental.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Tallman Trask III, Executive Vice President, phone (206) 543-6410.

The rules are not necessary as the result of federal law, federal court action or state court action.

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

AMENDATORY SECTION (Amending Order, filed 7/2/73 and 7/27/73)

WAC 478-138-030 USE OF UNIVERSITY STADIUM BOAT MOORAGE FACILITIES—STADIUM BOAT MOORAGE FACILITIES—AREA DEFINED. (1)(a) The stadium boat moorage facilities shall consist of those docks and floats located on Lake Washington in Union Bay, and such other areas as are designated by the manager of the parking division, which provide water access to the University of Washington shoreline.

(b) The manager of the parking division shall have the authority to determine specific areas along the university shoreline that may be used for waterfront activities which may include but shall not be limited to: Moorage of water related vessels, establishment of load/unload areas for the purpose of loading and unloading passengers to and from water related vessels, and conditions related to facility utilization for individuals who may be engaged in the transporting of passengers for the purpose of moorage or shuttling operations.

(c) Use of the university shoreline and moorage facilities for waterfront activities not designated for that area will subject the violators to arrest under provisions of RCW 9A.52.080 (Criminal trespass in the second degree), City of Seattle 12A.08.040 (criminal trespass), or other applicable law.

(2) In the event the university permits a non-university vessel use of the moorage facilities for moorage, loading and unloading passengers, shuttling passengers to and from anchored vessels, or other related activities, the university does not assume responsibility for nor guarantee the expertise or training of the vessels' pilots or that such vessels are maintained in a safe condition or are adequately equipped with life vests and other safety devices as required by the United States Coast Guard and the Washington state utilities and transportation commission.

WSR 88-14-140
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed July 6, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning establishing a small works roster, amending chapter 478-355 WAC;

that the institution will at 1:30 p.m., Thursday, August 11, 1988, in the Student Union Building, Room 309, University of Washington, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 26, 1988.

The authority under which these rules are proposed is RCW 28B.20.130.

The specific statute these rules are intended to implement is RCW 28B.10.355.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 11, 1988.

Dated: July 6, 1988

By: Elsa Kircher Cole
 Assistant Attorney General

STATEMENT OF PURPOSE

Statutory Authority: RCW 28B.10.355.

Purpose of the Rules: To establish a small works roster for public works at the University of Washington.

Summary of the Rule: The executive vice president is authorized to use the small works roster in lieu of public advertisement for bid. Bids will be solicited from a bidders list of contractors enrolled on the roster, randomly selected from those contractors qualified to perform the type of work required.

Reasons Which Support the Proposed Action: The creation of a small works roster by the university was authorized by the legislature during its 1985 session and will facilitate the award of public works contracts of an estimated cost of less than fifty thousand dollars.

Name of Person or Organization Proposing the Rules: University of Washington, governmental.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Tallman Trask III, Executive Vice President, phone (206) 543-6410.

The rules are not necessary as the result of federal law, federal court action or state court action.

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

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-020 PURPOSE. ~~((The department of general administration of the state of Washington has established a small works roster and adopted regulations for its use. In order to avoid duplication of services and expense, the University of Washington vice president for finance and administration is authorized to execute an interlocal agreement with the department of general administration for the use of its small works roster by the university. Upon execution of the interlocal agreement, the small works roster created by the department of general administration shall constitute the established university small~~

~~works roster.)) To expedite the award of public work contracts at minimum cost, the University of Washington executive vice president is authorized to establish a small works roster and also authorized to execute an interlocal agreement with the department of general administration for the use of its small works roster by the university.~~

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-030 PROJECT CONSTRUCTION COST. Whenever the estimated project construction cost of any University of Washington public work is less than fifty thousand dollars, the University of Washington executive vice((-))president (~~((for finance and administration))~~) is authorized to use the small works roster in lieu of public advertisement for bids.

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-040 PROCEDURE FOR USE. When the small works roster procedure is utilized, bids will be solicited from a bidders list of at least ~~((five))~~ three contractors from the small works roster randomly selected from those who registered the capability of performing the type of public work at the required location and, if required, are MWBE certified. Only the contractors identified on the bidders list will be eligible to bid on the public work. If all bids are rejected, new bids may be solicited either by again utilizing the small works roster or by public advertisement for bids.

AMENDATORY SECTION (Amending Order 86-1, filed 3/26/86)

WAC 478-355-060 ADMINISTRATION. The executive vice president ~~((for finance and administration))~~ is authorized to establish procedures for university use of ~~((the))~~ its small works roster, to terminate the interlocal agreement or to approve modifications to the interlocal agreement when deemed appropriate for ~~((the))~~ cooperative use of ~~((the))~~ a small works roster.

WSR 88-14-141
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Filed July 6, 1988]

We are withdrawing the following rules filed April 20, 1988, as proposed in Washington State Register 88-09 issued May 4, 1988, WSR 88-09-074:

WAC 296-62-05415 Employee information and training; 296-62-07523 through 296-62-07533 Benzene; 296-62-07540 through 296-62-07550 Formaldehyde; and 296-62-300 through 296-62-3190 Hazardous waste operations and emergency response.

Joseph A. Dear

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 = Re-adoption 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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16-316-370	AMD-P	88-07-114	16-495-085	AMD	88-11-042	44-10-165	NEW	88-09-063
16-316-370	AMD	88-11-042	16-528-040	AMD	88-09-019	44-10-165	NEW-E	88-09-065
16-316-525	AMD-P	88-07-114	16-528-210	AMD-P	88-08-061	44-10-180	NEW	88-04-081
16-316-525	AMD	88-11-042	16-528-210	AMD	88-12-019	44-10-200	NEW	88-04-081
16-316-717	AMD-P	88-07-114	16-530-040	AMD	88-09-018	44-10-210	NEW	88-04-081
16-316-719	AMD-P	88-07-114	16-532-120	AMD-P	88-10-034	44-10-215	NEW-P	88-03-063
16-316-724	AMD-P	88-07-114	16-532-120	AMD	88-13-050	44-10-215	NEW-E	88-03-064
16-316-724	AMD	88-11-042	16-570-040	NEW-P	88-04-072	44-10-215	NEW	88-09-064
16-316-727	AMD-P	88-07-114	16-570-040	NEW	88-07-071	44-10-215	NEW-E	88-09-065
16-316-800	AMD-P	88-07-114	16-602-005	NEW-P	88-03-058	44-10-220	NEW-P	88-03-063
16-316-800	AMD	88-11-042	16-602-005	NEW	88-07-018	44-10-220	NEW-E	88-03-064
16-316-820	AMD-P	88-07-114	16-602-010	AMD-P	88-03-058	44-10-220	NEW-P	88-09-062
16-316-820	AMD	88-11-042	16-602-010	AMD	88-07-018	44-10-220	NEW-E	88-09-065
16-316-830	AMD-P	88-07-114	16-602-020	AMD-P	88-03-058	44-10-220	NEW	88-13-039
16-316-830	AMD	88-11-042	16-602-020	AMD	88-07-018	44-10-230	NEW-P	88-03-063
16-316-832	AMD-P	88-07-114	16-602-030	AMD-P	88-03-058	44-10-230	NEW-E	88-03-064
16-316-832	AMD	88-11-042	16-602-030	AMD	88-07-018	44-10-230	NEW-P	88-09-062
16-316-880	AMD-P	88-07-114	16-620-240	AMD-P	88-07-096	44-10-230	NEW-E	88-09-065
16-316-880	AMD	88-11-042	16-620-240	AMD	88-12-036	44-10-230	NEW	88-13-039
16-403-140	AMD-P	88-11-068	16-620-260	AMD-P	88-07-096	44-10-240	NEW-P	88-03-063
16-403-140	AMD	88-14-128	16-620-260	AMD	88-12-036	44-10-240	NEW-E	88-03-064
16-403-142	NEW-P	88-11-068	16-620-265	REP-P	88-07-096	44-10-240	NEW	88-09-064
16-403-142	NEW	88-14-128	16-620-265	REP	88-12-036	44-10-240	NEW-E	88-09-065
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16-403-180	AMD-P	88-11-068	16-750-001	NEW-E	88-03-059	50-12-230	AMD-P	88-13-064
16-403-180	AMD	88-14-128	16-750-001	NEW	88-07-016	50-20-040	AMD-E	88-13-051
16-403-190	AMD-P	88-11-068	16-750-003	NEW-E	88-13-007	50-20-040	AMD-P	88-14-002
16-403-190	AMD	88-14-128	16-750-003	NEW-P	88-13-049	50-20-040	AMD-C	88-14-093
16-403-195	AMD-P	88-11-068	16-750-004	NEW-E	88-13-007	50-20-050	AMD-E	88-13-051
16-403-195	AMD	88-14-128	16-750-004	NEW-P	88-13-049	50-20-050	AMD-P	88-14-002
16-403-280	AMD-P	88-11-068	16-750-005	NEW-P	88-03-057	50-20-050	AMD-C	88-14-093
16-403-280	AMD	88-14-128	16-750-005	NEW-E	88-03-059	51-10	AMD-P	88-14-078
16-436-100	AMD-P	88-08-071	16-750-005	NEW	88-07-016	51-12-102	AMD-P	88-14-114
16-436-100	AMD	88-11-048	16-750-010	REP-P	88-03-057	51-12-223	AMD-P	88-14-114
16-436-110	AMD-P	88-08-071	16-750-010	REP-E	88-03-059	51-12-305	AMD-P	88-14-114
16-436-110	AMD	88-11-048	16-750-010	REP	88-07-016	51-12-402	AMD-P	88-14-114
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16-436-140	AMD	88-11-048	16-750-011	NEW-E	88-03-059	51-12-426	AMD-P	88-14-114
16-436-160	AMD-P	88-08-071	16-750-011	NEW	88-07-016	51-12-503	AMD-P	88-14-114
16-436-160	AMD	88-11-048	16-750-011	AMD-E	88-13-007	51-12-602	AMD-P	88-14-114
16-436-165	NEW-P	88-08-071	16-750-011	AMD-P	88-13-049	51-12-605	AMD-P	88-14-114
16-436-165	NEW	88-11-048	16-750-015	NEW-P	88-03-057	51-16	AMD-P	88-14-077
16-436-170	AMD-P	88-08-071	16-750-015	NEW-E	88-03-059	51-16-010	AMD-P	88-14-077
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132E-12-024	REP-P 88-13-097	132E-12-341	REP-P 88-13-097	132E-112-230	REP 88-10-014
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132E-12-030	REP-P 88-13-097	132E-12-347	REP-P 88-13-097	132E-120-060	REP-P 88-13-001
132E-12-033	REP-P 88-13-097	132E-12-350	REP-P 88-13-097	132E-120-070	REP-P 88-13-001
132E-12-036	REP-P 88-13-097	132E-12-353	REP-P 88-13-097	132E-120-080	REP-P 88-13-001
132E-12-037	REP-P 88-13-097	132E-12-356	REP-P 88-13-097	132E-121-010	NEW-P 88-13-096
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132E-12-066	REP-P 88-13-097	132E-12-386	REP-P 88-13-097	132E-168-010	REP 88-12-006
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132E-168-040	REP	88-12-006	132I-120-300	NEW	88-07-120	132U-04-100	REP-P	88-07-029
132E-168-050	REP-P	88-08-019	132I-120-305	NEW-P	88-03-048	132U-04-110	REP-P	88-07-029
132E-168-050	REP	88-12-006	132I-120-305	NEW	88-07-120	132U-10	REP-C	88-12-020
132E-168-060	REP-P	88-08-019	132I-120-310	NEW-P	88-03-048	132U-10-100	REP-P	88-07-029
132E-168-060	REP	88-12-006	132I-120-310	NEW	88-07-120	132U-10-110	REP-P	88-07-029
132E-168-070	REP-P	88-08-019	132I-120-315	NEW-P	88-03-048	132U-10-120	REP-P	88-07-029
132E-168-070	REP	88-12-006	132I-120-315	NEW	88-07-120	132U-10-130	REP-P	88-07-029
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132E-168-080	REP	88-12-006	132I-120-320	NEW	88-07-120	132U-10-150	REP-P	88-07-029
132E-168-090	REP-P	88-08-019	132I-120-325	NEW-P	88-03-048	132U-10-160	REP-P	88-07-029
132E-168-090	REP	88-12-006	132I-120-325	NEW	88-07-120	132U-10-170	REP-P	88-07-029
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132E-276-030	AMD	88-12-005	132I-120-330	NEW	88-07-120	132U-10-190	REP-P	88-07-029
132E-276-060	AMD-P	88-10-023	132I-120-335	NEW-P	88-03-048	132U-10-200	REP-P	88-07-029
132E-276-060	AMD	88-14-013	132I-120-335	NEW	88-07-120	132U-10-210	REP-P	88-07-029
132E-276-070	AMD-P	88-10-023	132I-120-340	NEW-P	88-03-048	132U-10-220	REP-P	88-07-029
132E-276-070	AMD	88-14-013	132I-120-340	NEW	88-07-120	132U-10-230	REP-P	88-07-029
132F-120-090	AMD-P	88-03-044	132I-120-345	NEW-P	88-03-048	132U-10-240	REP-P	88-07-029
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132H-200-200	NEW	88-07-036	132I-120-410	NEW-P	88-03-048	132U-40-030	REP-P	88-07-029
132H-200-250	NEW-P	88-07-088	132I-120-410	NEW	88-07-120	132U-40-040	REP-P	88-07-029
132H-200-250	NEW	88-13-048	132I-120-415	NEW-P	88-03-048	132U-40-050	REP-P	88-07-029
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132I-14-010	REP	88-07-119	132I-120-420	NEW-P	88-03-048	132U-40-070	REP-P	88-07-029
132I-14-020	REP-P	88-03-047	132I-120-420	NEW	88-07-120	132U-40-080	REP-P	88-07-029
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132I-14-030	REP-P	88-03-047	132I-120-425	NEW	88-07-120	132U-40-100	REP-P	88-07-029
132I-14-030	REP	88-07-119	132I-120-430	NEW-P	88-03-048	132U-40-110	REP-P	88-07-029
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132I-14-060	REP-P	88-03-047	132I-120-440	NEW	88-07-120	132U-52-010	NEW-P	88-04-070
132I-14-060	REP	88-07-119	132I-120-445	NEW-P	88-03-048	132U-52-010	NEW	88-07-057
132I-14-070	REP-P	88-03-047	132I-120-445	NEW	88-07-120	132U-80	REP-C	88-12-020
132I-14-070	REP	88-07-119	132I-120-500	NEW-P	88-03-048	132U-80-010	REP-P	88-07-029
132I-14-080	REP-P	88-03-047	132I-120-500	NEW	88-07-120	132U-80-020	REP-P	88-07-029
132I-14-080	REP	88-07-119	132I-120-510	NEW-P	88-03-048	132U-80-030	REP-P	88-07-029
132I-14-090	REP-P	88-03-047	132I-120-510	NEW	88-07-120	132U-80-060	REP-P	88-07-029
132I-14-090	REP	88-07-119	132I-120-520	NEW-P	88-03-048	132U-80-065	REP-P	88-07-029
132I-14-100	REP-P	88-03-047	132I-120-520	NEW	88-07-120	132U-80-070	REP-P	88-07-029
132I-14-100	REP	88-07-119	132N-20-010	NEW-P	88-11-047	132U-80-080	REP-P	88-07-029
132I-14-110	REP-P	88-03-047	132N-20-020	NEW-P	88-11-047	132U-80-090	REP-P	88-07-029
132I-14-110	REP	88-07-119	132N-20-030	NEW-P	88-11-047	132U-80-100	REP-P	88-07-029
132I-14-120	REP-P	88-03-047	132N-20-040	NEW-P	88-11-047	132U-80-105	REP-P	88-07-029
132I-14-120	REP	88-07-119	132N-20-050	NEW-P	88-11-047	132U-80-110	REP-P	88-07-029
132I-14-130	REP-P	88-03-047	132N-20-060	NEW-P	88-11-047	132U-80-115	REP-P	88-07-029
132I-14-130	REP	88-07-119	132N-20-070	NEW-P	88-11-047	132U-80-125	REP-P	88-07-029
132I-14-140	REP-P	88-03-047	132N-20-080	NEW-P	88-11-047	132U-80-200	REP-P	88-07-029
132I-14-140	REP	88-07-119	132N-20-090	NEW-P	88-11-047	132U-80-205	REP-P	88-07-029
132I-14-150	REP-P	88-03-047	132P-40-001	NEW-P	88-04-024	132U-80-210	REP-P	88-07-029
132I-14-150	REP	88-07-119	132P-40-001	NEW	88-12-012	132U-80-220	REP-P	88-07-029
132I-14-160	REP-P	88-03-047	132T-05-060	AMD-P	88-03-045	132U-80-230	REP-P	88-07-029
132I-14-160	REP	88-07-119	132T-05-060	AMD	88-07-019	132U-80-235	REP-P	88-07-029
132I-14-170	REP-P	88-03-047	132T-128-010	REP-P	88-03-046	132U-80-240	REP-P	88-07-029
132I-14-170	REP	88-07-119	132T-128-010	REP	88-07-020	132U-80-245	REP-P	88-07-029
132I-14-180	REP-P	88-03-047	132T-128-020	REP-P	88-03-046	132U-80-250	REP-P	88-07-029
132I-14-180	REP	88-07-119	132T-128-020	REP	88-07-020	132U-80-255	REP-P	88-07-029
132I-14-190	REP-P	88-03-047	132T-128-030	REP-P	88-03-046	132U-80-265	REP-P	88-07-029
132I-14-190	REP	88-07-119	132T-128-030	REP	88-07-020	132U-80-300	REP-P	88-07-029
132I-14-200	REP-P	88-03-047	132T-128-040	REP-P	88-03-046	132U-80-310	REP-P	88-07-029
132I-14-200	REP	88-07-119	132T-128-040	REP	88-07-020	132U-80-320	REP-P	88-07-029
132I-14-210	REP-P	88-03-047	132T-128-050	REP-P	88-03-046	132U-80-330	REP-P	88-07-029
132I-14-210	REP	88-07-119	132T-128-050	REP	88-07-020	132U-80-340	REP-P	88-07-029
132I-120-010	NEW-P	88-03-048	132T-128-060	REP-P	88-03-046	132U-80-350	REP-P	88-07-029
132I-120-010	NEW	88-07-120	132T-128-060	REP	88-07-020	132U-80-360	REP-P	88-07-029
132I-120-020	NEW-P	88-03-048	132T-128-070	REP-P	88-03-046	132U-80-370	REP-P	88-07-029
132I-120-020	NEW	88-07-120	132T-128-070	REP	88-07-020	132U-104	NEW-C	88-12-020
132I-120-030	NEW-P	88-03-048	132T-128-080	REP-P	88-03-046	132U-104-010	NEW-P	88-07-029
132I-120-030	NEW	88-07-120	132T-128-080	REP	88-07-020	132U-104-020	NEW-P	88-07-029

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132U-104-030	NEW-P	88-07-029	132U-280-035	NEW-P	88-07-029	154-120-050	NEW-P	88-07-104
132U-116-010	NEW-E	88-02-047	132U-300	NEW-C	88-12-020	154-120-050	NEW	88-11-028
132U-116-010	NEW-P	88-04-070	132U-300-010	NEW-P	88-07-029	154-120-055	NEW-P	88-07-104
132U-116-010	NEW	88-07-057	132U-300-020	NEW-P	88-07-029	154-120-055	NEW	88-11-028
132U-116-020	NEW-E	88-02-047	132U-325	NEW-C	88-12-020	154-130-010	NEW-P	88-07-104
132U-116-020	NEW-P	88-04-070	132U-325-010	NEW-P	88-07-029	154-130-010	NEW	88-11-028
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132U-116-030	NEW	88-07-057	132Y-140-101	REP-P	88-06-024	154-130-030	NEW	88-11-028
132U-120	NEW-C	88-12-020	132Y-140-101	REP	88-13-013	154-140-010	NEW-P	88-07-104
132U-120-010	NEW-P	88-07-029	132Y-140-108	REP-P	88-06-024	154-140-010	NEW	88-11-028
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132U-120-030	NEW-P	88-07-029	132Y-140-112	REP-P	88-06-024	154-140-020	NEW	88-11-028
132U-120-040	NEW-P	88-07-029	132Y-140-112	REP	88-13-013	154-140-030	NEW-P	88-07-104
132U-120-050	NEW-P	88-07-029	132Y-140-116	REP-P	88-06-024	154-140-030	NEW	88-11-028
132U-120-060	NEW-P	88-07-029	132Y-140-116	REP	88-13-013	154-150-010	NEW-P	88-07-104
132U-120-070	NEW-P	88-07-029	136-15-010	NEW-P	88-12-079	154-150-010	NEW	88-11-028
132U-120-080	NEW-P	88-07-029	136-15-020	NEW-P	88-12-079	154-150-020	NEW-P	88-07-104
132U-120-090	NEW-P	88-07-029	136-15-030	NEW-P	88-12-079	154-150-020	NEW	88-11-028
132U-120-100	NEW-P	88-07-029	136-15-040	NEW-P	88-12-079	154-150-030	NEW-P	88-07-104
132U-120-110	NEW-P	88-07-029	136-15-050	NEW-P	88-12-079	154-150-030	NEW	88-11-028
132U-120-120	NEW-P	88-07-029	136-15-060	NEW-P	88-12-079	154-150-040	NEW-P	88-07-104
132U-120-130	NEW-P	88-07-029	136-130-050	AMD-C	88-09-034	154-150-040	NEW	88-11-028
132U-120-140	NEW-P	88-07-029	136-130-050	AMD	88-12-080	154-150-050	NEW-P	88-07-104
132U-120-150	NEW-P	88-07-029	136-130-060	AMD	88-05-040	154-150-050	NEW	88-11-028
132U-120-160	NEW-P	88-07-029	136-130-070	AMD	88-05-040	154-160-010	NEW-P	88-07-104
132U-120-170	NEW-P	88-07-029	136-160-050	AMD	88-05-040	154-160-010	NEW	88-11-028
132U-120-180	NEW-P	88-07-029	136-160-060	AMD-P	88-12-079	154-160-020	NEW-P	88-07-104
132U-120-190	NEW-P	88-07-029	136-160-065	NEW	88-05-040	154-160-020	NEW	88-11-028
132U-120-200	NEW-P	88-07-029	136-220-020	AMD-P	88-12-079	154-170-010	NEW-P	88-07-104
132U-120-210	NEW-P	88-07-029	136-220-030	AMD-P	88-12-079	154-170-010	NEW	88-11-028
132U-120-220	NEW-P	88-07-029	137-60-040	AMD-W	88-04-043	154-180-010	NEW-P	88-07-104
132U-120-230	NEW-P	88-07-029	137-78-010	NEW-P	88-12-002	154-180-010	NEW	88-11-028
132U-120-240	NEW-P	88-07-029	137-78-020	NEW-P	88-12-002	154-180-020	NEW-P	88-07-104
132U-120-250	NEW-P	88-07-029	137-78-030	NEW-P	88-12-002	154-180-020	NEW	88-11-028
132U-120-260	NEW-P	88-07-029	137-78-040	NEW-P	88-12-002	154-180-030	NEW-P	88-07-104
132U-120-270	NEW-P	88-07-029	137-78-050	NEW-P	88-12-002	154-180-030	NEW	88-11-028
132U-120-280	NEW-P	88-07-029	137-78-060	NEW-P	88-12-002	154-180-040	NEW-P	88-07-104
132U-120-290	NEW-P	88-07-029	137-78-070	NEW-P	88-12-002	154-180-040	NEW	88-11-028
132U-120-300	NEW-P	88-07-029	137-78-080	NEW-P	88-12-002	154-180-050	NEW-P	88-07-104
132U-120-310	NEW-P	88-07-029	154-04-040	AMD-P	88-09-075	154-180-050	NEW	88-11-028
132U-120-320	NEW-P	88-07-029	154-04-040	AMD	88-12-028	154-180-060	NEW-P	88-07-104
132U-120-330	NEW-P	88-07-029	154-12-015	AMD-P	88-09-075	154-180-060	NEW	88-11-028
132U-122	NEW-C	88-12-020	154-12-015	AMD	88-12-028	154-180-070	NEW-P	88-07-104
132U-122-010	NEW-P	88-07-029	154-12-020	AMD-P	88-09-075	154-180-070	NEW	88-11-028
132U-122-020	NEW-P	88-07-029	154-12-020	AMD	88-12-028	154-190-010	NEW-P	88-07-104
132U-140	NEW-C	88-12-020	154-12-030	AMD-P	88-09-075	154-190-010	NEW	88-11-028
132U-140-010	NEW-P	88-07-029	154-12-030	AMD	88-12-028	154-200-010	NEW-P	88-07-104
132U-140-020	NEW-P	88-07-029	154-12-110	AMD-P	88-09-075	154-200-010	NEW	88-11-028
132U-140-030	NEW-P	88-07-029	154-12-110	AMD	88-12-028	154-200-020	NEW-P	88-07-104
132U-140-040	NEW-P	88-07-029	154-24-010	AMD-P	88-09-075	154-200-020	NEW	88-11-028
132U-140-050	NEW-P	88-07-029	154-24-010	AMD	88-12-028	154-200-030	NEW-P	88-07-104
132U-140-060	NEW-P	88-07-029	154-110-010	NEW-P	88-07-104	154-200-030	NEW	88-11-028
132U-140-070	NEW-P	88-07-029	154-110-010	NEW	88-11-028	154-200-040	NEW-P	88-07-104
132U-276	NEW-C	88-12-020	154-110-015	NEW-P	88-07-104	154-200-040	NEW	88-11-028
132U-276-100	NEW-P	88-07-029	154-110-015	NEW	88-11-028	162-18-010	REP-P	88-09-080
132U-276-110	NEW-P	88-07-029	154-110-020	NEW-P	88-07-104	162-18-020	REP-P	88-09-080
132U-276-120	NEW-P	88-07-029	154-110-020	NEW	88-11-028	162-18-030	REP-P	88-09-080
132U-276-130	NEW-P	88-07-029	154-110-030	NEW-P	88-07-104	162-18-040	REP-P	88-09-080
132U-276-140	NEW-P	88-07-029	154-110-030	NEW	88-11-028	162-18-050	REP-P	88-09-080
132U-276-150	NEW-P	88-07-029	154-120-010	NEW-P	88-07-104	162-18-060	REP-P	88-09-080
132U-276-160	NEW-P	88-07-029	154-120-010	NEW	88-11-028	162-18-070	REP-P	88-09-080
132U-276-170	NEW-P	88-07-029	154-120-015	NEW-P	88-07-104	162-18-080	REP-P	88-09-080
132U-276-180	NEW-P	88-07-029	154-120-015	NEW	88-11-028	162-18-090	REP-P	88-09-080
132U-276-190	NEW-P	88-07-029	154-120-020	NEW-P	88-07-104	162-18-100	REP-P	88-09-080
132U-276-200	NEW-P	88-07-029	154-120-020	NEW	88-11-028	162-18-110	NEW-P	88-09-080
132U-276-210	NEW-P	88-07-029	154-120-025	NEW-P	88-07-104	162-18-120	NEW-P	88-09-080
132U-276-220	NEW-P	88-07-029	154-120-025	NEW	88-11-028	162-18-130	NEW-P	88-09-080
132U-276-230	NEW-P	88-07-029	154-120-030	NEW-P	88-07-104	162-18-140	NEW-P	88-09-080
132U-276-240	NEW-P	88-07-029	154-120-030	NEW	88-11-028	162-18-150	NEW-P	88-09-080
132U-280	NEW-C	88-12-020	154-120-035	NEW-P	88-07-104	162-18-160	NEW-P	88-09-080
132U-280-010	NEW-P	88-07-029	154-120-035	NEW	88-11-028	162-19-010	NEW-P	88-09-080
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132U-280-020	NEW-P	88-07-029	154-120-040	NEW	88-11-028	162-19-030	NEW-P	88-09-080
132U-280-025	NEW-P	88-07-029	154-120-045	NEW-P	88-07-104	162-19-040	NEW-P	88-09-080
132U-280-030	NEW-P	88-07-029	154-120-045	NEW	88-11-028	162-19-060	NEW-P	88-09-080

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162-19-090	NEW-P 88-09-080	173-110-030	NEW-E 88-08-020	173-158-110	NEW 88-10-058
173-14	AMD-C 88-04-091	173-110-030	NEW-E 88-14-126	173-158-120	NEW-P 88-05-042
173-14-030	AMD-W 88-07-006	173-110-040	NEW-E 88-08-020	173-158-120	NEW 88-10-058
173-14-030	AMD-P 88-12-067	173-110-040	NEW-E 88-14-126	173-160	AMD-C 88-04-071
173-14-060	AMD-W 88-07-006	173-110-050	NEW-E 88-08-020	173-160	AMD 88-08-070
173-14-061	NEW-W 88-07-006	173-110-050	NEW-E 88-14-126	173-160-010	AMD 88-08-070
173-18-280	AMD 88-03-070	173-110-060	NEW-E 88-08-020	173-160-020	AMD 88-08-070
173-19-130	AMD 88-07-009	173-110-060	NEW-E 88-14-126	173-160-030	AMD 88-08-070
173-19-220	AMD-P 88-03-069	173-110-070	NEW-E 88-08-020	173-160-040	AMD 88-08-070
173-19-220	AMD-P 88-08-063	173-110-070	NEW-E 88-14-126	173-160-050	AMD 88-08-070
173-19-220	AMD 88-08-089	173-110-080	NEW-E 88-08-020	173-160-055	NEW 88-08-070
173-19-220	AMD-C 88-14-091	173-110-080	NEW-E 88-14-126	173-160-060	REP 88-08-070
173-19-2201	AMD-P 88-08-064	173-110-090	NEW-E 88-08-020	173-160-065	NEW 88-08-070
173-19-2201	AMD-C 88-14-091	173-110-090	NEW-E 88-14-126	173-160-070	REP 88-08-070
173-19-2202	AMD-P 88-08-065	173-110-100	NEW-E 88-08-020	173-160-075	NEW 88-08-070
173-19-2202	AMD-C 88-14-091	173-110-100	NEW-E 88-14-126	173-160-080	REP 88-08-070
173-19-2204	AMD-P 88-08-066	173-124-06001	REP-P 88-09-054	173-160-085	NEW 88-08-070
173-19-2204	AMD-C 88-14-091	173-124-06001	REP 88-13-037	173-160-090	REP 88-08-070
173-19-2207	AMD-P 88-08-067	173-124-070	NEW-P 88-09-054	173-160-09001	REP 88-08-070
173-19-2207	AMD-C 88-14-091	173-124-070	NEW 88-13-037	173-160-095	NEW 88-08-070
173-19-2208	AMD-P 88-08-068	173-124-080	NEW-P 88-09-054	173-160-100	REP 88-08-070
173-19-2208	AMD-C 88-14-091	173-124-080	NEW 88-13-037	173-160-105	NEW 88-08-070
173-19-2507	AMD-C 88-04-092	173-128A-060	NEW-P 88-09-054	173-160-110	REP 88-08-070
173-19-2507	AMD 88-07-008	173-128A-060	NEW 88-13-037	173-160-115	NEW 88-08-070
173-19-2516	AMD-P 88-12-068	173-130A-215	NEW-P 88-09-054	173-160-120	REP 88-08-070
173-19-310	AMD-W 88-02-053	173-130A-215	NEW 88-13-037	173-160-125	NEW 88-08-070
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173-19-310	AMD 88-07-010	173-130A-217	NEW 88-13-037	173-160-135	NEW 88-08-070
173-19-3302	AMD 88-02-064	173-130A-220	AMD-P 88-09-054	173-160-140	REP 88-08-070
173-19-3501	AMD-P 88-05-066	173-130A-220	AMD 88-13-037	173-160-150	REP 88-08-070
173-19-3501	AMD 88-10-059	173-132-060	NEW-P 88-09-054	173-160-160	REP 88-08-070
173-19-3512	AMD-C 88-02-063	173-132-060	NEW 88-13-037	173-160-170	REP 88-08-070
173-19-3512	AMD-C 88-04-093	173-134A-150	AMD-P 88-09-054	173-160-180	REP 88-08-070
173-19-3512	AMD 88-07-007	173-134A-150	AMD 88-13-037	173-160-190	REP 88-08-070
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173-95-020	NEW-P 88-09-076	173-136-095	NEW 88-13-037	173-160-225	NEW 88-08-070
173-95-020	NEW 88-14-125	173-136-100	AMD-P 88-09-054	173-160-230	REP 88-08-070
173-95-030	NEW-P 88-09-076	173-136-100	AMD 88-13-037	173-160-235	NEW 88-08-070
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173-95-050	NEW-P 88-09-076	173-150-125	NEW 88-13-037	173-160-255	NEW 88-08-070
173-95-050	NEW 88-14-125	173-150-130	AMD-P 88-09-054	173-160-260	REP 88-08-070
173-95-060	NEW-P 88-09-076	173-150-130	AMD 88-13-037	173-160-265	NEW 88-08-070
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173-95-070	NEW-P 88-09-076	173-150-135	NEW 88-13-037	173-160-275	NEW 88-08-070
173-95-070	NEW 88-14-125	173-154-095	NEW-P 88-09-054	173-160-280	REP 88-08-070
173-95-080	NEW-P 88-09-076	173-154-095	NEW 88-13-037	173-160-285	NEW 88-08-070
173-95-080	NEW 88-14-125	173-154-100	AMD-P 88-09-054	173-160-290	REP 88-08-070
173-95-090	NEW-P 88-09-076	173-154-100	AMD 88-13-037	173-160-295	NEW 88-08-070
173-95-090	NEW 88-14-125	173-154-105	NEW-P 88-09-054	173-160-300	REP 88-08-070
173-95-100	NEW-P 88-09-076	173-154-105	NEW 88-13-037	173-160-305	NEW 88-08-070
173-95-100	NEW 88-14-125	173-158-010	NEW-P 88-05-042	173-160-310	REP 88-08-070
173-95-110	NEW-P 88-09-076	173-158-010	NEW 88-10-058	173-160-315	NEW 88-08-070
173-95-110	NEW 88-14-125	173-158-020	NEW-P 88-05-042	173-160-320	REP 88-08-070
173-95-120	NEW-P 88-09-076	173-158-020	NEW 88-10-058	173-160-325	NEW 88-08-070
173-95-120	NEW 88-14-125	173-158-030	NEW-P 88-05-042	173-160-330	REP 88-08-070
173-95-130	NEW-P 88-09-076	173-158-030	NEW 88-10-058	173-160-335	NEW 88-08-070
173-95-130	NEW 88-14-125	173-158-040	NEW-P 88-05-042	173-160-340	REP 88-08-070
173-95-140	NEW-P 88-09-076	173-158-040	NEW 88-10-058	173-160-345	NEW 88-08-070
173-95-140	NEW 88-14-125	173-158-050	NEW-P 88-05-042	173-160-350	REP 88-08-070
173-95-150	NEW-P 88-09-076	173-158-050	NEW 88-10-058	173-160-355	NEW 88-08-070
173-95-150	NEW 88-14-125	173-158-060	NEW-P 88-05-042	173-160-360	REP 88-08-070
173-95-160	NEW-P 88-09-076	173-158-060	NEW 88-10-058	173-160-365	NEW 88-08-070
173-95-160	NEW 88-14-125	173-158-070	NEW-P 88-05-042	173-160-370	REP 88-08-070
173-100-050	AMD-P 88-09-054	173-158-070	NEW 88-10-058	173-160-375	NEW 88-08-070
173-100-050	AMD 88-13-037	173-158-080	NEW-P 88-05-042	173-160-380	REP 88-08-070
173-100-160	NEW-P 88-09-054	173-158-080	NEW 88-10-058	173-160-385	NEW 88-08-070
173-100-160	NEW 88-13-037	173-158-090	NEW-P 88-05-042	173-160-395	NEW 88-08-070
173-110-010	NEW-E 88-08-020	173-158-090	NEW 88-10-058	173-160-405	NEW 88-08-070
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173-160-435	NEW 88-08-070	173-223-015	NEW-P 88-07-103	173-304-407	NEW-P 88-14-110
173-160-445	NEW 88-08-070	173-223-015	NEW 88-12-035	173-304-430	AMD-P 88-04-074
173-160-455	NEW 88-08-070	173-223-020	NEW-P 88-07-103	173-304-430	AMD-W 88-14-109
173-160-465	NEW 88-08-070	173-223-020	NEW 88-12-035	173-304-430	AMD-P 88-14-110
173-160-475	NEW 88-08-070	173-223-030	NEW-P 88-07-103	173-304-450	AMD-P 88-04-074
173-160-500	NEW 88-08-070	173-223-030	NEW 88-12-035	173-304-450	AMD-W 88-14-109
173-160-510	NEW 88-08-070	173-223-040	NEW-P 88-07-103	173-304-450	AMD-P 88-14-110
173-160-520	NEW 88-08-070	173-223-040	NEW 88-12-035	173-304-460	AMD-P 88-04-074
173-160-530	NEW 88-08-070	173-223-050	NEW-P 88-07-103	173-304-460	AMD-W 88-14-109
173-160-540	NEW 88-08-070	173-223-050	NEW 88-12-035	173-304-460	AMD-P 88-14-110
173-160-550	NEW 88-08-070	173-223-060	NEW-P 88-07-103	173-304-467	NEW-P 88-04-074
173-160-560	NEW 88-08-070	173-223-060	NEW 88-12-035	173-304-467	NEW-W 88-14-109
173-162	AMD-C 88-04-071	173-223-070	NEW-P 88-07-103	173-304-467	NEW-P 88-14-110
173-162	AMD 88-08-070	173-223-070	NEW 88-12-035	173-304-468	NEW-P 88-14-110
173-162-010	AMD 88-08-070	173-223-080	NEW-P 88-07-103	173-304-600	AMD-P 88-04-074
173-162-020	AMD 88-08-070	173-223-080	NEW 88-12-035	173-304-600	AMD-W 88-14-109
173-162-030	AMD 88-08-070	173-223-090	NEW-P 88-07-103	173-304-600	AMD-P 88-14-110
173-162-040	AMD 88-08-070	173-223-090	NEW 88-12-035	173-306-010	NEW-P 88-12-072
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173-162-060	AMD 88-08-070	173-223-100	NEW 88-12-035	173-306-020	NEW-P 88-12-072
173-162-100	AMD 88-08-070	173-223-110	NEW 88-12-035	173-306-020	NEW-E 88-12-073
173-162-110	REP 88-08-070	173-223-120	NEW-P 88-07-103	173-306-030	NEW-P 88-12-072
173-162-130	AMD 88-08-070	173-303	AMD-C 88-03-074	173-306-030	NEW-E 88-12-073
173-162-140	AMD 88-08-070	173-303	AMD-C 88-06-041	173-306-040	NEW-P 88-12-072
173-162-150	REP 88-08-070	173-303-120	AMD 88-07-039	173-306-040	NEW-E 88-12-073
173-162-160	REP 88-08-070	173-303-120	AMD-P 88-13-116	173-306-050	NEW-P 88-12-072
173-162-170	AMD 88-08-070	173-303-140	AMD 88-02-057	173-306-050	NEW-E 88-12-073
173-162-180	REP 88-08-070	173-303-170	AMD 88-02-057	173-309-010	NEW-P 88-09-049
173-162-190	AMD 88-08-070	173-303-280	AMD 88-02-057	173-309-010	NEW-E 88-09-050
173-162-200	NEW 88-08-070	173-303-281	NEW-P 88-13-116	173-309-010	NEW-C 88-11-067
173-162-210	NEW 88-08-070	173-303-283	NEW-P 88-13-116	173-309-020	NEW-P 88-09-049
173-162-220	NEW 88-08-070	173-303-284	NEW 88-07-039	173-309-020	NEW-E 88-09-050
173-164-050	AMD-P 88-09-054	173-303-284	REP-P 88-13-116	173-309-020	NEW-C 88-11-067
173-164-050	AMD 88-13-037	173-303-285	NEW 88-07-039	173-309-030	NEW-P 88-09-049
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173-164-080	NEW 88-13-037	173-303-286	NEW 88-07-039	173-309-030	NEW-C 88-11-067
173-166-070	NEW-P 88-09-054	173-303-286	REP-P 88-13-116	173-309-040	NEW-P 88-09-049
173-166-070	NEW 88-13-037	173-303-400	AMD 88-02-057	173-309-040	NEW-E 88-09-050
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173-201-025	AMD 88-02-058	173-303-430	AMD 88-07-039	173-309-050	NEW-E 88-09-050
173-201-035	AMD 88-02-058	173-303-440	AMD 88-07-039	173-309-050	NEW-C 88-11-067
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173-201-047	NEW 88-02-058	173-303-510	AMD-P 88-13-116	173-309-060	NEW-E 88-09-050
173-201-070	AMD 88-02-058	173-303-520	AMD 88-07-039	173-309-060	NEW-C 88-11-067
173-201-080	AMD 88-02-058	173-303-520	AMD-P 88-13-116	173-309-070	NEW-P 88-09-049
173-201-090	AMD 88-02-058	173-303-560	AMD 88-07-039	173-309-070	NEW-E 88-09-050
173-201-100	AMD 88-02-058	173-303-560	AMD-P 88-13-116	173-309-070	NEW-C 88-11-067
173-202-020	AMD-P 88-12-097	173-303-600	AMD 88-07-039	173-309-080	NEW-P 88-09-049
173-216-130	AMD-P 88-07-103	173-303-600	AMD-P 88-13-116	173-309-080	NEW-E 88-09-050
173-216-130	AMD 88-12-035	173-303-650	AMD 88-07-039	173-309-080	NEW-C 88-11-067
173-220-010	AMD-P 88-13-095	173-303-650	AMD-P 88-13-116	173-309-090	NEW-P 88-09-049
173-220-020	AMD-P 88-13-095	173-303-665	AMD 88-02-057	173-309-090	NEW-E 88-09-050
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173-220-045	AMD-P 88-13-095	173-303-802	AMD 88-07-039	173-335-010	NEW-P 88-12-071
173-220-050	AMD-P 88-13-095	173-303-802	AMD-P 88-13-116	173-335-020	NEW-E 88-12-070
173-220-060	AMD-P 88-13-095	173-303-805	AMD 88-07-039	173-335-020	NEW-P 88-12-071
173-220-070	AMD-P 88-13-095	173-303-805	AMD-P 88-13-116	173-335-030	NEW-E 88-12-070
173-220-080	AMD-P 88-13-095	173-303-806	AMD 88-07-039	173-335-030	NEW-P 88-12-071
173-220-090	AMD-P 88-13-095	173-303-806	AMD-P 88-13-116	173-335-040	NEW-E 88-12-070
173-220-100	AMD-P 88-13-095	173-303-901	NEW 88-07-039	173-335-040	NEW-P 88-12-071
173-220-120	AMD-P 88-13-095	173-303-901	REP-P 88-13-116	173-335-050	NEW-E 88-12-070
173-220-130	AMD-P 88-13-095	173-303-905	NEW-P 88-13-116	173-335-050	NEW-P 88-12-071
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173-220-220	REP-P 88-13-095	173-304-405	AMD-W 88-14-109	173-340-010	NEW-E 88-07-106
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173-340-030	NEW-E	88-07-106	173-510-030	AMD	88-13-037	173-548-100	NEW	88-13-037
173-340-030	NEW-C	88-10-055	173-510-090	AMD-P	88-09-054	173-549-090	AMD-P	88-09-054
173-340-030	NEW	88-13-036	173-510-090	AMD	88-13-037	173-549-090	AMD	88-13-037
173-340-030	NEW-E	88-13-085	173-510-095	NEW-P	88-09-054	173-549-095	NEW-P	88-09-054
173-340-040	NEW-P	88-07-105	173-510-095	NEW	88-13-037	173-549-095	NEW	88-13-037
173-340-040	NEW-E	88-07-106	173-510-100	AMD-P	88-09-054	173-549-100	AMD-P	88-09-054
173-340-040	NEW-C	88-10-055	173-510-100	AMD	88-13-037	173-549-100	AMD	88-13-037
173-340-040	NEW	88-13-036	173-511-090	AMD-P	88-09-054	173-555-080	NEW-P	88-09-054
173-340-040	NEW-E	88-13-085	173-511-090	AMD	88-13-037	173-555-080	NEW	88-13-037
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173-340-050	NEW-E	88-07-106	173-511-095	NEW	88-13-037	173-555-090	NEW	88-13-037
173-340-050	NEW-C	88-10-055	173-511-100	AMD-P	88-09-054	173-555-100	NEW-P	88-09-054
173-340-050	NEW	88-13-036	173-511-100	AMD	88-13-037	173-555-100	NEW	88-13-037
173-340-050	NEW-E	88-13-085	173-512-070	AMD-P	88-09-054	173-559-080	NEW-P	88-09-054
173-400-115	AMD-P	88-10-053	173-512-070	AMD	88-13-037	173-559-080	NEW	88-13-037
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173-403-050	AMD-P	88-10-053	173-512-075	NEW	88-13-037	173-559-090	NEW	88-13-037
173-403-080	AMD-P	88-10-053	173-512-080	AMD-P	88-09-054	173-559-090	NEW	88-13-037
173-425-030	AMD-P	88-10-053	173-512-080	AMD	88-13-037	173-559-100	NEW-P	88-09-054
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173-425-036	NEW-P	88-10-053	173-513-090	AMD	88-13-037	173-563-050	AMD-P	88-09-054
173-425-045	AMD-P	88-10-053	173-513-095	NEW-P	88-09-054	173-563-050	AMD	88-13-037
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173-425-095	AMD-P	88-10-053	173-514-080	AMD-P	88-09-054	173-563-075	NEW	88-13-037
173-425-130	AMD-P	88-10-053	173-514-080	AMD	88-13-037	173-563-080	AMD-P	88-09-054
173-433-030	AMD-P	88-10-052	173-514-085	NEW-P	88-09-054	173-563-090	AMD-P	88-09-054
173-433-100	AMD-P	88-10-052	173-514-085	NEW	88-13-037	173-563-090	AMD	88-13-037
173-433-120	AMD-P	88-10-052	173-514-090	AMD-P	88-09-054	173-590-090	AMD-P	88-09-054
173-433-130	NEW-P	88-10-052	173-514-090	AMD	88-13-037	173-590-090	AMD	88-13-037
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173-435-060	AMD-P	88-10-053	173-515-100	AMD	88-13-037	173-590-180	AMD	88-13-037
173-435-070	AMD-P	88-10-053	173-522-020	AMD-P	88-09-054	173-590-180	AMD	88-13-037
173-470-030	AMD-P	88-10-053	173-522-020	AMD	88-13-037	173-590-190	NEW-P	88-09-054
173-470-100	AMD-P	88-10-053	173-522-070	NEW-P	88-09-054	173-590-190	NEW	88-13-037
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173-500-010	AMD	88-13-037	173-522-080	NEW-P	88-09-054	173-591-060	AMD	88-13-037
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173-500-030	AMD	88-13-037	173-522-090	NEW-P	88-09-054	173-591-070	AMD	88-13-037
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173-507-080	AMD-P	88-09-054	173-531A-080	NEW	88-13-037	173-596-015	REP-P	88-09-054
173-507-080	AMD	88-13-037	173-531A-090	NEW-P	88-09-054	173-596-015	REP	88-13-037
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173-508-070	AMD	88-13-037	173-532-090	NEW-P	88-09-054	173-596-020	REP	88-13-037
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173-508-100	AMD	88-13-037	173-545-090	AMD-P	88-09-054	173-596-035	REP	88-13-037
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173-596-040	REP	88-13-037	174-120-070	NEW-P	88-14-102	180-78-165	NEW	88-07-002
173-596-045	REP-P	88-09-054	174-120-080	NEW-P	88-14-102	180-78-170	NEW	88-07-002
173-596-045	REP	88-13-037	174-120-090	NEW-P	88-14-102	180-78-175	NEW	88-07-002
173-596-050	REP-P	88-09-054	174-124-020	REP-P	88-14-101	180-78-180	NEW	88-07-002
173-596-050	REP	88-13-037	174-124-020	REP-P	88-14-102	180-78-185	NEW	88-07-002
173-596-055	REP-P	88-09-054	174-124-030	REP-P	88-14-101	180-78-190	NEW	88-07-002
173-596-055	REP	88-13-037	174-124-030	REP-P	88-14-102	180-78-193	AMD	88-07-002
173-596-060	REP-P	88-09-054	174-124-040	REP-P	88-14-101	180-78-194	AMD	88-07-002
173-596-060	REP	88-13-037	174-124-040	REP-P	88-14-102	180-78-199	AMD	88-07-002
173-596-065	REP-P	88-09-054	174-124-050	REP-P	88-14-101	180-78-205	NEW	88-07-002
173-596-065	REP	88-13-037	174-124-050	REP-P	88-14-102	180-78-210	NEW	88-07-002
174-107-100	REP-P	88-14-101	174-124-120	REP-P	88-14-101	180-78-215	NEW	88-07-002
174-107-100	REP-P	88-14-102	174-124-120	REP-P	88-14-102	180-78-220	NEW	88-07-002
174-107-110	REP-P	88-14-101	174-130-010	NEW-P	88-14-101	180-78-225	NEW	88-07-002
174-107-110	REP-P	88-14-102	174-130-020	NEW-P	88-14-101	180-78-230	NEW	88-07-002
174-107-120	REP-P	88-14-101	174-130-030	NEW-P	88-14-101	180-78-235	NEW	88-07-002
174-107-120	REP-P	88-14-102	174-130-040	NEW-P	88-14-101	180-78-240	NEW	88-07-002
174-107-130	REP-P	88-14-101	174-130-050	NEW-P	88-14-101	180-78-245	NEW	88-07-002
174-107-130	REP-P	88-14-102	174-130-060	NEW-P	88-14-101	180-78-250	NEW	88-07-002
174-107-140	REP-P	88-14-101	174-130-070	NEW-P	88-14-101	180-78-255	NEW	88-07-002
174-107-140	REP-P	88-14-102	174-130-080	NEW-P	88-14-101	180-78-260	NEW	88-07-002
174-107-150	REP-P	88-14-101	174-130-090	NEW-P	88-14-101	180-78-265	NEW	88-07-002
174-107-150	REP-P	88-14-102	174-136-300	NEW-P	88-14-103	180-78-270	NEW	88-07-002
174-107-160	REP-P	88-14-101	174-136-310	NEW-P	88-14-103	180-78-275	NEW	88-07-002
174-107-160	REP-P	88-14-102	174-136-320	NEW-P	88-14-103	180-78-280	NEW	88-07-002
174-107-170	REP-P	88-14-101	174-136-330	NEW-P	88-14-103	180-78-285	NEW	88-07-002
174-107-170	REP-P	88-14-102	180-16-223	AMD-P	88-05-024	180-78-290	NEW	88-07-002
174-107-180	REP-P	88-14-101	180-16-223	AMD-P	88-05-050	180-78-295	NEW	88-07-002
174-107-180	REP-P	88-14-102	180-16-223	AMD	88-08-045	180-78-300	NEW	88-07-002
174-107-190	REP-P	88-14-101	180-57-050	AMD-P	88-08-072	180-78-305	NEW	88-07-002
174-107-190	REP-P	88-14-102	180-57-050	AMD	88-13-026	180-78-310	NEW	88-07-002
174-107-200	REP-P	88-14-101	180-75-085	AMD-P	88-08-073	180-78-315	NEW	88-07-002
174-107-200	REP-P	88-14-102	180-75-085	AMD	88-13-009	180-78-320	NEW	88-07-002
174-107-210	REP-P	88-14-101	180-78	AMD-C	88-03-025	180-78-325	NEW	88-07-002
174-107-210	REP-P	88-14-102	180-78	AMD	88-07-002	180-79-007	AMD-E	88-05-045
174-107-220	REP-P	88-14-101	180-78-007	NEW	88-07-002	180-79-007	AMD-P	88-05-051
174-107-220	REP-P	88-14-102	180-78-008	NEW	88-07-002	180-79-007	AMD	88-08-046
174-107-260	REP-P	88-14-101	180-78-010	AMD	88-07-002	180-79-010	AMD	88-05-047
174-107-360	REP-P	88-14-102	180-78-026	NEW	88-07-002	180-79-013	REP	88-05-047
174-107-360	REP-P	88-14-101	180-78-027	REP	88-07-002	180-79-014	REP	88-05-047
174-107-370	REP-P	88-14-102	180-78-028	NEW	88-07-002	180-79-045	AMD	88-05-047
174-107-370	REP-P	88-14-101	180-78-028	NEW	88-07-002	180-79-049	NEW	88-05-047
174-107-380	REP-P	88-14-102	180-78-029	NEW	88-07-002	180-79-060	AMD	88-05-047
174-107-380	REP-P	88-14-101	180-78-030	REP	88-07-002	180-79-062	NEW	88-05-047
174-107-380	REP-P	88-14-102	180-78-033	NEW	88-07-002	180-79-062	NEW	88-05-047
174-107-400	REP-P	88-14-101	180-78-035	REP	88-07-002	180-79-063	NEW	88-05-047
174-107-400	REP-P	88-14-102	180-78-035	REP	88-07-002	180-79-065	AMD	88-05-047
174-107-410	REP-P	88-14-101	180-78-036	NEW	88-07-002	180-79-080	AMD	88-05-047
174-107-410	REP-P	88-14-102	180-78-037	NEW	88-07-002	180-79-086	AMD	88-05-047
174-107-420	REP-P	88-14-101	180-78-040	REP	88-07-002	180-79-100	REP	88-05-047
174-107-420	REP-P	88-14-102	180-78-047	NEW	88-07-002	180-79-115	AMD	88-05-047
174-107-430	REP-P	88-14-101	180-78-050	REP	88-07-002	180-79-115	AMD-E	88-12-013
174-107-430	REP-P	88-14-102	180-78-055	REP	88-07-002	180-79-116	NEW-E	88-05-045
174-107-440	REP-P	88-14-101	180-78-057	AMD	88-07-002	180-79-116	NEW-P	88-05-051
174-107-440	REP-P	88-14-102	180-78-060	AMD	88-07-002	180-79-117	NEW	88-08-046
174-107-450	REP-P	88-14-101	180-78-063	NEW	88-07-002	180-79-120	AMD	88-05-047
174-107-450	REP-P	88-14-102	180-78-065	NEW	88-07-002	180-79-122	NEW	88-05-047
174-107-460	REP-P	88-14-101	180-78-068	NEW	88-07-002	180-79-125	AMD	88-05-047
174-107-460	REP-P	88-14-102	180-78-070	NEW	88-07-002	180-79-127	NEW	88-05-047
174-107-470	REP-P	88-14-101	180-78-073	NEW	88-07-002	180-79-129	NEW-E	88-05-045
174-107-470	REP-P	88-14-102	180-78-074	NEW	88-07-002	180-79-129	NEW-P	88-05-051
174-107-500	REP-P	88-14-101	180-78-075	NEW	88-07-002	180-79-129	NEW	88-08-046
174-107-500	REP-P	88-14-102	180-78-075	NEW	88-07-002	180-79-130	REP	88-05-047
174-107-510	REP-P	88-14-101	180-78-080	NEW	88-07-002	180-79-131	NEW	88-05-047
174-107-510	REP-P	88-14-102	180-78-085	NEW	88-07-002	180-79-135	REP	88-05-047
174-107-510	REP-P	88-14-101	180-78-090	NEW	88-07-002	180-79-136	NEW	88-05-047
174-107-520	REP-P	88-14-102	180-78-095	NEW	88-07-002	180-79-140	NEW	88-05-047
174-107-520	REP-P	88-14-101	180-78-100	NEW	88-07-002	180-79-150	REP	88-05-047
174-107-530	REP-P	88-14-102	180-78-105	NEW	88-07-002	180-79-155	REP	88-05-047
174-107-530	REP-P	88-14-101	180-78-110	NEW	88-07-002	180-79-160	REP	88-05-047
174-107-540	REP-P	88-14-102	180-78-115	NEW	88-07-002	180-79-170	REP	88-05-047
174-107-540	REP-P	88-14-101	180-78-120	NEW	88-07-002	180-79-175	REP	88-05-047
174-107-550	REP-P	88-14-102	180-78-125	NEW	88-07-002	180-79-180	REP-E	88-12-014
174-107-550	REP-P	88-14-101	180-78-130	NEW	88-07-002	180-79-185	REP	88-05-047
174-120-010	NEW-P	88-14-102	180-78-140	NEW	88-07-002	180-79-190	REP	88-05-047
174-120-020	NEW-P	88-14-101	180-78-145	NEW	88-07-002	180-79-195	REP	88-05-047
174-120-030	NEW-P	88-14-102	180-78-150	NEW	88-07-002	180-79-200	REP	88-05-047
174-120-040	NEW-P	88-14-101	180-78-155	NEW	88-07-002			
174-120-050	NEW-P	88-14-102	180-78-160	NEW	88-07-002			
174-120-060	NEW-P	88-14-101	180-78-160	AMD-E	88-12-015			

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-79-205	REP	88-05-047	180-115-060	NEW-P	88-05-052	192-44-070	NEW-P	88-11-091
180-79-210	REP	88-05-047	180-115-060	NEW	88-08-044	192-44-080	NEW-P	88-11-091
180-79-215	REP	88-05-047	180-115-065	NEW-E	88-05-046	192-44-090	NEW-P	88-11-091
180-79-230	AMD	88-05-047	180-115-065	NEW-P	88-05-052	192-44-100	NEW-P	88-11-091
180-79-245	AMD	88-05-047	180-115-065	NEW	88-08-044	192-44-110	NEW-P	88-11-091
180-79-250	REP	88-05-047	180-115-070	NEW-E	88-05-046	192-44-120	NEW-P	88-11-091
180-80-205	REP	88-05-048	180-115-070	NEW-P	88-05-052	192-44-130	NEW-P	88-11-091
180-80-210	REP	88-05-048	180-115-070	NEW	88-08-044	192-44-140	NEW-P	88-11-091
180-80-215	REP	88-05-048	180-115-075	NEW-E	88-05-046	192-44-150	NEW-P	88-11-091
180-80-280	REP	88-05-048	180-115-075	NEW-P	88-05-052	192-44-160	NEW-P	88-11-091
180-80-285	REP	88-05-048	180-115-075	NEW	88-08-044	192-44-170	NEW-P	88-11-091
180-80-290	REP	88-05-048	180-115-080	NEW-E	88-05-046	192-44-180	NEW-P	88-11-091
180-80-295	REP	88-05-048	180-115-080	NEW-P	88-05-052	192-44-190	NEW-P	88-11-091
180-80-300	REP	88-05-048	180-115-080	NEW	88-08-044	196-04-025	NEW-E	88-05-064
180-80-301	REP	88-05-048	180-115-085	NEW-E	88-05-046	196-04-025	NEW-P	88-07-094
180-80-302	REP	88-05-048	180-115-085	NEW-P	88-05-052	196-04-025	NEW	88-12-044
180-80-303	REP	88-05-048	180-115-085	NEW	88-08-044	196-04-030	AMD-E	88-05-064
180-80-312	REP	88-05-048	180-115-090	NEW-E	88-05-046	196-04-030	AMD-P	88-07-094
180-80-530	REP	88-05-048	180-115-090	NEW-P	88-05-052	196-04-030	AMD	88-12-044
180-80-705	REP	88-05-048	180-115-090	NEW	88-08-044	196-12-010	AMD-E	88-05-064
180-84-015	REP	88-05-049	180-115-095	NEW-E	88-05-046	196-12-010	AMD-P	88-07-094
180-84-020	REP	88-05-049	180-115-095	NEW-P	88-05-052	196-12-010	AMD	88-12-044
180-84-025	REP	88-05-049	180-115-095	NEW	88-08-044	196-12-085	AMD-E	88-05-064
180-84-050	REP	88-05-049	180-115-100	NEW-E	88-05-046	196-12-085	AMD-P	88-07-094
180-84-055	REP	88-05-049	180-115-100	NEW-P	88-05-052	196-12-085	AMD	88-12-044
180-84-060	REP	88-05-049	180-115-100	NEW	88-08-044	196-16-007	AMD-E	88-05-064
180-84-075	REP	88-05-049	180-115-105	NEW-E	88-05-046	196-16-007	AMD-P	88-07-094
180-84-080	REP	88-05-049	180-115-105	NEW-P	88-05-052	196-16-007	AMD	88-12-044
180-84-090	REP	88-05-049	180-115-105	NEW	88-08-044	196-20-010	AMD-E	88-05-064
180-110-010	NEW	88-06-002	182-12-115	AMD-P	88-09-058	196-20-010	AMD-P	88-07-094
180-110-015	NEW	88-06-002	182-12-115	AMD	88-12-034	196-20-010	AMD	88-12-044
180-110-017	NEW	88-06-002	182-12-120	REP-P	88-09-058	204-08-020	AMD	88-03-031
180-110-020	NEW	88-06-002	182-12-120	REP	88-12-034	204-08-030	AMD	88-03-031
180-110-030	NEW	88-06-002	182-12-165	AMD-P	88-09-058	204-08-040	AMD	88-03-031
180-110-035	NEW	88-06-002	182-12-165	AMD	88-12-034	204-08-050	AMD	88-03-031
180-110-040	NEW	88-06-002	192-12-019	AMD-P	88-13-127	204-29-010	NEW-E	88-14-022
180-110-045	NEW	88-06-002	192-12-205	NEW-P	88-13-126	204-36-010	AMD-P	88-11-012
180-110-050	NEW	88-06-002	192-16-057	NEW-P	88-07-108	204-36-020	AMD-P	88-11-012
180-110-052	NEW	88-06-002	192-16-057	NEW	88-10-020	204-36-030	AMD-P	88-11-012
180-110-053	NEW	88-06-002	192-16-061	NEW	88-05-034	204-36-040	AMD-P	88-11-012
180-110-055	NEW	88-06-002	192-16-065	NEW-E	88-07-107	204-36-050	AMD-P	88-11-012
180-110-060	NEW	88-06-002	192-16-065	NEW-P	88-07-108	204-36-060	AMD-P	88-11-012
180-110-065	NEW	88-06-002	192-16-065	NEW	88-10-020	204-36-070	AMD-P	88-11-012
180-115-005	NEW-E	88-05-046	192-18-012	NEW-P	88-13-072	204-38-010	AMD-P	88-11-013
180-115-005	NEW-P	88-05-052	192-18-012	NEW-E	88-13-073	204-38-050	AMD-P	88-11-013
180-115-005	NEW	88-08-044	192-28-105	AMD-P	88-07-109	204-40-010	AMD-P	88-11-014
180-115-010	NEW-E	88-05-046	192-28-105	AMD	88-10-021	204-40-030	AMD-P	88-11-014
180-115-010	NEW-P	88-05-052	192-28-110	AMD-P	88-07-109	204-50-040	AMD-P	88-11-015
180-115-010	NEW	88-08-044	192-28-110	AMD	88-10-021	204-50-050	AMD-P	88-11-015
180-115-015	NEW-E	88-05-046	192-28-120	AMD-P	88-07-109	204-74-010	AMD-P	88-11-016
180-115-015	NEW-P	88-05-052	192-28-120	AMD	88-10-021	204-74-040	AMD-P	88-11-016
180-115-015	NEW	88-08-044	192-28-130	NEW-P	88-07-109	204-80-010	AMD-P	88-11-017
180-115-020	NEW-E	88-05-046	192-28-130	NEW	88-10-021	204-80-060	NEW-P	88-11-017
180-115-020	NEW-P	88-05-052	192-42-005	NEW-P	88-07-110	204-88-010	AMD-P	88-11-018
180-115-020	NEW	88-08-044	192-42-005	NEW	88-12-051	204-88-030	AMD-P	88-11-018
180-115-025	NEW-E	88-05-046	192-42-010	NEW-P	88-07-110	204-88-070	AMD-P	88-11-018
180-115-025	NEW-P	88-05-052	192-42-010	NEW	88-12-051	204-91-010	REP-P	88-13-058
180-115-025	NEW	88-08-044	192-42-020	NEW-P	88-07-110	204-91-020	REP-P	88-13-058
180-115-030	NEW-E	88-05-046	192-42-020	NEW	88-12-051	204-91-030	REP-P	88-13-058
180-115-030	NEW-P	88-05-052	192-42-030	NEW-P	88-07-110	204-91-040	REP-P	88-13-058
180-115-030	NEW	88-08-044	192-42-030	NEW	88-12-051	204-91-050	REP-P	88-13-058
180-115-035	NEW-E	88-05-046	192-42-040	NEW-P	88-07-110	204-91-060	REP-P	88-13-058
180-115-035	NEW-P	88-05-052	192-42-040	NEW	88-12-051	204-91-070	REP-P	88-13-058
180-115-035	NEW	88-08-044	192-42-050	NEW-P	88-07-110	204-91-080	REP-P	88-13-058
180-115-040	NEW-E	88-05-046	192-42-050	NEW	88-12-051	204-91-100	REP-P	88-13-058
180-115-040	NEW-P	88-05-052	192-42-060	NEW-P	88-07-110	204-91-110	REP-P	88-13-058
180-115-040	NEW	88-08-044	192-42-060	NEW	88-12-051	204-91-120	REP-P	88-13-058
180-115-045	NEW-E	88-05-046	192-42-070	NEW-P	88-07-110	204-91-130	REP-P	88-13-058
180-115-045	NEW-P	88-05-052	192-42-070	NEW	88-12-051	204-91-140	REP-P	88-13-058
180-115-045	NEW	88-08-044	192-42-080	NEW-P	88-07-110	204-91-150	REP-P	88-13-058
180-115-050	NEW-E	88-05-046	192-42-080	NEW	88-12-051	204-91-160	REP-P	88-13-058
180-115-050	NEW-P	88-05-052	192-44-010	NEW-P	88-11-091	204-91-170	REP-P	88-13-058
180-115-050	NEW	88-08-044	192-44-020	NEW-P	88-11-091	204-91-180	REP-P	88-13-058
180-115-055	NEW-E	88-05-046	192-44-030	NEW-P	88-11-091	204-91-190	REP-P	88-13-058
180-115-055	NEW-P	88-05-052	192-44-040	NEW-P	88-11-091	204-91-200	REP-P	88-13-058
180-115-055	NEW	88-08-044	192-44-050	NEW-P	88-11-091	204-91A-010	NEW-P	88-13-058
180-115-060	NEW-E	88-05-046	192-44-060	NEW-P	88-11-091	204-91A-020	NEW-P	88-13-058

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
204-91A-030	NEW-P	88-13-058	220-20-010	AMD-P	88-03-075	220-47-307	AMD-P	88-10-060
204-91A-041	NEW-P	88-13-058	220-20-010	AMD	88-10-013	220-47-307	AMD-C	88-13-069
204-91A-051	NEW-P	88-13-058	220-20-01000J	NEW-E	88-08-002	220-47-307	AMD	88-14-133
204-91A-081	NEW-P	88-13-058	220-20-01000L	NEW-E	88-13-074	220-47-311	AMD-P	88-10-060
204-91A-100	NEW-P	88-13-058	220-20-060	NEW-P	88-13-005	220-47-311	AMD-C	88-13-069
204-91A-110	NEW-P	88-13-058	220-20-06000A	NEW-E	88-13-006	220-47-311	AMD	88-14-133
204-91A-120	NEW-P	88-13-058	220-22-02000D	NEW-E	88-14-024	220-47-312	AMD-P	88-10-060
204-91A-130	NEW-P	88-13-058	220-22-030	AMD-P	88-10-060	220-47-312	AMD-C	88-13-069
204-91A-140	NEW-P	88-13-058	220-22-030	AMD-C	88-13-069	220-47-312	AMD	88-14-133
204-91A-150	NEW-P	88-13-058	220-22-030	AMD	88-14-133	220-47-313	AMD-P	88-10-060
204-91A-160	NEW-P	88-13-058	220-24-02000B	NEW-E	88-09-023	220-47-313	AMD-C	88-13-069
204-91A-170	NEW-P	88-13-058	220-24-02000B	REP-E	88-13-063	220-47-313	AMD	88-14-133
204-91A-180	NEW-P	88-13-058	220-24-02000C	NEW-E	88-13-063	220-47-401	AMD-P	88-10-060
204-91A-190	NEW-P	88-13-058	220-32-016	REP-P	88-14-136	220-47-401	AMD-C	88-13-069
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212-17-085	AMD	88-08-027	220-32-03000Q	NEW-E	88-13-111	220-47-414	AMD-C	88-13-069
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232-28-61622	NEW-E	88-08-005		248-54-275	REP	88-05-057		248-97-020	NEW-P	88-10-005
232-28-61623	NEW-E	88-08-006		248-54-285	AMD	88-05-057		248-97-020	NEW	88-13-125
232-28-617	NEW	88-07-065		248-54-291	NEW	88-05-057		248-97-030	NEW-P	88-10-005
232-28-61701	NEW-E	88-10-010		248-63	AMD-P	88-06-092		248-97-030	NEW	88-13-125
232-28-61702	NEW-E	88-11-005		248-63	AMD	88-10-027		248-97-040	NEW-P	88-10-005
232-28-61703	NEW-P	88-14-123		248-63-001	AMD-P	88-06-092		248-97-040	NEW	88-13-125
232-28-61704	NEW-E	88-14-021		248-63-001	AMD	88-10-027		248-97-050	NEW-P	88-10-005
232-28-61706	NEW-P	88-14-122		248-63-010	AMD-P	88-06-092		248-97-050	NEW	88-13-125
232-28-709	REP	88-06-006		248-63-010	AMD	88-10-027		248-97-060	NEW-P	88-10-005
232-28-710	NEW	88-06-006		248-63-020	REP-P	88-06-092		248-97-060	NEW	88-13-125
232-28-711	NEW-P	88-05-065		248-63-020	REP	88-10-027		248-97-070	NEW-P	88-10-005
232-28-711	NEW-W	88-07-093		248-63-025	NEW-P	88-06-092		248-97-070	NEW	88-13-125
232-28-809	REP-P	88-06-065		248-63-025	NEW	88-10-027		248-97-080	NEW-P	88-10-005
232-28-809	REP	88-13-035		248-63-030	REP-P	88-06-092		248-97-080	NEW	88-13-125
232-28-810	NEW-P	88-06-065		248-63-030	REP	88-10-027		248-97-090	NEW-P	88-10-005
232-28-810	NEW	88-13-035		248-63-035	NEW-P	88-06-092		248-97-090	NEW	88-13-125
232-32-040	AMD-P	88-14-121		248-63-035	NEW	88-10-027		248-97-100	NEW-P	88-10-005
248-18-001	AMD-P	88-13-101		248-63-040	REP-P	88-06-092		248-97-100	NEW	88-13-125
248-18-440	AMD-P	88-13-101		248-63-040	REP	88-10-027		248-97-110	NEW-P	88-10-005
248-18-445	NEW-P	88-13-102		248-63-045	NEW-P	88-06-092		248-97-110	NEW	88-13-125
248-18-655	AMD-P	88-12-032		248-63-045	NEW	88-10-027		248-97-120	NEW-P	88-10-005
248-18-718	AMD-P	88-12-032		248-63-050	REP-P	88-06-092		248-97-120	NEW	88-13-125
248-18-99902	AMD-P	88-12-032		248-63-050	REP	88-10-027		248-97-130	NEW-P	88-10-005
248-19-220	AMD-P	88-11-057		248-63-055	NEW-P	88-06-092		248-97-130	NEW	88-13-125
248-19-328	AMD	88-04-047		248-63-055	NEW	88-10-027		248-97-140	NEW-P	88-10-005
248-19-373	AMD	88-04-047		248-63-060	REP-P	88-06-092		248-97-140	NEW	88-13-125
248-19-440	AMD-P	88-07-121		248-63-060	REP	88-10-027		248-97-150	NEW-P	88-10-005
248-25	AMD-P	88-12-029		248-63-065	NEW-P	88-06-092		248-97-150	NEW	88-13-125
248-25-001	AMD-P	88-12-029		248-63-065	NEW	88-10-027		248-97-160	NEW-P	88-10-005
248-25-002	AMD-P	88-12-029		248-63-070	REP-P	88-06-092		248-97-160	NEW	88-13-125
248-25-010	AMD-P	88-12-029		248-63-070	REP	88-10-027		248-97-170	NEW-P	88-10-005
248-25-020	AMD-P	88-12-029		248-63-075	NEW-P	88-06-092		248-97-170	NEW	88-13-125
248-25-030	AMD-P	88-12-029		248-63-075	NEW	88-10-027		248-100-011	AMD-P	88-03-022
248-25-035	NEW-P	88-12-029		248-63-080	REP-P	88-06-092		248-100-011	AMD	88-07-063
248-25-040	AMD-P	88-12-029		248-63-080	REP	88-10-027		248-100-011	AMD-E	88-09-053
248-25-045	NEW-P	88-12-029		248-63-085	NEW-P	88-06-092		248-100-011	AMD-P	88-13-103
248-25-050	AMD-P	88-12-029		248-63-085	NEW	88-10-027		248-100-011	AMD-E	88-13-109
248-25-060	AMD-P	88-12-029		248-63-090	REP-P	88-06-092		248-100-016	AMD-P	88-13-103
248-25-070	AMD-P	88-12-029		248-63-090	REP	88-10-027		248-100-016	AMD-E	88-13-109
248-25-100	AMD-P	88-12-029		248-63-095	NEW-P	88-06-092		248-100-025	REP-P	88-03-022
248-25-120	AMD-P	88-12-029		248-63-095	NEW	88-10-027		248-100-025	REP	88-07-063
248-40-040	AMD-P	88-10-044		248-63-100	REP-P	88-06-092		248-100-026	NEW-P	88-03-022
248-40-040	AMD	88-13-080		248-63-100	REP	88-10-027		248-100-026	NEW	88-07-063
248-40-050	AMD-P	88-10-044		248-63-105	NEW-P	88-06-092		248-100-036	NEW-P	88-03-022
248-40-050	AMD	88-13-080		248-63-105	NEW	88-10-027		248-100-036	NEW	88-07-063
248-54-005	AMD	88-05-057		248-63-110	REP-P	88-06-092		248-100-050	REP-P	88-03-022
248-54-015	AMD	88-05-057		248-63-110	REP	88-10-027		248-100-050	REP	88-07-063
248-54-025	AMD	88-05-057		248-63-115	NEW-P	88-06-092		248-100-163	REP-P	88-03-022
248-54-035	AMD	88-05-057		248-63-115	NEW	88-10-027		248-100-163	REP	88-07-063
248-54-045	AMD	88-05-057		248-63-120	REP-P	88-06-092		248-100-164	REP-P	88-03-022
248-54-055	AMD	88-05-057		248-63-120	REP	88-10-027		248-100-164	REP	88-07-063
248-54-065	AMD	88-05-057		248-63-125	NEW-P	88-06-092		248-100-166	NEW-P	88-03-022
248-54-085	REP	88-05-057		248-63-125	NEW	88-10-027		248-100-166	NEW	88-07-063
248-54-086	NEW	88-05-057		248-63-130	REP-P	88-06-092		248-100-171	NEW-P	88-03-022
248-54-095	REP	88-05-057		248-63-130	REP	88-10-027		248-100-171	NEW	88-07-063

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248-100-176	NEW	88-07-063	250-65-030	NEW	88-03-008	251-14-058	AMD-P	88-06-075
248-100-181	NEW-P	88-03-022	250-65-040	NEW	88-03-008	251-14-058	AMD-C	88-13-112
248-100-181	NEW	88-07-063	250-65-050	NEW	88-03-008	251-17-140	REP-P	88-09-057
248-100-186	NEW-P	88-03-022	250-65-060	NEW	88-03-008	251-17-140	REP	88-13-018
248-100-186	NEW	88-07-063	250-66-010	NEW-P	88-11-074	251-17-170	AMD-P	88-08-021
248-100-191	NEW-P	88-03-022	250-66-010	NEW	88-14-088	251-22-110	AMD-P	88-09-056
248-100-191	NEW	88-07-063	250-66-020	NEW-P	88-11-074	251-22-110	AMD	88-13-019
248-100-196	NEW-P	88-03-022	250-66-020	NEW	88-14-088	251-22-110	AMD-P	88-13-114
248-100-196	NEW	88-07-063	250-66-030	NEW-P	88-11-074	251-22-115	REP-P	88-09-056
248-100-201	NEW-P	88-03-022	250-66-030	NEW	88-14-088	251-22-115	REP	88-13-019
248-100-201	NEW	88-07-063	250-66-040	NEW-P	88-11-074	260-16-090	NEW	88-06-017
248-100-206	AMD-P	88-14-079	250-66-040	NEW	88-14-088	260-20-170	AMD	88-06-017
248-100-207	NEW-E	88-09-053	250-66-050	NEW-P	88-11-074	260-34-010	NEW-P	88-06-052
248-100-207	NEW-P	88-13-104	250-66-050	NEW	88-14-088	260-34-010	NEW	88-09-033
248-100-207	NEW-E	88-13-108	250-66-060	NEW-P	88-11-074	260-34-020	NEW-P	88-06-052
248-100-208	NEW-E	88-09-053	250-66-060	NEW	88-14-088	260-34-020	NEW	88-09-033
248-100-208	NEW-P	88-13-104	250-67-010	NEW-P	88-11-075	260-34-030	NEW-P	88-06-052
248-100-208	NEW-E	88-13-108	250-67-010	NEW	88-14-088	260-34-030	NEW	88-09-033
248-100-209	NEW-P	88-13-104	250-67-020	NEW-P	88-11-075	260-34-040	NEW-P	88-06-052
248-100-209	NEW-E	88-13-108	250-67-020	NEW	88-14-088	260-34-040	NEW	88-09-033
248-100-231	AMD-P	88-03-022	250-67-030	NEW-P	88-11-075	260-34-050	NEW-P	88-06-052
248-100-231	AMD	88-07-063	250-67-030	NEW	88-14-088	260-34-050	NEW	88-09-033
248-100-236	AMD-P	88-03-022	250-67-040	NEW-P	88-11-075	260-34-060	NEW-P	88-06-052
248-100-236	AMD	88-07-063	250-67-040	NEW	88-14-088	260-34-060	NEW	88-09-033
248-100-440	REP-P	88-03-022	250-67-050	NEW-P	88-11-075	260-34-070	NEW-P	88-06-052
248-100-440	REP	88-07-063	250-67-050	NEW	88-14-088	260-34-070	NEW	88-09-033
248-100-450	REP-P	88-03-022	250-67-060	NEW-P	88-11-075	260-34-080	NEW-P	88-06-052
248-100-450	REP	88-07-063	250-67-060	NEW	88-14-088	260-34-080	NEW	88-09-033
248-100-452	REP-P	88-03-022	251-01-018	NEW-P	88-02-072	260-34-090	NEW-P	88-06-052
248-100-452	REP	88-07-063	251-01-028	NEW-P	88-09-057	260-34-090	NEW	88-09-033
248-172-101	NEW	88-04-090	251-01-028	NEW	88-13-018	260-34-100	NEW-P	88-06-052
248-172-201	NEW	88-04-090	251-01-057	AMD-P	88-09-056	260-34-100	NEW	88-09-033
248-172-202	NEW	88-04-090	251-01-057	AMD	88-13-019	260-34-110	NEW-P	88-06-052
248-172-203	NEW	88-04-090	251-01-255	REP-P	88-02-071	260-34-110	NEW-P	88-13-011
248-172-204	NEW	88-04-090	251-01-255	AMD-P	88-13-115	260-34-120	NEW-P	88-06-052
248-172-205	NEW	88-04-090	251-01-258	NEW-P	88-02-072	260-34-120	NEW-P	88-13-011
248-172-206	NEW	88-04-090	251-01-258	NEW-C	88-06-062	260-34-130	NEW-P	88-06-052
248-172-301	NEW	88-04-090	251-01-258	NEW-P	88-06-075	260-34-130	NEW-P	88-13-011
248-172-302	NEW	88-04-090	251-01-258	NEW-C	88-13-112	260-34-140	NEW-P	88-06-052
248-172-303	NEW	88-04-090	251-01-367	NEW-P	88-02-072	260-34-140	NEW-P	88-13-011
248-172-304	NEW	88-04-090	251-01-367	NEW-C	88-06-062	260-34-150	NEW-P	88-06-052
248-172-401	NEW	88-04-090	251-01-367	NEW-P	88-06-075	260-34-150	NEW-P	88-13-011
248-172-402	NEW	88-04-090	251-01-367	NEW-C	88-13-112	260-34-160	NEW-P	88-06-052
250-20-021	AMD-P	88-06-089	251-01-445	REP-P	88-02-072	260-34-160	NEW-P	88-13-011
250-20-021	AMD	88-10-001	251-01-445	AMD-P	88-06-075	260-34-170	NEW-P	88-06-052
250-20-031	AMD-P	88-06-089	251-01-445	AMD-C	88-13-112	260-34-170	NEW-P	88-13-011
250-20-031	AMD	88-10-001	251-01-450	REP-P	88-02-072	260-34-180	NEW-P	88-06-052
250-40-030	AMD-P	88-06-090	251-01-455	REP-P	88-02-072	260-34-180	NEW	88-09-033
250-40-030	AMD	88-10-002	251-01-455	REP-P	88-06-075	260-70-010	AMD-P	88-13-011
250-40-040	AMD-P	88-06-090	251-01-455	REP-C	88-13-112	260-70-090	AMD-P	88-13-011
250-40-040	AMD	88-10-002	251-04-040	AMD-P	88-12-052	261-40-020	AMD-P	88-10-047
250-40-050	AMD-P	88-06-090	251-08-100	AMD-P	88-12-052	261-40-020	AMD-E	88-13-043
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250-60-020	AMD-P	88-06-091	251-10-170	AMD-C	88-06-062	261-40-150	REVIEW	88-03-065
250-60-020	AMD	88-10-003	251-10-170	AMD-P	88-06-075	261-40-150	AMD-E	88-08-013
250-60-030	AMD-P	88-06-091	251-10-170	AMD-C	88-13-112	261-40-150	AMD-P	88-08-052
250-60-030	AMD	88-10-003	251-12-080	AMD-P	88-06-063	261-40-150	AMD	88-11-033
250-60-040	AMD-P	88-06-091	251-12-081	NEW-P	88-06-063	261-40-150	AMD-P	88-13-053
250-60-040	AMD	88-10-003	251-12-250	AMD-P	88-06-063	261-40-150	AMD-P	88-13-132
250-60-050	AMD-P	88-06-091	251-12-270	AMD-P	88-06-063	261-40-170	AMD-P	88-13-053
250-60-050	AMD	88-10-003	251-12-290	AMD-P	88-06-063	261-40-190	NEW-P	88-10-047
250-60-060	AMD-P	88-06-091	251-14-020	AMD-P	88-02-072	261-40-190	NEW	88-13-044
250-60-060	AMD	88-10-003	251-14-020	AMD-C	88-06-062	261-50-035	NEW-P	88-13-052
250-60-070	AMD-P	88-06-091	251-14-020	AMD-P	88-06-075	261-50-040	AMD-P	88-13-052
250-60-070	AMD	88-10-003	251-14-020	AMD-C	88-13-112	261-50-050	AMD-P	88-13-052
250-60-080	AMD-P	88-06-091	251-14-030	AMD-P	88-02-072	261-50-060	AMD-P	88-13-052
250-60-080	AMD	88-10-003	251-14-052	AMD-P	88-02-072	261-50-090	AMD-P	88-13-052
250-60-090	AMD-P	88-06-091	251-14-052	AMD-C	88-06-062	275-27-220	AMD	88-05-004
250-60-090	AMD	88-10-003	251-14-052	AMD-P	88-06-075	275-27-223	NEW	88-05-004
250-60-100	AMD-P	88-06-091	251-14-052	AMD-C	88-13-112	275-27-400	AMD	88-05-004
250-60-100	AMD	88-10-003	251-14-054	AMD-P	88-02-072	275-35-020	AMD-P	88-09-038
250-60-110	AMD-P	88-06-091	251-14-054	AMD-C	88-06-062	275-35-020	AMD	88-13-028
250-60-110	AMD	88-10-003	251-14-054	AMD-P	88-06-075	275-35-030	AMD-P	88-09-038
250-60-120	AMD-P	88-06-091	251-14-056	AMD-P	88-04-069	275-35-030	AMD	88-13-028
250-60-120	AMD	88-10-003	251-14-056	AMD	88-08-018	275-35-040	AMD-P	88-09-038
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275-35-060	AMD	88-13-028	275-38-720	AMD-P	88-07-122	284-44-450	NEW-P	88-13-123
275-35-070	AMD-P	88-09-038	275-38-720	AMD	88-12-087	284-46-100	NEW-P	88-13-123
275-35-070	AMD	88-13-028	275-38-725	AMD-P	88-07-122	284-50-260	NEW-P	88-13-123
275-35-080	AMD-P	88-09-038	275-38-725	AMD	88-12-087	284-74-200	NEW	88-04-054
275-35-080	AMD	88-13-028	275-38-735	REP-P	88-07-122	284-91-010	AMD-E	88-07-051
275-35-090	REP-P	88-09-038	275-38-735	REP	88-12-087	284-91-010	AMD-P	88-08-051
275-35-090	REP	88-13-028	275-38-745	AMD-P	88-07-122	284-91-010	AMD	88-11-010
275-35-100	AMD-P	88-09-038	275-38-745	AMD	88-12-087	284-91-020	AMD-E	88-07-051
275-35-100	AMD	88-13-028	275-38-750	AMD-P	88-07-122	284-91-020	AMD-P	88-08-051
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275-38-001	AMD	88-12-087	275-38-770	AMD-P	88-07-122	284-91-025	NEW-P	88-04-056
275-38-005	AMD-P	88-07-122	275-38-770	AMD	88-12-087	284-91-025	NEW	88-08-010
275-38-005	AMD	88-12-087	275-38-775	AMD-P	88-07-122	284-91-027	NEW-P	88-04-056
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275-38-520	AMD	88-12-087	275-38-780	AMD-P	88-07-122	296-13	AMD-P	88-11-085
275-38-525	AMD-P	88-07-122	275-38-780	AMD	88-12-087	296-13-001	AMD-P	88-11-085
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275-38-530	AMD-P	88-07-122	275-38-785	AMD	88-12-087	296-13-020	AMD-P	88-11-085
275-38-530	AMD	88-12-087	275-38-790	AMD-P	88-07-122	296-13-035	AMD-P	88-11-085
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275-38-545	AMD	88-12-087	275-38-815	AMD-P	88-07-122	296-14-300	NEW	88-14-011
275-38-546	NEW-P	88-07-122	275-38-815	AMD	88-12-087	296-14-350	NEW-P	88-09-071
275-38-546	NEW	88-12-087	275-38-820	AMD-P	88-07-122	296-14-350	NEW	88-14-011
275-38-550	AMD-P	88-07-122	275-38-820	AMD	88-12-087	296-14-400	NEW-P	88-09-071
275-38-550	AMD	88-12-087	275-38-840	AMD-P	88-07-122	296-14-400	NEW	88-14-011
275-38-555	AMD-P	88-07-122	275-38-840	AMD	88-12-087	296-14-600	NEW-P	88-09-071
275-38-555	AMD	88-12-087	275-38-845	AMD-P	88-07-122	296-14-600	NEW	88-14-011
275-38-560	AMD-P	88-07-122	275-38-845	AMD	88-12-087	296-14-900	NEW-P	88-04-050
275-38-560	AMD	88-12-087	275-38-846	AMD-P	88-07-122	296-14-900	NEW	88-08-026
275-38-565	AMD-P	88-07-122	275-38-846	AMD	88-12-087	296-14-910	NEW-P	88-04-050
275-38-565	AMD	88-12-087	275-38-860	AMD-P	88-07-122	296-14-910	NEW	88-08-026
275-38-570	AMD-P	88-07-122	275-38-860	AMD	88-12-087	296-14-920	NEW-P	88-04-050
275-38-570	AMD	88-12-087	275-38-869	AMD-P	88-07-122	296-14-920	NEW	88-08-026
275-38-575	REP-P	88-07-122	275-38-869	AMD	88-12-087	296-14-930	NEW-P	88-04-050
275-38-575	REP	88-12-087	275-38-880	AMD-P	88-07-122	296-14-930	NEW	88-08-026
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275-38-585	AMD	88-12-087	275-38-886	AMD-P	88-07-122	296-14-940	NEW	88-08-026
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275-38-586	NEW	88-12-087	275-38-887	NEW-P	88-07-122	296-14-950	NEW	88-08-026
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275-38-600	AMD	88-12-087	275-38-888	NEW-P	88-07-122	296-14-960	NEW	88-08-026
275-38-605	AMD-P	88-07-122	275-38-888	NEW	88-12-087	296-15-020	AMD-P	88-07-100
275-38-605	AMD	88-12-087	275-38-889	NEW-P	88-07-122	296-15-020	AMD	88-12-096
275-38-610	AMD-P	88-07-122	275-38-889	NEW	88-12-087	296-15-022	AMD-P	88-07-100
275-38-610	AMD	88-12-087	275-38-890	AMD-P	88-07-122	296-15-022	AMD	88-12-096
275-38-615	AMD-P	88-07-122	275-38-890	AMD	88-12-087	296-15-023	AMD-P	88-07-100
275-38-615	AMD	88-12-087	275-38-892	AMD-P	88-07-122	296-15-023	AMD	88-12-096
275-38-620	AMD-P	88-07-122	275-38-892	AMD	88-12-087	296-15-030	AMD-P	88-07-100
275-38-620	AMD	88-12-087	275-38-900	AMD-P	88-07-122	296-15-030	AMD	88-12-096
275-38-650	AMD-P	88-07-122	275-38-900	AMD	88-12-087	296-15-065	AMD-P	88-07-100
275-38-650	AMD	88-12-087	275-38-903	NEW-P	88-07-122	296-15-065	AMD	88-12-096
275-38-655	AMD-P	88-07-122	275-38-903	NEW	88-12-087	296-15-070	AMD-P	88-07-100
275-38-655	AMD	88-12-087	275-38-905	REP-P	88-07-122	296-15-070	AMD	88-12-096
275-38-660	AMD-P	88-07-122	275-38-905	REP	88-12-087	296-15-170	AMD-P	88-07-100
275-38-660	AMD	88-12-087	275-38-906	NEW-P	88-07-122	296-15-170	AMD	88-12-096
275-38-667	AMD-P	88-07-122	275-38-906	NEW	88-12-087	296-15-190	AMD-P	88-07-100
275-38-667	AMD	88-12-087	275-38-925	AMD-P	88-07-122	296-15-190	AMD	88-12-096
275-38-680	AMD-P	88-07-122	275-38-925	AMD	88-12-087	296-15-215	AMD-P	88-07-100
275-38-680	AMD	88-12-087	275-38-940	AMD-P	88-07-122	296-15-215	AMD	88-12-096
275-38-685	AMD-P	88-07-122	275-38-940	AMD	88-12-087	296-15-250	AMD-P	88-07-100
275-38-685	AMD	88-12-087	275-38-945	AMD-P	88-07-122	296-15-250	AMD	88-12-096
275-38-690	AMD-P	88-07-122	275-38-945	AMD	88-12-087	296-17-310	AMD-P	88-06-072
275-38-690	AMD	88-12-087	275-38-955	AMD-P	88-07-122	296-17-310	AMD-P	88-09-073
275-38-695	AMD-P	88-07-122	275-38-955	AMD	88-12-087	296-17-310	AMD	88-12-050
275-38-695	AMD	88-12-087	275-38-960	AMD-P	88-07-122	296-17-349	NEW-P	88-02-059
275-38-700	AMD-P	88-07-122	275-38-960	AMD	88-12-087	296-17-349	NEW	88-06-048
275-38-700	AMD	88-12-087	275-110-050	AMD-P	88-12-090	296-17-350	AMD-C	88-06-046
275-38-705	AMD-P	88-07-122	275-110-060	AMD-P	88-12-090	296-17-350	AMD-P	88-06-076
275-38-705	AMD	88-12-087	275-110-070	AMD-P	88-12-090	296-17-350	AMD	88-12-065
275-38-706	NEW-P	88-07-122	275-110-080	AMD-P	88-12-090	296-17-350	AMD-C	88-12-095

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296-17-450	AMD	88-12-050	296-17-76202	NEW	88-12-050	296-24-21701	AMD	88-14-108
296-17-455	AMD-P	88-06-072	296-17-76203	NEW-P	88-06-072	296-24-21707	AMD-P	88-06-073
296-17-455	AMD	88-12-050	296-17-76203	NEW	88-12-050	296-24-21707	AMD	88-11-021
296-17-519	AMD-P	88-06-072	296-17-76204	NEW-P	88-06-072	296-24-58513	AMD-P	88-09-074
296-17-519	AMD	88-12-050	296-17-76204	NEW	88-12-050	296-24-58513	AMD	88-14-108
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296-17-520	AMD	88-12-050	296-17-76205	NEW	88-12-050	296-24-590	REP	88-11-021
296-17-52102	AMD-P	88-06-072	296-17-76206	NEW-P	88-06-072	296-24-605	REP-P	88-06-073
296-17-52102	AMD	88-12-050	296-17-76206	NEW	88-12-050	296-24-605	REP	88-11-021
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296-17-52108	NEW	88-12-050	296-17-76209	NEW	88-12-050	296-24-78009	AMD	88-11-021
296-17-52701	AMD-P	88-06-072	296-17-76210	NEW-P	88-06-072	296-27-15501	AMD-P	88-09-074
296-17-52701	AMD	88-12-050	296-17-76210	NEW	88-12-050	296-27-15501	AMD	88-14-108
296-17-536	AMD-P	88-06-072	296-17-76211	NEW-P	88-06-072	296-45-65025	REP-P	88-06-073
296-17-536	AMD	88-12-050	296-17-76211	NEW	88-12-050	296-45-65025	REP	88-11-021
296-17-552	AMD-P	88-06-072	296-17-76212	NEW-P	88-06-072	296-45-65026	NEW-P	88-06-073
296-17-552	AMD	88-12-050	296-17-76212	NEW	88-12-050	296-45-65026	NEW	88-11-021
296-17-55201	NEW-P	88-02-060	296-17-773	AMD-P	88-06-076	296-45-65037	AMD-P	88-06-073
296-17-55201	NEW	88-06-047	296-17-773	AMD	88-12-065	296-45-65037	AMD	88-11-021
296-17-563	AMD-P	88-06-072	296-17-86502	NEW-P	88-09-073	296-46-316	AMD-P	88-11-086
296-17-563	AMD	88-12-050	296-17-870	AMD-P	88-09-073	296-46-316	AMD-E	88-11-087
296-17-56402	NEW-P	88-06-072	296-17-885	AMD-P	88-02-060	296-46-420	AMD-P	88-11-086
296-17-56402	NEW	88-12-050	296-17-885	AMD	88-06-047	296-46-420	AMD-E	88-11-087
296-17-567	AMD-P	88-06-072	296-17-885	AMD-P	88-06-072	296-56-60001	AMD-P	88-09-074
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296-17-580	AMD	88-12-050	296-17-885	AMD	88-12-065	296-56-60081	AMD	88-14-108
296-17-582	AMD-P	88-06-072	296-17-895	AMD-P	88-02-060	296-56-60249	AMD-P	88-09-074
296-17-582	AMD	88-12-050	296-17-895	AMD	88-06-047	296-56-60249	AMD	88-14-108
296-17-594	AMD-P	88-06-072	296-17-895	AMD-P	88-06-072	296-59-001	NEW-P	88-09-074
296-17-594	AMD	88-12-050	296-17-895	AMD-P	88-06-076	296-59-001	NEW	88-14-108
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296-17-630	AMD	88-12-050	296-17-91601	NEW-P	88-07-102	296-59-007	NEW-P	88-09-074
296-17-643	AMD-P	88-06-072	296-17-91601	NEW	88-12-049	296-59-007	NEW	88-14-108
296-17-643	AMD	88-12-050	296-17-91901	AMD-P	88-09-070	296-59-010	NEW-P	88-09-074
296-17-64901	AMD-P	88-06-072	296-17-91901	AMD-E	88-14-075	296-59-010	NEW	88-14-108
296-17-64901	AMD	88-12-050	296-17-91901	AMD	88-14-107	296-59-015	NEW-P	88-09-074
296-17-64902	AMD-P	88-06-072	296-17-91902	AMD-P	88-09-070	296-59-015	NEW	88-14-108
296-17-64902	AMD	88-12-050	296-17-91902	AMD-E	88-14-075	296-59-020	NEW-P	88-09-074
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296-17-680	AMD-P	88-06-072	296-17-91903	AMD-E	88-14-075	296-59-025	NEW	88-14-108
296-17-680	AMD	88-12-050	296-17-91903	AMD	88-14-107	296-59-027	NEW-P	88-09-074
296-17-731	AMD-P	88-06-076	296-17-91904	AMD-P	88-09-070	296-59-027	NEW	88-14-108
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296-17-73101	NEW	88-12-065	296-17-91905	AMD-P	88-09-070	296-59-035	NEW-P	88-09-074
296-17-73102	NEW-P	88-06-076	296-17-91905	AMD-E	88-14-075	296-59-035	NEW	88-14-108
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296-17-73103	NEW-P	88-06-076	296-18A-445	AMD-P	88-07-100	296-59-040	NEW	88-14-108
296-17-73103	NEW	88-12-065	296-18A-445	AMD	88-12-096	296-59-050	NEW-P	88-09-074
296-17-73104	NEW-P	88-06-076	296-18A-450	AMD-P	88-09-071	296-59-050	NEW	88-14-108
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296-17-736	AMD-P	88-06-072	296-18A-500	AMD-P	88-07-100	296-59-055	NEW	88-14-108
296-17-736	AMD	88-12-050	296-18A-500	AMD	88-12-096	296-59-060	NEW-P	88-09-074
296-17-757	AMD-P	88-06-072	296-18A-520	AMD-P	88-09-071	296-59-060	NEW	88-14-108
296-17-757	AMD	88-12-050	296-18A-520	AMD	88-14-011	296-59-065	NEW-P	88-09-074
296-17-758	AMD-P	88-06-072	296-20-03001	AMD-W	88-04-049	296-59-065	NEW	88-14-108
296-17-758	AMD	88-12-050	296-20-045	AMD-C	88-04-051	296-59-070	NEW-P	88-09-074
296-17-759	AMD-P	88-06-072	296-20-045	AMD-C	88-06-036	296-59-070	NEW	88-14-108
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296-17-760	AMD	88-12-050	296-21-035	AMD-P	88-09-072	296-59-080	NEW-P	88-09-074
296-17-761	AMD-P	88-06-072	296-21-035	AMD	88-14-012	296-59-080	NEW	88-14-108
296-17-761	AMD	88-12-050	296-21-128	AMD	88-04-052	296-59-085	NEW-P	88-09-074
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296-17-762	AMD	88-12-050	296-23-620	REP-C	88-06-036	296-59-090	NEW-P	88-09-074
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296-59-095	NEW	88-14-108	296-62-07389	AMD-P	88-09-074	296-81-275	NEW-P	88-13-128
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296-59-102	NEW	88-14-108	296-62-07521	AMD-P	88-09-074	296-116-030	AMD-C	88-05-017
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296-59-103	NEW	88-14-108	296-62-07523	NEW-P	88-09-074	296-116-070	AMD-P	88-10-036
296-59-105	NEW-P	88-09-074	296-62-07523	NEW-W	88-14-141	296-116-070	AMD	88-14-063
296-59-105	NEW	88-14-108	296-62-07525	NEW-P	88-09-074	296-116-080	AMD-C	88-06-066
296-59-107	NEW-P	88-09-074	296-62-07525	NEW-W	88-14-141	296-116-080	AMD	88-10-037
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296-59-109	NEW-P	88-09-074	296-62-07527	NEW-W	88-14-141	296-116-083	NEW	88-10-038
296-59-109	NEW	88-14-108	296-62-07529	NEW-P	88-09-074	296-116-120	AMD-C	88-05-018
296-59-115	NEW-P	88-09-074	296-62-07531	NEW-P	88-09-074	296-116-120	AMD	88-09-027
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296-59-125	NEW-P	88-09-074	296-62-07533	NEW-W	88-14-141	296-116-320	REP	88-10-039
296-59-125	NEW	88-14-108	296-62-07540	NEW-P	88-09-074	296-116-360	NEW-C	88-05-019
296-59-130	NEW-P	88-09-074	296-62-07540	NEW-W	88-14-141	296-116-360	NEW	88-09-015
296-59-130	NEW	88-14-108	296-62-07542	NEW-P	88-09-074	296-116-370	NEW-P	88-06-069
296-62-054	AMD-P	88-09-074	296-62-07542	NEW-W	88-14-141	296-116-370	NEW-C	88-10-035
296-62-054	AMD	88-14-108	296-62-07544	NEW-P	88-09-074	296-116-370	NEW	88-14-062
296-62-05403	AMD-P	88-09-074	296-62-07544	NEW-W	88-14-141	296-116-400	NEW-C	88-05-020
296-62-05403	AMD	88-14-108	296-62-07546	NEW-P	88-09-074	296-116-400	NEW	88-09-016
296-62-05405	AMD-P	88-09-074	296-62-07546	NEW-W	88-14-141	296-116-410	NEW-C	88-05-021
296-62-05405	AMD	88-14-108	296-62-07548	NEW-P	88-09-074	296-116-410	NEW	88-09-017
296-62-05407	AMD-P	88-09-074	296-62-07548	NEW-W	88-14-141	296-116-420	NEW-P	88-06-070
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296-62-05409	AMD-P	88-09-074	296-62-07550	NEW-W	88-14-141	296-127-022	NEW-E	88-13-045
296-62-05409	AMD	88-14-108	296-62-14541	AMD-P	88-09-074	296-127-022	NEW-P	88-14-106
296-62-05411	AMD-P	88-09-074	296-62-14541	AMD	88-14-108	296-130-010	NEW-P	88-14-105
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296-62-05417	AMD	88-14-108	296-62-3030	NEW-P	88-09-074	296-130-070	NEW-P	88-14-105
296-62-05421	AMD-P	88-09-074	296-62-3030	NEW-W	88-14-141	296-130-080	NEW-P	88-14-105
296-62-05421	AMD	88-14-108	296-62-3040	NEW-P	88-09-074	296-130-500	NEW-P	88-14-105
296-62-05423	AMD-P	88-09-074	296-62-3040	NEW-W	88-14-141	296-150B-015	AMD-P	88-14-104
296-62-05423	AMD	88-14-108	296-62-3050	NEW-P	88-09-074	296-150B-220	AMD-P	88-14-104
296-62-05425	AMD-P	88-09-074	296-62-3050	NEW-W	88-14-141	296-150B-225	AMD-P	88-14-104
296-62-05425	AMD	88-14-108	296-62-3060	NEW-P	88-09-074	296-150B-245	AMD-P	88-14-104
296-62-07113	AMD-P	88-09-074	296-62-3060	NEW-W	88-14-141	296-155-160	AMD-P	88-09-074
296-62-07113	AMD	88-14-108	296-62-3070	NEW-P	88-09-074	296-155-160	AMD	88-14-108
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296-62-07115	AMD	88-14-108	296-62-3080	NEW-P	88-09-074	296-155-425	REP	88-11-021
296-62-07336	NEW-P	88-06-073	296-62-3080	NEW-W	88-14-141	296-155-426	NEW-P	88-06-073
296-62-07336	NEW	88-11-021	296-62-3090	NEW-P	88-09-074	296-155-426	NEW	88-11-021
296-62-07337	NEW-P	88-06-073	296-62-3090	NEW-W	88-14-141	296-155-428	NEW-P	88-06-073
296-62-07337	NEW	88-11-021	296-62-3100	NEW-P	88-09-074	296-155-428	NEW	88-11-021
296-62-07338	NEW-P	88-06-073	296-62-3100	NEW-W	88-14-141	296-155-429	NEW-P	88-06-073
296-62-07338	NEW	88-11-021	296-62-3110	NEW-P	88-09-074	296-155-429	NEW	88-11-021
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296-62-07340	NEW-P	88-06-073	296-62-3120	NEW-W	88-14-141	296-155-432	NEW-P	88-06-073
296-62-07340	NEW	88-11-021	296-62-3130	NEW-P	88-09-074	296-155-432	NEW	88-11-021
296-62-07341	REP-P	88-06-073	296-62-3130	NEW-W	88-14-141	296-155-434	NEW-P	88-06-073
296-62-07341	REP	88-11-021	296-62-3140	NEW-P	88-09-074	296-155-434	NEW	88-11-021
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296-62-07343	NEW	88-11-021	296-62-3152	NEW-P	88-09-074	296-155-437	NEW	88-11-021
296-62-07344	NEW-P	88-06-073	296-62-3152	NEW-W	88-14-141	296-155-440	REP-P	88-06-073
296-62-07344	NEW	88-11-021	296-62-3160	NEW-P	88-09-074	296-155-440	REP	88-11-021
296-62-07345	REP-P	88-06-073	296-62-3160	NEW-W	88-14-141	296-155-441	NEW-P	88-06-073
296-62-07345	REP	88-11-021	296-62-3170	NEW-P	88-09-074	296-155-441	NEW	88-11-021
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296-62-07385	AMD	88-14-108	296-81-007	AMD-P	88-13-128	296-155-449	NEW	88-11-021
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296-305-06011	AMD	88-14-108	308-13-032	AMD	88-12-018	308-51-020	REP-P	88-06-034
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296-305-06301	REP	88-14-108	308-20-030	AMD-P	88-13-130	308-51-050	AMD-P	88-06-034
296-305-06303	REP-P	88-09-074	308-20-040	AMD-P	88-13-130	308-51-050	AMD	88-11-011
296-305-06303	REP	88-14-108	308-20-050	AMD-P	88-13-130	308-51-060	REP-P	88-06-034
296-305-06305	REP-P	88-09-074	308-20-060	AMD-P	88-13-130	308-51-060	REP	88-11-011
296-305-06305	REP	88-14-108	308-20-070	AMD-P	88-13-130	308-51-070	AMD-P	88-06-034
296-305-06307	REP-P	88-09-074	308-20-080	AMD-P	88-13-130	308-51-070	REP-P	88-11-055
296-305-06307	REP	88-14-108	308-20-090	AMD-P	88-13-130	308-51-070	REP	88-14-097
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296-305-06309	REP	88-14-108	308-20-105	AMD-P	88-13-130	308-51-080	REP	88-11-011
296-305-06311	REP-P	88-09-074	308-20-107	NEW-P	88-13-130	308-51-100	AMD-P	88-06-034
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296-305-06507	AMD	88-14-108	308-20-190	AMD-P	88-13-130	308-51-150	REP	88-11-011
296-305-06509	AMD-P	88-09-074	308-20-205	AMD-P	88-13-130	308-51-220	NEW-P	88-06-034
296-305-06509	AMD	88-14-108	308-31-010	AMD-P	88-08-075	308-51-220	NEW	88-11-011
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296-305-100	AMD	88-14-108	308-34-110	NEW	88-14-009	308-51A-030	NEW	88-13-038
296-305-9901	REP-P	88-09-074	308-34-120	NEW-P	88-11-090	308-51A-040	NEW-P	88-08-088
296-305-9901	REP	88-14-108	308-34-120	NEW	88-14-009	308-51A-040	NEW	88-13-038
296-305-9902	REP-P	88-09-074	308-34-130	NEW-P	88-11-090	308-51A-050	NEW-P	88-08-088
296-305-9902	REP	88-14-108	308-34-130	NEW	88-14-009	308-51A-050	NEW	88-13-038
296-305-9903	REP-P	88-09-074	308-34-140	NEW-P	88-11-090	308-51A-060	NEW-P	88-08-088
296-305-9903	REP	88-14-108	308-34-140	NEW	88-14-009	308-51A-060	NEW	88-13-038
296-305-9904	REP-P	88-09-074	308-34-150	NEW-P	88-11-090	308-52-138	AMD	88-06-008
296-305-9904	REP	88-14-108	308-34-150	NEW	88-14-009	308-52-139	AMD	88-06-008
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296-305-9905	REP	88-14-108	308-34-160	NEW	88-14-009	308-52-147	NEW	88-06-008
296-305-9906	REP-P	88-09-074	308-34-170	NEW-P	88-11-090	308-52-148	NEW	88-06-008
296-305-9906	REP	88-14-108	308-34-170	NEW	88-14-009	308-52-149	NEW	88-06-008
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296-306-010	AMD	88-14-108	308-34-180	NEW	88-14-009	308-53-010	AMD	88-07-047
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296-306-085	AMD	88-14-108	308-34-190	NEW	88-14-009	308-53-030	AMD	88-07-047
296-306-090	AMD-P	88-09-074	308-40-030	REP-P	88-09-067	308-53-100	AMD-P	88-03-071
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308-56A-275	AMD-P	88-11-023	308-91-030	AMD	88-06-061	308-120-170	AMD-P	88-12-042
308-56A-285	AMD-P	88-11-023	308-91-040	AMD-E	88-03-030	308-120-180	AMD-P	88-12-042
308-56A-465	AMD-P	88-11-023	308-91-040	AMD-P	88-03-067	308-120-185	AMD-P	88-12-042
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308-61-050	REP	88-06-025	308-91-060	AMD-P	88-03-067	308-120-506	AMD-P	88-12-042
308-61-108	AMD-E	88-04-026	308-91-060	AMD	88-06-061	308-120-507	REP-P	88-12-042
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308-61-135	AMD-E	88-04-026	308-91-070	AMD-P	88-03-067	308-120-509	REP-P	88-12-042
308-61-135	AMD	88-06-025	308-91-070	AMD	88-06-061	308-120-510	REP-P	88-12-042
308-61-158	AMD-E	88-04-026	308-91-080	AMD-E	88-03-030	308-120-511	REP-P	88-12-042
308-61-158	AMD	88-06-025	308-91-080	AMD-P	88-03-067	308-120-512	REP-P	88-12-042
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308-61-240	AMD	88-06-025	308-91-100	REP-P	88-03-067	308-120-518	REP-P	88-12-042
308-61-260	AMD-E	88-04-026	308-91-100	REP	88-06-061	308-120-519	REP-P	88-12-042
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308-61-330	AMD	88-06-025	308-91-110	REP	88-06-061	308-120-522	REP-P	88-12-042
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308-90-160	NEW	88-03-038	308-117-090	AMD-P	88-13-094	308-128A-020	AMD-P	88-08-087
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356-30-065	AMD-P	88-04-068	356-47-045	AMD-P	88-04-068	360-46-020	AMD-W	88-14-029
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356-30-260	AMD	88-06-001	360-08-090	REP	88-06-026	360-46-060	AMD-P	88-13-093
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388-33-480	NEW-E	88-14-060	388-49-620	AMD-P	88-12-092	388-77-210	NEW-P	88-04-089
388-33-480	NEW	88-14-061	388-49-640	AMD-P	88-04-088	388-77-210	NEW-W	88-08-038
388-37-110	AMD-E	88-12-086	388-49-640	AMD	88-08-039	388-77-210	NEW-P	88-09-079
388-37-110	AMD-P	88-12-094	388-49-660	AMD-P	88-04-046	388-77-210	NEW	88-12-093
388-37-130	AMD-E	88-12-086	388-49-660	AMD	88-08-040	388-77-215	NEW-P	88-04-089
388-37-130	AMD-P	88-12-094	388-57-010	REP	88-07-055	388-77-215	NEW-W	88-08-038
388-37-140	AMD-E	88-12-086	388-57-011	NEW	88-07-055	388-77-230	NEW-P	88-09-079
388-37-140	AMD-P	88-12-094	388-57-015	REP	88-07-055	388-77-230	NEW	88-12-093
388-37-160	AMD-E	88-12-086	388-57-020	REP	88-07-055	388-77-240	NEW-P	88-04-089
388-37-160	AMD-P	88-12-094	388-57-028	REP	88-07-055	388-77-240	NEW-W	88-08-038
388-37-170	AMD-E	88-12-086	388-57-032	REP	88-07-055	388-77-240	NEW-P	88-09-079
388-37-170	AMD-P	88-12-094	388-57-036	REP	88-07-055	388-77-240	NEW	88-12-093
388-37-190	AMD-E	88-12-086	388-57-040	AMD	88-07-055	388-77-245	NEW-P	88-04-089
388-37-190	AMD-P	88-12-094	388-57-045	REP	88-07-055	388-77-245	NEW-W	88-08-038
388-38-110	AMD-P	88-04-038	388-57-056	REP	88-07-055	388-77-255	NEW-P	88-04-089
388-38-110	AMD	88-07-118	388-57-057	AMD	88-07-055	388-77-255	NEW-W	88-08-038
388-40	AMD-P	88-10-042	388-57-059	NEW	88-07-055	388-77-255	NEW-P	88-09-079
388-40	AMD-E	88-10-045	388-57-061	REP	88-07-055	388-77-255	NEW	88-12-093
388-40	AMD	88-13-110	388-57-063	NEW	88-07-055	388-77-270	NEW-P	88-04-089
388-40-040	AMD-P	88-10-042	388-57-064	REP	88-07-055	388-77-270	NEW-W	88-08-038
388-40-040	AMD-E	88-10-045	388-57-066	NEW	88-07-055	388-77-270	NEW-P	88-09-079
388-40-040	AMD	88-13-110	388-57-067	NEW	88-07-055	388-77-270	NEW	88-12-093
388-40-080	AMD-P	88-07-053	388-57-070	REP	88-07-055	388-77-270	AMD-P	88-14-081
388-40-080	AMD-E	88-07-054	388-57-071	NEW	88-07-055	388-77-270	AMD-E	88-14-082
388-40-080	AMD-W	88-08-001	388-57-074	NEW	88-07-055	388-77-275	NEW-P	88-04-089
388-40-080	AMD-P	88-10-042	388-57-090	REP	88-07-055	388-77-275	NEW-W	88-08-038
388-40-080	AMD-E	88-10-045	388-57-097	AMD	88-07-055	388-77-280	NEW-P	88-04-089
388-40-080	AMD	88-13-110	388-57-100	AMD	88-07-055	388-77-280	NEW-W	88-08-038
388-40-090	AMD-P	88-07-053	388-57-105	NEW	88-07-055	388-77-285	NEW-P	88-04-089
388-40-090	AMD-E	88-07-054	388-57-112	NEW	88-07-055	388-77-285	NEW-W	88-08-038
388-40-090	AMD-W	88-08-001	388-57-115	NEW	88-07-055	388-77-285	NEW-P	88-09-079
388-40-090	AMD-P	88-10-042	388-57-117	NEW	88-07-055	388-77-285	NEW	88-12-093
388-40-090	AMD-E	88-10-045	388-57-120	AMD	88-07-055	388-77-310	NEW-P	88-04-089
388-40-090	AMD	88-13-110	388-57-121	REP	88-07-055	388-77-310	NEW-W	88-08-038
388-40-095	NEW-P	88-10-042	388-57-123	AMD	88-07-055	388-77-320	NEW-P	88-04-089
388-40-095	NEW-E	88-10-045	388-57-124	AMD	88-07-055	388-77-320	NEW-W	88-08-038
388-40-095	NEW	88-13-110	388-57-125	AMD	88-07-055	388-77-320	NEW-P	88-09-079
388-40-100	AMD-P	88-07-053	388-70-013	AMD-P	88-13-124	388-77-320	NEW	88-12-093
388-40-100	AMD-E	88-07-054	388-70-013	AMD-E	88-14-055	388-77-330	NEW-P	88-04-089
388-40-100	AMD-W	88-08-001	388-77-005	NEW-P	88-04-089	388-77-330	NEW-W	88-08-038
388-40-100	AMD-P	88-10-042	388-77-005	NEW-W	88-08-038	388-77-335	NEW-P	88-04-089
388-40-100	AMD-E	88-10-045	388-77-005	NEW-P	88-09-079	388-77-335	NEW-W	88-08-038
388-40-100	AMD	88-13-110	388-77-005	NEW	88-12-093	388-77-340	NEW-P	88-04-089
388-40-110	NEW-P	88-07-053	388-77-005	AMD-P	88-14-081	388-77-340	NEW-W	88-08-038
388-40-110	NEW-E	88-07-054	388-77-005	AMD-E	88-14-082	388-77-350	NEW-P	88-04-089
388-40-110	NEW-W	88-08-001	388-77-010	NEW-P	88-04-089	388-77-350	NEW-W	88-08-038
388-40-110	NEW-P	88-10-042	388-77-010	NEW-W	88-08-038	388-77-355	NEW-P	88-04-089
388-40-110	NEW-E	88-10-045	388-77-010	NEW-P	88-09-079	388-77-355	NEW-W	88-08-038
388-40-110	NEW	88-13-110	388-77-010	NEW	88-12-093	388-77-360	NEW-P	88-04-089
388-44-330	NEW-P	88-10-004	388-77-015	NEW-P	88-04-089	388-77-360	NEW-W	88-08-038
388-44-330	NEW	88-13-059	388-77-015	NEW-W	88-08-038	388-77-365	NEW-P	88-04-089
388-49-020	AMD-P	88-06-079	388-77-015	NEW-P	88-09-079	388-77-365	NEW-W	88-08-038
388-49-020	AMD	88-08-080	388-77-015	NEW	88-12-093	388-77-370	NEW-P	88-04-089
388-49-020	AMD-P	88-12-030	388-77-015	AMD-P	88-14-081	388-77-370	NEW-W	88-08-038
388-49-190	AMD-P	88-12-030	388-77-015	AMD-E	88-14-082	388-77-375	NEW-P	88-04-089
388-49-191	NEW-P	88-14-080	388-77-020	NEW-P	88-04-089	388-77-375	NEW-W	88-08-038
388-49-191	NEW-E	88-14-083	388-77-020	NEW-W	88-08-038	388-77-500	NEW-P	88-04-089
388-49-250	AMD-P	88-11-059	388-77-025	NEW-P	88-04-089	388-77-500	NEW-W	88-08-038
388-49-260	AMD-P	88-12-030	388-77-025	NEW-W	88-08-038	388-77-500	NEW-P	88-09-079
388-49-310	AMD-P	88-13-027	388-77-030	NEW-P	88-04-089	388-77-500	NEW	88-12-093
388-49-410	AMD-P	88-06-080	388-77-030	NEW-W	88-08-038	388-77-500	AMD-P	88-14-081
388-49-410	AMD	88-08-081	388-77-035	NEW-P	88-04-089	388-77-500	AMD-E	88-14-082

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-77-505	NEW-P	88-04-089	388-77-750	NEW-W	88-08-038	388-82-008	NEW-E	88-14-059
388-77-505	NEW-W	88-08-038	388-77-755	NEW-P	88-04-089	388-82-010	AMD-P	88-06-077
388-77-510	NEW-P	88-04-089	388-77-755	NEW-W	88-08-038	388-82-010	AMD	88-09-037
388-77-510	NEW-W	88-08-038	388-77-760	NEW-P	88-04-089	388-82-115	AMD-P	88-06-077
388-77-515	NEW-P	88-04-089	388-77-760	NEW-W	88-08-038	388-82-115	AMD	88-09-037
388-77-515	NEW-W	88-08-038	388-77-765	NEW-P	88-04-089	388-82-115	AMD-P	88-14-050
388-77-515	NEW-P	88-09-079	388-77-765	NEW-W	88-08-038	388-82-115	AMD-E	88-14-057
388-77-515	NEW	88-12-093	388-77-770	NEW-P	88-04-089	388-83-032	AMD-P	88-08-041
388-77-515	AMD-P	88-14-081	388-77-770	NEW-W	88-08-038	388-83-032	AMD-E	88-08-042
388-77-515	AMD-E	88-14-082	388-77-780	NEW-P	88-04-089	388-83-032	AMD	88-11-063
388-77-520	NEW-P	88-04-089	388-77-780	NEW-W	88-08-038	388-83-036	AMD-P	88-14-051
388-77-520	NEW-W	88-08-038	388-77-810	NEW-P	88-04-089	388-83-036	AMD-E	88-14-059
388-77-520	NEW-P	88-09-079	388-77-810	NEW-W	88-08-038	388-83-130	AMD-P	88-14-051
388-77-520	NEW	88-12-093	388-77-810	NEW-P	88-09-079	388-83-130	AMD-E	88-14-059
388-77-525	NEW-P	88-04-089	388-77-810	NEW	88-12-093	388-84-105	AMD-P	88-14-051
388-77-525	NEW-W	88-08-038	388-77-815	NEW-P	88-04-089	388-84-105	AMD-E	88-14-059
388-77-525	NEW-P	88-09-079	388-77-815	NEW-W	88-08-038	388-85-105	AMD-P	88-14-051
388-77-525	NEW	88-12-093	388-77-820	NEW-P	88-04-089	388-85-105	AMD-E	88-14-059
388-77-530	NEW-P	88-04-089	388-77-820	NEW-W	88-08-038	388-86-005	AMD-P	88-03-021
388-77-530	NEW-W	88-08-038	388-77-820	NEW-P	88-09-079	388-86-005	AMD	88-06-083
388-77-530	NEW-P	88-14-081	388-77-820	NEW	88-12-093	388-86-009	AMD-P	88-09-078
388-77-530	NEW-E	88-14-082	388-77-820	AMD-P	88-14-080	388-86-009	AMD	88-12-089
388-77-545	NEW-P	88-04-089	388-77-820	AMD-E	88-14-083	388-86-021	AMD-P	88-11-043
388-77-545	NEW-W	88-08-038	388-77-825	NEW-P	88-04-089	388-86-021	AMD-E	88-11-044
388-77-550	NEW-P	88-04-089	388-77-825	NEW-W	88-08-038	388-86-050	AMD	88-04-048
388-77-550	NEW-W	88-08-038	388-77-830	NEW-P	88-04-089	388-86-050	AMD-P	88-11-043
388-77-555	NEW-P	88-04-089	388-77-830	NEW-W	88-08-038	388-86-050	AMD-E	88-11-044
388-77-555	NEW-W	88-08-038	388-77-835	NEW-P	88-04-089	388-86-051	NEW	88-04-048
388-77-555	NEW-P	88-09-079	388-77-835	NEW-W	88-08-038	388-86-075	AMD-P	88-11-043
388-77-555	NEW	88-12-093	388-77-870	NEW-P	88-04-089	388-86-075	AMD-E	88-11-044
388-77-560	NEW-P	88-04-089	388-77-870	NEW-W	88-08-038	388-86-085	AMD-P	88-03-021
388-77-560	NEW-W	88-08-038	388-77-880	NEW-P	88-04-089	388-86-085	AMD	88-06-083
388-77-600	NEW-P	88-04-089	388-77-880	NEW-W	88-08-038	388-86-086	NEW-P	88-03-021
388-77-600	NEW-W	88-08-038	388-77-900	NEW-P	88-04-089	388-86-086	NEW	88-06-083
388-77-600	NEW-P	88-09-079	388-77-900	NEW-W	88-08-038	388-86-095	AMD-P	88-11-043
388-77-600	NEW	88-12-093	388-77-900	NEW-P	88-09-079	388-86-095	AMD-E	88-11-044
388-77-600	AMD-P	88-14-081	388-77-900	NEW	88-12-093	388-86-09601	AMD-P	88-11-043
388-77-600	AMD-E	88-14-082	388-77-900	AMD-P	88-14-081	388-86-09601	AMD-E	88-11-044
388-77-605	NEW-P	88-04-089	388-77-900	AMD-E	88-14-082	388-86-098	AMD-P	88-11-043
388-77-605	NEW-W	88-08-038	388-77-905	NEW-P	88-04-089	388-86-098	AMD-E	88-11-044
388-77-605	NEW-P	88-09-079	388-77-905	NEW-W	88-08-038	388-87-005	AMD-P	88-13-107
388-77-605	NEW	88-12-093	388-77-915	NEW-P	88-04-089	388-87-005	AMD-E	88-14-056
388-77-610	NEW-P	88-04-089	388-77-915	NEW-W	88-08-038	388-87-007	AMD-P	88-13-107
388-77-610	NEW-W	88-08-038	388-77-920	NEW-P	88-04-089	388-87-010	AMD-P	88-03-021
388-77-610	NEW-P	88-09-079	388-77-920	NEW-W	88-08-038	388-87-010	AMD	88-06-083
388-77-610	NEW	88-12-093	388-77-925	NEW-P	88-04-089	388-87-011	AMD-P	88-08-060
388-77-610	AMD-P	88-14-081	388-77-925	NEW-W	88-08-038	388-87-011	AMD	88-11-061
388-77-610	AMD-E	88-14-082	388-77-930	NEW-P	88-04-089	388-87-013	AMD	88-04-048
388-77-615	NEW-P	88-04-089	388-77-930	NEW-W	88-08-038	388-87-027	AMD-P	88-03-021
388-77-615	NEW-W	88-08-038	388-77-940	NEW-P	88-04-089	388-87-027	AMD	88-06-083
388-77-615	NEW-P	88-09-079	388-77-940	NEW-W	88-08-038	388-87-035	AMD-P	88-03-021
388-77-615	NEW	88-12-093	388-77-945	NEW-P	88-04-089	388-87-035	AMD	88-06-083
388-77-640	NEW-P	88-04-089	388-77-945	NEW-W	88-08-038	388-87-036	NEW-P	88-03-021
388-77-640	NEW-W	88-08-038	388-77-975	NEW-P	88-04-089	388-87-036	NEW	88-06-083
388-77-700	NEW-P	88-04-089	388-77-975	NEW-W	88-08-038	388-87-070	AMD	88-04-048
388-77-700	NEW-W	88-08-038	388-78-005	NEW-P	88-06-078	388-88-050	AMD	88-04-041
388-77-710	NEW-P	88-04-089	388-78-005	NEW	88-12-088	388-88-101	AMD	88-04-041
388-77-710	NEW-W	88-08-038	388-78-010	NEW-P	88-06-078	388-92-045	AMD-P	88-03-072
388-77-720	NEW-P	88-04-089	388-78-010	NEW	88-12-088	388-92-045	AMD	88-06-087
388-77-720	NEW-W	88-08-038	388-78-015	NEW-P	88-06-078	388-95-360	AMD-P	88-14-051
388-77-725	NEW-P	88-04-089	388-78-015	NEW	88-12-088	388-95-360	AMD-E	88-14-059
388-77-725	NEW-W	88-08-038	388-78-020	NEW-P	88-06-078	388-95-380	AMD-P	88-03-072
388-77-730	NEW-P	88-04-089	388-78-020	NEW	88-12-088	388-95-380	AMD	88-06-087
388-77-730	NEW-W	88-08-038	388-78-100	NEW-P	88-06-078	388-95-400	AMD-P	88-14-051
388-77-735	NEW-P	88-04-089	388-78-100	NEW	88-12-088	388-95-400	AMD-E	88-14-059
388-77-735	NEW-W	88-08-038	388-78-120	NEW-P	88-06-078	388-96-559	AMD-P	88-13-078
388-77-735	NEW-P	88-09-079	388-78-120	NEW	88-12-088	388-96-559	AMD-E	88-13-079
388-77-735	NEW	88-12-093	388-78-205	NEW-P	88-06-078	388-96-771	NEW-E	88-03-052
388-77-737	NEW-P	88-04-089	388-78-205	NEW	88-12-088	388-96-771	NEW-P	88-03-053
388-77-737	NEW-W	88-08-038	388-78-210	NEW-P	88-06-078	388-96-771	NEW	88-06-085
388-77-737	NEW-P	88-09-079	388-78-210	NEW	88-12-088	388-98-005	NEW-E	88-03-051
388-77-737	NEW	88-12-093	388-78-215	NEW-P	88-06-078	388-98-005	NEW-P	88-03-054
388-77-740	NEW-P	88-04-089	388-78-215	NEW	88-12-088	388-98-005	NEW	88-06-086
388-77-740	NEW-W	88-08-038	388-78-220	NEW-P	88-06-078	388-98-010	NEW-E	88-03-051
388-77-745	NEW-P	88-04-089	388-78-220	NEW	88-12-088	388-98-010	NEW-P	88-03-054
388-77-745	NEW-W	88-08-038	388-81-047	NEW	88-03-050	388-98-010	NEW	88-06-086
388-77-750	NEW-P	88-04-089	388-82-008	NEW-P	88-14-051	388-98-015	NEW-E	88-03-051

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-98-015	NEW-P	88-03-054	391-65-050	AMD	88-12-057	392-121-265	NEW	88-03-013
388-98-015	NEW	88-06-086	391-65-074	REP-P	88-07-084	392-121-267	NEW	88-03-013
388-98-020	NEW-E	88-03-051	391-65-074	REP	88-12-057	392-121-268	NEW	88-03-013
388-98-020	NEW-P	88-03-054	391-65-094	REP-P	88-07-084	392-121-270	NEW	88-03-013
388-98-020	NEW	88-06-086	391-65-094	REP	88-12-057	392-121-272	NEW	88-03-013
388-99-010	AMD-P	88-06-077	391-95-010	AMD-P	88-07-085	392-121-280	NEW	88-03-013
388-99-010	AMD	88-09-037	391-95-010	AMD	88-12-058	392-121-285	NEW	88-03-013
388-99-020	AMD	88-05-056	391-95-030	AMD-P	88-07-085	392-121-290	NEW	88-03-013
390-05-210	AMD-P	88-11-064	391-95-030	AMD	88-12-058	392-121-295	NEW	88-03-013
390-05-210	AMD	88-14-064	391-95-230	AMD-P	88-07-085	392-121-297	NEW	88-03-013
390-16-223	NEW-P	88-11-064	391-95-230	AMD	88-12-058	392-121-299	NEW	88-03-013
390-16-223	NEW	88-14-064	392-120-001	NEW-P	88-13-075	392-121-400	NEW	88-03-013
390-18-040	AMD-P	88-11-064	392-120-005	NEW-P	88-13-075	392-121-405	NEW	88-03-013
390-18-040	AMD	88-14-064	392-120-010	NEW-P	88-13-075	392-121-415	NEW	88-03-013
390-20-022	NEW-C	88-04-062	392-120-015	NEW-P	88-13-075	392-121-420	NEW	88-03-013
390-20-022	NEW	88-06-019	392-120-020	NEW-P	88-13-075	392-121-425	NEW	88-03-013
390-20-056	NEW-P	88-04-063	392-120-025	NEW-P	88-13-075	392-121-430	NEW	88-03-013
390-20-056	NEW-C	88-09-008	392-121-001	NEW	88-03-013	392-121-440	NEW	88-03-013
390-20-105	AMD-P	88-11-064	392-121-003	NEW	88-03-013	392-121-442	NEW	88-03-013
390-20-105	AMD	88-14-064	392-121-007	NEW	88-03-013	392-121-445	NEW	88-03-013
391-08-120	AMD-P	88-07-079	392-121-021	NEW	88-03-013	392-121-460	NEW	88-03-013
391-08-120	AMD	88-12-053	392-121-031	NEW	88-03-013	392-126-003	NEW	88-03-003
391-25-090	AMD-P	88-07-080	392-121-033	NEW	88-03-013	392-127-003	NEW	88-03-004
391-25-090	AMD	88-12-054	392-121-101	REP	88-03-013	392-130-005	NEW	88-04-001
391-25-110	AMD-P	88-07-080	392-121-103	REP	88-03-013	392-130-010	NEW	88-04-001
391-25-110	AMD	88-12-054	392-121-105	REP	88-03-013	392-130-015	NEW	88-04-001
391-25-140	NEW-P	88-07-080	392-121-106	NEW	88-03-013	392-130-020	NEW	88-04-001
391-25-140	NEW	88-12-054	392-121-107	NEW	88-03-013	392-130-025	NEW	88-04-001
391-25-190	AMD-P	88-07-080	392-121-108	NEW	88-03-013	392-130-030	NEW	88-04-001
391-25-190	AMD	88-12-054	392-121-110	REP	88-03-013	392-130-035	NEW	88-04-001
391-25-290	AMD-P	88-07-080	392-121-111	NEW	88-03-013	392-130-040	NEW	88-04-001
391-25-290	AMD	88-12-054	392-121-115	REP	88-03-013	392-130-045	NEW	88-04-001
391-25-390	AMD-P	88-07-080	392-121-120	REP	88-03-013	392-130-050	NEW	88-04-001
391-25-390	AMD	88-12-054	392-121-121	REP	88-03-013	392-130-055	NEW	88-04-001
391-25-470	AMD-P	88-07-080	392-121-122	NEW	88-03-013	392-130-060	NEW	88-04-001
391-25-470	AMD	88-12-054	392-121-123	NEW	88-03-013	392-130-065	NEW	88-04-001
391-35-020	NEW-P	88-07-081	392-121-125	REP	88-03-013	392-130-070	NEW	88-04-001
391-35-020	NEW	88-12-061	392-121-126	REP	88-03-013	392-130-075	NEW	88-04-001
391-35-300	NEW-P	88-07-081	392-121-127	REP	88-03-013	392-130-080	NEW	88-04-001
391-45-013	REP-P	88-07-082	392-121-128	REP	88-03-013	392-130-085	NEW	88-04-001
391-45-013	REP	88-12-056	392-121-129	REP	88-03-013	392-130-090	NEW	88-04-001
391-45-013	REP-E	88-12-062	392-121-130	REP	88-03-013	392-130-095	NEW	88-04-001
391-45-260	NEW-P	88-07-082	392-121-131	REP	88-03-013	392-130-100	NEW	88-04-001
391-45-260	NEW	88-12-056	392-121-133	NEW	88-03-013	392-130-105	NEW	88-04-001
391-55-002	AMD-P	88-07-083	392-121-135	REP	88-03-013	392-130-110	NEW	88-04-001
391-55-002	AMD	88-12-055	392-121-136	NEW	88-03-013	392-130-115	NEW	88-04-001
391-55-033	REP-P	88-07-083	392-121-140	REP	88-03-013	392-130-120	NEW	88-04-001
391-55-033	REP	88-12-055	392-121-145	REP	88-03-013	392-130-125	NEW	88-04-001
391-55-033	REP-E	88-12-063	392-121-150	REP	88-03-013	392-130-130	NEW	88-04-001
391-55-071	NEW-P	88-07-083	392-121-155	REP	88-03-013	392-130-135	NEW	88-04-001
391-55-071	NEW	88-12-055	392-121-160	REP	88-03-013	392-130-140	NEW	88-04-001
391-55-071	NEW-E	88-12-064	392-121-161	NEW	88-03-013	392-130-145	NEW	88-04-001
391-55-400	AMD-P	88-07-083	392-121-165	REP	88-03-013	392-130-150	NEW	88-04-001
391-55-400	AMD	88-12-055	392-121-170	REP	88-03-013	392-130-155	NEW	88-04-001
391-55-410	AMD-P	88-07-083	392-121-175	REP	88-03-013	392-130-160	NEW	88-04-001
391-55-410	AMD	88-12-055	392-121-176	REP	88-03-013	392-130-165	NEW	88-04-001
391-55-415	AMD-P	88-07-083	392-121-177	REP	88-03-013	392-130-170	NEW	88-04-001
391-55-415	AMD	88-12-055	392-121-180	REP	88-03-013	392-130-175	NEW	88-04-001
391-55-420	AMD-P	88-07-083	392-121-181	NEW	88-03-013	392-130-180	NEW	88-04-001
391-55-420	AMD	88-12-055	392-121-182	NEW	88-03-013	392-130-185	NEW	88-04-001
391-55-425	AMD-P	88-07-083	392-121-183	NEW	88-03-013	392-130-190	NEW	88-04-001
391-55-425	AMD	88-12-055	392-121-185	REP	88-03-013	392-130-195	NEW	88-04-001
391-55-430	AMD-P	88-07-083	392-121-186	REP	88-03-013	392-130-200	NEW	88-04-001
391-55-430	AMD	88-12-055	392-121-190	REP	88-03-013	392-130-205	NEW	88-04-001
391-55-435	AMD-P	88-07-083	392-121-195	REP	88-03-013	392-139-001	AMD	88-03-007
391-55-435	AMD	88-12-055	392-121-200	NEW	88-03-013	392-139-005	AMD	88-03-007
391-55-440	AMD-P	88-07-083	392-121-205	NEW	88-03-013	392-139-007	NEW	88-03-007
391-55-440	AMD	88-12-055	392-121-210	NEW	88-03-013	392-139-010	REP	88-03-007
391-55-445	AMD-P	88-07-083	392-121-215	NEW	88-03-013	392-139-016	REP	88-03-007
391-55-445	AMD	88-12-055	392-121-220	NEW	88-03-013	392-139-017	REP	88-03-007
391-55-450	AMD-P	88-07-083	392-121-225	NEW	88-03-013	392-139-018	REP	88-03-007
391-55-450	AMD	88-12-055	392-121-245	NEW	88-03-013	392-139-021	REP	88-03-007
391-55-455	AMD-P	88-07-083	392-121-250	NEW	88-03-013	392-139-022	REP	88-03-007
391-55-455	AMD	88-12-055	392-121-255	NEW	88-03-013	392-139-026	REP	88-03-007
391-55-505	REP-P	88-07-083	392-121-257	NEW	88-03-013	392-139-031	REP	88-03-007
391-55-505	REP	88-12-055	392-121-260	NEW	88-03-013	392-139-036	REP	88-03-007
391-65-050	AMD-P	88-07-084	392-121-260	AMD-E	88-14-046	392-139-037	REP	88-03-007

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-164-310	NEW	88-13-089	392-168-180	NEW-P	88-06-094	392-220-150	NEW-E	88-03-012
392-164-315	NEW-P	88-07-113	392-168-180	NEW	88-09-042	392-220-155	NEW-P	88-03-011
392-164-315	NEW	88-13-089	392-168-185	NEW-P	88-06-094	392-220-155	NEW-E	88-03-012
392-164-320	NEW-P	88-07-113	392-168-185	NEW	88-09-042	392-310-010	NEW-P	88-03-073
392-164-320	NEW	88-13-089	392-168-190	NEW-P	88-06-094	392-310-010	NEW-E	88-04-002
392-164-325	NEW-P	88-07-113	392-168-190	NEW	88-09-042	392-310-010	NEW	88-06-042
392-164-325	NEW	88-13-089	392-171-761	REP-P	88-07-112	392-310-015	NEW-P	88-03-073
392-164-330	NEW-P	88-07-113	392-171-761	AMD-P	88-12-016	392-310-015	NEW-E	88-04-002
392-164-330	NEW	88-13-089	392-171-766	REP-P	88-07-112	392-310-015	NEW	88-06-042
392-164-335	NEW-P	88-07-113	392-171-766	REP	88-12-017	392-310-020	NEW-P	88-03-073
392-164-335	NEW	88-13-089	392-171-771	REP-P	88-07-112	392-310-020	NEW-E	88-04-002
392-164-340	NEW-P	88-07-113	392-171-771	REP	88-12-017	392-310-020	NEW	88-06-042
392-164-340	NEW	88-13-089	392-171-776	REP-P	88-07-112	392-310-025	NEW-P	88-03-073
392-164-345	NEW-P	88-07-113	392-171-776	REP	88-12-017	392-310-025	NEW-E	88-04-002
392-164-345	NEW	88-13-089	392-171-781	REP-P	88-07-112	392-310-025	NEW	88-06-042
392-164-350	NEW-P	88-07-113	392-171-781	REP	88-12-017	392-315-005	NEW	88-09-044
392-164-350	NEW	88-13-089	392-195-010	AMD	88-03-006	392-315-010	NEW	88-09-044
392-164-355	NEW-P	88-07-113	392-195-015	AMD	88-03-006	392-315-015	NEW	88-09-044
392-164-355	NEW	88-13-089	392-220-005	NEW-P	88-03-011	392-315-020	NEW	88-09-044
392-164-360	NEW-P	88-07-113	392-220-005	NEW-E	88-03-012	392-315-025	NEW	88-09-044
392-164-360	NEW	88-13-089	392-220-010	NEW-P	88-03-011	392-315-030	NEW	88-09-044
392-164-365	NEW-P	88-07-113	392-220-010	NEW-E	88-03-012	392-315-035	NEW	88-09-044
392-164-365	NEW	88-13-089	392-220-015	NEW-P	88-03-011	392-315-040	NEW	88-09-044
392-164-370	NEW-P	88-07-113	392-220-015	NEW-E	88-03-012	392-315-045	NEW	88-09-044
392-164-370	NEW	88-13-089	392-220-020	NEW-P	88-03-011	392-315-050	NEW	88-09-044
392-164-375	NEW-P	88-07-113	392-220-020	NEW-E	88-03-012	392-315-055	NEW	88-09-044
392-164-375	NEW	88-13-089	392-220-025	NEW-P	88-03-011	392-315-060	NEW	88-09-044
392-164-380	NEW-P	88-07-113	392-220-025	NEW-E	88-03-012	392-315-065	NEW	88-09-044
392-164-380	NEW	88-13-089	392-220-030	NEW-P	88-03-011	392-315-070	NEW	88-09-044
392-164-385	NEW-P	88-07-113	392-220-030	NEW-E	88-03-012	392-315-075	NEW	88-09-044
392-164-385	NEW	88-13-089	392-220-035	NEW-P	88-03-011	392-315-080	NEW	88-09-044
392-164-390	NEW-P	88-07-113	392-220-035	NEW-E	88-03-012	392-315-085	NEW	88-09-044
392-164-390	NEW	88-13-089	392-220-040	NEW-P	88-03-011	392-315-090	NEW	88-09-044
392-164-395	NEW-P	88-07-113	392-220-040	NEW-E	88-03-012	392-315-095	NEW	88-09-044
392-164-395	NEW	88-13-089	392-220-045	NEW-P	88-03-011	392-315-100	NEW	88-09-044
392-164-400	NEW-P	88-07-113	392-220-045	NEW-E	88-03-012	392-315-105	NEW	88-09-044
392-164-400	NEW	88-13-089	392-220-050	NEW-P	88-03-011	392-315-110	NEW	88-09-044
392-164-405	NEW-P	88-07-113	392-220-050	NEW-E	88-03-012	392-315-115	NEW	88-09-044
392-164-405	NEW	88-13-089	392-220-055	NEW-P	88-03-011	392-315-120	NEW	88-09-044
392-164-410	NEW-P	88-07-113	392-220-055	NEW-E	88-03-012	392-315-125	NEW	88-09-044
392-164-410	NEW	88-13-089	392-220-060	NEW-P	88-03-011	392-315-130	NEW	88-09-044
392-164-415	NEW-P	88-07-113	392-220-060	NEW-E	88-03-012	392-315-135	NEW	88-09-044
392-164-415	NEW	88-13-089	392-220-065	NEW-P	88-03-011	392-315-140	NEW	88-09-044
392-168	AMD-P	88-06-094	392-220-065	NEW-E	88-03-012	392-315-145	NEW	88-09-044
392-168	AMD	88-09-042	392-220-070	NEW-P	88-03-011	392-315-150	NEW	88-09-044
392-168-005	REP-P	88-06-094	392-220-070	NEW-E	88-03-012	392-315-155	NEW	88-09-044
392-168-005	REP	88-09-042	392-220-075	NEW-P	88-03-011	392-315-160	NEW	88-09-044
392-168-105	NEW-P	88-06-094	392-220-075	NEW-E	88-03-012	392-315-165	NEW	88-09-044
392-168-105	NEW	88-09-042	392-220-080	NEW-P	88-03-011	399-30-040	AMD-P	88-06-045
392-168-110	NEW-P	88-06-094	392-220-080	NEW-E	88-03-012	399-30-040	AMD	88-10-009
392-168-110	NEW	88-09-042	392-220-085	NEW-P	88-03-011	399-30-042	NEW-P	88-13-023
392-168-115	NEW-P	88-06-094	392-220-085	NEW-E	88-03-012	399-30-042	NEW-E	88-13-024
392-168-115	NEW	88-09-042	392-220-090	NEW-P	88-03-011	400-12	NEW-C	88-04-023
392-168-120	NEW-P	88-06-094	392-220-090	NEW-E	88-03-012	400-12-100	NEW	88-06-053
392-168-120	NEW	88-09-042	392-220-095	NEW-P	88-03-011	400-12-110	NEW	88-06-053
392-168-125	NEW-P	88-06-094	392-220-095	NEW-E	88-03-012	400-12-120	NEW	88-06-053
392-168-125	NEW	88-09-042	392-220-100	NEW-P	88-03-011	400-12-200	NEW	88-06-053
392-168-130	NEW-P	88-06-094	392-220-100	NEW-E	88-03-012	400-12-210	NEW	88-06-053
392-168-130	NEW	88-09-042	392-220-105	NEW-P	88-03-011	400-12-220	NEW	88-06-053
392-168-135	NEW-P	88-06-094	392-220-105	NEW-E	88-03-012	400-12-300	NEW	88-06-053
392-168-135	NEW	88-09-042	392-220-110	NEW-P	88-03-011	400-12-310	NEW	88-06-053
392-168-140	NEW-P	88-06-094	392-220-110	NEW-E	88-03-012	400-12-320	NEW	88-06-053
392-168-140	NEW	88-09-042	392-220-115	NEW-P	88-03-011	400-12-400	NEW	88-06-053
392-168-145	NEW-P	88-06-094	392-220-115	NEW-E	88-03-012	400-12-410	NEW	88-06-053
392-168-145	NEW	88-09-042	392-220-120	NEW-P	88-03-011	400-12-420	NEW	88-06-053
392-168-150	NEW-P	88-06-094	392-220-120	NEW-E	88-03-012	400-12-500	NEW	88-06-053
392-168-150	NEW	88-09-042	392-220-125	NEW-P	88-03-011	400-12-510	NEW	88-06-053
392-168-155	NEW-P	88-06-094	392-220-125	NEW-E	88-03-012	400-12-520	NEW	88-06-053
392-168-155	NEW	88-09-042	392-220-130	NEW-P	88-03-011	400-12-530	NEW	88-06-053
392-168-160	NEW-P	88-06-094	392-220-130	NEW-E	88-03-012	400-12-540	NEW	88-06-053
392-168-160	NEW	88-09-042	392-220-135	NEW-P	88-03-011	400-12-550	NEW	88-06-053
392-168-165	NEW-P	88-06-094	392-220-135	NEW-E	88-03-012	400-12-560	NEW	88-06-053
392-168-165	NEW	88-09-042	392-220-140	NEW-P	88-03-011	400-12-570	NEW	88-06-053
392-168-170	NEW-P	88-06-094	392-220-140	NEW-E	88-03-012	400-12-600	NEW	88-06-053
392-168-170	NEW	88-09-042	392-220-145	NEW-P	88-03-011	400-12-610	NEW	88-06-053
392-168-175	NEW-P	88-06-094	392-220-145	NEW-E	88-03-012	400-12-620	NEW	88-06-053
392-168-175	NEW	88-09-042	392-220-150	NEW-P	88-03-011	400-12-630	NEW	88-06-053

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400-12-640	NEW	88-06-053	434-19-060	NEW	88-09-028	434-40-180	NEW	88-03-019
400-12-650	NEW	88-06-053	434-19-061	NEW	88-09-028	434-40-190	NEW	88-03-019
400-12-660	NEW	88-06-053	434-19-065	NEW-P	88-05-054	434-40-200	NEW	88-03-019
400-12-700	NEW	88-06-053	434-19-075	NEW-P	88-05-054	434-40-210	NEW	88-03-019
400-12-710	NEW	88-06-053	434-19-075	NEW	88-09-028	434-40-220	NEW	88-03-019
400-12-720	NEW	88-06-053	434-19-077	NEW-P	88-05-054	434-40-230	NEW	88-03-019
402-80-040	AMD-P	88-14-052	434-19-077	NEW	88-09-028	434-40-240	NEW	88-03-019
402-80-060	AMD-P	88-14-052	434-19-078	NEW-P	88-05-054	434-40-250	NEW	88-03-019
402-80-065	NEW-P	88-14-052	434-19-078	NEW	88-09-028	434-40-260	NEW	88-03-019
415-02-090	AMD-P	88-13-121	434-19-080	NEW-P	88-05-054	434-40-270	NEW	88-03-019
415-108-450	NEW	88-11-030	434-19-080	NEW	88-09-028	434-40-280	NEW	88-03-019
415-108-460	NEW	88-11-030	434-19-081	NEW-P	88-05-054	434-40-290	NEW	88-03-019
415-112-330	NEW-P	88-13-120	434-19-081	NEW	88-09-028	434-40-300	NEW	88-03-019
415-112-410	AMD	88-11-031	434-19-082	NEW-P	88-05-054	434-40-310	NEW	88-03-019
415-112-411	NEW	88-11-031	434-19-082	NEW	88-09-028	440-44-062	NEW-P	88-14-053
419-32-070	REP-P	88-11-049	434-19-083	NEW-P	88-05-054	440-44-095	AMD-P	88-11-060
419-32-080	REP-P	88-11-049	434-19-083	NEW	88-09-028	446-20-020	AMD-P	88-03-056
419-32-090	REP-P	88-11-049	434-19-084	NEW-P	88-05-054	446-20-020	AMD	88-07-066
419-32-100	REP-P	88-11-049	434-19-084	NEW	88-09-028	446-20-020	AMD-E	88-07-072
419-32-110	REP-P	88-11-049	434-19-086	NEW-P	88-05-054	446-20-285	NEW-P	88-03-056
419-32-120	REP-P	88-11-049	434-19-086	NEW	88-09-028	446-20-285	NEW	88-07-066
419-32-130	REP-P	88-11-049	434-19-087	NEW-P	88-05-054	446-20-285	NEW-E	88-07-072
419-32-140	REP-P	88-11-049	434-19-087	NEW	88-09-028	446-20-290	AMD-P	88-03-056
419-32-150	REP-P	88-11-049	434-19-088	NEW-P	88-05-054	446-20-290	AMD	88-07-066
419-32-160	REP-P	88-11-049	434-19-088	NEW	88-09-028	446-20-290	AMD-E	88-07-072
419-32-170	REP-P	88-11-049	434-19-090	NEW-P	88-05-054	446-20-300	AMD-P	88-03-056
419-56-010	NEW	88-02-068	434-19-090	NEW	88-09-028	446-20-300	AMD	88-07-066
419-56-020	NEW	88-02-068	434-19-100	NEW-P	88-05-054	446-20-300	AMD-E	88-07-072
419-56-030	NEW	88-02-068	434-19-100	NEW	88-09-028	446-20-310	AMD-P	88-03-056
419-56-040	NEW	88-02-068	434-19-101	NEW-P	88-05-054	446-20-310	AMD	88-07-066
419-56-050	NEW	88-02-068	434-19-101	NEW	88-09-028	446-20-310	AMD-E	88-07-072
419-56-060	NEW	88-02-068	434-19-102	NEW-P	88-05-054	446-40-020	AMD-P	88-14-023
419-56-070	NEW	88-02-068	434-19-102	NEW	88-09-028	446-40-025	NEW-P	88-14-023
419-56-080	NEW	88-02-068	434-19-105	NEW-P	88-05-054	456-08-006	AMD-P	88-10-051
419-56-090	NEW	88-02-068	434-19-110	NEW-P	88-05-054	456-08-006	AMD-E	88-13-020
419-60-010	NEW	88-02-067	434-19-110	NEW	88-09-028	456-08-006	AMD	88-13-021
419-60-020	NEW	88-02-067	434-19-113	NEW-P	88-05-054	456-08-009	NEW-E	88-13-020
419-60-030	NEW	88-02-067	434-19-113	NEW	88-09-028	456-08-705	AMD-P	88-10-051
419-64-010	NEW-P	88-11-050	434-19-114	NEW-P	88-05-054	456-08-705	AMD-E	88-13-020
419-64-020	NEW-P	88-11-050	434-19-114	NEW	88-09-028	456-08-705	AMD	88-13-021
419-64-030	NEW-P	88-11-050	434-19-115	NEW-P	88-05-054	458-12-012	NEW	88-04-020
419-64-040	NEW-P	88-11-050	434-19-115	NEW	88-09-028	458-14-020	AMD	88-07-005
434-19-010	NEW-P	88-05-054	434-19-116	NEW-P	88-05-054	458-14-040	AMD	88-07-005
434-19-010	NEW	88-09-028	434-19-118	NEW-P	88-05-054	458-14-045	AMD	88-07-005
434-19-012	NEW-P	88-05-054	434-19-118	NEW	88-09-028	458-16-030	AMD-P	88-10-025
434-19-012	NEW	88-09-028	434-19-190	NEW-P	88-05-054	458-16-030	AMD	88-13-041
434-19-013	NEW-P	88-05-054	434-19-190	NEW	88-09-028	458-16-111	AMD-P	88-10-025
434-19-013	NEW	88-09-028	434-19-191	NEW-P	88-05-054	458-16-111	AMD	88-13-041
434-19-014	NEW-P	88-05-054	434-19-191	NEW	88-09-028	458-16-130	AMD-P	88-10-025
434-19-014	NEW	88-09-028	434-19-192	NEW-P	88-05-054	458-16-130	AMD	88-13-041
434-19-015	NEW-P	88-05-054	434-19-192	NEW	88-09-028	458-18-010	AMD-P	88-10-026
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